

UNOFFICIAL DRAFT SUBJECT TO APPROVAL BY THE COMMITTEE AT ITS NEXT MEETING

MINUTES OF THE MEETING

**MASS CULTURAL COUNCIL
EXECUTIVE COMMITTEE**

TUESDAY, JANUARY 25, 2022

ONLINE MEETING

Committee Members Present were

Nina Fialkow, Chair
Marc Carroll, Vice Chair
Jo-Ann Davis
Troy Siebels

Staff Members Present were

David Slatery, Deputy Director
Catherine Cheng-Anderson, People & Culture Director
Bethann Steiner, Public Affairs Director
Ann Petruccelli Moon, Special Assistant to the Executive Director & Leadership Team
Carmen Plazas, Communications Manager

Chair Nina Fialkow called the meeting to order at 11:30am and asked Deputy Director David Slatery to read the Open Meeting Law statement:

Please note that this meeting is an open meeting of a public body subject to the Massachusetts Open Meeting Law. A notice of this meeting together with the agenda was posted on Mass Cultural Council's website 48 or more hours ago (excluding weekends and holidays).

This meeting shall be open and accessible to all members of the public except at such times when this body has voted to go into closed executive session under the Open Meeting Law.

This meeting is a virtual meeting held under the Open Meeting Law as modified under current law to permit online open meetings. This meeting is being broadcast to the public on a publicly available YouTube or other channel as described in the publicly posted meeting notice. Only Council members, staff and invited participants and guests will be

provided access to the Zoom or other videoconferencing platform hosting the meeting. As a safety measure, to prevent disruption of the meeting or non-public communications among the participants, the Chair, Vice Chair and Executive Committee of Mass Cultural Council has asked staff to implement the following protocols for participants in on-line meetings of Mass Cultural Council or its committees:

- Any "chat" or similar function on the Zoom platform hosting the meeting shall be disabled.
- Other than Council members or participants specifically recognized by the Chair of the meeting, all Zoom platform participants will be muted and have no ability to share media or documents or project or type images or text.
- All participants in the Zoom platform must enter a waiting room and digitally sign-in before being admitted.
- Any attendee in the Zoom platform who nonetheless causes a disruption will be summarily removed from the meeting at the discretion of the Chair.

This meeting is not a public hearing and public testimony will not be taken. Individuals may not address the meeting without permission of the Chair.

Any member of the public may record this meeting provided that they do not interfere with the meeting. The Chair will then inform the members of the meeting that they are being recorded.

Draft minutes of the open session of this meeting shall be kept and shall be posted on Mass Cultural Council's website no later than 30 days after the meeting provided that such minutes shall not be considered official until they have been approved by this body in open session. Individuals asserting a violation of the Open Meeting Law may file a complaint with this body within 30 days or with the Attorney General's office thereafter.

Nina explained that the purpose of this Special Meeting of the Executive Committee is to clarify Executive Director Michael Bobbitt's vacation time, as it was not specifically referenced in his contract when he was hired last year. The clarification would specify that Michael was intended to accrue five weeks of vacation annually, which is the same number of weeks former Executive Director Anita Walker accrued at the time she retired. When the full Council met and voted to appoint Michael as the Agency's Executive Director, the issue had not been specified discussed. Nina and Vice Chair Marc Carroll met recently with Catherine Cheng-Anderson, the Agency's new Director of People & Culture, and Catherine advised them had advised that when determining a vacation leave benefit the council should take into consideration the requirements of the Massachusetts Equal Pay Act and assign Michael a vacation leave package comparable to other agency heads within state government and stated that as Anita Walker had earned 5 weeks of vacation leave prior to her retirement, and it would be reasonable for Michael to receive the same level of vacation benefits retroactive to his start date. Nina also consulted Council Member Barbara Schaffer Bacon to offer her thoughts about this as Barbara was part of the Executive Director Search Task Force. She was unable to join today's meeting as a guest but had shared her thoughts.

All parties agreed that the Council's intention had been to provide the same vacation accrual as had been provided to the previous Executive Director.

Nina noted this item would be addressed briefly at Thursday's full Council Meeting. She then asked Catherine how this clarification would be recorded and Catherine explained that an official letter from the Agency's People Operations Department to Michael would be created to update this particular portion of his contract.

Troy Siebels asked if Michael's vacation time accrual was something that simply wasn't enunciated when he was hired and Nina responded that it in fact was just an oversight and not addressed specifically in any of the documents or discussion. David added that because the search firm didn't include this in Michael's offer, so the Agency staff treated Michael as any other new employee in terms of vacation accrual as it had received no specific instructions to do otherwise.

Nina let Committee Members know that she had reached out to Wyona Lynch-McWhite at Arts Consulting Group (the search firm contracted to conduct the Executive Director search) and Wyona was surprised she hadn't formally addressed this at the time of Michael's hiring. Nina also noted from meeting minutes that former Council Member Sandra Dunn had asked if Michael would receive the same benefits package as Anita Walker and the answer was yes, although vacation accrual was not specified. Nina elaborated that the purpose of this meeting is to confirm that it was the Council's intent that Michael be provided the same vacation accrual as had been provided to Anita at the time she retired.

Troy expressed that he thought this made sense and that it would make sense to clarify on paper.

Jo-Ann Davis agreed and asked if there are any other benefits that need to be clarified. Catherine responded that she did a full review of Michael's benefits and the only thing that needed clarification was his vacation time.

David clarified that he'd previously spoken to Barbara Schaffer Bacon who is not a member of the Executive Committee but served on the Search Task Force. Barbara agreed that it had been intended that Michael receive annual accrual of five weeks of vacation and also had asked if he would eventually receive six weeks' accrual.

Catherine stated that under the current policy, Michael would be eligible to receive six weeks of vacation once he reaches 19.5 years of state service. She further clarified that Michael is subject to the Commonwealth's "use or lose" policy. He can only carry over two years' worth of accrued vacation time. Based upon today's discussion, Catherine will add this language to Michael's letter. Jo-Ann Davis agreed this was the most appropriate and equitable approach.

Catherine confirmed that she would draft a letter to reflect the clarification discussed in this meeting and would share a copy of the letter with Committee Members.

There were no further questions or discussion and Nina, as Chair, adjourned the meeting at 11:44am.