



# THE PROVIDER

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## Social enterprises allow Council members to mix mission and service

### *Sharing knowledge, skills in new markets*

Creating a social enterprise is a little about good timing, and a lot about supportive leadership and finding the special niche of services that your agency is uniquely well positioned to provide while serving its mission.

Council members that have created a project to help meet revenue needs while fulfilling their missions — often called a social enterprise or social innovation — spoke of their experiences and offered some advice for agencies looking to take the plunge.

For Dr. Gary Lyon, director of youth services and special initiatives at Centerboard in Lynn, it was the work of advancing Diversity, Equity and Inclusion (DEI) and sharing the experience and knowledge his organization has gained over many years.

Centerboard has increased its proportion of people of color in leadership roles from 14 percent to 45 percent, he said, and leaders there have immersed themselves in training and learning

about the DEI process. Even after many years training and using diversity curriculum and models the work is still challenging, he said.



Northeast Arc staff and volunteers arranging displays for the new parcels boutique at The Center for Linking Lives in Danvers.

"As an organization there was the sense that we needed to start sharing our story with organizations who are in the same place we were ten years ago, we do this work well and we still make mistakes," he said. "Our leaders here

were 100 percent supportive and with us every step."

Lyon and Kim Hopkins, director of innovation and planning at Centerboard, debuted Centerboard's DEI consulting social enterprise in a workshop at the Council's 45th Annual Convention & Expo: SpeakUp4Equity in late October and are currently starting to market the 10-week curriculum they created to outside agencies.

"It doesn't happen overnight. I would advise others to find that niche of work that they love and want to share. Really nurture it and get the key people in place in line with your mission and vision," Lyon said.

Danvers-based Northeast Arc has developed several social enterprises over the years, including the Breaking Grounds coffee shop, a caning company, a shredding business and the SHINE homemade jewelry initiative.

The organization's latest effort, The

ENTERPRISES, see page 7

## Ch. 257 funds reserve at \$160m for FY'21

The Massachusetts House and Senate in November agreed with Governor Baker's proposal to fund the FY '21 Chapter 257 Rate Reserve (1599-6903) at \$160 million, though differences in the line item's language in each chambers' spending plans were set to be worked out in Conference Committee as the Thanksgiving holiday neared.

The Council and other trade organizations that make up The Collaborative sent a letter on Nov. 23 to House and Senate budget conferees, urging them to include language from the House's version of the FY '21 budget proposal that would create a study of median salaries for several human services positions and the 75th percentile wage estimate for those same positions as determined by the Bureau of Labor Statistics.

The Council also expressed its appreciation to Gov. Charlie Baker and legislative leadership for including \$160 million for the Chapter 257 Reserve. The account is essential to supporting movement toward market salaries for

BUDGET, see page 6

## Council urges Trump administration to drop damaging executive order

More than 100 community-based human services organizations joined the Providers' Council and other membership associations in November to sign a letter urging the Trump administration to withdraw Executive Order 13950, Combating Race and Sex Stereotyping.

The Council - along with the Association for Behavioral Healthcare, Association of Developmental Disabilities Providers, the Children's League of Massachusetts and the Massachusetts Association of 766 Approved Private Schools (maaps) - co-authored a letter noting that the community-based human services sector in Massachusetts and its diversity, equity and inclusion efforts would be negatively impacted by this executive order.

"While the Executive Order notes that it is 'appropriate and beneficial' to

provide training to employees on creating an inclusive workplace, we believe your order will diminish the amount of training that takes place. It seeks to identify specific concepts that will be prohibited, but the description of these concepts leaves considerable ambiguity as to what content would not be permitted in diversity and inclusiveness training," the letter reads.

"Further, there is a great deal of subjectivity around how certain content will be perceived by different individual—for example, the definition of 'divisive concepts' is unclear. Because the ultimate threat of debarment is a possible consequence, we fear this may have a chilling effect on organizations providing training. This may prevent organizations from hosting valuable

ORDER, see page 7

## Introducing...Incompass!



LifeLinks CLASS of Chelmsford, serving 800 individuals in greater Lawrence and Lowell, has become Incompass Human Services. (Top and left: staff attend event unveiling the new identity and logo.)



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# PROVIDERS' NEWS AND NOTES

## Several Council members named to Top 100 Mass. Women-Led Businesses List

*The Boston Globe* and The Commonwealth Institute, a nonprofit that supports female business leaders, named several Council members to their 2020 Top 100 Women-Led Businesses in Massachusetts. Together, the 100 companies on the list represent a total revenue and operating budget of \$71.1 billion.

Council members named to the list and their leaders include: **North-east Arc** (9), Jo Ann Simons; **May Institute** (30), Lauren Solotar; **Ascentria Care Alliance** (40), Angela Bovill; **Pine Street Inn** (49), Lyndia Downie; **Toward Independent Living and Learning** (TILL) (50), Dafna Krouk-Gordon; and **Morgan Memorial Goodwill Industries** (57), Joanne Hilferty.

## Rev. June Cooper to step down from City Mission as executive director in May 2021

Rev. June Cooper has announced she will step down from her role as executive director at **City Mission** in May 2021. A transition committee has been formed to select her successor. Cooper has served the 200-year-old Boston-based organization committed to economic and racial equity for underserved families since 2003.



Rev. June Cooper

"I count myself to be one of the most fortunate of people in that I have served an organization and city that I love. Words fail to express the gratitude I have to God and to you for the privilege of serving as the executive director of City Mission," Cooper said in a letter to the community.

## Satya Montgomery Named as Vice President/Chief Operating Officer at Riverside Community Care

**Riverside Community Care** announced that Satya R. Montgomery has been promoted to Vice President/Chief Operating Officer. In this newly created position, Dr. Montgomery will oversee Riverside's services, as well as key projects and initiatives.



Satya R. Montgomery

Dr. Montgomery previously served as vice president for Behavioral Health Services, overseeing Riverside's Outpatient Behavioral Health Centers and Emergency Services.

The new position of Chief Operating Officer was created in response to Riverside's rapid growth and expansion. Dr. Montgomery has a 25-year career in community-based behavioral healthcare. She is a Licensed Independent Clinical Social Worker and holds a Ph.D. from Boston College Graduate School of Social Work and an M.B.A. from the Massachusetts Institute of Technology.

## Stubbs selected for BusinessWest Women of Impact Class of 2020

BusinessWest will honor its third annual class of Women of Impact on Dec. 10.



Sue Stubbs

This year's class includes Sue Stubbs, president and CEO of **ServiceNet**.

Stubbs was selected for the honor by growing her agency dramatically by "recognizing needs and welcoming innovative ideas to meet them," the publication said.

## Finding a New Way to pay it forward



John Moriarty (right) helps staffers at Mental Health Association's Chicopee's New Way residence assemble COVID-19 care packages for local seniors containing personal care items donated by the community. Moriarty is a new resident who believes "the more you help, the more you heal."

## REACH and Casa Myrna among agencies receiving \$497K for heating aid

Massachusetts Attorney General Maura Healey announced grants of nearly \$497K to nine Massachusetts nonprofits to help low-income households pay off or lower their natural gas heating bills. Among those selected were Council members **REACH** and **Casa Myrna**.

"Each winter, thousands of Massachusetts households struggle to come up with the funds to pay their monthly heating bills, and we expect many more to be in need this year amid the COVID-19 public health crisis," said Healey.

## Community Work Services and Career Collaborative join Forces

**Community Work Services** (CWS) announced that the Boston-based workforce development organization Career Collaborative will be joining CWS to advance a shared mission of helping low-income individuals achieve long-term sustainable employment.

Career Collaborative's innovative programs and seasoned staff will enable CWS to expand its programs to incorporate Career Collaborative's comprehensive job-readiness and on-going career coaching offerings, said Craig Stenning, executive director of CWS.



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# PROVIDER PROFILES

## CASA MYRNA

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### About the Agency

Casa Myrna believes every relationship should be safe and healthy. Our mission is to deliver solutions to end domestic violence through intervention, awareness and prevention.

Founded in 1977 by activists in Boston's South End to provide safety for women who were being abused by their partners, today we are Boston's largest provider of shelter and supports for adults, youth and families.

Each year, we provide over 2,000 survivors with the tools they need to recover from the trauma of abuse and build sustainable economic stability.

All our supports are free and available in English, Spanish and other languages.

Our staff closely mirrors the community we serve—over 60 percent are bilingual in Spanish and English and 10 percent speak other languages. We also actively engage survivors throughout all levels of our organization—over 60 percent of staff identify as survivors.

Casa Myrna's \$7.6 million budget is comprised of multiple funding streams, including government, individual and foundation support, United Way and events.

Casa Myrna is proud to be the lead agency in the Boston Region Domestic Violence Partnership, a collaboration of Boston area domestic violence organizations, hospital-based programs, working together to support survivors as they fight to overcome the impact of the COVID-19 pandemic.

### Supporting survivors of domestic violence



Left: Staff of Casa Myrna marches together to raise awareness of domestic and dating violence. Right: Casa Myrna staffer embraces a former program participant (face not shown.)

Casa Myrna is a pioneer in creating innovative, responsive programs that address the immediate and long-term needs of families, youth and children made homeless by domestic violence.

Our founding shelter, the Mary Forman Residential Shelter, established in 1977, was one of the first shelter programs in Boston. In 1993, Casa Myrna opened our Teen Parenting Program, Boston's only transitional living program for pregnant and parenting teenage girls made homeless by domestic and family violence. In 2007, Casa Myrna expanded to community-based supports by reaching out to survivors at easily accessible locations in their neighborhoods like hospitals, courts, health centers and churches. Our presence in the community ensures that survivors, who may otherwise suffer in silence, have access to advocacy and supports.

Casa Myrna also operates SafeLink, Massachusetts' statewide 24/7 toll-free domestic violence hotline that answers 28,000 calls annually. Our public awareness and healthy relationship education activities engage 2,500 teens and adults through workshops, trainings and social



media. Throughout our history, our work has been to support survivors as they reach sustainable economic and housing stability. Established in 2007, Casa Myrna's financial literacy education and matched savings programs help survivors build long-term financial stability and take back control of their money and future. Our housing advocacy program, created in 2006, has since grown to provide homelessness prevention resources and rapid rehousing for survivors and their families.

In recent years, Casa Myrna has developed expertise in youth-focused intervention, prevention and awareness initiatives targeting Black, Latinx and immigrant youth who experience domestic and dating violence. Programs incorporate a full spectrum of prevention and intervention supports for marginalized Black, Latinx and immigrant youth ages 14-18 in Boston, including our youth-led Peer Leader Program, a peer-driven prevention social marketing campaign, and advocacy supports for youth. Currently, we are developing a teen-focused, teen-staffed chat and hotline.

### Executive Leadership

Stephanie Brown became the chief executive officer at Casa Myrna in July 2013.

Previously, she served as the assistant commissioner for policy,

program and external relations at the Massachusetts Department of Transitional Assistance. She also served as executive director of Homes for Families, manager of domestic and sexual violence policy and programs for the Massachusetts Executive Office of Health and Human Services and as a policy analyst at Jane Doe Inc.



Stephanie Brown

Brown is committed to centering survivors' voices in all aspects of Casa Myrna's work. She serves on the Governor's Council to Address Sexual Assault and Domestic Violence and is also a longtime Board member and volunteer at the Boston Area Rape Crisis Center.

Brown is proud of her history of activism for social justice going back to her days as an undergraduate student at the University of Florida, where she organized speak outs and marched with Take Back the Night. She has been a part of the Casa Myrna's community since 1995, when she started volunteering at the organization.

## SALUTING THE CARING FORCE

### 'Lucky' to be able to help others

Richard Kierstead of **American Training** knew from an early age he wanted to spend his life taking care of people. When he was growing up, his elementary school would reward students' good behavior by allowing them visit with and help others with developmental disabilities.

"I just loved being a part of their lives on those days," he said. "I just knew it was something I would always do."

Now, after more than 30 years on the support staff at ATI Kierstead, 50, said he cherishes the thought of growing old in his chosen vocation and with the people he cares for. It's the meaningful aspect of his work, he said, that has kept him at American Training his entire working life, during an era in which longevity in the workforce is rare.

Kierstead currently works in a home with three 22-year-old men, where, in addition to handling their basic needs, he is helping them set their own personal goals.

"One of the men I care for wants to learn how to cook, so we've worked out a way for him to make meals at home a few days a week so he can get an initial feel for what a



Richard Kierstead

cooking class might entail," he said. "We let our people know that they don't need to have some overarching goal, or even a specific one, just jump right in and figure out what's working, what's overwhelming or what's wonderful."

As with any job, Kierstead has seen his share of ups and downs. He fondly recalls accompanying a woman he was caring for on trips to see Phantom of the Opera and Les Misérables at the Boston Opera House. But another woman for whom he'd taken care of for nine years passed away from kidney failure at age

36, which he said was very difficult. When asked if it's hard to separate the professional relationship from the personal one, he said it's never occurred to him that they were separate. "This isn't a 'profession' for me as much as it is a 'purpose,'" he said.

Frank Laratonda, director of ATC's specialized housing said: "Richard is always going above and beyond to provide the best quality services to our residents. He consistently works extra shifts and missed his vacation this year in order to support our residents during the pandemic."

### Robbins staff goes the extra mile

To say 2020 has been a year of change would be an understatement.

Many struggle with change as they adapt to the "new normal" and the **Robbins Children's Programs** School Age Educators have instead taken this change as an opportunity to step out of their comfort zones to become masterful in promoting and supporting successful remote learning with all children enrolled in the program.

Similar to the worry, anxiety and fear of the un-

known around preparing to reopen after a four-month closure for care due to COVID, the apprehension in planning to begin remote learning created another set of concerns for the already stressed staff, said Executive Director Janice Chabot.

"Staff wondered how we could successfully support almost 80 children representing seven area communities, from 16 different schools in grades K-6 - all while following all COVID-19 protocols to keep the children and themselves safe," Chabot said. "Thankfully our dedicated staff have truly stepped up, thought outside of the box and have found creative ways

to not just make it work but make it work well and have all children are logging in and learning each and every day."

Partnering with the parents/guardians and the schools has been a large key to this accomplishment as the Robbins staff have reached out to all public/charter

school teachers and parents to build a team for each child to ensure individual success.

"By building supportive teams for each our staff have been able to facilitate a

positive, productive and consistent learning environment to foster educational growth and development for all children," Chabot said.

"I want to salute our incredible staff, their hard work, passion for making a difference in the lives of children, flexibility and dedication to the children, our program and teamwork," said Chabot.

"Without this great staff, the remote learning experience would not have the positive impact and supportive environment that we have onsite all day, every day."



Robbins' educators team approach



# EDITORIAL



Michael Weekes  
President / Publisher

## Whether early, by mail or in person, America went to the polls

In what has been widely described as the most consequential election in recent history, Americans went to the polls last month. And they went with a level of enthusiasm and participation that was literally unprecedented in our nation.

As a nation, America has often been heralded as the epitome of democracy. Yet, we know the truth is that we also suffer from voter suppression and voter apathy. In fact, when the Pew Research Center compared voter participation levels among 35 nations, America's participation level ranked at number 30 – fifth from the bottom – behind Mexico, Lithuania and the Czech Republic.

And while the "count" continues today, primarily due to senseless calls of voter fraud and legal maneuvers from the Republican Party and the incumbent president, a record turnout was achieved. That is a spot of good news.

The United States Elections Project led by Michael McDonald noted that the 2020 presidential election had the highest turnout in 120 years. That is an incredible level of participation, with 66.9 percent of an eligible 239 million voters casting a ballot. (Why one out of three voters passed on this election is a subject for another story.) Massachusetts, as of last count, was projected to reach a statewide high of just over 67.2 percent turnout, ranking seventh in the nation behind six states, including Minnesota, where 74.1 percent of eligible voters turned out, and New Hampshire, which saw 71.4 percent turnout.

As we know, there are far too many who tried to dissuade voting and are even now trying to disenfranchise those who did vote with scurrilous attacks on voting officials, widely unsupported claims of fraud and attacks on our democracy. These attacks are not only unsupported by evidence, but in some cases, they also underscore racial prejudice and a hatred of others.

The late U.S. Rep. John Lewis foresaw this possibility and tried hard to restore important provisions of the Voting Rights Act. Clearly, we have more work to do with the next administration.

While the conclusion still seems to be needlessly debated by too many Americans, the turnout was unmistakable. African-Americans, who are disproportionately affected by the scourge of COVID-19, also had to endure the perennial pandemic of racism, as the killings of George Floyd, Breonna Taylor, Ahmaud Ar-

bery and others continue to shake this nation's core. Voices that were heard on the street through protests and unrests resonated at the ballot box where African-Americans represented up to 30 million voters.

And the youth vote also reached new heights. According to a report from the Tufts University Center for Information & Research on Civic Learning and Engagement, "Across the nation, young people made their voices heard in the 2020 elections: our current estimate of youth turnout suggests that 52-55% of young people voted, which could turn out to be the highest rate since the 26th Amendment lowered the voting age to 18 in 1971."

As of this writing, the incumbent president has refused to concede, though President-Elect Joseph Biden has 306 electoral votes to Trump's 232 and won the popular vote by more than six million votes. Further, Trump's claims of fraud and systemic irregularities have been thrown out of nearly all courts.

Americans went to the polls, and now our nation's voters should be heard and respected. It is time to end the contest of tearing down and begin the process of building up a nation that is deeply divided and therefore weakened before its adversaries. While record numbers went to the polls, both candidates reached record number of votes. The deep divide in our nation is disturbing.

We, at the Council, will work with the incoming Biden-Harris Administration to support the restoration of hope and opportunity to those in the human services sector who are homeless, hungry or otherwise in need of support. We also pledge to protect our children and elders who may be the most vulnerable, and the many other residents who need a fair chance.

We must seize this opportunity for change—not only to focus our attention but to also increase our actions toward a just and fair America for Black, Indigenous, People of Color (BIPOC) too.

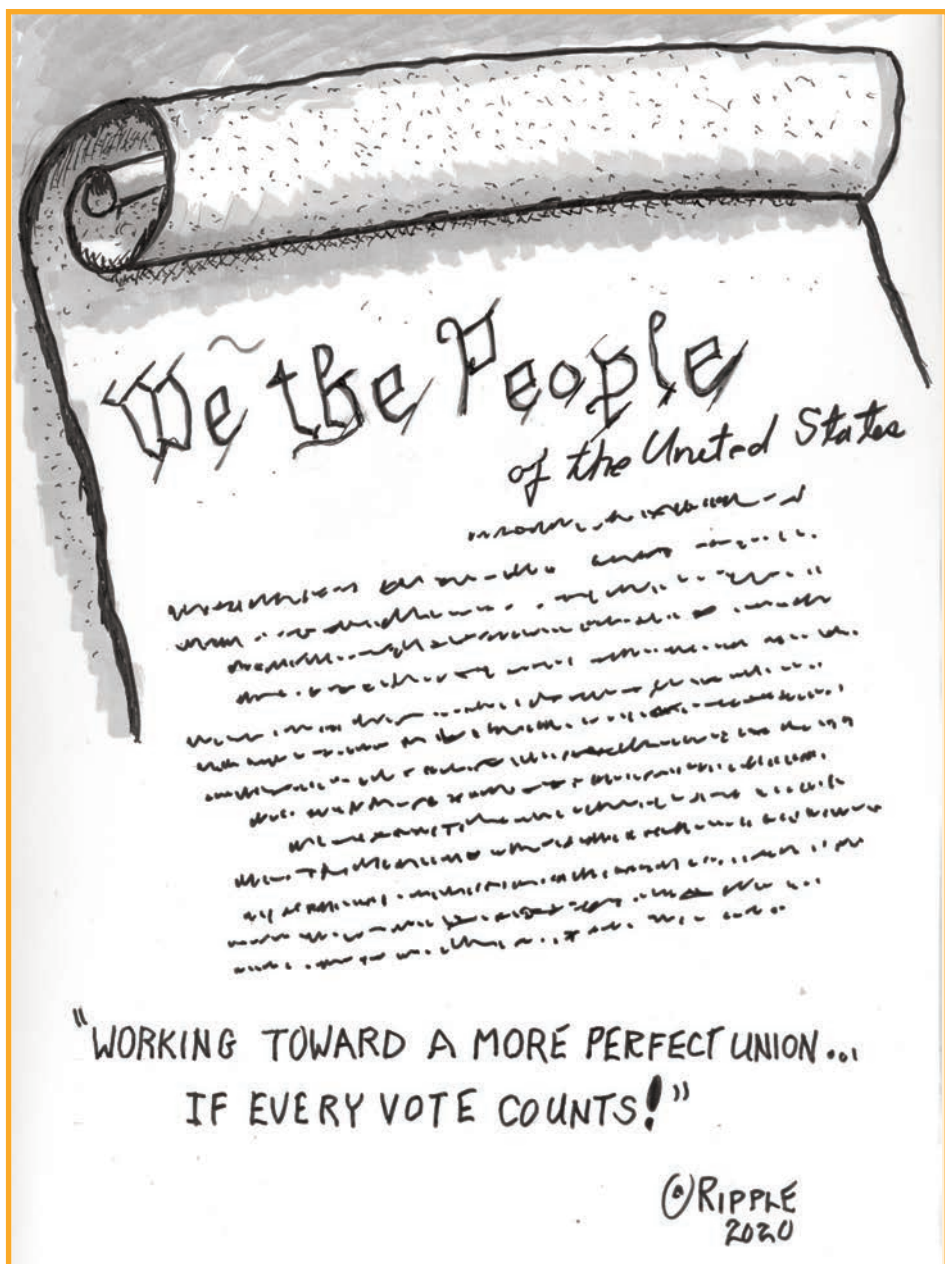
We can do it together. We must do it together, as far too many are facing the scourge of illness as COVID-19 deaths now total over 257,000 deaths nationwide. We need clear and committed leadership, with all of us doing our part.

As former President Barack Obama extolled recently, "Our democracy needs all of us more than ever."

Let us make that a sincere New Year's resolution for 2021.

*The 2020 presidential election had the highest turnout in 120 years.*

*- Michael McDonald, The United States Elections Project*



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## AIDS offers pandemic lessons

By Michelle Smith and Lester Paquin

As we mark the 32nd anniversary of the first World AIDS Day on December 1, 1988, we do so in the embrace of yet another pandemic, one which, like AIDS itself, was unforeseen and deceptively (even seductively) deadly.

To be sure, AIDS was not the world's first pandemic. The list of previous ones is horrific in its length and consequence.

But AIDS was different. It emerged in mystery, grew in confusion and misunderstanding, and, unlike its deadly disease predecessors, targeted a certain segment of the population both in terms of its wrath and discrimination. The illness was just one terrible part of it; the accusatory ignorance and hurt heaped upon the suffering population of predominantly gay males.

A generation and a half later, the novel coronavirus emerged. Like AIDS before it, the virus seemed to appear out of thin air and slammed into its victims with deadly effect. Unlike the initial outbreak of AIDS, however, COVID-19 does not afflict one predominant segment of the population. It does not discriminate between young and old, male and female, or any personal creed or identity. All are at risk. All may suffer. All may die.

That is, unless or until we confront COVID-19 with the same knowledge and vengeance we employed against AIDS three decades ago, once the scourge of that plague was identified. At this writing, there is no effective treatment for the coronavirus, just as there was no effective treatment for HIV and AIDS at the beginning.

However, that changed for HIV and AIDS. Diagnoses of these serious health afflictions are no longer automatic death sentences. With treatment and the miracles of modern medicine, people with HIV and AIDS are able to live long, productive lives. And thankfully, the stigma attached to those afflicted is slowly abating.

And so it will eventually be with COVID-19. Vaccines are emerging. Talk of administering doses of these life-saving sera is accelerating by the day. And there is an incoming presidential administration that "gets it."

It is not hyperbole to state that we are coping with an unprecedented public health emergency.

As such, we must set aside political posturing. COVID-19 does not care what political philosophy we adhere to, what religion we embrace, what color we are, who we choose to sleep with, how much money we have or if we're saintly or deplorable.

AIDS Project Worcester (APW) was established in the year preceding the first World AIDS Day to address the fundamental challenges facing those whose lives were at risk of forfeit. Issues such as medical care, housing, nutrition, emotional and physical support and an individual's dignity and legacy became the mission of APW. Thirty-three years later, these vital concerns remain an integral part of our purpose.

But they are no longer the only aspect of who we are and what we do. Our assistance and community have expanded over the years to include a wide range of supportive services to those living with AIDS, HIV and HCV, STIs and a wide range of addictive substances and behaviors. We provide a panoply of client services, including help with securing and maintaining housing, medical treatment and insurance, a needle-exchange program, a food bank and a host of educational opportunities focusing on prevention and wellness.

And it is from this heritage of identifying need and applying creative and meaningful solutions to critical situations that we have successfully pivoted to aggressively addressing the COVID-19 crisis in our community.

We have risen to the challenge here at APW. We created and maintain one of the state's first mobile COVID-19 testing programs. We're out in the community, meeting the public where they need us to be, performing the services they require and for which we are uniquely trained and dedicated. It hasn't been easy, nor will our efforts diminish anytime soon.

More than anything, APW has proven that it is not only possible, but necessary, to adapt to public health emergencies and crises as they arise - with a respectful, competent, non-judgmental efficiency that we are proud and capable of, and which the community deserves.

*Michelle Smith is the executive director of AIDS Project Worcester. Lester Paquin is its data manager.*

## Vaccine is most potent flu preventative

By Dr. Holly Oh

Vaccines are unequivocally one of the most effective public health interventions of modern science. Yet, there continues to be skepticism and misinformation about vaccines circulating among the general public.

As a pediatrician, I spend significant time and energy educating my patients and families about the effectiveness and safety profile of vaccines and dispelling myths.

As we observe this year's Flu Vaccine Awareness Week, at the same time that the COVID-19 pandemic is ravaging our world, it is vital to remember that the best way to prevent the flu is by getting an annual flu vaccination.

Every year in the United States, between 5 percent to 20 percent of the population on average gets the flu; more than 200,000 people are hospitalized from complications; and about 36,000 people die. Older people, young children and people with certain health conditions (such as asthma, diabetes, or heart disease) are at high risk for serious flu complications.

As this year's flu season gets underway during the COVID-19 pandemic, we can remind our patients, clients, friends and family of the difference between the two viruses. COVID-19 seems to spread more easily than flu and causes more serious illnesses in some people.

Even if someone is asymptomatic or their symptoms go away, it's possible to remain contagious for at least 10 days after testing positive for COVID-19. It can also take longer before people show symptoms of COVID, and during this period, they may be contagious. Influenza develops within one to four days after exposure, while COVID 19 may remain asymptomatic, or cause symptoms between two and 14 days after exposure.

The complications of the flu are serious, and include bacterial pneumonia, ear infections, sinus infections, dehydration and worsening of chronic medical conditions, such as congestive heart failure, asthma or diabetes.

As practitioners, we play a significant role in educating people about the flu vaccine and encouraging them to get vaccinated every year. The "flu shot" is inactivated vaccine (containing killed virus) given with a needle.

Specific target populations who should be encouraged to get the vaccine include: children aged six months and older; pregnant women; people 50 years of age and older; people of any age with certain chronic medical conditions; people who live in nursing homes and other long-term care facilities; and people who live with or care for those at high risk for complications from flu.

It is important to remember that vaccination is not advised in some populations, including people who have a severe allergy to chicken or eggs; those who have had a severe reaction to a flu vaccination in the past; people who developed Guillain-Barre syndrome within 6 weeks of getting an influenza vaccine previously; babies under the age of six months. In addition, people who have a moderate or severe illness with a fever should wait to get vaccinated until their symptoms lessen.

Yearly flu vaccination should begin in September or as soon as vaccine is available and continue into the coming months. Although influenza outbreaks can happen as early as October, most of the time influenza activity peaks in January or later. And the exact timing and duration of flu seasons vary from year to year.

The COVID-19 pandemic has created tremendous strain, challenges, and uncertainty in our population that will have a lasting effect, especially on low-income people of color. As we look ahead to the coming months and await a coronavirus vaccine, one of the most powerful tools we have right now to keep our communities safe and healthy is the flu vaccine.

Let's take the powerful step to get vaccinated and encourage others to do so.

*Dr. Holly Oh is the chief medical officer of The Dimock Center in Boston.*

## Volunteers on nonprofit boards may be personally liable for unpaid wages

By Sharon C. Lincoln, Anita S. Lichtblau and Stephanie Smith

We are nearing the first anniversary of a first-of-its-kind ruling by the Massachusetts Supreme Judicial Court. The SJC's ruling in *Lynch v. Crawford* in December 2019 has particular relevance right now as many nonprofit organizations are facing budget shortfalls due to the COVID-19 pandemic and its economic ramifications.

In the case, the SJC ruled that the federal Volunteer Protection Act ("VPA") provides "qualified immunity from suit" for officers in nonprofit organizations who receive no compensation. This means that both the VPA and the Massachusetts charitable immunity statute protect volunteer officers and directors from being sued (not just from being found liable after the case is tried) so long as they don't fall under an exception from the statute (e.g., the VPA excludes from protection volunteer officers who engaged in criminal activity).

The SJC also ruled that this qualified immunity applies not only in cases involving common law torts but also to violations of statute.

However, the SJC's ruling provides a sobering reminder that despite these broad protections, volunteer officers and directors may still be found personally liable under the Massachu-

setts Wage Payment Act ("Wage Act") for nonpayment of wages - with its attendant automatic treble damages provision - if the facts indicate that the qualified immunity under the VPA and charitable statute does not apply.

**The Facts**

In March 2013, Roxbury Comprehensive Community Health Center, Inc. ("RoxComp") ceased operations and all of RoxComp's employees were laid off. However, Keith Crawford, the chair of RoxComp's board of directors, instructed RoxComp to pay two vendors instead of paying the wages that were still owed to the former employees.

The employees sued Crawford under the Wage Act. The Wage Act treats the "president and treasurer of a corporation and any officers or agents having the management of such corporation," as the "employer" - along with the corporation - for Wage Act purposes. On this basis, the Wage Act imposes personal, individual liability for unpaid wages on the President, Treasurer and other responsible officers and agents.

Crawford moved for summary judgment, arguing that he was immune from suit under the VPA and charitable statute. The trial court judge denied his motion, and the lower appellate court held that Crawford was not entitled to appeal the denial at this stage of the litigation.

Crawford sought further appellate review by the SJC.

**SJC Ruling**

The SJC disagreed with the lower appellate court and held that Crawford was in fact entitled to appellate review now (as opposed to after trial), finding that Congress intended the VPA to provide volunteer officers in nonprofit organizations with qualified immunity from being sued, as opposed to immunity from liability. The Court found that the right to be immune from suit would be hollow if a volunteer could nevertheless be dragged into court and forced to spend time and resources establishing his or her entitlement to immunity.

However, and importantly, as to the merits of Crawford's motion for summary judgment, the Court agreed with the lower court judge and allowed the case against Crawford to continue. Viewing the facts of the case in the light most favorable to plaintiffs, as it must do in the summary judgment context, the SJC considered whether there was a "genuine issue of material fact as to Crawford's entitlement to the protection of either statute."

The VPA generally provides that criminal conduct, among other actions, disqualifies a volunteer from immunity. Under § 85W, a volunteer whose acts or omissions were "intentionally designed to harm" is also disqualified from immunity.

In this case, the SJC concluded that there was a material issue of fact as to whether Crawford violated the Wage Act, and since any such violation constitutes criminal misconduct, it would exclude Crawford from immunity under the VPA. In addition, the SJC found that there was a material issue of fact as to whether Crawford, as RoxComp's President, acted with an intentional design to harm employees by failing to pay them their wages and was therefore excluded from the immunity protections of § 85W as well. Accordingly, Crawford's motion for summary judgment was denied.

**Conclusion**

The practical import of SJC's ruling is that while volunteering to serve on the board of a nonprofit organization can be a rewarding way to support worthy causes and essential social services, and carries with it substantial statutory protection from being sued, in matters involving the payment of wages to the nonprofit's employees, those who serve in governance roles must prioritize meeting payroll or face personal liability for not doing so, particularly if the nonprofit is in a troubled financial situation.

*Sharon C. Lincoln, Anita S. Lichtblau and Stephanie Smith are partners at Casner & Edwards LLP.*



# BUDGET: Council continues to advocate for earlier ALTR dates

Continued from Page 1

direct care, clinical and nursing staff in child/youth, developmental disabilities, mental health, substance use disorder and other services.

The Council had advocated for an amendment would ensure that Adult Long-Term Residential (ALTR) Services rates were implemented, effective July 3, 2020, though neither chamber adopted the amendment nor included it in its budget plan. The Executive Office of Health and Human Services is proposing to include limited bridge funding and change the implementation date to January 1, 2021.

Ravi Simon, the Council's public policy and communications associate, testified at a rate hearing on Friday, Nov. 20, urging EOHHS to implement the ALTR rates on July 1, 2020. Numerous other trade associations and providers also urged EOHHS to maintain July 1, 2020 as the effective date for the rates. Switching the effective

date could impact providers' ability to provide high-quality services to clients and consumers.

In other budget news: The Providers' Council and a dozen of its members asked the Conference Committee to include the House language for Employment Services Programs (4401-1000) that would ensure a funding floor for Competitive Integrated Employment Services (CIES) at no less than FY '20 spending levels.

The Providers' Council and a group of trade associations is supporting an amendment to the Senate budget that would extend the deadline for organizations that self-insure for unemployment and are facing massive costs due to COVID-19. The amendment was not present in the House version of the budget.

The Council will provide updates to members throughout the budget process. For any questions about other line items, Council members can contact Bill Yelenak at [bill@providers.org](mailto:bill@providers.org).

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## A VIEW FROM THE HILL

*A commentary from a legislator on human services*



# Creating economic opportunity for all Massachusetts residents

**By Sen. Nick Collins, Rep. Dan Hunt and Rep. David Biele**

Thirty years ago, the Americans with Disabilities Act ("ADA") was signed into law, prohibiting discrimination based on disability in all areas, including employment.

In keeping with the important legacy of the ADA, it is crucial to examine the workforce and employment opportunities for persons with disabilities to identify obstacles in the workplace and identify opportunities for increased participation and success in the workplace.

In examining the workplace in 2020, individuals with disabilities face an extremely high unemployment rate across the country. In Massachusetts, the population of individuals with disabilities is approximately 389,450, and 64 percent of these men and women are unemployed.

Legislation we filed earlier this session (H.2671/S.1810, *An Act Relative to employment of persons with disabilities on state contracts*) proposes to address this high unemployment rate by including hiring benchmarks for individuals with disabilities on state contracts.

These include, but are not limited to janitorial and custodial services, landscaping services, mailroom services, food services, fleet management, manufacturing, trash removal, document destruction, electronic scanning of documents, and facility management services.

History and research have consistently shown that individuals with disabilities can and want to work. In 1938, the federal government passed the Wagner-O'Day Act to open up markets to individuals who were blind.

The legislation was subsequently amended in 1971 to include persons with significant disabilities and to provide long-term employment opportunities for persons with disabilities in the delivery of products and services to the federal government.

The program resulting from those two federal legislative initiatives, known today as the AbilityOne Program, is among the largest sources of employment in the United States for persons with significant disabilities. Annually, the program employs approximately 45,000 people per year who are blind or have significant disabilities, including 3,000 veterans.

In the Commonwealth, the program employs individuals with disabilities in federal buildings in a

wide range of occupations, including custodial services, mailroom services, heating, ventilation, and air conditioning (HVAC) services, and other building maintenance functions.

We have been fortunate to speak with workers employed through this federal program and tour their workplace. We have been impressed with their professionalism, work ethic and dedication to their craft. In each of these conversations, the message is clear and consistent: these men and women want to be in the workplace and make a paycheck by working with dignity and respect.

Similar to these federal initiatives, H.2671/S.1810 can create meaningful employment opportunities for persons with disabilities on state contracts and address high rates of unemployment.

In addition to empowering individuals and putting people to work, this legislation is also fiscally responsible. According to the Massachusetts Office of Disabilities, the cost of supporting a person with a disability enrolled in benefits is \$42,000 per year.

Many of these individuals need and should receive these benefits, and countless others are eager to join the workforce but are unable to obtain meaningful employment opportunities.

A recent study indicates that employing a person with a disability can eliminate payment of entitlement benefits to that person while generating an average of \$6,918 per year from taxes collected from employment.

Stated differently, when an individual with a disability secures a full-time, competitive job, the amount of money saved at the local, state, and federal levels is approximately \$50,000 per person.

The past year has increased the unemployment rate across the Commonwealth, especially for individuals with disabilities.

As we continue to discuss economic development, job creation, and workforce development, we have an opportunity to create an inclusive economy, close the gap in unemployment for persons with disabilities and ensure that everyone has the opportunity to work with dignity and succeed in the workplace.

*Sen. Nick Collins represents the First Suffolk District, Rep. Dan Hunt represents the Thirteenth Suffolk District and Rep. David Biele represents the Fourth Suffolk District.*

*The opinions expressed in A View from the Hill and Viewpoints from Across the State are those of the author and do not necessarily reflect the views or opinions of the Providers' Council or its members.*



# ENTERPRISES: Academic and community partnerships help feed agency projects

Continued from Page 1

Center for Linking Lives, opened its doors in October; it is 26,000-square-foot of office, training, educational and retail space at the Liberty Tree Mall in Danvers, said Noah Leavitt, director of marketing and communications.

The huge space features feature parcels, a 1,000-square-foot retail boutique storefront selling items made by individuals with disabilities, or produced by companies owned by individuals with disabilities.

Opening a retail space during a pandemic has had its challenges, Leavitt said. Foot traffic at the mall, however, is starting to pick up as people hear about the store and its offerings, which come from all across the country. "People are really excited to support the individuals by supporting the store," Leavitt said.

Leavitt said two merchandising experts from local retailing giant TJX, owner of the HomeGoods chain, volunteered their time to offer advice on boutique set-up, seasonal displays and other ways to attractively display the peppers, jams, jewelry, textiles and other handicrafts.

"They really helped us establish that boutique look," he said. He recommended nonprofits who want to establish retail social enterprises consider local businesses who might

like to offer expertise as an in-kind donation or volunteer partnership.

"Ask yourself, who are some major retailers in your area who can support you?" he said.

Other members took advantage of

The BC students were "phenomenal" Potter said. "They helped us develop a business plan and research partnerships for management of the farm. They were full of energy and so smart."

COVID-19 has stopped the farm planning for now, Potter said. At the suggestion of the donor, the funding was redirected to PPE needed to withstand the pandemic. Amego leaders hope the freight farm can become a reality when the pandemic is over, she said.

Potter said she would encourage other agencies to explore the BC partnership as a way to launch or accelerate a good in-house idea, that needs a few more people or extra resources.

"The BC students really helped keep us on track," she said. "In our line of work, there are always things to knock you off track and the partnership kept us moving forward. We took a lot of inspiration from them."

*Want to strengthen or begin a social enterprise? Submit an RFP today to receive free consulting services from Boston College School of Social Work students. Throughout the semester, these graduate students can provide initial market research, mock budgets, marketing guidance and more depending on your agency needs. Email eadams@providers.org as soon as possible.*



Dr. Gary Lyon (top, second from left) facilitates a virtual Centerboard POC affinity group on the importance of practicing self-focus and how to successfully embrace differences to make effective change within the organization.

the Providers' Council's ongoing partnership with the Boston College School of Social Work, which matches social work students with nonprofits looking to launch a social enterprise.

Penny Potter, chief program officer of Amego Inc., said her agency worked with students last year to create a hydroponic "freight" farming operation.

Amego, based in Attleboro, became interested in the idea of year-round farming in empty train cars as another employment option for the adults with disabilities it serves after seeing a successful project at a nearby college, she said.

# ORDER: Orgs oppose EO

Continued from Page 1

diversity and inclusion trainings that foster inclusive workplaces and help with talent recruitment and retention."

The Council and other trades also copied President-Elect Joe Biden on the letter. Recent news stories have indicated Biden may rescind President Trump's Executive Order shortly after taking office.

The Council and the other organizations believe the Executive Order, as written, creates confusion and uncertainty, leads to non-meritorious investigations and hinders the ability of employers to implement critical programs to promote diversity and combat discrimination in the workplace.

If an employer is reported, but ultimately found in compliance, it will still be required to undergo a review from Office of Federal Contract Compliance Programs, which represents an unmanageable administrative burden to many of the state's limited financed organizations.

The Council and its co-signers urged the Trump administration to withdraw its Executive Order and work with the human services and nonprofit communities on an approach that supports appropriate workplace training programs.

The full text of the letter and a list of signatories are posted at [www.providers.org](http://www.providers.org)



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CALENDAR OF EVENTS • WINTER 2020

<b>What:</b>	<b>Building a Motivated Team</b>	<b>What:</b>	<b>Conducting Effective Internal Investigations</b>
<b>When:</b>	Wednesday, December 2	<b>When:</b>	Wednesday, December 9
<b>Time:</b>	9 a.m.	<b>Time:</b>	9 a.m.
<b>Where:</b>	via Zoom	<b>Where:</b>	via Zoom
<b>Trainer:</b>	Ginny Maglio, Learning & Development Consultant, Optimum Development	<b>Trainer:</b>	Ed Mitnick, Brodeur-McGan, P.C. and Just Training Solutions LLC
<b>Cost:</b>	\$70 members, \$130 non-members	<b>Cost:</b>	Cost: \$135 members, \$160 non-members
<b>What:</b>	<b>Personal and Organizational Journey Towards Race Equity</b>	<b>What:</b>	<b>Members-Only C-Suite Music Huddle</b>
<b>When:</b>	Thursdays, December 3 & 10	<b>When:</b>	Friday, December 11
<b>Time:</b>	9 a.m.	<b>Time:</b>	10 a.m.
<b>Where:</b>	via Zoom	<b>Where:</b>	via Zoom
<b>Trainers:</b>	Barbara Holland, Chief Diversity Officer, Advocates Comma Williams, Comma Williams Enterprises	<b>Trainers:</b>	Meredith Pizzi and Laetitia Brundage, Roman Music Therapy Services
<b>Cost:</b>	Cost: \$140 members, \$200 non-members	<b>Cost:</b>	Cost: Free

Pre-registration for these events required unless otherwise noted.  
Visit [www.provider.org/events](http://www.provider.org/events) to learn more and register. Questions?  
Contact Eliza Adams at 508.598.9700 or [eadams@providers.org](mailto:eadams@providers.org)



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