

Massachusetts Library System
Executive Board Meeting Minutes February 11, 2013

The meeting of the Massachusetts Library System (MLS) at the Marlborough office was called to order at approximately 1:07 p.m. by William Adamczyk, Vice-President. Weather was problematic so most attended via conference call.

Present: MLS Executive Board Members: William Adamczyk (by phone), Charlotte Canelli (by phone @1:32 pm), Jim Douglas (by phone), Betty Johnson (by phone), Ellen Keane (by phone), Deborah Kelsey, Margot Malachowski (by phone), Bert Saul (by phone) Brian Tata (by phone), John Walsh
Ex-officio- Greg Pronevitz, MLS Ex. Director (by phone); Rob Maier, MBLC (by phone);
Guests: Carolyn Noah; Catherine Utt

Minutes from January meeting approved. Motion- John; Second- Deborah. Unanimous.

Comments from Contracting Libraries

Representatives from both Mediated ILL locations were invited to speak. No comments were provided.

Resource Sharing Advisory Committee Report/Recommendations and Time Line

Committee recommendation: Consolidate mediated ILL into one internal centralized center at MLS.

Contingencies to consider and develop assessment for measure of success-

1. Cost savings overall
2. Improved traditional ILL efficiencies
3. Improved network load balance
4. Goal to evaluate types of materials being borrowed to reduce redundancy
5. Savings should be applied to reducing barriers to service
6. Substitution of traditional ILL, such as on-demand printing and eContent developments

Mediated Interlibrary Loan Implementation Timetable

Date	Activity
February 2013	Board approves plan to integrate mediated ILL into MLS
March 2013	MLS negotiates with current ILL providers for FY 14
April 2013	MLS formally sets timeline based on negotiations
July 2013	Adjusted contract begins for FY 14
August 2013	ILL manager job description prepared
September 2013	ILL manager job posted
October 2013	Candidates interviewed
November 2013	Successful candidate selected
December 2013	Manager starts
January – March 2014	Service plan developed and implemented
April 2014	Additional ILL positions posted
May 2014	Successful candidates selected
June 30, 2014	ILL contracts conclude
July 1, 2014	MLS ILL service fully implemented

A timetable copy will go to Quincy and Wellesley. Plan must be flexible to allow integration with other MLS services. Manager position could be combined to oversee eContent manager and mediated ILL staff. Location of mediated ILL service is to be determined. Resource Sharing Committee will continue to meet.

Motion to approve and adopt recommendation of Resource Sharing Committee. Motion-Margot; Second-Bert. Unanimous.

Member Recertification Policy

School membership eligibility in MLS was the focus during the last year. Carolyn presented a copy of “Removal from Membership-Policy and Procedure” (copy of policy attached to minutes) with changes made to address any kind of library. Recertification of all types of libraries needs to be an ongoing process.

Motion to accept revision of “Removal from Membership-Policy and Procedure”. Motion-Deborah; Second-John. Unanimous.

Background check policy

Catherine presented an overview of Massachusetts Library System Background Check Policy (copy of policy attached to minutes). This will be a separate document, not in the Employee Handbook. Background checks will not be retroactive. Bibliotemps already conducts CORI checks as requested by the hiring library. It was decided to amend the policy to read-“ This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns of the Massachusetts Library System (hereafter, "MLS"), with the exception of Bibliotemps employees, who are subject to the separate Bibliotemps Background Check Policy.”

Motion to accept Background Check Policy as amended. Motion-Deborah; Second-Ellen. Unanimous.

Board Retreat Follow Up-item not discussed this month as Dee Magnoni was not able to be at the meeting.

MLS Budget Considerations

Governor’s budget calls for level funding for FY14 so Greg feels it is safe to fill the two positions that have been budgeted this year-Support staff person and eContent manager. He would like to hire the new support staff person ASAP and hold off on the eContent manager until closer to the end of this fiscal year. One part of this job will be to handle negotiations for licensing content to be shared on the new eBook platform.

Catherine presented this scenario for use of surplus funds. “Based on a forecast of expenses, it appears we will have approximately \$522,879.77 in surplus funds. We have identified the following potential uses for these funds:

Computer Hardware/Software

New Employee(s) Equipment (Member Services and eContent Mgr) \$2,275.00

Computer Hardware/Software

Replace Employee Equip budgeted for fy14 in fy13 (5 computers) \$10,000.00

Office Equipment/Furnishings

Replace Whately meeting room chairs; Purchase desk(s), office equipment, etc. in preparation for new positions (Member Services and eContent Mgr) \$10,604.77

Contractual Services

Pay Optima service invoice one week forward \$50,000.00

Online Content

eContent and/or Databases into fy15 \$450,000.00

The line items for Computer Hardware/Software, Office Equipment and Contractual Services are forecasted to be under budget this year. We don’t anticipate these proposed purchases to result in any significant expenses beyond what was budgeted. Additionally, none of these expenses will result in a budget revision. All program areas are well within the 10% range with the exception of online content. We can commit a minimum of \$185,000 and maximum of \$465,000 toward the eContent platform or other online content without triggering a budget revision.”

eBook Platform Update

Deb Hoadley facilitated a focus group with Minuteman members to begin a discussion about member assessments. MLS will issue the RFP in collaboration with the Committee and MBLC; Cindy Roach is working

on the first draft. Deb Hoadley and Greg attended several eBook events and met with numerous vendors at the ALA Conference.

Underserved Libraries Recommendations

Identifying and Serving the Underserved Libraries Task Force:

Susan Babb, Mary King, Shirley MacLean, Debra Rachlen, Kelly Jo Woodside

“Recommendations to MLS Executive Board-

Introduction:

We ask the MLS Executive Board to accept the following recommendations for actions to benefit underserved MLS member libraries during FY2014. We believe these recommendations will not involve additional budget allocations and are achievable by June 2014. Many MLS staff members will be involved in carrying out these activities regardless of their own special areas, and all staff members were involved in the prioritization of actions that we felt were reasonable for FY2014.

These recommendations are based on the following considerations:

- MLS staff developed these priorities based on group consensus after reviewing statistical data.
- Some libraries don't use MLS but would likely benefit from MLS services; for example academic use of MLS is light compared to public use, and special library use is very light.
- Some libraries are under-resourced and though they use MLS, they have special needs that MLS could identify and target to empower the libraries to better serve their customers.
- Many member libraries could benefit from assistance in identifying their own underserved constituencies and in developing ways to better engage them.

Highest priorities for action:

- Designate one Advisor to be the go-to person for academic libraries.
- Designate one Advisor to be the go-to person for special libraries.
- Seek participation of member librarians as experts and trainers in our workshops. Many members want to share their expertise as well as their collections, and a successful collaborative member organization isn't limited to providing services in one direction only.
- Enhance promotional/outreach efforts for:
 - Cooperative purchasing program, especially targeting special and academic libraries which are light users of the coops
 - MassCat, toward schools, small publics and special libraries which are most in need of automation and will be left out of the ebook project without it
 - Databases, especially to small public libraries and to schools with lower use levels
- Provide training targeted toward and located near libraries that are part of the MBI project.
- Recommend data collection tools and methods to enhance MLS's understanding of market segments.
- Incorporate a more sophisticated system of categorization into data collection.”

Margot mentioned that special libraries might need to be “chased down” to make contact. It will be beneficial to involve Special Library Association to facilitate communication.

Plan of Service Update

Update has been annotated to POS for Board members to look at. 382 responses were received to MLS survey. Deborah would like to see statistics integrated into the POS to give Board a snapshot of how we are doing. Greg said more statistics will be added as the year goes on. Statistics for number of members actually purchasing through MHEC is cloudy because of the fact that libraries can participate in the MHEC contracts without actually being a member of the co-operative by virtue of the fact that their town or school district is already a member. Work will be done to get more concrete data on this.

Staff Presentation Youth Services (Sarah Sogigian and Susan Babb)-postponed until next month

Reports

Executive Director's Report attached at end of minutes

Greg asked for Board input for priorities for the new MBLC director. Contact him by email or phone.

CE and Advisory Report-Carolyn Noah attached at end of minutes

Financial-Catherine Utt attached at end of minutes

MBLC – Rob

--MBLC has appointed Dianne Carty as acting director.

--Budget-House Ways & Means budget originally contained a 1% cut. They have since "backed off" and there is no reduction; level funding for FY13.

--Hearing on budget will occur between Feb 15-Mar 15.

--Bills filed; \$150 million for Library Construction; 11 libraries on waiting list; new grant round perhaps FY16.

--Library Director certification; "Sub-professional" wording to be eliminated.

--MSLA study commission on the role of school libraries; considering staffing etc.; MBLS has a seat on the Commission; DOE involved.

--MBLC Director search-let any potential candidates know.

Library for the Commonwealth (LFC) –no report

Other Business-

April MLS meeting location-Cambridge Library is first choice. Board would need to rent space at MLA conference venue because conference is over at 2 pm.

Save the date to attend this MLS conference-**Making Change: Transformation and Creativity in Libraries**
June 13, 2013 at DCU Center, Worcester

"Changing before our eyes: our customers, their reading habits and their needs. How we respond will transform our libraries' futures. Many libraries meet the challenge of change by embracing the creative community in traditional or up-to-the-moment ways."

This full day event is sponsored by MLS. It is free of charge and lunch is included, but advance registration is required. Member library staff in all roles and departments is invited to attend.

Upcoming MLS Executive Board Meetings

- March 18, 2013 – MLS-Marlb 1-4pm
- April 26, 2013 in conjunction with MLA Conference in Cambridge 1:30-4:30
- May 20, 2013 -- MLS-Marlb 1-4pm
- June 17, 2013 -- MLS-Marlb 1-4pm
- July 22, 2013 – MLS-Whately 1-4pm
- August 19, 2013 – MLS-Marlb 1-4pm
- September 16, 2013 – MLS-Marlb 1-4pm
- October 7, 2013 – MLS-Whately 1-4pm
- November 4, 2013 – Ann. Meeting; Holy Cross
- December 9, 2013– MLS-Marlb10am-4pm

Adjourn regular meeting at 2:28 p.m. Motion-Betty; Second-Bert

Respectfully submitted,
Betty P. Johnson

MLS Executive Director Report – February 2013

FY2013 Budget Forecast The Governor's House One Budget provides MLS with level funding in fiscal year 2014. Based on this we would like to proceed with our plans for hiring two permanent staff members that are included in our fy2013 budget. We would like to fill the support staff position as soon as possible. We will provide a job description and budgeting report to Pres., Treas., Sec., Ch of Pers Cte soon to complete the position availability authorization form for filling a position at MLS.

The position will have the following responsibilities and others to be included in the position description.

- Bookkeeping support
- Delivery support (including claims processing)
- Member initiation and updating in library directories and with vendors
- Member certification
- Virtual training support

I'd like to hold off on the second position, "eContent Manager," until the end of the fiscal year. The management team is reviewing our needs, and examining how eContent and other resource sharing activities might be tied together to provide the most effective services to members.

It appears that MLS could end the year with a larger surplus than anticipated (about 7% of our total budget). We need to designate how to invest these funds to provide the best benefit to the membership. The majority of these funds were budgeted for online content. The online newspaper collaboration was not possible, so those funds were freed up. The remainder would be unspent budgeted funds in multiple lines. Catherine is preparing a report.

eBook Platform Deb Hoadley facilitated a focus group with Minuteman members to begin a discussion about member assessments. MLS will issue the RFP in collaboration with the Committee and MLBC. Deb Hoadley and I attended several eBook events and met with numerous vendors at the ALA Conference.

Underserved Libraries Recommendations I asked a team of staff members to recommend practical ways to identify and target services for libraries that tend to use MLS less than others. The recommendations were shared and prioritized by MLS staff to determine steps to take during fy2014, i.e., designate specific advisors as the go-to for academic and special libraries; involve members in MLS training; enhance outreach for purchasing coop, MassCat, and Databases; hold more training near libraries that are part of the Massachusetts Broadband Initiative, and to develop more sophisticated data collection and reporting systems to measure libraries' use of MLS services.

MBLC Search Committee I have been appointed to the 14-member MBLC Director search committee. Our role is to make recommendations to the Commissioners who have a goal of hiring a new director by August 2013.

Public Relations and Branding Task Force The roster is complete. We hope to start meeting this month. Anna Popp, MLS Advisor, will convene the Task Force. Sharon Gilley (Wakefield PL); Julie Martin (NEDCC); Heidi McCann (Mt. Wachusett Com Col); Janet Stupak (Springfield City Lib); and Katie Baxter (Irish Cultural Center) have agreed to serve. Other staff liaisons: Amanda Fauver (Member Services/Office Support); Sarah Sogigian (Advisor); and Greg Pronevitz.

MLS Efficiency Wisconsin Library Services (WiLS) is working with 17 library systems in Wisconsin to study library services delivery. I was invited along with a Massachusetts librarian to make a web-based presentation about the Massachusetts consolidation of regions in 2010. In preparation for this I made some comparisons of service delivery and costs before and after. Some highlights (see report below):

- The overall budget was reduced by 31%
- Personnel costs were reduced by 70%

- Operations/Facilities costs down by 52%
- Contracting libraries costs reduced by 66%
- Administrative costs reduced 34%
- Online content investment increased by 46%.

Board Representation at Events MLS Executive Board members are encouraged to attend events such as library director roundtables and legislative breakfasts. CLAMS-Hyannis 4/10; SAILS-Middleborough 5/15 (Patrick); Urban libraries-Worcester 4/19

Whately Facility We are waiting for a potential buyer (Simon's Stamps) to determine their ability to purchase the facility. Our realtor believes that the process for joint emergency services to be established could take a very long time. Senator Rosenberg suggested that Yankee Candle might be interested. We have asked our realtor to check into this.

MLS Costs and Service Levels compared MLS fy2012/Six Regions fy2009

I was asked to provide an overview of the Massachusetts regional library systems consolidation via webinar to a group of Wisconsin public librarians who are examining the future of library services. Esme Green, Sudbury's Goodnow Library Director, was a copresenter. She has worked in libraries served by three former regions and three different networks and provided the librarian perspective. Rob Maier provided reports from fy2009.

I did some analysis about the level of service vs. the level of funding and feel that this will be of interest to the Executive Board and staff. The figures were not always analogous, so some estimating and adjusting was necessary. I believe this provides a pretty accurate picture of the efficiency of MLS with the exception of the level of advisory services under the six regions comparison.

Funding for libraries has fluctuated. The Massachusetts Board of Library Commissioners funds multiple services including the MLS. The total budget in recent years has been at a peak of \$34 million in fy2001 to a low of \$21 million in fy2012.

The regional library systems have a long history with the Western Region forming in 1960. Later the Central and Eastern regions were formed. In 1997 the eastern region was split into four separate regions and additional funding was appropriated to make the regions multitype. This structure lasted until 2010.

The 2008/2009 fiscal crisis led to an examination of library services including a statewide event in March 2009. Three themes emerged: a statewide library card; a statewide uniformity of access to resources (as well as look & feel); and a call to examine the efficiency of having nine separate shared automated networks. By September a call to reduce state funding became acute and the MBLC called on the administrators and boards of the six regions to look at consolidation in order to reduce total regional costs by about \$3million from a total of about \$10million.

The process continued with another statewide meeting with Boards and staff members of the regional systems at which a majority determined by vote that the consolidation result in the formation of a single statewide organization. A transition committee was formed consisting of Board members and administrators from each region and the MBLC Director and with an outside facilitator presiding.

The transition committee determined the core services, an initial budget, and plan of service for the new entity, the Massachusetts Library System. It was agreed that the process would be merger to recognize the affinity many felt for their local system.

The Library for the Commonwealth at Boston Public Library shares a budget line and a role in statewide services with MLS. That budget has fluctuated dramatically. BPL's current statewide services include reference, e-card (and regular card), digitization and technology to support statewide digital library.

In financial terms, the following changes were noted between six-region budget and services fy2009 and MLS in fy2012:

- The overall budget was reduced by 31%
- Personnel costs were reduced by 70%
- Operations/Facilities costs down by 52%
- Contracting libraries costs reduced by 66%
- Administrative costs reduced 34%
- Online content investment increased by 46%.
- ROI Change
 - Six Regions fy2009 value=\$107mil; investment=\$10.1mil
 - Return=\$10.60 per dollar invested
 - MLS fy2012 value=\$104mil; investment=\$6.9mil;
 - Return=\$15.07 per dollar invested

The Wisconsin audience was most interested in the following services: resource sharing, technology, online content, training, and advisory and the impact of any changes on libraries and library users. Estimates of service and investment changes are as follows:

- Delivery – volume up slightly while costs were reduced a bit and level of service improved with semi-automated sorting
- Training/Advising – 12 librarians at MLS vs. 22 at six regions; 270 MLS events (2,577 attendees); down 58% (57%); budget down 61%; 637 Regional events (5,951 attendees)
- Advising– Contact hours down 54%; budget down 21% (based on figures that seem to be comparing apples and oranges)
- Online Content – Investment up 46% plus with uniform statewide content for all residents
- Mediated ILL– 2 centers vs. 6 centers volume down 36%; budget down 55%; new costs for some libraries are now incurred

Continuing Education and Advisory Report February 2013

In December, our staff responded to 158 advisory questions on topics ranging from advocacy to bedbugs. 155 responses were delivered by phone or email, though 3 were delivered in person. We spent 6.5 hours in travel.

MassCat welcomed a new member, Nahant.

As regularly happens, advisory questions or current events lead to the development of continuing education classes. After a New York Times article discussed bedbugs in libraries, we received enquiries from our libraries. Deb Hoadley planned a January webinar on bedbugs. Susan Babb announced a February session on crisis planning, responding to the December events in Sandy Hook. We concluded our three-part webinar series on copyright. All of these events have been extremely well subscribed.

We offered 34 continuing education events attended by 425 members. The month included “Susan’s and Sarah’s Picks”, a popular book talk presentation for youth librarians, an array of Gale workshops that were re-scheduled after November storm cancellations, and Shopping for Technology: Get the biggest Bang for your dollar. Staff spent 54 hours in presentations and 37 in travel.

We made 11 site visits to member libraries, including new member orientations and new library director visits. We spent 19 hours on site and 15 in travel.

A task force of advisors is putting the finishing touches on “My College Freshman is Your High School Senior” for May 31. Another small group is working on an all-day June 13 conference called “Making Change: Transformation and Creativity in Libraries. Both should be announced in February.

At this writing, BiblioTemps® has 11 active placements and several openings to fill.

Financial/Business Report February 11, 2012

Financial Report-discussed during **MLS Budget Considerations** as part of regular meeting.

Delivery-Delivery policies have been posted and announced to membership.

Preliminary discussions have begun with C/W MARS staff to begin testing connection with the Network for sort-to-light. Testing and set-up are underway.

MHEC- MHEC and MLS are sharing booth space at MLA and MSLA to promote the new cooperative purchasing contracts. Bibliotemps and general MLS information will be promoted at MLA. Nora Blake will represent MassCat at MSLA.

MHEC and MLS are planning three workshops in the same format as the October workshops to provide information and training on the coops. The workshops will be at locations in the Northeast, Southeast and in Whately. A remote session will also be planned for those unable to come to one the three in-person workshops.

Bibliotemps-Because of the timing of payroll and invoicing for the last pay period of January, revenue associated with the last pay period is not reflected on the January report, resulting in the appearance of a net loss. There is \$17,203.63 in revenue associated with the last pay period, which would result in a net profit. This revenue will be reflected on the February expense report.

Additionally, a large payment for six months of service for the timesheet system used to track Bibliotemps hours was paid in January, resulting in an abnormally high expense reflected under Computer Hardware/Software.

Taking these two circumstances into consideration, Bibliotemps is continuing to show a modest net profit.

Massachusetts Library System

End Balance January 2013

Fiscal Year 2013

Line Item Budget

	Budget	Actual	Percentage	Comments
I. PERSONNEL COSTS				
A. Salaries and Wages	1,135,121.00	667,121.42	58.77%	
B. Applicable Benefits	378,700.00	194,993.12	51.49%	
SUBTOTAL	1,513,821.00	862,114.54	56.95%	
II. OPERATING EXPENSES				
A. Books and Other Library Materials				
1. Online Content	1,348,334.00	84,585.24	6.27%	
2. Professional Collection	3,000.00	1,914.75	63.83%	
B. Equipment				
1. Computer Hardware and Software	60,000.00	10,340.93	17.23%	
2. Office Equipment and Furnishings	20,000.00	249.00	1.25%	
3. Vehicles	0.00	0.00		
C. Office Expenses				
1. Supplies	15,000.00	6,182.67	41.22%	
2. Postage	2,000.00	1,094.07	54.70%	
3. Telephone	15,000.00	7,832.09	52.21%	
4. Printing	5,000.00	0.00	0.00%	
5. Travel				
a) In-state	50,000.00	25,823.15	51.65%	
b) Out-of-state	20,000.00	6,048.43	30.24%	
6. Equipment Maintenance and Repair	4,500.00	2,373.37	52.74%	
7. Space Rental/Electricity	178,000.00	95,375.23	53.58%	
8. Audit	25,000.00	41,509.00	166.04%	
9. Other	95,000.00	51,760.62	54.48%	
D. Regional Vehicle Expenses				
	0.00	4,427.56		
E. Contractual Services (Excludes Online Content)				
	3,030,000.00	1,573,013.01	51.91%	
SUBTOTAL	4,870,834.00	1,912,529.12	39.26%	
TOTAL	6,384,655.00	2,774,643.66	43.46%	
III. SUB-CONTRACTED SERVICES				
	640,000.00	640,000.00	100.00%	
TOTAL	7,024,655.00	3,414,643.66	48.61%	

Bibliotemps Fiscal Year 2013		End Balance January 2013	
Line Item Budget			
	Current Month	YTD	Comments
I. REVENUE			
A. Bibliotemps Revenue	33,333.64	265,510.06	
B. Bibliotemps Costs	42,517.93	245,487.83	
NET INCOME SUBTOTAL	-9,184.29	20,022.23	
I. PERSONNEL COSTS			
A. Salaries and Wages	3,871.95	20,628.98	
B. Applicable Benefits	1,503.09	4,503.03	
SUBTOTAL	5,375.04	25,132.01	
II. OPERATING EXPENSES			
A. Equipment			
1. Computer Hardware and Software	2,250.00	3,375.00	
2. Office Equipment and Furnishings	0.00	0.00	
A. Equipment Subtotal	2,250.00	3,375.00	
C. Office Expenses			
1. Supplies	0.00	0.00	
2. Postage	0.00	0.00	
3. Telephone	0.00	0.00	
4. Printing	0.00	0.00	
5. Travel			
a) In-state	0.00	272.50	
b) Out-of-state	0.00	157.60	
6. Equipment Maintenance and Repair	0.00	0.00	
7. Other	1,014.00	1,014.00	
A. Office Expenses Subtotal	1,014.00	1,444.10	
SUBTOTAL	8,639.04	29,951.11	
INCOME AFTER EXPENSES	-17,823.33	-9,928.88	

REMOVAL FROM MEMBERSHIP POLICY AND PROCEDURE

MLS conducts rolling member eligibility verification.

POLICY

MLS member libraries that do not provide evidence of eligibility will be removed from membership by a majority vote of the MLS Executive Board following the procedure outlined below.

PROCEDURE

- 1) MLS contacts members through the email address they have provided to request verification of their directory information and eligibility for membership. The membership eligibility requirements are

available at <http://www.masslibsystem.org/about/mls-membership/>. Searchable member directory information is hosted by the MBLC at: <http://mblc.state.ma.us/libraries/directory/index.php>.

- 2) MLS sends a letter by US post addressed to “library director” or to an appropriate contact person* in organizations that do not respond within two weeks.
- 3) MLS sends a letter by certified, return-receipt US post addressed to “library director” or to an appropriate* contact person in organizations that do not respond within two additional weeks. This letter notifies the governing authority that lacking evidence of eligibility, the library’s membership will end at a date that will be no more than one month from the postmark. The library is invited to appear before the MLS Executive Board at a specific date, time and place to discuss remedies.
- 4) If no remedy is at hand, the MLS board will vote to remove the library from membership.

A library that is removed from membership is welcome to apply for membership at any time that the library meets MLS membership requirements.

*Appropriate contact person varies with library setting, and could be a principal, dean, or human resources officer.

Original policy: School Library Removal from Membership, approved by the MLS Executive Board 12/5/11

MASSACHUSETTS LIBRARY SYSTEM BACKGROUND CHECK POLICY

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers, and interns. Massachusetts Library System (hereafter, “MLS”) requires a background check to be completed for all applicants to whom an offer of employment will be made, current employees seeking promotion or transfer opportunities and current employees being assigned new duties (collectively referred to herein as Candidates).

Applicants for hire, promotion or new duties will know in advance the type of background check that will be conducted of the finalist for the position. The type of background check conducted can include, but is not limited to: a Massachusetts Criminal Offender Record Information (CORI) check; a Sexual Offender Registry Information (SORI) check; and verification of academic credentials and prior employment. Background checks shall be required of only the final Candidate for the position, i.e., a person who is otherwise qualified for the position and to whom MLS wishes to offer the position, and not the final pool of candidates. Candidates will be asked to consent to such a check prior to finalization of the employment decision. In general, MLS will not make an offer of employment until it has received and reviewed the results of the background check from the third-party vendor.

Failure to consent to a background check will disqualify the Candidate from further consideration. Additionally, a final Candidate who fails to provide the necessary information or who provides false or misleading information may also be disqualified from further consideration. Later discovery of false or misleading information related to the background check may subject the employee to disciplinary action, up to and including termination.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment or volunteer work, the following practices and procedures will be followed.

I. CONDUCTING BACKGROUND SCREENING

Background checks are conducted with the full knowledge and consent of the Candidate. MLS will engage a third-party service to assist in the collection and interpretation of background check results. CORI checks will only be conducted after the Candidate has signed a CORI Acknowledgement Form.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy-two (72) hours notice that a new CORI check will be conducted.

II. ACCESS TO BACKGROUND CHECK RESULTS

All information obtained from the background check process, including criminal history, is confidential, and access to the information must be limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers, staff submitting the background check requests, and staff charged with processing job applications. MLS will maintain and keep a current list of each individual authorized to have access to, or view, background check results. This list will be updated every six (6) months, and will be made available for inspection upon request by the DCJIS at any time.

III. PROCEDURE TRAINING

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access background checks at MLS will review, and will be thoroughly familiar with, the educational and relevant training materials, including those regarding CORI laws and regulations made available by the DCJIS.

IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

A criminal record will not automatically disqualify a Candidate. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

V. VERIFYING A SUBJECT’S IDENTITY

MLS will make reasonable effort to ensure the background information received, regardless of the source, is for the Candidate. The records received will be compared with the signed authorization and release documents and other identifying information provided by the Candidate. If a criminal record is received from the DCJIS, MLS will closely compare the information with the information on the CORI Acknowledgement Form and any other identifying information provided by the Candidate to ensure the record belongs to that Candidate.

If the information in the background check report provided does not exactly match the identification information provided by the Candidate, a determination will be made by an individual authorized to make such determinations based on a comparison of the background check report and documents provided by the Candidate.

VI. INQUIRING ABOUT CRIMINAL HISTORY

MLS will provide the Candidate a copy of his/her criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning him/her about his/her criminal history. MLS will also disclose the source(s) of the criminal history record to the Candidate.

VII. DETERMINING SUITABILITY

Should it be determined, based on the verification of the Candidate’s identity as provided in Section V of this policy, that the background check records, including criminal history, belong to the Candidate and the Candidate does not dispute the record’s accuracy, the process may then move forward to determine the suitability of the subject for the position for which he or she applied.

Unless otherwise provided by law, factors considered in determining suitability may include, but are not limited to the following:

- a. The relevance of the crime to the position sought;
- b. The nature of the work to be performed;
- c. The length of time since the conviction;
- d. The age of the Candidate at the time of the offense;
- e. The seriousness and specific circumstances of the offense;
- f. The number of offenses;
- g. Whether the Candidate has pending charges;
- h. Whether there is any relevant evidence of rehabilitation or lack thereof;
- i. Whether there is any other relevant information, including information submitted by the Candidate or requested by MLS;
- j. The truthfulness and accuracy of information on the application and other material provided in support of the application.

MLS will notify the Candidate of the decisions and the basis for it in a timely manner.

VIII. ADVERSE ACTION BASED ON BACKGROUND CHECK INFORMATION

If MLS is likely to make an adverse decision on the Candidate based on background check information, MLS will:

- Notify the Candidate of the potential adverse decision based on the criminal offender record information (if applicable)
- Inform the Candidate immediately of the source of the background check report; and
- Provide the Candidate with a copy of:
 - Background Check Report – to include the criminal offender record information if applicable,
 - Information regarding the specific item from the report that may result in adverse action; and
 - A copy of this MLS Background Check Policy; and
 - A copy of DCJIS's Information Concerning the Process for Correcting a Criminal Record.

The Candidate will be provided the opportunity to dispute the accuracy of the background check information.

IX. SECONDARY DISSEMINATION LOGS

MLS will not divulge information obtained through background checks to outside organizations except where required to do so. All CORI obtained from the DCJIS is confidential and will only be disseminated as authorized by law and regulation. MLS will maintain a central secondary dissemination log shall to record any dissemination of information outside this organization, including dissemination at the request of the Candidate.

X. STORAGE AND DESTRUCTION OF CRIMINAL HISTORY INFORMATION

MLS will store hard copies or background check results in a separate, locked and secure location with limited access. Electronically stored background check results will be password protected and encrypted with limited password access with no public cloud storage.

CORI records will be destroyed 7 years after (1) a former employee's last date of employment; or (2) a final decision with respect to a Candidate.