



Massachusetts Commission Against Discrimination Meeting Minutes

Date/Time: July 16, 2024 at 1:00PM
Place: Massachusetts Commission Against Discrimination
Tuesday | July 16, 2024 | 1:00PM
HYBRID MEETING - USING YouTube
https://www.youtube.com/channel/UCh_wjAthLJTQf-KMgMGv1Yw

The Commission conducted this public meeting in a hybrid format, 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:

Chairwoman Sunila Thomas George
Commissioner Monserrate Rodríguez Colón
Commissioner Jean-Francois

1. Call to Order

Chairwoman Thomas George called the meeting to order at 1:00 PM. Roll call attendance was conducted; all commissioners were present.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Monserrate Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

2. Approval of Minutes from July 2, 2024

Commissioner Rodríguez Colón moved to approve the minutes of July 2, 2024, seconded by Commissioner Jean-Francois. The motion passed with a vote of 3-0.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Monserrate Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

3. Commissioners' Update

Commissioner Rodríguez Colón and Chairwoman Thomas George provided updates on the recent annual all-staff meeting held on July 12th at the MCAD Worcester office. Commissioner

Rodríguez Colón highlighted the event's success, emphasizing the importance of fostering community and teamwork within the agency. Chairwoman Thomas George echoed these sentiments, praising the meeting's comprehensive agenda, valuable presentations, and high level of engagement from staff. She specifically praised Executive Director Michael Memmolo and Press Secretary Justine LaVoye for their roles in organizing the event.

4. Executive Director's Update

Executive Director Michael Memmolo provided several updates. He congratulated Commissioner Monserrate Rodríguez Colón for receiving the UMass Alumni Randolph W. “Bill” Bromery Legacy Award, recognizing her commitment to social justice, diversity, equity, and inclusion. The award event is scheduled for October 10, 2024 in Worcester. Mr. Memmolo briefly updated the Commissioners on the Equal Employment Opportunity Commission (EEOC) contract, noting a 10% reduction resulting in a loss of approximately \$130,000 in revenue. He mentioned that a request for an upward modification of the contract was still pending. The agency is 98% complete with the contract and expects to finish it before the end of the week.

Mr. Memmolo highlighted the successful all-staff meeting held in Worcester, which featured excellent speakers and engaging sessions. The meeting was a great success due to the efforts of various individuals and teams. He specifically thanked Press Secretary Justine LaVoye for organizing the event, Director of Training Alison Caton for her significant contributions, and the team members who assisted with transportation logistics, including Yasin Adow, Sabrina Drumond, and Brandon Blomgren. The event included meaningful breakout sessions and a successful Worcester WooSox game, providing opportunities for staff engagement and team building. Mr. Memmolo expressed his gratitude for the collaborative effort that made the meeting memorable.

Mr. Memmolo reported on a critical data backup issue that occurred over the weekend. Director of Information Technology Paul Lantieri promptly addressed the problem, working diligently throughout the weekend. His swift action ensured that no data was lost, and that the backup infrastructure was rebuilt by Monday morning. This quick resolution highlighted the importance of having dedicated and skilled IT personnel.

He also commended the Clerk’s office for completing the purge of over 19,000 completed investigation files. This significant effort brought the agency current with its records management. Mr. Memmolo specifically acknowledged the role of Clerk of the Commission Theresa Lepore and her team in this accomplishment. The successful purge of outdated files was a substantial administrative task, and it demonstrated the agency's commitment to maintaining accurate and up-to-date records. This effort not only improved operational efficiency but also ensured compliance with records retention policies.

6. Discussion of FY25 goals for Executive Director Part A planning and goal setting

Director of Human Resources Shirani Jimenez outlined the four high-level goals for the Executive Director for FY25, and Executive Director Michael Memmolo elaborated on each.

The first goal is to lead the senior management team with a focus on decreasing complaint processing time, particularly for cases over 18 months old. Mr. Memmolo detailed the strategies to achieve this goal, emphasizing the importance of implementing new policies and procedures approved by the Commission. He explained that mitigating future backlogs involves tying intake availability to the agency's capacity and staffing levels. This would help in decreasing the processing time of complaints. Mr. Memmolo also highlighted the need to implement efficiencies that improve the agency's timelines for issuing decisions on filed complaints. This includes conducting case triage assessments to prioritize cases, revising Probable Cause finding dispositions to align with Lack of Probable Cause dispositions, and recommending process and regulatory changes to the Commissioners to enhance timelines. He further discussed the design of a new Comprehensive Case Management System (CCMS) application, which would incorporate all these efficiencies and align with the agency's goals to mitigate timelines. Additionally, ensuring that FY25 manager goals align with the execution of these initiatives was a crucial point of focus.

The second goal is to develop a mission-forward work culture to increase retention and meet diversity goals. Mr. Memmolo explained that this involves maximizing employee compensation within budgeted funds, growing and supporting the RISE Committee for employee engagement, and ensuring Human Resources and Diversity, Equity and Inclusion (DEI) initiatives are supported and realized through quarterly and yearly reporting to the Human Resources Division (HRD). He stressed the importance of continuing to identify opportunities for procurement diversity when available. Mr. Memmolo emphasized the significance of retention strategies, such as providing opportunities for professional development and career advancement. Commissioners discussed the need for detailed and structured plans to achieve these objectives, with a particular focus on employee engagement and the continuous support of diversity initiatives.

The third goal is to communicate and collaborate with internal and external stakeholders to create partnerships, push legislative priorities, and maximize education efforts. Mr. Memmolo outlined the importance of meeting with the MCAD's Advisory Board as required and facilitating relationships with stakeholders to implement mutually beneficial agreements that advance the agency's mission to eradicate discrimination. He emphasized the need to continue the agency's legislative efforts and advocate for MCAD legislative priorities before the Legislature and with external stakeholders. Commissioners highlighted the importance of maintaining and expanding partnerships and legislative advocacy to support the agency's mission. They also emphasized the need for clear and measurable outcomes for these initiatives, ensuring that all efforts align with the agency's strategic goals.

The fourth goal is to manage agency operations and finance with a focus on budget advocacy and minimizing cost impacts. Mr. Memmolo discussed the importance of continuing to serve as the agency's Chief Financial Officer (CFO) where budgetary constraints require and advocating for maximum funding to support the agency's mission. He detailed the strategies for setting fiscal year spending to available funding levels, ensuring that budget management does not negatively impact the agency's goals and mission. Commissioners discussed the challenges of budget constraints and the necessity for strategic financial management. They stressed the importance of

clear planning and the need for midyear reviews to assess progress and make necessary adjustments.

The meeting included a thorough examination of each goal, with input from Commissioners on refining and detailing the objectives to ensure clarity and accountability. It was agreed that these goals and associated SMART objectives would be reviewed and potentially amended midyear based on progress and emerging challenges.

8. **Other Business – Reserved for matters the Chair did not reasonably anticipate at the time of posting.** None.

9. **Next Meeting Date** – The next meeting is scheduled for Monday, July 22, 2024, at 1:30 PM.

10. **Adjournment** - The meeting concluded at 2:43 PM. Commissioner Jean-Francois moved to adjourn, seconded by Commissioner Rodríguez Colón. The motion passed with a vote of 3-0.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Monserrate Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated July 16, 2024
2. Minutes from July 2, 2024
3. Executive Director draft SMART objectives



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Commissioners Present:

Chairwoman Sunila Thomas George
Commissioner Monserrate Rodríguez Colón
Commissioner Jean-Francois

1. Call to Order

Chairwoman Thomas George called the meeting to order at 1:09 PM. Roll call attendance was conducted; all commissioners were present.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Monserrate Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

2. Approval of Minutes from April 11, 2024

Commissioner Rodríguez Colón moved to approve the minutes of April 11, 2024, seconded by Commissioner Jean-Francois. The motion passed with a vote of 3-0.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Monserrate Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

3. Approval of Minutes from May 2, 2024

Commissioner Rodríguez Colón moved to approve the minutes of May 2, 2024, seconded by Chairwoman Thomas George. Commissioner Jean-Francois abstained. The motion passed with a vote of 2-0.

Roll Call Vote:

Chairwoman Thomas George

Aye.

Commissioner Monserrate Rodríguez Colón

Aye.

Commissioner Jean-Francois

Abstained.

4. Commissioners' Update

Commissioner Rodríguez Colón shared that she was honored as one of the Top 100 Latino leaders by Amplify Latinx and the ALX100 selection committee. She was chosen from a pool of 600 candidates who were recognized for their outstanding distinction and contributions in their respective fields and communities. Chairwoman Thomas George congratulated Commissioner Rodríguez Colón, acknowledging the significance of the honor and expressing pride in her achievement. Chairwoman Thomas George also announced the retirement of long-time receptionist Carol Murchison, noting the positive impact she had on the MCAD with her demeanor and sense of empathy. A retirement lunch was held in her honor, attended by many staff members. Additionally, Chairwoman Thomas George highlighted the progress of the new Comprehensive Case Management System (CCMS) and its anticipated benefits for the MCAD, including increased efficiency in achieving the Commission's goals and mission.

5. Executive Director's Update

Executive Director Michael Memmolo began by congratulating Commissioner Rodríguez Colón on her recognition by Amplify Latinx. He then provided an overview of the fiscal year, noting that FY24 ended on Sunday and the productive outcomes achieved. Detailed updates will be shared in the post all-staff meeting and the annual report. Executive Director Memmolo discussed the ongoing budget situation, explaining that the budget for FY25 has not been passed, and the MCAD is operating under an interim budget based on the governor's and legislative branches' recommendations. He highlighted the challenges posed by a 10% cut to the Equal Employment Opportunity Commission contract, resulting in a \$120,000 revenue shortfall, and its impact on the CMS project funding. Despite these challenges, the MCAD has requested an upward modification to the Equal Employment Opportunity Commission contract due to their progress, with hopes of finalizing it soon. Executive Director Memmolo announced the elimination of five positions and the holding of three additional positions to accrue savings, emphasizing the need to prioritize operations and implement efficiencies in response to budget constraints. He provided updates on the Worcester office, which is now fully integrated into the statewide network, and the Springfield office, which reopened after IT and security upgrades. Executive Director Memmolo also addressed the expected increase in complaint filings with the new Comprehensive Case Management System and the importance of managing this influx efficiently. He concluded with the announcement of a new partnership with Suffolk University Housing discrimination testing program and the launch of the annual public service announcement in multiple languages.

6. Discussion of Mass Achieve / Mass Perform manager performance review process, and selection of three to five high-level agency goals for Executive Director Part A planning / goal setting

Director of Human Resources Shirani Jimenez explained the MassPerform system, outlining the process of setting SMART goals for the executive director. She provided guidance on creating these goals to align with the Commission's mission and business needs. Ms. Jimenez detailed the timeline for performance review meetings, with initial expectations set by July 1st, SMART goals drafted by August 9th, and final goals reviewed by September 13th. She emphasized the importance of having at least one goal focused on promoting diversity, equity, and inclusion. General Counsel Deirdre Ann Hosler suggested a more streamlined approach, proposing two key meetings: one for goal setting and one for mid-year and annual reviews. She highlighted the need to set overarching expectations and then develop SMART objectives to meet these goals.

The Commissioners discussed potential goals for the Executive Director. Commissioner Rodríguez Colón proposed a framework that includes creating a strategic plan addressing strengths, weaknesses, opportunities, and threats (SWOT) in four key areas: leading the senior management team, developing a mission-forward work culture, communicating and collaborating with stakeholders, and managing operations and finance. Commissioner Jean-Francois emphasized the importance of addressing the backlog and considering intake management once the Comprehensive Case Management System project is implemented. Chairwoman Thomas George highlighted the need for attracting and retaining a qualified and diverse workforce and increasing agency budget and resources.

The Commissioners agreed on setting four high-level goals for the Executive Director:

1. Lead the senior management team with a focus on decreasing the time for processing complaints, particularly with regard to the backlog of cases in Investigations that are more than 18 months past filing, without a disposition,
2. Develop a mission forward work culture in the management of human resources with a focus on: increased retention; continued meeting of diversity goals determined by HRD; ensuring diversity goals are met in procurements,
3. Communicate and collaborate with internal and external stakeholders with a focus on: creating partnerships that serve the agency's mission and goals; continued push for MCAD legislative priorities; and maximizing education efforts,
4. Manage agency operations and finance with a focus on: advocating for increases to the MCAD's budget; managing the budget to minimize impact on agency goals and mission when reduction of costs is necessary.

They requested that the Executive Director draft SMART objectives based on these goals for review at the next meeting. They also discussed the possibility of having the goals reviewed and finalized by early August, with a mid-year check-in around January, and an end-of-year performance review in June. A motion to accept the high-level goals was made by Commissioner Jean-François and seconded by Commissioner Rodríguez Colón. The motion passed with a vote of 3-0.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Monserrate Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

7. **Discussion and approval of June 28, 2024 DRAFT MCAD Guidelines on Harassment in the Workplace**

Chairwoman Thomas George praised the collaborative effort in drafting the guidelines, highlighting the extensive work and dedication of the staff and the valuable contributions from community groups, legal organizations, and individuals. She suggested minor edits for clarity, including defining cyberstalking and improving the readability of certain sections. General Counsel Hosler summarized the drafting process of the MCAD Guidelines on Harassment in the Workplace. She highlighted the extensive collaboration within the MCAD team, and the valuable public comments received from various organizations and individuals. The final draft incorporated many suggestions, making it more comprehensive and clearer. She also acknowledged the clerical errors identified by the Office of General Counsel intern, which will be corrected. The Commissioners discussed the proposed edits, including defining terms such as cyberstalking and ensuring that employers are aware that MCAD may request their final investigation reports. After discussing these edits, a motion to adopt the guidelines with the proposed changes was made by Commissioner Jean-Francois, seconded by Commissioner Rodríguez Colón. The motion passed with a vote of 3-0.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Monserrate Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

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

9. **Next Meeting Date** - The next meeting is scheduled for Tuesday, July 16, 2024, at 1:00 PM. The primary agenda item will be the continuation of the discussion on the Executive Director's goals and SMART objectives. Commissioners requested that the Executive Director provide a draft of these goals and objectives by Monday, July 15, 2024, for review prior to the meeting.

10. **Adjournment** - The meeting concluded at 2:49 p.m. A motion to adjourn was made by Commissioner Jean Francois, seconded by Commissioner Rodríguez Colón. The motion passed with a vote of 3-0.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Monserrate Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated July 2, 2024
2. Minutes from April 11, 2024
3. Minutes from May 2, 2024
4. MCAD Executive Director Memmolo Employment Contract
5. June 18, 2024 DRAFT MCAD Guidelines on Harassment in the Workplace
6. MassPerform PowerPoint

DRAFT

Lead the senior management team with a focus on: decreasing the time for processing complaints, particularly with regard to the backlog of cases in Investigations that are more than 18 months past filing, without a disposition:

Implement efficiencies that:

- 1) Mitigate future backlog
 - a. Tie intake availability to agency capacity and staffing levels
- 2) Decrease processing time of complaints
 - a. Implement efficiencies that improve agency timelines to issue decisions for filed complaints
 - i. Implement case triage assessment
 - ii. Revise PC finding disposition to align with LOPC disposition
 - iii. Recommend to Commissioners process and Regulatory changes to improve timelines
 - iv. Design new CCMS application to incorporate the above, and all other, efficiencies to mitigate agency timelines
- 3) Ensure FY25 manager goals align with the execution of the above

Develop a mission forward work culture in the management of human resources with a focus on: increased retention; continued meeting of diversity goals determined by HRD; ensuring diversity goals are met in procurements:

- 1) Work with HR to maximize employee compensation, within budgeted funds
- 2) Grow and support the agency's employee engagement committee – RISE
- 3) Ensure HR/DEI initiatives are supported and realized in quarterly/yearly reporting to HRD
- 4) Continue to identify opportunities, when available, for procurement diversity

Communicate and collaborate with internal and external stakeholders with a focus on: creating partnerships that serve the agency's mission and goals; continued push for MCAD legislative priorities; and maximizing education efforts,

- 1) Meet with the MCAD's Advisory board, as required
- 2) Facilitate relationships with stakeholders to implement mutually beneficial agreements that advance the agency's mission to "eradicate discrimination"
- 3) Continue the agency's legislative efforts and advocate for MCAD legislative priorities in front the Legislature and with external stakeholders

Manage agency operations and finance with a focus on: advocating for increases to the MCAD's budget; managing the budget to minimize impact on agency goals and mission when reduction of costs is necessary.

- 1) For FY25 continue to serve as agency CFO where budgetary constraints require

- 2) Continue to advocate for maximum funding for the agency to support its mission
- 3) Set fiscal year spending to available funding levels