

Meeting Minutes
Tuesday, March 7 2023, 6:00pm
Worcester City Hall, Levi Lincoln Chamber (3rd flr), 455 Main Street
Virtual meeting link:
<https://cow.webex.com/j.php?MTID=m9d233db4f78bb0528628acf433e3ce8a>
Meeting number: 2311 007 3698 Password: C6GputMFp79 Phone: 415-655-0001

Attendance:

Present: Chairperson Guillermo Creamer Jr., Jorge Lopez-Alvarez, Jamaine Ortiz, Edward G. Robinson, Ellen Shemitz, and Jacqueline Yang

Absent: Elizabeth O’Callahan, Charles Hopkins, LaToya Lewis

Staff: Jayna Turchek

Guests: Michael Memmolo, Interim Executive Director of the Massachusetts Commission Against Discrimination (MCAD), and Robin Schwartz, Consumer Rights Program Manager, Worcester Office of Human Rights & Accessibility

Call to order and introductions

Chairperson Creamer opened the meeting at 6:00pm and welcomed the members. Ms. Turchek provided the technology instructions for public access to the meeting.

The Chairperson began with an acknowledgement of the traditional, ancestral, territory of the Nipmuc, the first people of Massachusetts and those whose land we are convening on tonight. While the Nipmuc history predates written history, records from the 1600s inform us that the original inhabitants of Worcester dwelled principally in three locations: Pakachoag, Tatesset (Tatnuck), and Wigwam Hill (N. Lake Ave). It is important to make this acknowledgment and to honor the ancestors that have come before us. It is all too easy to live in a land without ever hearing the traditional names and the history of the people who first resided and prospered in these lands and continue to reside and prosper.

The Human Rights Commission was established to promote the city’s human rights policies. It is the policy of the City to assure equal access, for every individual, to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals in the city. Our work requires us to address institutional racism so that as a community we can achieve racial equity. Our work also requires us to make visible the unheard, unearned, and unquestioned privilege enjoyed by some members of our community to the detriment of others. We take time to make this acknowledgement, to educate, so a path can be cleared for healing.

Ms. Shemitz shared the terms of the Commission:

The term “institutional racism” refers specifically to the ways in which institutional policies create difference outcomes for different racial groups. The institutional policies may never mention any racial group, but their effect is to create advantages for whites and the oppression and disadvantage for people from groups classified as people of color.

The term “racial equity” is the active state in which race does not determine one’s livelihood or success. It is achieved through proactive work to address root causes of inequalities to improve outcomes for all individuals. That is, through the elimination or shifting of policies, practices, attitudes, and cultural messages that reinforce differential outcomes by race or fail to eliminate them.

The term “privilege” describes the unearned social power and informal institutions of society to all members of a dominant group. For example: “white privilege” and “male privilege.” Privilege is usually invisible to those who have it because we are trained to not see it but nevertheless it puts them at an advantage against those who do not have it.

The Chairperson then recognized Commissioner Lopez-Alvarez. He will be leaving the Commission and was thanked for his service on the Commission.

Approval of meeting minutes from January 9, 2023 and February 6, 2023

The Chairperson moved approval of meeting minutes from January 9, 2023 and February 6, 2023. Commissioner Shemitz seconded the motion. All approved by roll call 6-0-0.

Conversation with Michael Memmolo, Interim Executive Director of the Massachusetts Commission Against Discrimination (MCAD)

<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>

The Chairperson welcomed Mr. Memmolo. Ms. Turcek asked Mr. Memmolo when the Worcester office was going to open and if the new location was known. She also asked the he explain what the MCAD office does and how to gain access to staff in the interim.

An office in Worcester is important as well as statutory. MCAD was in Worcester in the 1970’s with a gap in the 1990s. In 2007 the Office was in City Hall and most recently the Denholm building which is now closed, thus the MCAD closed the office. The MCAD Commission met in July to discuss the options. He worked with the Capital Assets and Maintenance (DCAM) and on the RFP went public on October 24, 2022 with a due date on December 8th. On December 9th, he was notified that 8 bids had been received. There have been site visits in keeping with the Commission’s directive to stay in the downtown area. The Commissioners received the final recommendation this

afternoon and will be meeting this Monday, March 12th in Executive Session. In addition to downtown location, accessibility and transportation were factors for the decision.

The MCAD Commissioners want to keep the office the same size and functionality as before CoVID. There was some attrition prior to CoVID. During the pandemic services and meetings were able to continue virtually. Priority is to intake/ listen to peoples' complaints and provide the appropriate service. Boston and Springfield offices are open with limited intake. When Worcester opens there will be announcements of the opening, access remotely and in person services ramping up from there to services prior to CoVID.

Commissioner Shemitz asked about the line between what the state Commission and the Worcester Human Rights Commission does? 85% of the complaints the state Commission sees involves employment and the other 15% are about public accommodations. The overlap would be in that the Worcester Commission is aware and partners with the state's work to seek complaints are filed and adjudicated.

The state Commission has a training unit that informs and training the public about the Commission's work. Sadly this has been interrupted by CoVID. Securing training staff and others who do anti-discrimination work is hard to find and secure.

Can you share the outreach plan?

The training staff is down to two people; at the height there were four people. They do cold calling to cities and towns and agencies who would be in contact with people who may need MCAD's help. About four years ago there was a public service announcement campaign with the transit authorities. This year EEUC has asked MCAD if a joint PSA would work in the summer. They are trying to do PSA's earlier in the year.

Has there been any work with schools or teachers?

A lot of the training is with employers and in the housing area including landlords. There was a presentation to a Boston University class recently about the work of MCAD, but generally they do not do schools.

Chairperson Creamer asked because he wanted to know how the residents of Worcester, primarily renters could learn about this resource. He will keep this idea in mind.

What is the filing deadline and are there fees?

In most cases it is 300 days since the last discriminatory act and there is no fee. We are an alternative to court. Post CoVID there are about 28,000 complaints filed a year and that will grow year after year.

Would it be possible to receive a copy of the presentation recently presented on MCAD? Yes, he would make that possible.

Can you walk us through the life cycle of a complaint?

1. Interview with an investigator going through a checklist (What happened, who was involved etc.)
2. Reviewed internally for any time and judicial issues
3. Once reviewed it will be put in the investigative pool which has been hardest hit staffing wise. The complaint will be assigned to an investigator.
4. The assigned investigator will follow up with complainant.
5. The assigned investigator will follow up with the compline for a sworn position statement.
6. Complainant is asked to respond to the position statement
7. Investigator will then determine probable cause of discrimination. Along with Attorney and present to MCAD Commissioner
8. MCAD Commissioner makes a decision of probable cause or not.
One of MCAD Commissioners oversees the Investigations.
9. If probable cause exists it goes to administration and processed similar to a court proceeding.
10. If there is no resolution the case will go to reconciliation
11. If still no resolution there will be a public hearing. With testimony etc and MCAD Commissioner making a decision.
12. The appeal process would involve the full membership of the MCAD Commission.
13. A further appeal would be to go to court.
(There is usually a time frame for much of these steps.)
Regulations were updated in 2020.

What are the remedies if the complainant is successful?

- Back pay
- Position reinstatement
- Others are in the regulations
- There are punitive damages if the other side losses
- Mandatory trainings
- Financial costs
- Payment of Attorney fees etc.

The City Manager has proposed a reorganization that effects this Commission and the investigations done by the Commission, can you help us understand the overlay between the work of MCAD and our Commission? If someone in the City came with a complaint to our Commission would our Commission or the State Commission hear the complaint.

The Municipal Commission would follow the municipalities by laws if a discrimination complaint was made. The complainant would have the right of taking the discrimination complaint to State or Federal levels per statue. He indicated willingness to discuss the situation to see what would be most helpful for each other.

In closing there is eagerness to see the MCAD office location and services in Worcester again and look forward to working together to alleviate discrimination.

Annual update from the Worcester Consumer Rights Program
www.worcesterma.gov/human-rights/know-your-rights/consumer-rights

Robin Schwartz, Program Manager has been with the program for about four years and her co-worker for about a year. Both work part time for about a total of 47 hours a week.

She presented by way of a PowerPoint:

1. Who we are and what we do?

- The Worcester Consumer Rights Program (WCRP) consumer advocacy group that is funded by the Massachusetts Attorney General's Office (AGO) to promote awareness, education and intervention in consumer disputes and assist in finding common resolutions.
- The program is voluntary and does not carry any cost to either the consumer or business.
- WCRP is one of 18 local consumer programs (LCPs) in the Commonwealth of Massachusetts. *Working in cooperation with the MA Attorney General's Office*
- This program has no enforcement power.

2. Common themes in consumer complaints:

Car Sales and Financing
Defective Products
Home Improvement Contracts
Consumer Fraud
Debt Collection
Telemarketing Fraud
Utility Bills
Identity Theft

3. Supported Communities

WCRP serves the residents of Worcester and neighboring towns of Auburn, Berlin, Blackstone, Boylston, Clinton, Cochrane, Douglas, Grafton, Holden, Hopedale, Leicester, Medway, Mendon, Milford, Millbury, Millis, Millville,

Northborough, Northbridge, Paxton, Shrewsbury, Southborough, Sutton, Upton, Uxbridge, West Boylston and Westborough.

Worcester's program has added a few towns this year. The Metro-West Program closed and then another agency reopened and served fewer towns. Worcester has the towns that are not now served by Metro-West.

4. Consumer Rights Agencies

Worcester Consumer Rights Program
Human Rights and Accessibility Office
Room 101, Worcester City Hall, 455 Main Street
Worcester, MA 01608
P: (508) 799-8486 F: (508) 799-1218

Attorney General's Office
Central Massachusetts
10 Mechanic Street, Suite 301, Worcester, MA 01608
<https://www.mass.gov/how-to/file-a-consumer-complaint>
P: (508) 792-7600 F: (508) 795-1991

Federal Trade Commission
600 Pennsylvania Avenue, NW, Washington, DC 205580
<https://www.ftccomplaintassistant.gov>

5. Trends

The WCRP has seen a rise in complaints:

- From elderly and disabled consumers
- From consumers who don't speak English
(The program utilizes Language Line Interpreter Service. This service is helpful. There can do a conference call to include a business and the consumer with interpreter)
- For auto-related problems (could be 40% to 50% of complaints)

6. Program specific results for Mid-Year FY 2023

Worcester Office of Human Rights and Disabilities (LCP)

Cases	
Cases Received	393
Cases Closed	444
Amount saved/Recovered	\$ 173,695.50

Resolution Rates		
Resolved Cases Closed	248	56%
Unresolved Cases Closed	186	42%
Other		2%
Avg. Case length (days)	66	
Open Cases as of 1/9/23	129	

Totals for the 18 Local Consumer Programs

Cases Received	4725	
Cases Closed	4654	
Cases Resolved	2277	49%
Cases Unresolved	2135	46%
Other		2%
Avg. Case length (days)	92	
Total recovered/Saved	\$ 1,472,021.94	

7. National Consumer Protection Week

March 6 – 10, 2023

50th Anniversary of Local Consumer Programs

WCRP Events throughout March:

- Tabling at local libraries and senior centers
 - Constant Contact E-mails
 - Presentations

8. Useful Tips

Know your credit score before applying for a loan

www.annualcreditreport.com

Search the vehicle history report before you make a purchase

Ask dealer to provide a free report

www.carfax.com

www.nicb.org

Report or dispute any unusual activity on your credit report immediately

Equifax: 888-202-4025

TransUnion: 855-681-3169

Experian: 888-397-3742

Verify that your contractor is licensed in MA

www.mas.gov/ocabr/licensee

Report unfair business practices

www.bbb.org/central-western-massachusetts

www.consumerfinance.gov/complaint

Get your warranty information before making a purchase.

Questions:

How does the program reach people who speak different languages, immigrants, of different cultures, low income and/or afraid to speak up about what is happening to them?

Ms. Schwartz verified that these are the people who are using the program. We try to reach these people with the outreach and she knows there is a lot more that can be done. Between CoVID, staffing shortages and taking on the additional towns, we are trying to keep our heads above water. Ms. Turchek supported these comments and said their were two temporary staff openings to be filled.

Commission suggested places to do outreach with: food pantries, schools.

Follow up on February 6 discussion regarding the proposed reorganization of the Executive Office of Diversity and Inclusion, and the Department of Health & Human Services

Agenda for March 2, 2023 Municipal and Legislative Operations

www.worcesterma.gov/agendas-minutes/standing-committees/municipal-legislative-operations/2023/20230302.htm

Video recording of the meeting: <https://play.champds.com/worcesterma/event/1678>

At the February 6 meeting the Commission discussed the City Manager's reorganization proposal that was submitted to city council. The Commission had some concerns. On February 7 the City Council sent the items to the Municipal Operations and Legislative Sub-Committee for review.

This Sub-Committee met on March 2 and voted to hold item 8.6 (the racial equity audit) which means they will continue to discuss this item. They filed 8a which was the memo discussed at the Commission's last meeting. They recommended approval of 8b the reorganization ordinance which will go back to Council.

Ms. Turchek met with the City Manager on February 7 and he rejected doing a public survey as suggested by the Commission. The Commission discussed what a survey would accomplish and decided to request a meeting with the City Manager. The Commission agreed to ask for a meeting with the City Manager and the Commission leadership to understand the role and time commitment expectation of the Commission considering the proposed reorganization plan that appears to affect the Commission's role. Hopefully this meeting would take place prior to the Commission's April meeting.

The Chairperson moved to request a meeting with the City Manager and Mr. Creamer, Ms. O'Callahan and Ms. Shemitz to determine the role and time commitment of the Commission members relative to the reorganization. Ms. Shemitz seconded the motion. Approved unanimously by roll call 6-0-0.

Adjournment

The Chairperson moved adjournment at 7:19pm and Ms. Shemitz seconds. All approved by roll call 6-0-0.

Next meeting: Monday April 3, 2023, 6pm, Annual meeting with the Worcester Fair Housing Project

www.worcesterma.gov/human-rights/know-your-rights/fair-housing