

Proposed Minutes of HRC Meeting Tuesday, June 4, 2019

Members Present: Rossi, Walsh, Fenton and Carella

Members Absent: Whitley

Staff Present: Caiazzi, Johnson

The Meeting was called to order by Chairperson Carella at 6:20 p.m..

Carella opened the meeting, inviting Chelsea Collaborative's Yessenia Alfaro to make her presentation first in order on the Agenda, with the Commission taking up the balance of business thereafter.

Alfaro is a member of the Chelsea Collaborative and the Chelsea School Committee. Her presentation was about Wage Theft and the City's Ordinance. She handed out information regarding Wage Theft in the Commonwealth and discussed the legislative effort in bringing about changes at the local level. With respect to allegations of late pay or no pay by individuals who seek help from the Collaborative, the Collaborative works with both the Attorney General's Office (Fair Labor Division) and Harvard Law School student lawyers in meeting with, screening, and, where appropriate, prosecuting cases involving this and other disparate treatment for Chelsea workers.

Alfaro explained that individuals or groups come to the Collaborative where they meet with Alfaro, the primary point person for people seeking help with immigration, with wages or employment issues, and with landlord tenant issues, for example. Alfaro gathers information. As part of the process, individuals and groups of workers also meet either with the AG's office or with the student lawyers to determine, in the first instance, whether there is a colorable claim for wage theft, for example. Many of these people are not keen to go to police or to court for a legal remedy for violations to which they've fallen victim as doing so may expose them to immigration-status or deportation issues.

By way of example, Alfaro discussed the case of a woman whose landlord walked into the apartment while the woman was showering. One involved a woman whose landlord propositioned her in exchange for not raising rent. One involved a company that did not pay worker's compensation to an injured employee.

Alfaro expressed concern about the delays sometimes experienced by claimants who brought matters to the MCAD, for example. The Collaborative, for that reason, frequently involves, or threatens to involve the media. Toward the goal of lending weight and gravity to their claims, the Collaborative was asking the Human Rights Commission to lend its support to the Collaborative's process by, for example, sending letters to area businesses on HRC letterhead or conducting investigations for claimants who begin their journey at the Collaborative but for whom, for whatever reason, legal process is not advisable.

Rossi remarked there was always a shortage in the Pro Bono assistance. Caiazzi explained to Alfaro that the HRC does not take up generalized complaints of wage theft, for example, but works on a case by case basis. Each claimant must complete an intake form or be interviewed by staff to the HRC. If appropriate, HRC staff reaches out to putative respondents and then, if appropriate, will bring the matter to the HRC for decision whether referral to a third party is appropriate or whether mediation may be appropriate. To date, no such complaint received by staff to the HRC has risen to the level

meriting the body of the HRC to consider. Regardless, the purpose of the HRC was not to take sides or to advocate. The purpose of the HRC was to investigate and, where appropriate, mediate or refer out.

Carella would like to see a log or journal from Collaborative describing the breakdown of types of cases or complaints handled as a means for determining where the HRC might find the most need to investigate.

Caiazzi expressed an opinion that records from the Collaborative given to staff from the HRC may become public records, to the extent confidentiality was a concern of the Collaborative. To address this concern, Rossi suggested that information provided be general and not contain names.

Rossi further stated that the HRC's role was not the same as that of the Collaborative. The Collaborative could be useful as a "first step" in the process, but staff to the HRC (ie, the Chelsea Law Department) would only be the next step. And then, only if it were determined a matter for mediation or potential referral, would the HRC as a body pass on appropriate "next steps."

Alfaro suggested another meeting in the Fall of 2019, akin to the previous Meet & Greet between the Collaborative and the HRC. She further suggested that the HRC be funded to help the causes and outreach program. She suggested trying to pass an Ordinance to fund or get grant money for the HRC, with the goal of having the City Council give HRC more "bite" in helping residents."

Members present thanked Alfaro for her comments. Business then turned to the balance of the agenda. Walsh moved to adopt Proposed Minutes from HRC Meeting of April 2, 2019. Rossi seconded. All members present voted in the affirmative and the Minutes were adopted.

Caiazzi stated that there were no new claims. The Commission turned to old business. Caiazzi gave an update on the status of the Members' April, 2019, request for the Law Department to draft monthly or bimonthly a legal blurb expanding on various topics of discrimination law with the purpose of the HRC then publishing that writing in the local newspaper. Caiazzi indicated that she had confirmed that no such action could be taken by the Law Department; however, to the extent Members wanted to draft such a document, present it to the full Membership for voting and approval, and then get the document published, they were free to do so provided that any such publication was within their ethical limitations. That is, where there is no budget for the HRC and no money to pay for publication, to the extent any individual member obtained a favor (like access to free publication) from the publisher that an ordinary citizen would not have, there was an obvious concern for an ethics violation.

Walsh inquired why the Law Department was present at the meetings and, more generally, what right the Law Department had to weigh in on HRC's proposed ideas. Caiazzi was not prepared to answer that question and volunteered to report back to the Membership at the next meeting.

Walsh disagreed that the Law Department had the authority to advise the HRC as to the HRC's communications with media. Caiazzi repeated her offer to respond to this inquiry at the next meeting, inasmuch as she was unprepared to respond at that time.

Walsh objected that she did not understand why or under what authority the HRC was subject to the City Solicitor's Office; she disagreed that it should be the "final word."

Rossi disagreed with Walsh, stating that he understood the role of the Law Department in the function of the HRC.

Carella proposed to vote on extending the meeting from a monthly meeting to meeting every two months beginning in September, 2019, unless there were claims for the Commission's consideration. Fenton brought the Motion; Rossi seconded. The Commission voted. Rossi voted "yes." Carella voted "yes." Fenton voted "Yes." Walsh voted "No."

Carella motioned to adjourn, Fenton seconded the motion. All present voted in the affirmative. The meeting adjourned at 7:23 p.m.