



Massachusetts Commission Against Discrimination

Meeting Minutes

Date/Time: August 9, 2022, 1:00PM
Place: Massachusetts Commission Against Discrimination
VIA ZOOM WEBINAR
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Passcode: 468713
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The Commission conducted this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

All documents and presentations related to this agenda will be available for review on the MCAD website.

Commissioners Present:

Chair Sunila Thomas-George
Commissioner Monserrate Quinones
Commissioner Neldy Jean-Francois

I. Call to Order

Chair Thomas-George called to order today's public meeting of the Massachusetts Commission Against Discrimination. Roll call attendance was conducted, Commissioners Quinones and Jean-Francois were present.

II. Approval of Minutes - July 12, 2022

Commissioner Jean-Francois moved to approve the minutes from July 12, 2022. Commissioner Quinones seconded.

Roll Call Vote:

Chair Sunila Thomas-George Aye.

Commissioner Quinones Aye.

Commissioner Jean-Francois Aye.

The motion passed unanimously

III. Commissioners' Update

Commissioner Jean-Francois provided an update of the Suffolk Law Housing Discrimination Testing quarterly meeting. There have been a number of people expressing interest in bringing back testing to the

MCAD. She stated that MCAD has a long standing relationship with the Suffolk Law Housing Testing program and said they have a resources to assist MCAD with reinstating testing.

Chair Thomas-George presented an update on the EEOC National Conference held in July 2022, via virtual conference. Topics ranged from substantive review of federal laws and cases. EEOC legal staff presented information about Covid-19 cases they are investigating and prosecuting as well as disability reasonable accommodations cases, and religious exemption cases, which proved helpful to MCAD.

Chair Thomas-George talked about the celebration recently held for full-time summer interns as the program ended for the summer. She shared interns' feedback about their experiences at the MCAD. She thanked the managers and supervisors for their attention to training and management of the interns and the program.

IV. Legal update by General Counsel: CROWN Act signed into law on July 26, 2022

General Counsel Deirdre Hosler informed the Commissioners of the CROWN Act, which was signed into law by Governor Baker on July 16, 2022. General Counsel Hosler explained that under the new law, discrimination against a person because of traits that are historically associated with race (including hair type or hairstyle) amounts to race discrimination under any law in the Commonwealth that prohibits race discrimination. She continued that the new law accomplishes this by adding the definition of race and protective hairstyles to the General Laws. She reminded that MCAD has historically recognized that race discrimination can occur when discriminating against someone because of their hairstyle or hair type. Specifically, the law prohibits this type of race discrimination in schools. She added that it was a measure of vindication for the two black female students who in 2017, were punished and sidelined from participating in extracurricular activities because they chose to wear their hair in braids. This conduct is now called out in the General Laws as unlawful, race-based discrimination.

Commissioner Jean-Francois applauded the MA legislation for passing this law. She stated the importance of not just using the acronym "CROWN," but understanding that CROWN stands for "*Create An Open World for Natural Hairstyles.*" She continued that it was important to understand the meaning of the name. Commissioner Jean-Francois quoted Representative Ayanna Pressley and State Senate President Karen Spilka, how important it is for people to be able to present their authentic selves in this world and natural hairstyles reflects that. She went on to commend Deanna and Mya Cook, the young woman who at age 15, spearheaded the movement to pass this legislation and fought for what they believed and made history.

Chair Thomas-George echoed Commissioner Jean-Francois and reiterated the excellent opportunity for the Legislature to make a statement about antidiscrimination laws and how much protection it extends. She reminded that MCAD has always protected hairstyles under race, national origin and religion.

V. Interim Executive Director's Report

Interim Director Memmolo thanked General Counsel Hosler for her legislative update on the CROWN Act and for her work keeping the agency informed about the legislative matters that are important to the agency. Interim Director Memmolo updated the Commissioners that General Counsel Hosler and Chief of Investigations Ken Callahan are still discussing the content of legal and investigations updates for

Commissioners and will present issues of importance for the Commissioners' approval as they come up.

Interim Executive Director Memmolo reported historic news that the legislature has recommended full funding of the MCAD for FY23. This increased MCAD's state appropriation by \$3.3M over FY22 to \$7.46M. This represents the Commonwealth fully funding the value of MCAD's federal contracts with EEOC and HUD, allowing the agency to move forward to fully staff the agency to pre-Covid levels and eliminating the backlog. Next steps will be to file a spending plan. Director Memmolo thanked Governor Baker, Senate President Karen Spilka, House Speaker Ronald Mariano, as well as House Ways & Means Chair Aaron Michlewitz, Senate Ways & Means Chair Michael Rodriguez, Senator Sonia Chang-Diaz, Senator James Eldridge, Senator Adam Gomez, and Representative Carlos Gonzalez, for their instrumental and tireless advocacy of the Commission and assisting in the passage of this appropriation.

Commissioner Quinones echoed Interim Executive Director Memmolo's comments about recognizing the importance MCAD has in the Commonwealth to eradicate discrimination. She continued that this funding will be the first time in history, through state funding, the agency will have the resources necessary to take on that task. She reminded that MCAD as well as other agencies have been challenged to keep staffing levels up throughout the Covid-19 pandemic and going forward the funding gives MCAD the tools to address the backlog. She acknowledged the staff for their efforts to keep the agency moving forward throughout the staffing attrition and retirements.

Chair Thomas-George, commented that full funding from the State represents an historic time at the Commission. She stated that for the first time in MCAD history, not having to rely on Federal contracts to backfill positions or fund new positions is extraordinary. She reverberated Interim Executive Director Memmolo's gratitude toward the legislative leadership and added the MCAD Commissioners, managers, and staff to his praise.

Commission Jean-Francois echoed the sentiments and added special thanks to all involved including MCAD staff. She continued that part of this historical moment is the recognition by the Governor's Office and the Legislature, of the civil rights work being done at the MCAD.

Interim Executive Director Memmolo pronounced he will be creating a spending plan relative to the Commissioner's goals and priorities for FY23. Of the \$7.6M, \$6.8M will be diverted for staffing positions including additional funds for a permanent Executive Director leaving \$840,000.00 in funds. He explained that as CFO with his fiscal officer, Melanie Louie, they have budgeted the agency well over the years with a budget of \$640,000.00. Interim Executive Director Memmolo requested comments from the Commissioners as to their goals for the approximate \$200,000.00 remaining funds. He is not looking for a vote at this time as the spending plan is not complete.

Commissioner Quinones asked for clarification as to where the vacancies are and what positions need to be filled. Interim Executive Director Memmolo stated 14 positions are currently posted. Since January 1, 2022, the agency has hired 9 investigators, a Director of Human Resources, Diversity, Equity and Inclusion. Currently posted are Deputy Chief of Investigations, Clerk of the Commission, Administrative Supervisor, Boston Receptionist and 3 housing investigator positions. Of these, one mediator and five employment investigators are in the interview or scheduling process. He talked about backfilling an administrative position in Springfield and Boston and an Attorney Advisor in Boston. This will bring the agency to pre-Covid staffing levels with 33 investigators (27 employment and 6 housing) 5 of the 33 being

supervisor positions. Interim Executive Director Memmolo recommends directing any additional funds to staffing investigators and administrators in the investigations unit to drive down the investigators' caseload.

Commissioner Quinones recommended allocation of additional resources for the Worcester and New Bedford region as we plan ahead for FY23. Interim Executive Director Memmolo reported that funds have been set aside for both the New Bedford and Worcester area office space. He is working with DCAMM to secure space for the New Bedford area and has suggested alternative options to maximize state space and partnerships with other state agencies for space.

Chairwoman Thomas-George asked if any additional funding not used for full time employees, be earmarked for increasing intern stipends. Interim Executive Director Memmolo agreed that a robust internship program will allow the agency to hire from the pool of well-trained interns for full-time positions. He agreed raising the summer intern stipend \$500 - \$1,000 would put the Agency into a more competitive internship market.

Commissioner Jean-Francois asked if it was possible to allocate funds for testing or being proactive on Commission initiated complaints in employment and public accommodation cases. Interim Executive Director Memmolo stressed the importance of allocating resources to training so staff has the tools available to them to perform onsite investigations and testing and will be sure to have funds available.

Chair Thomas-George added that testing does have a cost and additional funds should be allocated to testing. She explained Commission initiated complaints do not pose a monetary cost, but more a resource cost. With more staff, the agency will have more resources to tackle Commission initiated complaints.

Interim Executive Director Memmolo thanked the Commissioners for their input and will work with General Counsel Hosler to finalize the spending plan for submission.

Interim Executive Director Memmolo updated the Commissioners on personnel matters. In particular, long time Clerk of the Commission, Myrna Solod, retired in July 2020 after 23 years of dedicated service to the Commission. The Commissioners each expressed their thanks for Myrna's passion for civil rights, dedicated service to the Commission and her friendship to all her colleagues. She will be missed by all and wishing her the best in her retirement. Also the Boston receptionist has left the Commission. Special thanks to the new Human Resource Director Shirani Jiminez for exceptionally handling the many postings and positions and scheduling interview panels.

Interim Executive Director Memmolo provided an update on the procurement of a new case management application to replace our current 25 year old system. He is in the process of finalized the request for response. Working with EOTSS to review the RFR prior to submitting to the Commissioners.

Interim Executive Director Memmolo provided an update on the Worcester Denholm building. The closing was scheduled for July 21, 2022. It is unclear if the closing took place. The procurement paperwork has been submitted to DCAMM. Once it is assigned to a DCAMM Liaison the procurement will move forward.

Interim Executive Director Memmolo provided an update on the new office virtual kiosks. Training began at the end of July and anticipate continued training over the next 2 weeks with a “go live” sometime before the end of August 2022. He explained that the kiosks will allow constituents to come to the office and safely participate in a virtual complaint intake utilizing the kiosks.

Interim Executive Director Memmolo provided an update regarding case withdrawals, requiring a withdrawal form be filed by the withdrawing party in every instance. The change is being made to establish uniformity in the withdrawal process across all MCAD offices. Rollout will begin with staff and communicated to stakeholders through our website and social media.

VI. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting. None.

VII. Next Meeting Date: *Tuesday, October 18, 2022 at 1:00PM - via Zoom*

VIII. Adjournment

Commissioner Jean-Francois motioned for adjournment. Commissioner Quinones seconded.

Roll Call Vote:

Chair Sunila Thomas-George Aye.

Commissioner Quinones Aye.

Commissioner Jean-Francois Aye.

The motion passed unanimously

Meeting adjourned.