

ADVISORY COUNCIL MEETING MINUTES

February 28, 2024, AT 11:00 AM VIA WEB EX

ATTENDANCE: Jay Siegel, Chair, Will Evans, Maria O'Brien, Alfred Gray, Michelle Heffernan, Denise Casey, Kate Shea, Jillian Bertrand.

Ex-Officio- Philip Roberts, Director, Marjorie Wittner, CERB Chair.

Other Attendees: Lan Kantany, DLR Chief Counsel, Michael Doheny, EOLWD Chief Counsel, and Kimberly Eustace, DLR Administrative Assistant.

Absent: Sheryl Pace-Webb, John Mann, Nicholas Anastopoulos, Rebecca Yee.

11:04 a.m. Chair Jay Siegel calls the meeting to order.

First on the list approving the minutes from November 15, 2023, meeting. Chair Siegel entertained a motion to approve. Denise Casey so moved and Kate Shea seconded. All approve, no objections.

DLR Director Roberts: We have two new members Rebecca Yee, General Counsel MTA and Jillian Bertrand, Partner, Pyle Rome.

Director Roberts: We have 2 new appointments at the Department of Labor Relations that have expired. Director position expired 1 year ago from January and Chair of the CERB expired October 2023. Both Marjorie and I continue in holdover capacity. The process provided for in the DLR enabling statute is for the Advisory Council to rate candidates as "highly qualified," "qualified" or "not qualified". Which will be then sent to the Governors Office. There is nothing in the statute concerning how the interview process is conducted. HRD has asked us to use MassCareers for soliciting candidates. Last Friday, February 23, 2024, these positions were posted on MassCareers.

Chair Siegel: Let me suggest that we take up Marjorie Wittner's (Chair) position first. Phil, you can participate in this. Here is the way it works, its posted by HR with job description, salary, etc. Applications are received, then posting closes. Applicants must get screened by the Director for minimum qualifications. We get lots of "unqualified" these are a waste of time they are eliminated. Resumes are sent to the sub-committee which consists of Maria O'Brien Chair, Alfred Gray, Management, Denise Casey, Management, Kate Shea, Union and Sheryl Pace-Webb, Union. They come up with recommendations for candidates to be interviewed, then the full Advisory Council meets with Sub-Committee. After interviews and recommendations are made by the Advisory Council, Director Roberts sends these recommendations to the Governor's Office. There will be 2 letters sent to the Governor's office, one for the Director's position and one for Chair of CERB. I (Chair Siegel) will send the Director's, and Director Roberts will send the Chair of CERB letter. Let's congratulate Marjorie and wish her much success in her future endeavors.

Director Roberts: how do we get the word out? I have concerns about this because we did not get many good applications last time for the CERB Chair position. I have initiated the process to put an advertisement in Lawyers Weekly for both positions.

Chair Siegel: LERA is a good place, we can place an advertisement with them.

Kate Shea: All law schools have great labor professors and alumni and people all over the country. AFL-CIO Union Lawyers Alliance is a website that advertises openings. She will look into this how to post the positions there.

Michelle Heffernan: There are a few listservs we may want to use. MASsterList has a job board for public sector there maybe a fee to advertise. I know in the past Mass Bar and Boston Bar didn't give good results.

Chair Siegel said it was his understanding that since this is a full-time job, the candidate would have to resign their current position due to conflict of interest. Kate Shea asked if the candidate could have an arbitration practice outside Massachusetts? Chair Siegel suggested that the answer is no, you cannot be active. CERB Chair Wittner said former CERB Member Liz Neumeier had to give up her "public" side of her practice. Kate Shea said there was a former DLR employee who had an outside of Massachusetts arbitration practice. Director Roberts clarified that the enabling statutes says that the Chair "shall not engage in other employment or business activities during regular business hours." Chair Siegel said if something comes up, we can discuss then.

Will Evans: Following up on a question CERB Member Kelly Strong asked at the last meeting, could Marjorie Wittner have input if DLR employees apply? There are some good DLR employees (Susan Atwater and Margaret Sullivan). Chair Siegel said no rule bars internal candidates. Director Roberts agreed and said we can ask for Marjorie's advice during the interview process. CERB Chair Wittner said she was happy to discuss the responsibilities of the position with any of the candidates.

Chair Siegel: Now let's move to the Director's position, Phil I ask you now to remove yourself from the meeting. Director Roberts left the meeting. The job has been posted for Director of DLR, not sure if you are aware but Philip Roberts will reapply. Any comments on this position? We will follow subcommittee procedure any further questions? Maria O'Brien asked when the first batch of resumes be coming her way. CERB Chair Wittner said preferences are usually given to candidates that apply in the first 14 days. Michelle Heffernan said there is a 30-day posting but we can always extend.

Chair Siegel entertained a motion to adjourn. Denise Casey so moved and Alfred Gray seconded. All voted to adjourn at 11:32 a.m.