



Massachusetts Commission Against Discrimination

Meeting Minutes

Date/Time: July 18, 2023 at 1:00PM
Place: Massachusetts Commission Against Discrimination
Tuesday | June 18, 2023 | 1:00PM
HYBRID MEETING - USING YouTube
https://www.youtube.com/channel/UCh_wjAthLJTQf-KMgMGv1Yw

The Commission conducted this public meeting in person and 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:

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

1. Call to Order

Chairwoman Thomas George called to order today's public meeting of the Massachusetts Commission Against Discrimination at 1:00 p.m. Roll call attendance was conducted; Commissioners Rodríguez Colón and Jean-Francois were present.

Roll Call Vote:

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

2. Approval of Minutes from May 17, 2023

Commissioner Jean-Francois motioned to approve the minutes of May 17, 2023. The motion was seconded by Commissioner Rodríguez Colón.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>
<i>The motion passed unanimously</i>	

3. Commissioners' Update

Chairwoman Sunila Thomas George announced that she is currently serving on an interview panel for a law clerk, with the two MCAD Hearing Officers. The Chairwoman indicated that this, will be a one-year contract position. Chairwoman Thomas George also stated that on Friday,

June 9, 2023, managers, staff, along with herself met with members of the Attorney General's Office, specifically their Civil Rights Unit, and discussed both agency's processes and procedures. Lastly on June 28, 2023, Chairwoman Thomas George, Interim Executive Director Michael Memmolo, and General Counsel Deirdre Ann Hosler were invited to a meeting with the Massachusetts Commission Against Discrimination (MCAD) Advisory Board and the Governor's Deputy Chief Legal Counsel, where Interim Executive Director Memmolo gave a well-received summary on current projects, process and procedure changes that the MCAD has been working on, as well as the progress of hiring backfilled positions, and discussion on the Executive Director position.

4. Interim Executive Director's Update

Interim Executive Director Michael Memmolo shared a brief update on previously discussed matters. First and foremost, fiscal year 2023 ended on June 30th, and the MCAD had a very successful fiscal year, with this being the agency's first year being fully funded. The MCAD has been able to accomplish quite a bit, including backfilling positions, getting some of the infrastructures back in working order, and finalizing projects, which has contributed with the overall aesthetic to the Boston and Springfield offices. He also announced the agency being recognized for its commitment to supplier diversity by the Commonwealth Supplier Diversity Office on June 1, 2023, which is something the agency has been recognized for in the past. He then thanked the Commissioners for their remarks and for attending the All-Staff meeting that took place on June 8, 2023, in Boston, where managers discussed MCAD's accomplishments over the past year, and the agency's vision for the coming fiscal year. He reiterated the success of the June 9th meeting as previously mentioned by Chairwoman Thomas George.

Interim Executive Director Memmolo reminded the Commissioners that on June 21, 2023, he testified in front of a joint committee, Consumer Protection and Professional Licensure, in support of Bill Senate No. 180 and Bill House No. 359, An Act to End Housing Discrimination in the Commonwealth. He also spoke briefly on the June 28th meeting with the MCAD Advisory Board, stating that during this meeting he provided information on the agency's endeavors, similar to his remarks at the MCAD All-Staff meeting. He also recognized the celebration of Pride last month, and mentioned a variety of internal policies and procedures that were issued over the last two months.

Next, Interim Executive Director Memmolo gave a special mention to Carol Cullins, Employment Services Supervisor, and Joe Buizon, Director of Program and Services from the Massachusetts Commission for the Blind, who hosted for the agency two *Seeing Beyond Blindness* training sessions, on Wednesday May 31, 2023, which addressed the important subject of working and engaging with people who are visually impaired.

Interim Executive Director Memmolo also provided an update to the Commissioners on the status of the Worcester office, stating that the agency is very close to signing the lease. The agency was able to finalize the floor plan, but the Division of Capital Asset Management and Maintenance (DCAMM) required more time to assess a surplus of cube units and office furniture. He stated that a ticket has been opened with Executive Office of Technology Services and Security (EOTTS) for IT infrastructure and he is truly confident that he will be announcing the finalization of the lease at the next meeting. He then thanked Kenneth Callahan II, Chief of

Investigations and Melanie Louie, Fiscal Officer for reviewing the floor plans and their suggestions to the landlord. He also mentioned that the United States Department of Housing and Urban Development (HUD) contract ended on June 30th and thanked Chief Callahan II for another stellar year. The agency will see the results of that contract in the end of August, and Chief Callahan II will finalize with his team some reporting to HUD. The agency still has approximately 2 ½ months left in its Equal Employment Opportunity Commission (EEOC) contract and Executive Director Memmolo and Chief Callahan II are both confident that the agency will meet its contractual obligation.

Lastly, Interim Executive Director Memmolo announced that all posted Boston investigator positions have been filled. He thanked Chief Callahan II and Andrew Espinosa, Deputy Chief of Investigations for their time and immense amount of work that has contributed to the agency's end of FY23 goal of reaching Boston investigator employment levels. He welcomed the new Investigators that have joined the agency since the last meeting; Cliff Orelus, Kendrick Yu, Margaret Austen, William Cooney, Brandon McHugh, Aleksia Kleine, Melissa Atocha, Maria Sanchez, and Ashley Edwards. He also welcomed, Naiara Souto, Commission Counsel and Kristina Khoury, Trainer to the agency. With all these new hires, the agency was able to achieve 83% of its FY23 investigators hiring total. The remaining positions are those posted for the Springfield office, which Chief Callahan II is diligently working to fill within the next month or so, and then the agency will work towards additional hires for FY24. Chief Callahan II and General Counsel Hosler are consistently assessing each unit. Also, the Press Secretary position is still posted for interested candidates. Commissioner Rodríguez Colón inquired regarding plans for beginning the hiring process in Worcester, specifically the timeframe of when the open positions will be posted, since the Worcester office is not anticipated to open until October. Interim Executive Director Memmolo stated that the agency is waiting for the lease to be signed and hopefully that will happen in the next week or so. Commissioner Rodríguez Colón suggested to begin the posting process now since it could take an additional six months for the hiring process. Interim Executive Director Memmolo confirmed he will meet with Shirani Jimenez, Director of Human Resources to begin the posting process. Chairwoman Thomas George also thanked Chief Callahan II and Deputy Chief Andrew Espinosa for their efforts.

5. Discussion of proposed MCAD Commissioners Meeting Policy Question - 02: The MCAD hereafter accepts requests to support immigration-related prosecutorial discretion in the form of deferred action for individuals who may be victims or witnesses to unlawful discrimination in the workplace. The MCAD authorizes the Office of the General Counsel to review, approve, and manage such requests in keeping with the [guidance](#) from the Department of Homeland Security, which may result in the issuance of a Statement of Interest by the General Counsel. MCAD complainants or witnesses must file any such request to the MCAD with the Clerk of the Commission

General Counsel Hosler stated that with this proposed policy question, the agency is seeking approval to issue, where appropriate, statements of interest to assist victims or witnesses to unlawful discrimination, in the labor law context, with protection from deportation proceedings. This is a program run by the Department of Homeland Security (DHS). The agency acts as a conduit and a supporting party to the DHS and gives the victims and witnesses peace of mind that they are protected from employer retaliation in the form of reporting to federal authorities

for deportation type activity. The only document that will be potentially issued from the MCAD is the Statement of Interest letter which is very much in keeping with the MCAD's long standing policy for there to be employment law protection for all workers and for MCAD's antidiscrimination laws to be enforced without consideration of someone's immigration status. General Counsel Hosler is asking for the proposed policy question to be issued verbatim and posted to the MCAD website. Commissioner Rodríguez Colón stated this is a great opportunity to advise the public that anyone may file with the MCAD regardless of their immigration status, with this additional benefit of protection.

Vote to approve the proposed MCAD Commissioners Meeting Policy Question - 02:

Commissioner Rodríguez Colón motioned to approve the proposed MCAD Commissioners Meeting Policy Question - 02. The motion was seconded by Commissioner Jean-Francois.

Roll Call Vote:

Chairwoman Thomas George *Aye.*

Commissioner Rodríguez Colón *Aye.*

Commissioner Jean-Francois *Aye.*

The motion passed unanimously

6. Approval of Executive Director job description for posting on MassCareers and approval of hiring process utilizing a preliminary screening committee outlined in document prepared by Legal entitled "Executive Director Hiring Process":

Chairwoman Thomas George began the discussion by stating that this agenda item has been listed on previous agendas, initially in October and then again in November of 2022. All three Commissioners are on the same page, in that of the importance and necessity of the Executive Director position. There is great urgency to move forward on this matter for staff and stakeholders. The proposed "Executive Director Hiring Process" describes the internal hiring process for the Executive Director position. Commissioner Rodríguez Colón stated that the discussion for the Executive Director began on Oct 18th when the job posting was presented to the Commissioners to render a vote, at that time Commissioner Rodríguez Colón suggested hiring an outside consultant for the hiring process and Chairwoman Thomas George recommended Commissioner Rodríguez Colón explore the possibility of hiring an outside consultant for the hiring process and what that would entail. Commissioner Rodríguez Colón confirmed she had a conversation with the MCAD's Director of Human Resources and reached out to the Operational Services Division (OSD) inquiring what an agency specific procurement could be and what other agencies were procuring for consultants for the hiring process and presented the information at the November 8th meeting. Commissioner Jean-Francois stated that she was under the impression that at this meeting the Commissioners would be discussing additional information gathered by the Director of Human Resources regarding the option of hiring an outside consultant. Chairwoman Thomas George stated no additional information since the November 8th meeting had been gathered and no one has directed any of the managers to do research, and the only confirmed position is that the Commissioners conduct the hiring process under the Open Meeting Law. Commissioner Jean-Francois believes it is important to have a conversation regarding both processes in order to make an informed decision on the matter and

would like the Director of Human Resources to present any additional information to the Commissioners. Chairwoman Thomas George recommended that Commissioner Jean-Francois and Commissioner Rodríguez Colón reach out directly to the Director of Human Resources for more information, which can then be placed on a future agenda for further discussion.

Vote to approve the proposed hiring process utilizing a preliminary screening committee outlined in document prepared by Legal entitled “Executive Director Hiring Process”: Commissioner Jean-Francois motioned to deny the proposed hiring process utilizing a preliminary screening committee outlined in document prepared by Legal entitled “Executive Director Hiring Process” at this time. The motion was seconded by Commissioner Rodríguez Colón.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Nay.</i>
<i>Commissioner Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>
<i>The motion passed with a vote of 2-1.</i>	

Vote to approve the proposed Executive Director job description for posting on MassCareers: Commissioner Jean-Francois motioned to approve the proposed Executive Director job description for posting on MassCareers. The motion was seconded by Commissioner Rodríguez Colón.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>
<i>The motion passed unanimously</i>	

6. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting. None.
7. Next Meeting Date: TBD
8. Adjournment – The meeting concluded at 2:22 p.m.

Motion to adjourn by Commissioner Rodríguez Colón. Seconded by Commissioner Jean-Francois.

Roll Call Vote:

<i>Chairwoman Thomas George</i>	<i>Aye.</i>
<i>Commissioner Rodríguez Colón</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>
<i>The motion passed unanimously</i>	

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated July 18, 2023
2. Final draft Meeting Minutes from May 17, 2023
3. DRAFT MCAD ED Hiring Process 7 12 23
4. DRAFT MCAD Executive Director job description for Commissioners Meeting 7 18 22



Executive Director Hiring Process

1. Commissioners' Meeting One (all open session):
 - a. Commissioners approve job posting that includes:
 1. Job description and qualifications
 2. Salary range
 3. Application requirements (cover letter, resume required; writing sample optional)
 4. Submission date window 30 days (and standard is for applicants in first 14 days to get priority review)
 5. Note to applicants that finalists will be interviewed during a public open meeting
 - b. Commissioners approve posting dissemination that includes posting on every typical MCAD posting site as well as transmission to MELA and Advisory Board
 - c. Commissioners appoint a preliminary screening committee (PSC) for the purpose of screening job applicants for Executive Director position and providing a list of final candidates to the Commissioners for final interviews by the Commissioners at open meeting. The PSC is subject to the Open Meeting Law.
 - i. Composition of screening committee:
 1. Three MCAD Advisory Board Members
 - a. General Counsel will send communication to Chair of Advisory Board requesting three volunteers, one of whom will be the screening committee Chair, and outlining the responsibilities and estimated time commitment.
 2. MCAD General Counsel
 3. MCAD Chief of Investigations
 4. MCAD HR Director (non-voting, hiring process coordinator)
 5. Deputy Clerk / RAO (non-voting, OML minutes and notice)
 - d. Scope of screening committee work:
 - i. PSC Meeting One:
 1. Approve PSC interview questions in open session (drafted by HR Director and Office of the General Counsel)
 2. Executive session under G.L. c. 30A, sec. 21(a)(8) (not to return to open session):
 - a. Consider and evaluate all initial applications received within approved timeline (each member receives applications ahead of meeting for their individual review

- before meeting; no deliberation until meeting)
 - b. Determine which candidates will get a first-round interview by the screening committee
- ii. PSC Meeting Two (or more):
 - 1. Executive session under G.L. c. 30A, sec. 21(a)(8) (not to return to open session): conduct first round interviews
- iii. PSC Meeting Three:
 - 1. Executive session under G.L. c. 30A, sec. 21(a)(8) (not to return to open session): deliberate and select 2-3 final candidates for referral to the Commissioners
- 2. Commissioners' Meeting Two:
 - a. Open session:
 - i. Chair of screening committee communicates finalists to Commissioners
 - ii. Approve final interview questions (drafted by HR Director and Office of the General Counsel)
- 3. Commissioners' Meeting Three (or more):
 - a. Open session:
 - i. Interview finalists
- 4. Commissioners' Meeting Four:
 - a. Open session:
 - i. Deliberate and choose final candidate for authorization to HR Director to notify successful candidate and schedule contract negotiation
- 5. Commissioners' Meeting Five (or more):
 - a. Executive session under G.L. c. 30A, sec. 21(a)(2):
 - i. Contract negotiation with successful candidate (counsel for candidate allowed to attend, General Counsel also in attendance)

MCAD Executive Director Job Description

General Statement of Duties

The Executive Director is the executive, operational and administrative head of the Massachusetts Commission Against Discrimination ("Commission" or "agency") responsible for overseeing agency operations in service to the Commission's mission to eradicate discrimination in the Commonwealth. The Executive Director is responsible for developing and executing the Commission's strategic plan, and ensuring that the Commission fulfills its statutory mandates through respectful leadership of agency personnel, and open, collaborative communication with the Commissioners. The Executive Director manages the Commission's senior management team and other agency personnel and serves as the liaison between the three MCAD Commissioners and agency staff. The Executive Director reports to and is annually evaluated by the three MCAD Commissioners.

Detailed Duties

I. Leadership

1. In collaboration with agency Commissioners and senior leadership team works to develop strategic planning, and implements the Commission's vision, goals and objectives using best business practices, available resources, and appropriate allocation of funds
2. Responsible for fostering a mission-forward agency culture, ensuring that strategy and allocation of resources serves the overarching mission to eradicate discrimination in the Commonwealth
3. Represents the agency to the public; serves as Commission spokesperson in dealings with the media and approves all agency press releases and publications
4. With respect to all assigned duties, communicates consistently, regularly, and effectively with the Commissioners in one-on-one and public meetings to ensure that the Commissioners are kept apprised of agency operational developments and fully briefed on Commissioners' meeting agenda items requiring discussion and a vote
5. Acts as primary liaison between agency and Commissioners and the MCAD Advisory Board, manages the relationship and works with the MCAD Advisory Board
6. In collaboration with key staff, drafts legislative recommendations and develops the Commission's legislative agenda; acts as the Commission's liaison to the legislature and stakeholders, acts as primary communicator to those groups on the agency's behalf including sending correspondence as the agency administrative head

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7. Acts as primary liaison to the agency's federal partners; the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD)

II. Operations and Administration

1. Oversees all operations, administration, budget and finances of the agency, personnel, and information technologies
2. Works with key staff to develop and implement internal policies, protocols, and procedures to effectuate agency programs and ensure compliance with all applicable state and federal laws, regulations, collective bargaining agreements, and requirements
3. Serves as manager of the senior management team and from time to time, various other supervisors
4. Attends and participates in all Commissioners' meetings, works with staff to prepare for meeting presentations and policy discussions, implements all Commissioner-approved actions or follow up as directed in meetings
5. Delivers reports to the Commissioners on activities generally within Executive Director control, i.e., agency operations, finances, budget status and preparation, audits, and overall agency management; prepares the Commissioners for votes on all matters appropriate for Commissioners to vote upon as generally provided for in M.G.L. c. 151B, sec. 3
6. Prepares the Commission's annual report
7. Serves as the appointing authority for the agency for all positions reporting up to the Executive Director, and is responsible for maintaining an organizational structure that will best serve the mission and organizational goals, as well all personnel matters, including hiring Commission staff and instituting any necessary disciplinary or other corrective action. Approval by the Commission to create or backfill senior management positions is required; senior management positions are those that report directly to the Executive Director
8. Responsible for agency risk assessment, final budget preparation for presentation to the Commissioners, and agency operations
9. Identifies any risks to the reputation, safety, security, and finances of the agency and develops risk management policies and protocols; implements processes and procedures to mitigate risk by implementing the agency's Internal Controls Plan
10. Assesses organizational opportunities for improving agency operations including all of the considerations with respect to risk assessment

Commented [HD(1): Per the Commissioners' vote on 10/18/22 to include "Commissioner approval for management positions"

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11. Responsible for final agency audit responses and corrective action
12. Oversees the planning and preparation of Commission publications including website, reports, email communications and letters, social media, informational and related materials to further the Commission's mandate and goals
13. Responsible for training of agency staff ensuring all are competent and knowledgeable of regulations, laws, policies, and procedures pertaining to their job responsibilities, including standardization in the use of agency application and systems
14. Responsible for overall buildings facilities management, security, safety issues, managing facilities relationships
15. Oversees and manages agency services and public information priorities and strategy including website and information technologies
16. Oversees all procedures regarding record management and retention / destruction, telecommunications, health and safety, security, quality assurance and mail
17. Oversees and manages procurement and purchasing, and inventory of supplies and goods and services
18. Responsible for the retention and security of agency data including the agency's case management (CMS) applications and systems Oversees all policies regarding replacement, security and maintenance on all computers, laptops, printers, copiers, faxes, telephones, and other electronic communication devices

III. Budget and Finance

1. ~~Responsible for Oversees~~ the agency's budget process, supervising the accounting and related financial services, monitoring sources of agency funding
2. Presents yearly funding recommendations the Commissioners for approval
3. Oversees agency purchasing process, and ensuring that agency employees are informed about and follow OSD procurement policies and procedures, particularly regarding large vendor and consulting procurements, ensuring compliance with the Commonwealth's supplier diversity program
4. Develops and presents information to legislators, analysts and staff about Commission funding needs

Commented [HD(2)]: Suggested edit by MRC during 10/18/22 meeting

Commented [HD(3)]: Suggested edit by MRC during 10/18/22 meeting

DRAFT MCAD Executive Director job description for Commissioners' consideration at 10/18/22 Commissioners Meeting includes proposed edits for Commissioners' consideration at 7/18/23 Commissioners Meeting

5. Coordinates budget development with the Commonwealth's Administration and Finance budget staff; coordinates budget development strategies with House/Senate Ways and Means staff
6. Recommends administrative budget requests and budget allocations. Ensure proper and timely allocation of funds and transfers
7. Communicates budget needs to external constituents including the Executive Office of Administration and Finance, legislators, and legislative staff, including testifying in front of the Legislature's Joint Committee on Ways and Means
8. Ultimately responsible for executing and performance of the agency's federal workshare agreements

MINIMUM ENTRANCE REQUIREMENTS:

Applicants must have at least (A) eight (8) years of full-time or, equivalent part-time, professional, administrative, supervisory, or managerial experience in business administration, business management, public administration, public management, clinical administration, or clinical management of which (B) at least five (5) years must have been in a managerial capacity.

Preferred Requirements

Master's Degree or other graduate degree in Business Administration, Finance, Economics, Business, Law, Public Policy, Public Administration, or related field

Fifteen years of managerial experience with significant responsibilities in both administrative and financial responsibilities in a senior level position

Experience with federal and state civil rights laws and mandates

Experience with public policy

Ability to tactfully navigate challenging political environments and to keep all stakeholders informed and engaged

An understanding of performance management, lines of accountability, performance reviews, and the use of metrics to track and predict progress

Demonstrated record of success in management of a large and diverse staff

Experience working within a public body, Commission and with the Commonwealth's Open Meeting Law

Experience developing and enforcing and ensuring adherence to best practices business models

Demonstrates exemplary ethical standards by leading by example

Familiar with working with all types of media

Superior writing, analytical and verbal presentation skills

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Commented [HD(4): Suggested edit by NJF at 10/18/22 meeting

Ability to take initiative, use sound judgment, resolve problems and work effectively with all levels of staff and constituents

Experience working in state government

Knowledge and experience in the Commonwealth's budget process

Knowledge and experience in Human Resources

Fluent in more than one language

Ability to solve complex problems and engage Commissioners and key staff in the decision-making process

Ability to recruit, mentor, promote and retain a diverse group of talented colleagues

Reputation for good character, honesty, and integrity

Capable of managing multiple tasks that are time sensitive in pressure situations.

Experience with change management and / or transforming an organization

Classification: ~~Administrator XI~~

Annual salary range: ~~\$143,607.03 to \$188,252.13~~ \$172,000 to \$215,000

Commented [HD(5): To compete with other comparable independent agencies, this would be the range, and the position would be unclassified. The following positions are unclassified and currently compensated as indicated (with staff members excluding Commissioners):

MGC ED 215k (staff=135)
CCC ED 207K (staff=123)
POST Commission ED 198k (staff=33)
Ethics ED 172k (staff=32)

MCAD staff current: 90 (including 5 pending hirings)
MCAD staff projected as of staffing Worcester office: 97

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