

MCAD Guidance for Attorneys and Duly Authorized Representatives During the COVID-19 Public Health Crisis



April 1, 2020

Introduction

Due to the COVID-19 health crisis, the Massachusetts Commission Against Discrimination (MCAD) has closed its offices to the public for the safety of our staff and our communities. The MCAD continues to provide services to the public as MCAD staff telework during these challenging times. Since the Commission currently does not have the ability to send or receive postal mail, the agency encourages attorneys and participants to communicate with the MCAD by e-mail and phone.

Electronic Service

Beginning the week of April 6, 2020, the Commission will begin electronic service, where practicable, of certain notifications, including but not limited to: Complaints of Discrimination, Dismissals, Orders, Investigative Findings (Determinations), Hearing Decisions, Full Commission Decisions, and scheduling letters.

Filing a Complaint

For the duration of the State of Emergency declared in Massachusetts in response to the COVID-19 illness, the MCAD will provide *pro se* Complainants the opportunity to file Complaints by calling any of our offices and requesting a phone intake with an MCAD staff member. For Complainants with representation, the MCAD will temporarily permit attorneys and Duly Authorized Representatives to file “mail-in” complaints electronically, by submitting Complaints through the newly created MCAD eComplaint Filing Portal, at: https://massgov.formstack.com/forms/mcad_ecomplaint_filing_portal

Attorneys and Duly Authorized Representatives filing an eComplaint through the portal must include in the submission a Notice of Appearance along with their client’s Complaint. The Complaint must conform to the requirements of filing as stated in the MCAD Procedural Regulations at 804 CMR 1.04 (2020) **and include relevant email addresses for service.**

Electronic Signatures

If you are unable to obtain the Complainant’s signature on the Complaint, you must include in the submission an email verification from the Complainant stating that the Complaint is made under the pains and penalties of perjury.

Requests for Tolling and Extensions

The MCAD Commissioners are keenly aware that not everyone may have the ability to file a Complaint during this crisis, and employers and businesses may not be fully functioning and may need additional time to respond to complaints.

Please note that extending filing deadlines and granting extensions will be determined on a case-by-case basis through each individual Investigating Commissioner by submitting a motion to the investigator or staff member assigned to your case.

MCAD Proceedings

Many of the agency’s proceedings may proceed via telephone, such as investigative conferences, mediations, conciliations, preliminary hearings (LOPC Appeals), status conferences and pre-hearing conferences. We will continue to conduct these proceedings, as practicable, by telephone.

Public Hearings are conducted in person. Therefore, the MCAD expects to reschedule public hearings for when the Commission’s offices reopen to the public.

Important Contact Information

Chief of Investigations

Heather Hall heather.hall@mass.gov

Clerk of the Commission

Myrna Solod myrna.solod@mass.gov

General Counsel

Constance McGrane connie.mcgrane@mass.gov

Director of Alternative Dispute Resolution

Michael Zeytoonian michael.zeytoonian@mass.gov