



---

## Massachusetts Commission Against Discrimination Meeting Minutes

---

**Date/Time:** November 8, 2022, 1:00PM  
**Place:** Massachusetts Commission Against Discrimination  
VIA ZOOM WEBINAR  
<https://us02web.zoom.us/j/89904987674?pwd=YmhMNEEzQmV2ZWJOUEZMS0tGeXI2QT09>  
**Passcode: 735261**  
**VIA CONFERENCE CALL NUMBER: 1-312-626-6799**  
**Webinar ID: 899 0498 7674 | Passcode: 735261**

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:**

Chairwoman Sunila Thomas George  
Commissioner Monserrate Quiñones  
Commissioner Neldy Jean-Francois

#### 1. Call to Order

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

#### *Roll Call Vote:*

<i>Chair Sunila Thomas George</i>	<i>Aye.</i>
<i>Commissioner Quiñones</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

#### 2. Approval of Minutes - October 18, 2022

Commissioner Neldy Jean-Francois motioned to approve the minutes of October 18, 2022. Commissioner Quiñones seconded.

#### *Roll Call Vote:*

<i>Chair Sunila Thomas George</i>	<i>Aye.</i>
<i>Commissioner Quiñones</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>

*The motion passed unanimously*

### 3. Commissioners' Update

None.

### 4. Interim Executive Director's Update

Interim Executive Director Michael Memmolo began by thanking MCAD Advisory Board member Richard Rodriguez for inviting the agency to participate in the Lawrence Disability Employment Awareness Month event held on October 20, 2022. He and Director of Training Alison Caton represented the agency, he added it was a fantastic event.

General Counsel Deirdre Hosler announced MCAD's new Deputy General Counsel, Diane Norbye, who started November 7, 2022. Chief of Investigation Ken Callahan announced Jillian Fisher, formerly a housing supervisor was promoted to Housing Attorney Advisor.

Interim Executive Director Michael Memmolo welcomed and congratulated MCAD's new employees. He shared that MCAD had a successful soft opening to the public on November 1, 2022, with the implementation of kiosk technology for complaint intakes. He thanked Chief of Investigations Callahan and his team for staffing the kiosks. Next steps will be further outreach and a larger announcement through stakeholders and a website posting. Interim Executive Director Memmolo discussed the closing of the Worcester office on October 31, 2022. Interim Executive Director Memmolo thanked Melanie Louie and Paul Lantieri for managing the move as well as Chief of Investigations Callahan and his team for assisting with the move. Interim Executive Director Memmolo reiterated that the RFP for new office space in the Worcester area was issued on October 24<sup>th</sup> and it will be announced this week in the Worcester Telegram & Gazette and continue for the next three weeks. He reported that bids are due to DCAMM on December 8, 2022, by 2:00PM.

Commissioner Quiñones thanked Interim Director Memmolo and his team and everyone who has assisted in the closing of the Worcester office and their preparation of the proposal to seek new space. Commissioner Quiñones thanked Chairwoman Sunila Thomas George for coordinating the seamless transition. She welcomed Deputy General Counsel Nordbye and congratulated new Attorney Advisor Fisher.

Chairwoman Thomas George echoed Commissioner Quiñones' sentiments. She commented that opening the doors to the public allowed constituents the opportunity to come in and receive services while keeping them and the staff safe. She welcomed Diane Norbye and congratulated Jillian Fisher for her promotion.

### 5. Discussion of Consultant/Headhunter for the selection process of the Executive Director position

Chairwoman Thomas George opened the discussion by recapping Commissioner Quiñones' request to discuss the issue of hiring a consultant/headhunter for the selection process of the Executive Director position. Commissioner Quiñones responded that MCAD is not unique hiring a recruitment consultant for filling a key position. Doing so will allow an expanded network of applicants but provide MCAD a less hands-on approach in selecting interviewees.

She is not suggesting that the current Human Resource Director is not capable but states it is the first time MCAD would be hiring an Executive Director. Commissioner Quiñones reported that she reached out to OSD who handles the statewide procurement process for guidance on how to use another agency's procurement. Commissioner Quiñones shared a recent RFR that was posted from the Executive Office of Labor & Workforce Development for review and the research she did regarding recruitment.

Commissioner Neldy Jean-Francois thanked Commissioner Quiñones for her research and asked her if she had any experience with using a recruitment consulting company and what specifically are they tasked to do? Commissioner Quiñones remarked that as former Executive Director of Commonwealth's Affirmative Market/Supply Diversity Office, and the Director for Office of Diversity at the Department of Correction, she has experience working with the business sector at the policy level. She would be open to working with the Director of Human Resources Shirani Jiminez on this effort. She spoke with Human Resource Director Jiminez who agreed to be onboard to posting an RFR. Commissioner Jean-Francois followed up by asking if selection would be limited to the firms that respond to the Request for Response (RFR). She also asked if more information could be gathered with a Request for Information (RFI) prior to moving on to an RFR.

Commissioner Quiñones commented that the procurement is not complicated. She explained if the agency lacked subject matter expertise, the RFI would issue first then the agency would put together an RFR. In this situation, it is considered a small procurement and would not recommend time/effort to put out an RFI. Commissioner Quiñones suggests using a template from Executive Office of Labor & Workforce Development and modify it for MCAD purposes.

Chairwoman Thomas George understands from Commissioner Quiñones' research that there is no statewide contract for recruiters or headhunters. Commissioner Quiñones stated that because statewide contracts available for professional services are limited to temporary help, MCAD's RFR would have to be an agency specific RFR. Chairwoman Thomas George added that when there is no statewide contract for an agency to use, then a procurement has to take place with a RFR, receive bids, and conduct interviews. She stated this process will add time to hiring. She asked what a recruiter would do that the agency cannot do. Commissioner Quiñones stated that a recruiter is necessary to capture the best candidate with a wider net. Chairwoman Thomas George asked if the main reason for hiring a recruiter was for the limited purpose of getting the word out to capture a larger pool. She asked if all Commissioners were on the same page that it is the three Commissioners that hire the Executive Director, serve on the interview panel (in open session), and decide the qualities and skill set they desire. The Commissioners agreed. Commissioner Quiñones stated ideally, the consultant would recruit the candidates, conduct the first round of interviews, and select the top candidates for the Commissioners to conduct second round interviews. The RFR would define the scope of work. But there should be a discussion about the pros and cons of hiring a recruiter or having our Director of Human Resources manage the hiring process.

Chairwoman Thomas George expressed concern about a recruitment firm doing the first round of candidate interviewing. She stated that the Commissioners are most knowledgeable as to the needs of the agency. She stated the Commissioners should be part of the process and does not

agree that money should be spent hiring a firm to accomplish the same outcome as the agency. The process of hiring a consultant, drafting an RFR, and working with them while abiding by the open meeting law is cumbersome. Commissioner Quiñones stated that recruiters are subject matter experts and would take care of the heavy lifting which would not take away from the Commissioners' involvement in hiring. She stated it would be a good return on the investment and they will be paid on a contingency basis. She will send information about other agencies that have utilized a recruiter to hire an Executive Directors. Chairwoman Thomas George said there needs to be a lot more research before spending thousands of dollars on a procurement for work that the agency can do itself.

Commissioner Jean-Francois suggested next steps should be an RFI to gather more information as to what recruiters do and/or have done for other agencies. She would not be comfortable with an RFR because she cannot define the scope of work at the moment. She is not opposed to a recruiter going through a first round of resumes. Chairwoman Thomas George agreed that an RFI would be a better place to start because the scope of work is not defined, and it will take several more meetings in open session to figure that out. She suggested starting the search with the agency's Director of Human Resources and see the pool of applicants that attracts. If it is decided the pool should be expanded, then she would be open to hiring a consultant.

Commissioner Jean-Francois again suggested next steps should be an RFI to gather more information. Commissioner Quiñones stated she does not think an RFI is necessary and would not be in favor. She added that the agency and the Director of Human Resources will be overwhelmed if the recruitment was handled in-house. She added the Director of Human Resources will not be able to do any equity inclusion work because hiring will take up all her time. She suggested the agency would be investing back into the supplied diversity program if MA based Minority Woman & Small Business firms placed bids. Commissioner Jean-Francois questioned why it would be harmful to put out an RFI. She added an RFI would show what services are there in order to make a more educated decision for drafting an RFR.

Interim Executive Director Memmolo explained the differences between an RFI and RFR. He explained that when you issue a procurement, you could get a lot of information back that may or may not meet the needs of what is being sought. A more broadly written RFR could yield the same information as an RFI.

Chairwoman Thomas George stated that more research needs to be done and suggests finding agencies that have used a recruiter; was the recruiter helpful; and what was the outcome. She would like to discuss this with the Director of Human Resources and be sure it is done in compliance with the open meeting law. General Counsel Hosler provided that single staff members working with consultants would not be bound by the open meeting law. However, decision making would be in open meeting as well as any screening. Preliminary screening would need to be done in Executive Session.

Commissioner Jean-Francois stated she would be open to an RFR if it was written broadly enough to gather the same information as an RFI. She questioned if the agency would be bound to hire one of the firms that respond. Commissioner Quiñones explained the RFR process and timeline deadlines. She suggested speaking with OSD about the process and going to

CommBuys as research.

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

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

*Roll Call Vote:*

*Chair Sunila Thomas George                      Aye.*

*Commissioner Quiñones                              Aye.*

*Commissioner Jean-Francois                      Aye.*

*The motion passed unanimously*

Meeting adjourned at 2:15PM