



Massachusetts Commission Against Discrimination Meeting Minutes

Date/Time: October 18, 2022, 1:00PM
Place: Massachusetts Commission Against Discrimination
VIA ZOOM WEBINAR
<https://us02web.zoom.us/j/83494746343?pwd=UW1ncVUrSUgyUnhjM2xISFNkWXQwZz09>
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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:

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

I. 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.

II. Approval of Minutes - August 9, 2022

Commissioner Jean-Francois moved to approve the minutes from August 9, 2022.
Commissioner Quiñones seconded.

Roll Call Vote:

<i>Chair Sunila Thomas-George</i>	<i>Aye.</i>
<i>Commissioner Quinones</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>
<i>The motion passed unanimously</i>	

III. Commissioners' Update

Commissioner Quiñones shared that she was very happy to be in the Springfield office today working in-person with approximately 16 staff members, new investigators who are either onboarding or finishing their probationary period, and all working cases and complaints from central MA and the Worcester and Western MA area.

Chairwoman Thomas-George commented that September was a busy month for the MCAD. The Regional EEOC Conference, hosted by our RI contingency in Providence. It was the first in-person EEOC conference since 2019. She added that remote public hearings have been going well and was happy to see the Hearings Unit up and running again.

IV. Interim Executive Director's Update

Interim Executive Director Michael Memmolo shared that many positive developments took place at the MCAD since the last public meeting. He echoed the Chairwoman's sentiments regarding the EEOC Regional Conference. He thanked the EEOC and the Rhode Island Commission for Human Rights for hosting the Conference.

Interim Executive Director Memmolo announced that the MCAD's FY22 EEOC contract was completed on September 30, 2022. Although still waiting final confirmation relative to the contractual obligation on case submission requirements, he stated that he is confident that the agency has met that goal. He thanked the staff and Commissioners for the great teamwork and effort to reach this important goal.

Interim Executive Director Memmolo provided a personnel update, stating that being fully funded allowed the MCAD to restaff to pre-pandemic levels. He announced Commissioner Quiñones' reappointment by Governor Baker and provided an update on recent hires and promotions. Mayrose Gravalec-Pannone, Administrative Supervisor in Boston, Michelle Barrasso, Compliance Officer in Springfield, Julie Dascoli, Mediator in Boston, Juanita Duvall, Compliance Officer in Springfield, Yasheen Deval, Housing Compliance Officer in Boston, Brianna Cullins and Nathalie Nemours, Administrative staff in Boston, and Amanda Dupuis, Administrative staff in Springfield, and Andrew Espinoza, the new Deputy Chief in our Investigations unit. He mentioned that there are still positions to filled, but 80% of staffing goals have been met. Positions in the Training Unit, Clerk's Office, Attorney Advisor Unit have been posted. He thanked the staff involved in the hiring process and reported MCAD held its first in person onboarding training since 2019.

Interim Executive Director Memmolo provided an update on the Worcester Office closing. MCAD's Worcester office has sold and has been taken over by the Worcester Redevelopment Authority and he has begun looking for new space in the area. The Worcester office will be closing on October 31, 2022, and the website has been updated. Outreach to stakeholders and legislature has been ongoing to let them know of the closing and need for new space. He thanked the Commissioners, for working with him on the RFP process. He is currently working with DCAMM to speed up securing and opening new space in the Worcester Area.

Interim Executive Director Memmolo announced that the week of October 31st, the launching of kiosks, in-person intakes, and limited walk-in traffic will begin. An announcement will be made on the agency website. He also shared that in-person public hearings will begin in November. They will be livestreamed to the website to provide public access.

Interim Executive Director Memmolo discussed the need to start planning the FY24 budget and submission to ANF. Staffing is the primary bulk of the budget and anticipates an additional \$500,000 in payroll and will make this request to ANF. This does not include any collective bargaining and manager increases. It does include step increases and incidental payroll chargebacks. The Commissioners spending plan priorities will continue to be funded in FY24 (internship program, training and the Worcester office and New Bedford space). Therefore, additional funding of \$548,000 will be needed to operate in FY24 making the increase ask to \$8,189,154. Spreadsheets will be generated and shared with Commissioners prior to sending to ANF.

Commissioner Quiñones asked if there were allocations for increases in the Investigations Unit, or whether that will be considered in next year's budget. Michael Memmolo stated that administrative and investigator staff position will exceed levels before COVID-19. Chief of Investigations, Kenneth Callahan, has made a recommendation as to numbers of hires needed. This year will be greater than pre-COVID-19 staffing levels and likely to continue in FY24.

Commissioner Jean-Francois asked if salaries would be increased to retain investigators. Michael Memmolo stated that initial offers have been increased. He also confirmed that Compliance Officer and investigator positions for Boston have been posted.

V. Discussion of proposed policy

General Counsel Deirdre Hosler requested formal approval from the Commissioners for a method of recording policy decisions made at open meetings. She recommended to proceed with a numbering system and index, i.e., "MCAD Commissioners Meeting Policy Question -01 [short description of policy]" and posting of such policy decisions on MCAD website with the minutes. Other policies that are discussed and voted on that are robust, written policies with documents, will be published as documents that are discussed at open meeting.

Commissioner Jean-Francois moved to approve the policy as described. Commissioner Quiñones seconded.

Roll Call Vote:

<i>Chair Sunila Thomas-George</i>	<i>Aye.</i>
<i>Commissioner Quinones</i>	<i>Aye.</i>
<i>Commissioner Jean-Francois</i>	<i>Aye.</i>
<i>The motion passed unanimously</i>	

Interim Executive Director Michael Memmolo sought approval the following policy on electronic signatures:

The MCAD hereafter accepts electronic, or e-signatures, on all documents requiring a signature for filing with the agency, including, but not limited to, complaints and withdrawal forms. This policy applies to documents filed in every stage of the complaint process, whether filed pre-determination or post-determination.

The agency has been allowing electronic signatures under a COVID-19 policy. Approval would make that change permanent and standardize the process.

Commissioner Jean-Francois moved to approve the policy as described. Commissioner Quiñones seconded.

Roll Call Vote:

Chair Sunila Thomas-George Aye.

Commissioner Quinones Aye.

Commissioner Jean-Francois Aye.

The motion passed unanimously

VII. Discussion of Executive Director job posting; recommendation to proceed with job posting to begin the hiring process of a permanent Executive Director

Chairwoman Thomas-George stated she was delighted to have an MCAD Executive Director posting and that it is an historic time for the Commission. An Executive Director will move the MCAD forward in an operational way while allowing the Commissioners to move the needle forward in a substantive way. This will allow the Chair and Commissioners time to address more substantive issues in cases, hold more public hearings, and issue more decisions in those cases. The Chairwoman continued that the agency strives to eliminate backlog of cases in both investigations and those awaiting public hearing. The Executive Director position will allow the Commissioners to focus on the agency's mandate and do more to eradicate discrimination. The Executive Director will focus exclusively on the day-to-day operations of the agency while the Commissioners focus on what the Legislature tasks the agency to do. She thanked advisory board members, stakeholders, executive branch, and MCAD staff.

Commissioner Quiñones proposed a motion to have an outside consultant on board to recruit and assist with the hiring and selection process to eliminate any bias given the Interim Executive Director is a current employee.

Chairwoman Thomas-George stated while casting a wide net for candidates is a good idea, Commissioner Quiñones' motion is not related to the agenda item. She suggested the Commissioner first have an offline discussion with the Director of Human Resources regarding finding a consultant to assist with the process. Chairwoman Thomas-George reminded the Commissioner that the vote before the Commission is about the posting itself and not the hiring process. She suggested tabling the motion to a time when they are discussing the hiring process.

Commissioner Quiñones wanted to bring the motion to the floor because it is relative to next steps in the hiring. If the Commissioners approve, she will have a discussion with Director of Human Resources.

Commissioner Jean-Francois seconded Commissioner Quiñones' motion for discussion.

General Counsel Hosler advised that the hiring process, as it now stands, can be discussed, but a significant change to the current hiring process would need to be a clear agenda item in a notice of open meeting before discussion. She also recommended that as a practical matter, a discussion and a vote to change the hiring process should have the benefit of research by the Director of Human Resources.

Commissioner Quiñones remarked that it is not unique for a state agency to hire a consultant to assist with hiring particularly where one candidate is an employee in an acting position, and others are subordinate. She agreed to table the issue for another meeting.

Chairwoman Thomas-George suggested that Commissioner Quiñones speak with the Director of Human Resources to get her understanding on costs and resources. Chairwoman Thomas-George would like to table the motion for discussion and include hiring a consultant as an agenda item on a following agenda.

Commissioner Jean-Francois questioned how to move forward with hiring following tabling.

Chairwoman Thomas-George stated that the main goal of the meeting was to get the posting posted. An agreement on the job positing could entail posting on a certain date. Commissioner Quiñones stated a preference to vote on the job description after discussing the hiring of a consultant. Commissioner Quiñones suggested the interview process should be part of an open meeting.

Commissioner Jean-Francois was curious about what role a consultant would have in the process and wanted an opportunity to speak with the Director of Human Resources and have the issue placed on the next agenda.

The Chairwoman suggests discussing the posting and stated that it is in-line with other Executive Director description and will consist of what the Interim Executive Director is currently doing.

Commissioner Jean-Francois questioned if the Executive Director would have unilateral authority to make decisions or make recommendations to the Commissioners for decisions. Chairwoman Thomas-George stated the Executive Director is the appointing authority and would oversee the day-to-day operations of the agency, make operational decisions and be consistent with what the Interim Executive Director is doing now. The Commissioners will focus on substantive work and oversee the hiring and firing of the Executive Director. General Counsel Hosler added that the posting indicates where the Executive Director would have decision-making authority, including appointing authority.

Commissioner Jean-Francois stated that other Commissions make decisions on hiring agency personnel and vote on them at open meetings. She asked if the Commission would be willing to do the same, specifically for new and backfill manager positions. She stated Commissioners

should be part of the hiring process for managers because they are key positions, and Commissioners taking part in the process would not take away from the Commissioners' mission at the agency. Chairwoman Thomas-George stated that hiring, including all managers, is in the purview of the Executive Director. She reiterated that the Commissioners need to focus on the substantive work of the agency, and scheduling an open meeting, discussing, and voting on a manager's position would be burdensome to the Commission.

Commissioner Quiñones commented that in the past, Commissioners were involved in creating and discussing postings, creating panels, and making recommendations. Regarding key leadership roles, Commissioner Quiñones suggested Commissioners be involved in working with Executive Director and a take team approach to hiring key staff.

Commissioner Jean-Francois motioned to add language to the Executive Director job description for Commissioner approval for management positions.

Commissioner Quiñones seconded the motion.

Roll Call Vote:

Chair Sunila Thomas-George *Nay.*

Commissioner Quinones *Aye.*

Commissioner Jean-Francois *Aye.*

The motion passed.

Commissioner Quiñones asked whether there will be a vote on the job description. General Counsel Hosler recommended tabling the vote on the prepared job description because based on the discussion, it does not have quorum approval as written. The posting would need revision, and the formal process for hiring, including a suggestion of hiring a consultant, can be put on an agenda for a later date.

The Commissioners then discussed several potential edits to the job description. Commissioner Quiñones stated there are typographical errors in the job description. She recommended changing the word "oversees" under the Budget and Finance portion, #1, (*"oversees agency budget process"*) and replacing it with *"responsible for the agencies budget process."* She suggested on #3, adding after the word "procurements," *"insuring compliance with the state's supplier diversity program goals."* as it aligns with our mission of having equal access.

Commissioner Jean-Francois recommended adding *"should have law degree or legal field"* under the Preferred Qualifications section. She questioned how the agency looks at *"demonstrates exemplary ethical standards."* Chairwoman Thomas-George explained they would ask references about their integrity and how they performed or if there were any ethics violations.

VIII. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting

None

VIII. Next Meeting Date : Tuesday, November 8, 2022, at 1:00PM

IX. Commissioner Jean-Francois moved for adjournment. Seconded by Commissioner Quiñones.

Roll Call Vote:

Chair Sunila Thomas-George Aye.

Commissioner Quinones Aye.

Commissioner Jean-Francois Aye.

The motion passed unanimously

Meeting adjourned at 2:45PM.

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
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)

*DRAFT MCAD Executive Director job description for Commissioners’ consideration at 10/18/22
Commissioners Meeting*

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
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
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

*DRAFT MCAD Executive Director job description for Commissioners' consideration at 10/18/22
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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. 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
4. Develops and presents information to legislators, analysts and staff about Commission funding needs
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, 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

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

*DRAFT MCAD Executive Director job description for Commissioners' consideration at 10/18/22
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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