



# The Commonwealth of Massachusetts

## Massachusetts Gaming Commission

### NOTICE OF MEETING and AGENDA

November 27, 2012 Meeting

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Tuesday, November 27, 2012

1:00 p.m.

Division of Insurance

1000 Washington Street

1<sup>st</sup> Floor, Meeting Room 1-E

Boston, Massachusetts

#### **PUBLIC MEETING - #37**

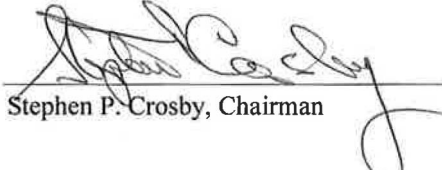
1. Call to order
2. Approval of minutes
  - a. November 13, 2012 Meeting
  - b. November 20, 2012 Meeting
3. Project Work Plan
  - a. Scope of Licensing and RFA-1 status report
  - b. Key policy questions status report
    - i. Consultant calls and hearing opportunities
    - ii. On-line submissions
    - iii. Process for completion
4. Administration
  - a. Report from Director of Administration
    - i. Project Management Chart
    - ii. Stenographic services procurement update
  - b. Personnel searches
  - c. Update on space
  - d. Employee Manual – Chapters 1 and 3 - Approval
5. Racing Division
  - a. Report from Director of Racing Division
    - i. Equine drug testing laboratory closure 12/31 – VOTE
    - ii. Update on Racing Division finances
    - iii. Transition update
6. Public Education and Information
  - a. Report from Ombudsman
    - i. Information requests from developers, communities or other
    - ii. Other matters

- b. "Promoting Sustainability, Strengthening Communities and Achieving Design Excellence: A New Model for Massachusetts Casinos Forum"- December 12, 2012 8:00am – Noon
- c. Report from Director of Communications and Outreach
- d. Discussion of Casino Training Institute MOU – possible vote
- e. WalkBoston comments
- f. UAW Presentation

7. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting

I certify that on this date, this Notice was posted as "Gaming Commission Meeting" at [www.mass.gov/gaming/meetings](http://www.mass.gov/gaming/meetings), and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us), [brian.gosselin@state.ma.us](mailto:brian.gosselin@state.ma.us).

11/21/12  
(date)

  
Stephen P. Crosby, Chairman

**Date Posted to Website:** November 21, 2012 at 3:00 p.m.

**The Commonwealth of Massachusetts**  
**Massachusetts Gaming Commission**

**Meeting Minutes**

**Date:** November 13, 2012

**Time:** 1:00 p.m.

**Place:** Division of Insurance  
1000 Washington Street  
1<sup>st</sup> Floor, Meeting Room 1-E  
Boston, Massachusetts

**Present:** Commissioner Stephen P. Crosby, Chairman  
Commissioner Gayle Cameron  
Commissioner James F. McHugh  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Absent:** None

**Call to Order:**

Chairman Crosby opened the 35<sup>th</sup> public meeting.

**Approval of Minutes:**

See transcript page 2.

Chairman Crosby stated that the Commission has not had an opportunity to review the November 6 meeting minutes so they will be approved at the next meeting.

**Project Work Plan:**

See transcript pages 3-24.

Investigations Procurement – Director Glovsky stated that the procurement team met several times last week to review submissions from the bidders for the investigation work and have tentatively selected one bidder from among the respondents. Contract negotiations will commence this week with the goal of approving a contract at the next Commission meeting.

Scope of Licensing and RFA-1 Status Report – Director Glovsky stated that the gaming consultants have met with prospective applicants to discuss a comprehensive identification of the individuals who will be required to qualify. They have been examining submissions the applicants provided, preparing responses to inquiries, and conducting research in preparation for their final recommendations. The consultants also have received the chart containing the

Commission's framework for addressing policy questions and are providing guidance to the Commission as necessary in order to facilitate the process for determining what the policies will be. They are also determining which regulatory agencies from other jurisdictions should be contacted and cross-referenced to fully investigate and evaluate the applicant submissions.

Key Policy Questions Status Report – Chairman Crosby stated that the Commission must adopt several high priority policies but will not do so until the three-week comment period has passed. He stated that he has had discussions with the Ombudsman, John Ziemba, as to whether it makes sense to have some type of a public hearing process beyond the solicitation of public comments that has already occurred. Mr. Ziemba addressed the Commission and stated that a public hearing process may be needed for statutory determinations. The Commission decided to think more about the need for public hearings in addition to written comments before adoption of some of the policies, recognizing that public comment will be solicited and public hearings will be held before adoption of new regulations. The comment period and the hearings will afford all who are interested an opportunity to address the policies underlying the regulations as well as the regulations themselves.

Commissioner McHugh recommended that the Commission go through the policy chart and determine whether there are questions that ought to be packaged together through the Ombudsman for feedback from cities and towns. The Commission agreed that Mr. Ziemba would review all of the pending policy questions, identify those with a logical nexus and reach out to cities, towns, and other interested governmental entities for their comments on the various groups of questions.

**Administration:**

See transcript pages 24-45.

Report from Director of Administration – Director Glovsky stated that the Project Management Chart is something the Commission will start using on a regular basis and it is her intention to update it on Mondays.

She stated that the strategic plan was never formally approved and asked what the Commission would like to do in order to have this document approved. Chairman Crosby stated that the strategic plan is an excellent guideline and he is in favor of approving it now. Commissioner McHugh stated that there were several important policy issues with respect to the Commission's organization that he would like to consider before approving the plan. Commissioner Cameron stated that she does not agree with some of the information on the plan and adoption is not an indication the Commission believes all the information is accurate. Chairman Crosby stated that the Commission should close this phase of the contract with the consultants. Commissioner Zuniga stated that he agrees that from a contractual standpoint the strategic plan in its current form should be adopted and become a living document.

*Motion made by Commissioner Zuniga to accept the latest draft of the Strategic Plan as presented to the Commission. Motion seconded by Commissioner Stebbins. The motion passed unanimously by a 5-0-0 vote.*

Personnel Searches – Director Glovsky stated that two new employees have started with the Commission today. Todd Grossman has been hired as staff attorney and Ellen Cassidy has been hired as executive assistant to Commissioners Stebbins and Cameron. She stated that she is continuing the search for the business analyst and generalist.

Employee Manual, Chapters One and Three – Commissioner Zuniga stated that he has provided the Commissioners with the latest drafts of Chapters One and Three of the employee manual for their review and approval at a subsequent meeting. Chairman Crosby asked that more research be done on the issue of when during the hiring process letters of recommendation can be considered.

### **Racing Division:**

See transcript pages 45-92.

Report from Director of Racing Division – Director Durenberger addressed the Commission. She introduced legal assistant Danielle Holmes. Commissioner Cameron stated that an application process for licensing of racetracks is required every year. Applications for the 2013 racing meets and the required fees were received from Ourway Realty LLC (Plainridge Racecourse), and Sterling Suffolk Racecourse LLC (Suffolk Downs) prior to October 1, the statutory deadline. Public hearings on the applications were held in Boston and Plainville on October 18, 2012 and produced no objections to renewal of the licenses. During the course of the hearings, supplemental information was requested and both tracks provided that information. She stated that the Commission must act on the renewal applications before November 15. Director Durenberger reviewed in detail the supplemental information that was provided by both tracks.

Director Durenberger stated that changes in the license application form may be implemented next year but this year's form is exactly the same as the form that has been used in prior years. Chairman Crosby said that he was concerned about the financial stability of both racetrack if they did not receive a gaming license for which they both had signified their intention to apply. Commissioner Zuniga stated they each had posted a \$100,000 bond to guard against financial difficulties. An extensive discussion was held on the issue and the Commission ultimately decided to move ahead with a vote on approval of the licenses.

*Motion made by Commissioner Cameron to approve the applications of Ourway Realty LLC and Sterling Suffolk Racecourse LLC. racing licenses for the 2013 racing season. Motion seconded by Commissioner Stebbins. The motion passed by a 4-1-0 vote (Crosby nay).*

Director Durenberger stated that she has been working with consultant David Murray on a review of Mass. Gen. Laws c. 128A and 128C, the pari-mutuel wagering and simulcast wagering

statutes. She provided the Commission with a proposed table of organization for the racing division and provided a brief overview of her reasons for recommending that organizational framework. She also stated that there are some shared staff issues that have yet to be resolved. She stated that she anticipates existing employees will apply for some of the positions reflected on the organization chart. Chairman Crosby stated that it is not automatic that the current employees will be retaining employment.

Chairman Crosby asked who would be responsible for the lab operations. Director Durenberger stated that an RFP has been issued and she would be the contract manager. Chairman Crosby stressed the importance of having someone responsible for overseeing the laboratory function. He also recommended that the role of the State Police be included in the organization chart. Chairman Crosby asked that at a future meeting Director Durenberger provide the Commission with an explanation of the income and expense structure of the Racing Division.

Commissioner Cameron stated that she conducted a formal adjudicatory proceeding on October 18 in the matter of John Halloran, a licensed owner/trainer at Suffolk Downs. He was ejected by the State Police on September 24, 2012 due to a fight which resulted in his being arrested and charged with assault and battery with a dangerous weapon. The charges are being handled in a criminal court, but undisputed was the fact that there was a physical altercation and there was adequate evidence for the Commission to find that Mr. Halloran started the altercation. She stated that it is her tentative decision that the Commission uphold the ejection order. She said that Mr. Halloran is aware he has 30 days to file with the full Commission any written objections he may have to her tentative decision.

Commissioner Zuniga stated that a meeting was held with the State Auditor to discuss the transition audit of the Division of Professional Licensure's oversight of racing regulatory activity. The audit was conducted at the Commission's request. A draft audit was supplied for informational purposes and there were no findings of irregularity or departure from proper fiscal management so the report will be issued in the next few days. He stated that the Auditor commented that the Commission should consider seeking the advice of the Attorney General with respect to certain payments that were made to cities and towns during fiscal year 2012.

#### **Public Education and Information:**

See transcript pages 92-165.

Report from the Ombudsman – Mr. Ziemba stated that he had a series of meetings with city and town representatives over the past week on a number of different matters. One of the prevalent questions had to do with the criteria the Commission will use for defining surrounding communities. Another common issue had to do with the desire for additional guidance regarding how cities and towns could obtain all or a portion of the \$50,000 in each application fee that was statutorily designated for their use in negotiating a host or surrounding community agreement or for mitigating adverse consequences. He stated that he and Commissioner Zuniga met with the Department of Revenue and received helpful information regarding how to make payments to towns where appropriations could only be made by a town meeting. Mr. Ziemba said that he also

met with the Department of Transportation to discuss protocol and how the Commission and the Department can work together as the licensing process moves forward. He also has had some conversations with regional planning agencies and will be soliciting their input for the policy question process.

Mr. Ziemba stated that Springfield has changed to January 3 the deadline for casino license applicants to submit their Phase 2 materials to the city. The original date was December 14. He also stated that Springfield's RFP timeline has the local vote occurring in June. He had a conversation with City representatives about the possibility that Commissions Phase 1 process might not be completed by that time and those representatives stated that the City would not move forward with a vote until it was.

AIA Forum – Commissioner Stebbins stated that the AIA forum is scheduled for December 12 from 8:00 a.m. to 12:00 p.m. and will be held at the BSA offices, 290 Congress Street. The forum has been organized by the Massachusetts Chapter of the American Institute of Architects, the Boston Society of Architects, and the American Council of Engineering Corporations. The proposed title of the forum is Promoting Sustainability, Strengthening Communities, and Achieving Design Excellence, a New Model for Massachusetts Casinos. Commissioner Zuniga asked if the MEPA process could be included on the agenda for this forum. Commissioner Stebbins indicated he would check with the AIA on this.

Discussion of Massachusetts Community Colleges Casino Careers Training Institute Proposal – Commissioner Stebbins stated that several members of the Community Colleges Casino Training Institute were present today to discuss their proposal.

Holyoke Community College President William Messner addressed the Commission. Present with him were Jeffrey Hayden, Robert LePage, and Michael Souza. He introduced other members of his team who were in the audience. He stated that they would like to discuss today the signing of a memorandum of understanding (MOU) between the Institute and the Commission that would put into place a formal process of planning for training that would lead to licensure and general workforce implementation. This MOU would also recognize the Institute as the exclusive provider of training for licensed gaming positions within the Massachusetts casino industry.

President Messner stated that he believes the development of a trained workforce to supply Massachusetts residents for the new casinos is a critical initiative for the Commonwealth and the community colleges will be involved in the development whether or not the Commission recognizes them as the exclusive training provider. He stated that the Institute believes that exclusivity would allow the Commission, developers, and potential job applicants to focus on a single set of training providers. Commissioner Cameron asked about the genesis of the idea that the Institute would be involved in the actual licensure of gaming employees. Mr. LePage stated that the idea was modeled on programs in Delaware and Pennsylvania. President Messner stated that they are asking the Commission to sign an MOU today, with or without exclusivity, that states the Commission will join them in working out the details of the program over the next several months.

Commissioner McHugh asked for clarification on what the license would represent. Mr. Hayden stated that certification would represent employability, background checks, drug testing and basic educational ability. This certification would allow an individual to work in a casino. Licensure would be for a specific job such as a blackjack dealer. Commissioner Cameron asked how they would address the common practice of gaming companies providing training. President Messner stated that they have developed an MOU with developers to address that issue but do not want to pursue that MOU until the relationship between the Institute and the Commission is resolved.

Mr. Joe Tutalo and Mr. Mike Tassoni, owners of the New England Casino Dealer Academy at the Emerald Square Mall in North Attleboro, addressed the Commission. They stated that they use the same curriculum as any casino, have extensive experience and a fully trained staff, and have provided trained staff to Foxwoods, MGM, and Mohegan Sun. They expressed frustration with the plan the Community College Institute has proposed because they fear that the exclusivity component of that plan will push them out of the training process. President Messner responded that the Institute's proposal is for a consortium, not just the 15 community colleges, and the consortium has many partners. He stated that nothing prevented private providers from being part of the consortium. Commissioner McHugh stated that he remains uncertain about what certification and licensure represent and asked for additional information from the Institute about their interpretation of the licensing provisions of the statute.

Commissioner Stebbins stated that it is the responsibility of the Commission to ensure the new Massachusetts casino jobs will be for Massachusetts residents and not an influx of out of state workers. He stated that a relationship with the Institute would be valuable for the Commission and suggested finding someone with workforce development planning and management experience to work with the Institute on implementation of that relationship. Chairman Crosby stated that the exclusivity portion for the time being is off the table. He stated that he would like to give the Institute's proposal more consideration given the concerns raised today and not execute the MOU at this time.

*A brief recess was taken.*

Chairman Crosby reopened the 35<sup>th</sup> meeting.

Chairman Crosby stated that during the break he had a discussion with a member of the Department of Professional Licensure who showed him a copy of the racing license application which states the license would be subject to any rules and regulations the Commission issues, even during the term of the license. Commissioner Zuniga clarified that the bond posted by each of the tracks is actually in the amount of \$125,000.

Report from Director of Communication and Outreach – Director Driscoll addressed the Commission. She stated that she has started the process of promoting the upcoming casino design forum and has been working on various ways to publicize the Commission's interest in receiving comments on the proposed policy decisions before the deadline of November 27. She



stated that Jackrabbit, the design firm, modified the proposed Commission logo after receiving last week's comments and she presented the modifications to the Commission for review. After discussion, that Commissioners were unanimous in their selection of one of the proposed logos. Director Driscoll stated that she will be starting a discussion with a possible web host this week and will have to purchase a domain name. She suggested using massgaming.gov or massgaming.org and the Commission was in agreement. Chairman Crosby asked whether someone who logged on to the Commission's present website would be taken to the new website. Director Glovsky stated that redirection would not happen automatically but that a link to the new website would be prominently displayed on the current website.

### **Research Agenda:**

See transcript pages 165-166.

Status Report – Chairman Crosby stated that the RFP for research assistance will be issued within the next few days. Commissioner Zuniga stated that a draft has been created and several issues require review in order to finalize an RFP.

### **Internet Gaming:**

See transcript page 166.

Chairman Crosby stated that he was going to do some further research on the Reid-Kyl bill, which he has not done, so there is nothing to report on this topic today.

*Motion made to adjourn, motion seconded and carried unanimously.*

### **List of Documents and Other Items Used at the Meeting**

1. Massachusetts Gaming Commission November 13, 2012 Notice of Meeting & Agenda
2. MGC Framework for Addressing Policy Questions
3. MGC 2012-11-06 Summary Schedule Update
4. MGC Employee Handbook Section 3, Compensation
5. State Racing Commission Official Audit Report for the Period July 1, 2011, to May 20, 2012
6. 11/8/12 Memo to Mass Gaming Commission from Jennifer Durenberger
7. Proposed Table of Organization Racing Division
8. Building and Training the Workforce for the Casino Industry
9. Draft Memorandum of Understanding for Western Massachusetts By and Between Massachusetts Casino Careers Training Institute and Developer/Operator
10. Draft Memorandum of Understanding for Casino Careers Licensure Training By and Between Massachusetts Careers Training Institute and the Massachusetts Gaming Commission

11. A Statewide Initiative Addressing the Workforce Needs of the Gaming Industry in Massachusetts

/s/ James F. McHugh  
James F. McHugh  
Secretary

# Massachusetts Gaming Commission

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## MEMORANDUM

Date: November 27, 2012

To: Commissioners

From: Enrique Zuniga

Re: Recommendation to Approve 2<sup>nd</sup> Amendment of the Contract with Outside Counsel

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**Recommendation: That the Gaming Commission approve a 2<sup>nd</sup> amendment of the contract with Anderson & Krieger to continue services to serve as Outside Counsel. The amendment of the contract is for an additional \$200,000. The term of this amendment is proposed to be from November 15, 2012 to November 15, 2013 or upon acceptance of the last deliverable in the Work Plan (as amended).**

### *Anderson & Krieger Scope of Services Procured*

Anderson & Krieger responded to the RFR "GOV RFR 2012-002" for outside counsel to advise in the implementation of the gaming law. The scope of work solicited and accepted from that request included a detailed Work Plan for activities as part of the strategic planning process.

The MGC delegated to Commissioner James McHugh the oversight and project management of this contract. The initial fee and term as agreed to by the parties was for \$365,000 from April 10, 2012 to September 15, 2012.

The first amendment to the contract was for an additional \$132,000 (for a cumulative of \$497,000) and a two month extension in the term of the contract to November 15, 2012.

Anderson & Krieger have completed certain tasks of the work plan. Certain other tasks in the work plan have been deleted or are on-going. As a result of the on-going nature of some activities in the work plan, Commissioner McHugh has recommended extension of the contract terms and fee as described above.

The numbers above are within the parameters of the budget approved by the Commission on September 2012.

DRAFT

**Position Title: Director – Gaming Workforce & Supplier Development and Diversity Initiative**

**Organization:** Massachusetts Gaming Commission (MGC)

**Position Description:** Reporting to the Executive Director, this position provides staff leadership on commission initiatives including implementation of a workforce development plan, creating support for small businesses to serve and supply casino operations and promoting diversity across these initiatives and all future efforts of the commission.

**Job responsibilities include, but are not limited to:**

- Serve as the commission's lead staffer to develop and implement a workforce development plan in partnership with the Massachusetts Casino Careers Institute.
- Serve as the commission's lead staffer to help create a task force to provide business services to support small business seeking business opportunities with Category 1 or 2 gaming licensees
- Promote diversity and programs to encourage all residents of the Commonwealth to benefit from the new jobs and business opportunities created through the expansion of gaming.
- Review and identify policies to further the commission's priorities in these key areas.
- Establish program for tracking and reporting women, minority and veteran employment in the expanded gaming industry for both temporary and permanent positions.
- Work with Executive Director and MGC staff to assist MGC Gaming Policy Advisory Committee on topics related to workforce development, small business development and diversity initiatives

**Key Attributes of the successful candidate(s):**

- Deep and demonstrated commitment to diversity and inclusion as core organizational values
- Ability to work well in a team environment
- Ability to read, research, and implement pertinent legislation
- Excellent organizational and project management skills
- Keen attention to detail
- Ability to communicate effectively verbally and in writing

**Knowledge/Skills required:**

- Previous similar experience in a local, state, or federal government agency setting
- Experience with relevant office software applications, particularly Microsoft Excel and Access

**Knowledge/Skills preferred:**

- College degree in related field
- Previous work experience in workforce development, business development, human resources or diversity initiatives

# **MASSACHUSETTS GAMING COMMISSION EMPLOYEE HANDBOOK**

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Massachusetts Gaming Commission  
84 State Street  
Boston, MA 02109

# THE MASSACHUSETTS GAMING COMMISSION

## EMPLOYEE HANDBOOK

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### MISSION STATEMENT

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*The mission of the Massachusetts Gaming Commission is to create a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November, 2011. In creating that process, the Commission will strive to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of the new legislation, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality.*

### THE GAMING COMMISSION

The Massachusetts Gaming Commission is a brand new and exciting agency charged with responsibility for licensing and overseeing casino gambling and horseracing throughout the Commonwealth of Massachusetts. Created by legislation passed in November, 2011, the Commission began its operations in April, 2012. The Commission has moved quickly to hire key employees, take charge of existing horseracing operations, and promulgate regulations that will govern casino licensing and oversight. As part of the initial goals, the Commission will accept applications for casino licenses and formulate policies that will lie at the heart of the Commission's operations.

The enabling statute of the Gaming Commission M.G.L. 23K (chapter 194 of the Acts of 2011) section 1, states that “...ensuring public confidence in the integrity of the gaming licensing process and in the strict oversight of all gaming establishments through a rigorous regulatory scheme is the paramount policy objective of this chapter...”

To conform to the statement above, the Commission believes that the need for integrity and the appearance of integrity by all employees, consultants, vendors and licensees, without exception, in every aspect of their work for and with the Commission is a paramount objective.

# THE MASSACHUSETTS GAMING COMMISSION

## EMPLOYEE HANDBOOK

### CORE VALUES

The Commissioners and all employees of the Massachusetts Gaming Commission are committed to a set of core values that will underpin and guide our work:

- *We value an unyielding commitment to a participatory, transparent and fair process for the licensing of expanded gaming in Massachusetts*
- *We value an environment with a free-flowing and open exchange of ideas in which all are encouraged to question and participate, with the understanding that all will use their best efforts to implement the resulting decisions*
- *We value an uncompromising commitment to the integrity of the licensing and regulatory process, and strict adherence to the letter and spirit of our Enhanced Code of Ethics, with a thoughtful balance between the need for rigorous regulation and the burden of compliance*
- *We value a diverse workforce and supplier base, and an inclusive culture internally and among our partners in the Massachusetts Gaming Industry*
- *We value a deep commitment to customer service that assures a respectful and professional experience for all with whom we come in contact, no matter their point of entry or point of view*

# **THE MASSACHUSETTS GAMING COMMISSION**

## **EMPLOYEE HANDBOOK**

### **PREFACE**

Outstanding people are the key to success at the Massachusetts Gaming Commission. We are proud to welcome you to our high achieving team.

Providing a work environment that allows you to reach your professional potential is important to us. This Massachusetts Gaming Commission Employee Handbook (the “Handbook”) serves as an introduction to the Gaming Commission and its expectations of its employees. The Handbook contains basic information about the Commission and its general policies and procedures. While the information generally applies Commission-wide, employees who are covered by the terms of employment contracts may be covered by alternative negotiated arrangements. In the event of any conflict between this Handbook and any applicable employment contract, the contract will govern. Supervisors will provide information and details concerning individual job responsibilities and alternate arrangements. Please remember, however, that it is the employee’s responsibility to know and to understand his or her responsibilities at work.

From time to time, new or revised policies will be developed by the Gaming Commissioners to ensure the continued common good and mutual interest of the Commission and its employees, and to keep step with industry trends. The Commissioners reserve the right to modify or amend this Handbook at any time. Changes to existing policies and new policies will be disseminated electronically to all employees and posted at the Commission offices upon adoption.

Best wishes for a fulfilling and successful tenure at the Massachusetts Gaming Commission. Thank you for taking this first step in learning about your workplace.

The policies, statements, and information contained in this Employee Handbook are provided to inform and guide you.

The benefits, policies, and procedures contained in the Employee Handbook represent practices as they exist today. Policies set forth in this Handbook do not constitute a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract for continued employment between the Massachusetts Gaming Commission and any of its employees. The provisions of the Handbook have been developed at the discretion of the Commissioners and may be amended or canceled at any time at the Massachusetts Gaming Commission’s sole discretion. Further, these policies and practices are guidelines; the Massachusetts Gaming Commission has complete discretion to depart from these guidelines when reasonable or necessary to do so. The descriptions of state and federal law are current as of the date hereof, but over time are subject to change.

You should contact your supervisor, the head of the Commission’s Human Resources Department, the General Counsel to the Commission, or the Commonwealth of Massachusetts Human Resources Division (“Human Resources Division”) if you have questions about a procedure or benefit. Specific information regarding benefit plans can be found in the applicable summary plan description (SPD), plan document, or insurance policy. These documents are on file at the Commission and in the Human Resources Division. In the event of a conflict or perceived conflict between the specific provisions of



# **THE MASSACHUSETTS GAMING COMMISSION**

## **EMPLOYEE HANDBOOK**

a plan and any interpretation of information contained in the Employee Handbook, the specific provisions of the plan shall apply. These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Massachusetts Gaming Commission.

**Employees who are covered by the terms of employment contracts will be subject to the terms of the applicable agreement if such agreement so provides.**

# THE MASSACHUSETTS GAMING COMMISSION

## EMPLOYEE HANDBOOK

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### SECTION 1. EMPLOYMENT PRACTICES

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#### **1.1. Employment At-Will and MGL chapter 150E**

At The Massachusetts Gaming Commission, we value all employees and hope you have a rewarding career here. Currently, employment with The Massachusetts Gaming Commission is “at-will.” This means that your employment can be terminated with or without cause, and with or without notice, at the option of either The Massachusetts Gaming Commission or yourself, except as otherwise prohibited by law. Nothing in this Handbook or in any document or statement limits the right of the Commission or the employee to terminate employment-at-will.

In accordance with M.G.L. 150E, employees shall have the right of self-organization and the right to form, join, or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion. An employee shall have the right to refrain from any or all of such activities, except to the extent of making such payment of service fees to an exclusive representative as provided in section twelve of MGL 150E.

Until such time as there may a collective bargaining unit(s) representing employees of the Commission, no supervisor or employee of the Commission may enter into any agreement for employment for any specified period of time or make any agreement, implied or expressed, for employment other than on an at-will basis. Only the Massachusetts Gaming Commission and/or its designee has the authority to enter into any employment agreement and then such agreement must be in writing and ratified by the full Commission.

The Commission appoints the Executive Director. The Executive Director is authorized to hire all other employees by delegation of the Commission. The Commission may also hire employees and/or delegate the hiring authority to another individual in the absence of an Executive Director.

This Handbook is provided and is intended only as a summary of personnel policies, practices, rules, and benefits. The Handbook is not, nor should it be considered to be, an agreement or contract of employment, express or implied, or as a promise of treatment in any particular manner in any given situation. The Commissioners may, at any time, in their sole discretion, modify or vary from anything stated in this Handbook, with or without advance notice.

#### **1.2. Employment Classification**

The Massachusetts Gaming Commission has defined Employment Categories so employees understand their employment status and benefit eligibility. The exemption status for positions at

# **THE MASSACHUSETTS GAMING COMMISSION**

## **EMPLOYEE HANDBOOK**

The Massachusetts Gaming Commission, as it pertains to eligibility for overtime, is determined according to regulations issued under the Fair Labor Standards Act (FLSA). The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in federal, state, and local governments.

### **1.2.1. Fair Labor Standards Act (FLSA) Status**

#### **Non-Exempt**

Non-exempt employees are those employees who, based on duties performed and manner of compensation, are be subject to all FLSA provisions. Non-exempt employees shall be required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time-and-one-half) rate.

#### **Exempt**

Exempt employees are those who, based on duties performed and manner of compensation, are exempt from the FLSA minimum wage and overtime provisions. Exempt employees shall be paid an established bi-weekly salary and are expected to fulfill the duties of their positions and work the minimum 37 ½ hours per week. Exempt employees are not eligible to receive overtime compensation.

### **1.2.2. Employment Categories**

#### **Regular Full-Time**

Regular full-time employees are those who are hired into a position designated with no pre-determined terminal point or with a terminal point exceeding twelve (12) months. A regular, full time employee works either a minimum 37 and ½ hour or 40 hour per week work schedule during the Commission's regular business hours of operation. Regular, full-time employees are eligible for all employee benefits outlined in this Handbook, subject to the benefit provision.

#### **Regular Part-Time**

Regular part-time employees are those who are hired into a part time position designated with no pre-determined terminal point or with a pre-determined terminal point exceeding twelve (12) months. Regular, part time employees work at least 18 and ¾, but less than 37 and ½ hour per week work schedule during the Commission's regular business hours of operations. Regular, part-time employees are eligible for all employee benefits outlined in this Handbook, subject to the benefit provision. Annual vacation, sick, and personal hours are pro-rated based on the number of hours worked.

# THE MASSACHUSETTS GAMING COMMISSION

## EMPLOYEE HANDBOOK

### Co-op

A co-op employee is an undergraduate or graduate student enrolled in an accredited cooperative education program hired into a temporary position utilizing his or her technical or administrative education, and who has been hired with a predetermined terminal point of employment. Co-op employees are eligible for workers' compensation and may be eligible for certain other statutory benefits, but are not eligible for Commission benefits. Co-op employees are required to participate in the Massachusetts Deferred Compensation SMART Plan (SMART Plan) and must contribute at least 7.5% of their gross compensation per pay period. The SMART Plan is an alternative to Social Security as permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA).

### Intern

And an intern is an undergraduate or graduate adult student (18 years or older) not enrolled in an accredited cooperative education program hired into a temporary position utilizing his or her technical or administrative education, and who has been hired with a predetermined terminal point of employment. Intern employees are eligible for workers' compensation and may be eligible for certain other statutory benefits, but are not eligible for Commission benefits. Interns are required to participate in the Massachusetts Deferred Compensation SMART Plan (SMART Plan) and must contribute at least 7.5% of their gross compensation per pay period. The SMART Plan is an alternative to Social Security as permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA).

### Contract

A contract employee is an employee who is hired as an interim replacement, to temporarily supplement the work force, to assist in the completion of a specified project or for any other reason the Commissioners deem appropriate. A contract employee's terms and conditions of employment are governed by a written agreement. Employment assignments in this category are of a limited duration. Only the Commissioners of The Massachusetts Gaming Commission have the authority to make any such agreement and then only in writing. Contract employees are eligible for Workers' Compensation and may be eligible for certain other statutory benefits, but generally are not eligible for Commission benefits. Contract employees are required to participate in the Massachusetts Deferred Compensation SMART Plan (SMART Plan) and must contribute at least 7.5% of their gross compensation per pay period. The SMART Plan is an alternative to Social Security as permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA).

### **1.3. Equal Employment Opportunity**

**The Massachusetts Gaming Commission is committed to the principle of equal employment opportunity.** Applicants for employment and employees are evaluated on their individual qualifications for a position. Under no circumstances will The Massachusetts Gaming

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## EMPLOYEE HANDBOOK

Commission discriminate against qualified persons on the basis of race, color, creed, religion, national origin, citizenship status, sexual orientation, genetic information, sex, disability, marital status, age, veteran status, membership in the armed forces of the United States, or any other basis prohibited under applicable law.

The equal opportunity policy applies to all employment practices including, but not limited to, hiring, promotion, demotion, transfer, recruitment/recruitment advertising, layoff or termination, rates of pay or other compensation, and training. All other personnel actions including compensation, benefits, transfers, layoffs, recalls from lay-offs, training, education, tuition assistance, and recreation programs will be administered without regard to race, color, religion, sex, age, national origin, disability, veteran status, or any other protected status, in accordance with appropriate law. Employment and promotion decisions will be based on merit and the principle of furthering equal opportunity. The requirements imposed by the Commissioners in filling a position will be those that validly relate to the job performance required.

Discrimination of any type, including retaliation against an individual filing a charge or making a complaint, is not tolerated and is cause for disciplinary action, including termination.

### **1.3.1. Affirmative Action**

The Massachusetts Gaming Commission undertakes affirmative action to ensure that all qualified applicants receive consideration for employment, and that all employees are treated during employment, without regard to race, color, religion, sex, age, national origin, veteran status, disability, genetics, or any other protected class.

The Commission undertakes affirmative action to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam era and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. The Commission shall list all of its employment openings, with the appropriate local employment service office.

Such action shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

### **1.3.2. Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) and the Massachusetts Civil Rights Act protect disabled individuals from discrimination in employment and other major aspects of everyday life. The ADA defines a "qualified individual with a disability" as an individual with a disability who can, with or without reasonable accommodation, perform the essential functions of the job that such individual holds or desires. The Massachusetts Civil Rights Act defines "qualified handicapped persons" as "handicapped person who [are] capable of performing the

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essential functions of a particular job, or who would be capable of performing the essential functions of a particular job with reasonable accommodation to [their] handicap.”

The Commission does not discriminate against qualified individuals with disabilities or qualified handicapped persons. The Commission undertakes affirmative action to employ, and advance in employment, qualified individuals with disabilities. Such actions include, but are not limited to the application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

If you are disabled and believe an accommodation is necessary to enable you to perform the essential functions of your job, you should advise the Commissioners of the disability and suggest the nature of the accommodation you believe is necessary to enable you to perform your job. All information concerning disabilities will be kept confidential and will be shared with others on a need-to-know basis. Anyone found to be engaging in unlawful disability discrimination will be subject to disciplinary action, up to and including termination.

If you have any questions regarding this policy, you are encouraged to discuss them with Human Resources.

### **1.4. Immigration Law Compliance**

The employment of non-citizens by the Commission is governed by certain acts of Congress and regulations of the U.S. Immigration and Naturalization Service. The Massachusetts Gaming Commission is required by the federal Immigration Reform and Control Act of 1986, to verify the identity and legal authorization to work of all individual applicants and employees.

In meeting this obligation, The Massachusetts Gaming Commission must inspect documentation that confirms each person’s identity and legal authorization to work in the United States, and each employee must attest to his or her identity and legal authorization to work by completing a federal government form (known as Form I-9) supplied upon hire at The Massachusetts Gaming Commission. Former employees who are rehired must also complete the I-9 form if they have not completed an I-9 with The Massachusetts Gaming Commission within the past three years, or if their previous I-9 is no longer retained or valid.

All offers of employment and continued employment are conditional upon an individual’s ability to furnish the Commission with satisfactory evidence of both his/her identity and legal authorization to work in the United States.

### **1.5. Employment and Hiring**

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### **1.5.1. Hiring Goals & Objectives**

The Commission, the Executive Director or their designee shall create an organizational chart outlining the positions that will be necessary for the Commission to carry out its mission and a job description for each position in the organizational chart.

### **1.5.2. Hiring Process**

All persons expressing interest in employment with the Commission will, without exception, be directed to the Human Resources department.

The Human Resources Division will review all applications to determine if each applicant has the minimum qualifications and experience demanded by the job description and shall forward the names and resumes of all candidates who meet the minimum qualifications and experience requirements to the hiring manager or his designee.

The Commission or the Executive Director shall designate a “Hiring Manager” for each vacant position. The Commission and/or the Executive Director may designate a “Hiring Manager.” The Executive Director or any of the commissioners may serve as a Hiring Manager. Other employees of the MGC may also serve as a Hiring Manager. The Commission may designate a Hiring Manager for one or several positions at any time, and/or may also designate a Hiring Manager for certain positions as long as a hiring plan has been previously approved by the Commission.

The Hiring Manager will develop and draft a detailed job description, which shall be reviewed by Human Resources for compliance with hiring policies and procedures, and overall structure of and fit within the organization. The job description shall include minimum qualifications, level of experience being sought and both general descriptions of the typical tasks and detailed examples of those tasks.

The Hiring Manager will review the resumes and choose candidates to interview based on their qualifications and experience. After interviews are conducted, the interviewer will fill out a written assessment of each candidate and forward the assessment to the Commissioners or the Executive Director, as they direct.

Based on the application materials and the written interview assessment, the Commissioners or the Executive Director, or his/her designee, will choose a final candidate or a short list of final candidates. The final candidate or candidates must provide references and permission for a background/CORI/SORI/credit check. In coordination with Human Resources, the Hiring Manager may cause to conduct a background check on an individual or individuals prior to an offer of employment or issue a conditional offer of employment subject to background check.

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If the Hiring Manager issues a conditional offer of employment, s/he shall clearly notify the applicant that the offer is conditioned on successful completion of the investigation.

Final candidates must provide at least three references. All recommendations must be in writing and directed to Human Resources. Verbal recommendations will not be considered. A reference check must be completed and documented. Letters of recommendation for the candidate who is hired will become a matter of public record. Written recommendations for employment submitted in support of candidates applying for employment, shall not be considered by the hiring manager or human resources until the applicant has met all other qualifications and requirements for the position to be filled. Other application materials for that candidate and all application materials for unsuccessful candidates, including the resume, will not be public records.

When the reference and background/CORI/SORI credit checks are complete, the Commissioners or the Executive Director, or his designee, in consultation with the Human Resources Department, shall choose whether to make an offer of employment and to which candidate. If the decision maker feels that additional interviews are required to make this determination, additional interviews may be conducted. When an offer of employment is made, it shall be made by the Human Resources Division to the successful applicant.

A listing of current job openings will be made available on the Commission website and intranet, although, the Commission reserves its right not to post a particular opening. The position postings allow the Commission to inform employees of openings that may afford them opportunities for advancement or transfer.

### **1.5.3. Internal Candidates**

Inquiries about posted positions are strongly encouraged from qualified internal candidates. Interested individuals should contact the Human Resources Division for further information and consideration. All internal inquiries will be treated confidentially. To be considered an applicant for an approved posted vacancy, internal candidates must:

- (a) submit a resume to the Human Resources Division specifying the position they are applying for and how his or her current experience with the Commission and prior work experience and education qualifies him or her for the position.
- (b) be performing competently in his or her current position. An employee who has received a written warning, performance improvement plan, or suspension during the six months prior to the date of the job posting is not eligible to apply.

The Employer recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization. An applicant's



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supervisor may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be considered in determining the applicant's suitability for the position.

### **1.5.4. Orientation**

Each new employee will receive a new employee packet. Orientation will be conducted as needed. New employees shall sign a form acknowledging that pertinent policies have been reviewed.

### **1.5.5. Employment of Relatives**

The employment of an employee's relative, including domestic partners, in the Commission may be allowed subject to the provisions of the Commission's Enhanced Code of Ethics. Insofar as it complies with the Code of Ethics, the Commission could consider employment of the family members of a Commission employee as long as a family member was not placed in a position where s/he would be supervised by another family member. For the purpose of this policy, a relative is defined as an employee's child, parent, spouse, sibling, grandparent, aunt, uncle, cousin, corresponding in-law, or corresponding step-relation.

### **1.5.6. Employment of Minors**

MGC's policy is not to employ minors. All employees (permanent, temporary, interns, etc.) must be at least 18 years old.

## **1.6. Background Checks**

Prior to an offer of employment all candidates for permanent employment by the Commission will undergo a background check. The level of background check may be different for interns temporary or contract employees.

Providing accurate information necessary to conduct the background check is also a condition of employment, and this may include fingerprints, drug screen(s), and a detailed listing of prior employment and locations of residence.

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Any issues arising from a background check are considered sensitive information, but will remain in the personnel file. A prospective employee who does not obtain employment based on information obtained from a background check is entitled to such information, and may request an appeal with the head of the division of enforcement.

### **1.7. Performance Management**

Performance management is the process of creating a work environment or setting in which people are enabled to perform to the best of their abilities. Performance management begins when a job is defined as needed and ends when an employee leaves organization. Performance Management concentrates on the entire spectrum of performance management and improvement strategies. These include performance improvement, performance development and training, cross training, challenging assignments, 360-degree feedback and regular performance feedback.

The Massachusetts Gaming Commission believes performance evaluations are an important management tool, and that employees should feel comfortable actively participating with their supervisors in the review process to keep the lines of communication open. The Massachusetts Gaming Commission conducts written performance evaluations on a scheduled basis when practical. Supervisors and employees are strongly encouraged to discuss job performance and expectations on a regular basis.

The performance evaluation meeting between the evaluating manager and the employee is to discuss performance during the review period and to establish expectations, performance standards, and objectives for the coming year. The performance management process ends and begins anew with the annual review.

#### **1.7.1. Performance Evaluations**

The Commission shall undertake an annual performance evaluation process of all employees. The evaluations shall be an objective assessment of each employee's performance as compared to the stated goals and tasks articulated in his or her job descriptions.

The performance evaluation process will also be an opportunity to further refine expectations and goals articulated in the job descriptions.

All employees may submit a self-evaluation prior to the performance evaluation. All employees shall acknowledge with signature that a performance evaluation has been discussed with them but the acknowledgement signature shall not mean that the employee agrees or disagrees with the evaluation. Both the self-evaluation and a performance evaluation signed by both the supervisor and the employee shall be kept in the employee's file.

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### **1.7.2. Professional Development**

The Massachusetts Gaming Commission recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

### **1.7.3. Professional Membership and Subscriptions**

The Massachusetts Gaming Commission offers all regular full-time and regular part-time employees the opportunity to participate in professional organization memberships and subscribe to professional newsletters and magazines. Prior approval for such activities from the employee's department manager is required. In the event an employee leaves the Commission voluntarily, active memberships and/or subscriptions in the employee's name will be transferred to the Commission.

### **1.7.4. Work Related Conferences and Seminars**

The Massachusetts Gaming Commission encourages employees to take ownership of their professional development by attending work-related conferences or seminars that may provide professional or technical skill development. Employees should discuss opportunities with the appropriate supervisor. Employees must obtain approval from the department manager prior to enrolling in a conference or seminar. Overnight stays and out-of-state travel require prior approval from the Department/Division Director.

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## SECTION 3. COMPENSATION

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### **3.1 Time and Attendance**

All employees are expected to arrive on time and ready to work. Employees will be informed of work hours at the time employment begins and the manager or chief of staff will advise of any change in schedule that may be necessary.

If you are going to be absent or late, you must notify your immediate manager by phone prior to or within the first hour of your normal workday. Not only is prompt notification a matter of courtesy, it may also be necessary for your manager to make adjustments in work assignments.

MGC may consider an absence of three consecutive workdays without notification as a voluntarily resignation. Employees are expected to report to work during inclement weather conditions unless MGC declares an emergency closing.

In accordance with the statute that created the Commission, a Commission employee assigned to a gaming establishment is an essential employee and must report to work unless the Governor declares that essential employees are excused because of an emergency (weather related or other). The Commission and/or the chief of staff may advise employees to suspend work due to inclement weather, by notifying all employees in an appropriate manner.

MGC may request medical documentation of illness after five consecutive days of absence due to illness. Employees who are absent excessively or demonstrate patterns of absences may be subject to disciplinary action up to and including termination. It is the responsibility of a manager to notify the Human Resources Manager of an employee's absence from work for more than five consecutive work days (excluding scheduled vacations).

### **3.2 Payroll Deductions**

**3.3** It is the policy of MGC to fully comply with the Fair Labor Standards Act. In keeping with this commitment, MGC will pay exempt employees their full salary two weeks after the workweek in which they perform work, subject only to deductions that are permitted by law. MGC will promptly investigate and correct any improper payroll deductions or other payroll practices that do not comply with the Fair Labor Standards Act. If an employee believes that an improper payroll practice—such as an improper deduction from an exempt salary—has occurred, he or she should notify the Human Resources Manager. The Human Resources Manager will see that the matter is appropriately reviewed. An employee will be reimbursed for the amount of any inappropriate deduction. **Hours of Operation and Work Schedule**

#### **3.3.1 Hours of Operation**

The designated business hours for MGC are from 8:45 a.m. to 5:00 p.m. A normal work week for MGC is Monday through Friday and for full-time employees is thirty seven ½ (37.5) hours. A normal workday at MGC is nine (8.25) hours, including one (¾ hours or 45 minutes) unpaid for lunch.

Your manager may specify and adjust the scheduling of this nine (8.25) hour period, including lunch breaks, to further the best interests of MGC. However, employee scheduling preferences will be taken into consideration whenever possible.

### **3.3.2 Overtime**

Non-exempt employees will receive straight pay for hours worked in excess of 37.5 hours in a workweek, and overtime pay for hours worked in excess of forty in a workweek at a rate of one and one-half times the employee's regular rate of pay. Only actual hours worked count toward computing overtime.

Paid time off (e.g. earned time, holidays, and bereavement leave) that is not actually worked or unpaid leave is not counted in the calculation to determine whether an employee has worked over 40 hours in a week and is eligible to receive overtime pay. Only the hours actually worked by a non-exempt employee during a Paid Holiday, early release or an MGC-declared emergency storm closing will be counted in the calculation to determine whether an employee is eligible for overtime pay.

Overtime is not intended for employees to perform the "usual and ordinary" requirements of their work, but rather for special projects or periods of unusually heavy activity.

All instances of overtime work by non-exempt employees must be approved in writing in advance by the employee's manager or Department Head. Employees may not be given "blanket approval" to work overtime at their own discretion. Non-exempt employees who work overtime without prior manager or Department Head authorization may be sent home before the end of the day or work week to limit worked hours to 37.5.

Overtime must be reported on the non-exempt employees' timesheets, together with an explanation of the work performed. Time sheets containing overtime must be signed by the manager or Department Head.

### **3.3.3 Alternate Work Schedule and Telecommuting**

The Commission is a state agency committed to customer service and as such subscribes to the general notion of always being open for business with significant physical presence of its workforce during normal business hours. Similarly, the Commission is committed to customer service at the gaming establishments that it will license, and is also committed to the notion of having a significant physical presence in a gaming establishment during the hours of operations of the gaming establishment.

An employee's supervisor may allow certain employees an alternate work schedule and/or the flexibility of a telecommuting arrangement. A telecommuting arrangement may be extended to exempt employees that are not deemed essential state employees to the extent that such arrangement does not conflict with or diminish the ability of the employee to be effective and provide a similar level of customer service. A telecommuting arrangement is meant to be used on a limited basis. All temporary alternate work schedules or telecommuting arrangements require approval of the Department/Division Director in conjunction with the Human Resources Director.

Any and all employees assigned to a gaming establishment are considered essential state employees, and hence the policy of temporary alternate work schedule or telecommuting does not apply to them.

The Commission will not reimburse employees for any costs incurred telecommuting or in a temporary alternate work arrangement (utilities, rent, etc.).

### **3.4 Expense Reimbursement**

The Commission recognizes that an employee may, in the course of conducting business for the Commission, incur certain incidental expenses. An employee is always encouraged to obtain advance verbal approval of all types of expenses he/she may incur if the expenses are reasonably anticipated.

Employees are required to fill out the expense reimbursement form and provide documentation (receipts) of any business-related expenses for which they seek reimbursement and obtain approval from their supervisor.

Certain types of expenses are subject to the following rules:

#### **3.4.1 Travel Expenses**

In all cases where travel is required, employees are to use those means of transportation which are most economical in light of actual costs and time spent traveling. Expenses which in the judgment of the Commission are unnecessary or unreasonable will not be reimbursed.

Employees who expect to incur reimbursable travel expenses must obtain prior approval for such travel from their supervisor. Out-of-state travel requires the prior approval of the Commission. (See additional paragraphs, below, pertaining to separate approval required to attend training conferences.)

Airline reservations are preferably coordinated with the chief of staff. An employee may make his/her own arrangements and seek reimbursement as long as prior approval is received. Approval requires the traveler to utilize the lowest-priced, most reasonable travel arrangements. As such, the traveler may be required to travel on Saturday if an overnight stay would greatly reduce the cost of airfare. Significant savings are available for airline bookings that are made 7 to 14 days in advance of travel. Approval may be rescinded if the traveler does not have final arrangements in place early enough to meet early registration deadlines and/or advance airfare discounts. Baggage fees associated with airline travel will be reimbursed, for one piece of luggage only, in circumstances when an airline charges for carryon luggage. When an airline does not charge for carryon luggage, employees are expected to travel without incurring any baggage expenses.

Employees may be reimbursed for their actual hotel and meal costs as follows:

**Hotel:** Reasonable charges for hotel accommodations will be allowed upon presentation of receipted bills.

**Meals:** Meal expenses incurred while engaged in interstate travel will be allowed for a reasonable amount. For reference the Federal meal per-diem rate published by the U.S.

General Services Administration for Suffolk county MA for 2012 for meals is \$71. Meal expenses do not include alcoholic beverages.

### **3.4.2 Additional Reimbursable Expenses**

Additionally, employees may be reimbursed for their actual costs for the following types of expenses:

**Bar Membership:** The Commission will reimburse Attorneys for BBO dues. Employees must provide proof of payment to be reimbursed.

**Transportation:** Transportation expenses between an employee's home and permanently assigned office are reimbursable as follows: The amount of miles in excess of 40 miles between an employee's home and his/her assignment will be reimbursed at the mileage rate below. For business-related travel, employees are expected to utilize car-pools when available to reduce costs. The most economical means of transportation for work-related travel, when necessary, will be reimbursed. Mileage will be paid for business travel between office sites, and other work-related locations when employees use personally owned vehicles, at the mileage rate stipulated by the Commonwealth for state employees (currently 45 cents per mile). Other charges for parking will also be reimbursed subject to the conditions herein. Charges for tolls will also be reimbursed with proper verifying documentation. Please note that fines, tickets, etc. are not reimbursable.

Additional approval is required to attend training conferences. Employees who wish to attend training conferences must obtain the prior approval of the Commission, Executive Director, or Chief of Staff. Failure to obtain the requisite approval before commencing travel or attending a training/conference/seminar may result in denial of reimbursement.

The Commission is able to pre-pay for conference registration fees, but cannot advance funds for other purposes. The employee must pay for all other expenses and seek reimbursement in a timely fashion.

### **3.4.3 Process for Reimbursement**

Employees are responsible for obtaining original receipted bills documenting their travel expenses. Failure to obtain such receipts may result in denial of reimbursement.

To obtain reimbursement for travel expenses, employees must complete an Expense Reimbursement form and obtain approval from their immediate supervisor. Employees must attach original receipts to the form. Employees should anticipate a delay between the submission of the voucher and actual receipt of the reimbursement.

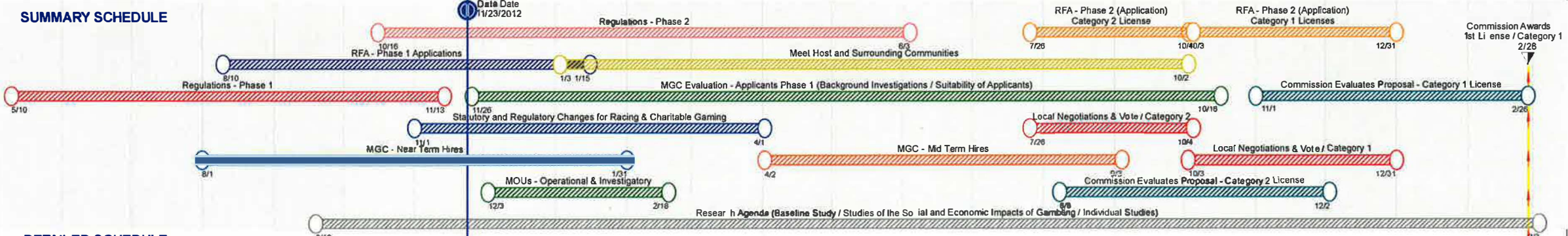
Reimbursements are deposited to employees' direct deposit account and their payroll advice will reflect the reimbursement. Therefore, it is important that employees notify the Director of Human Resources or Chief of Staff if their account information changes so that disbursement can be correctly deposited.



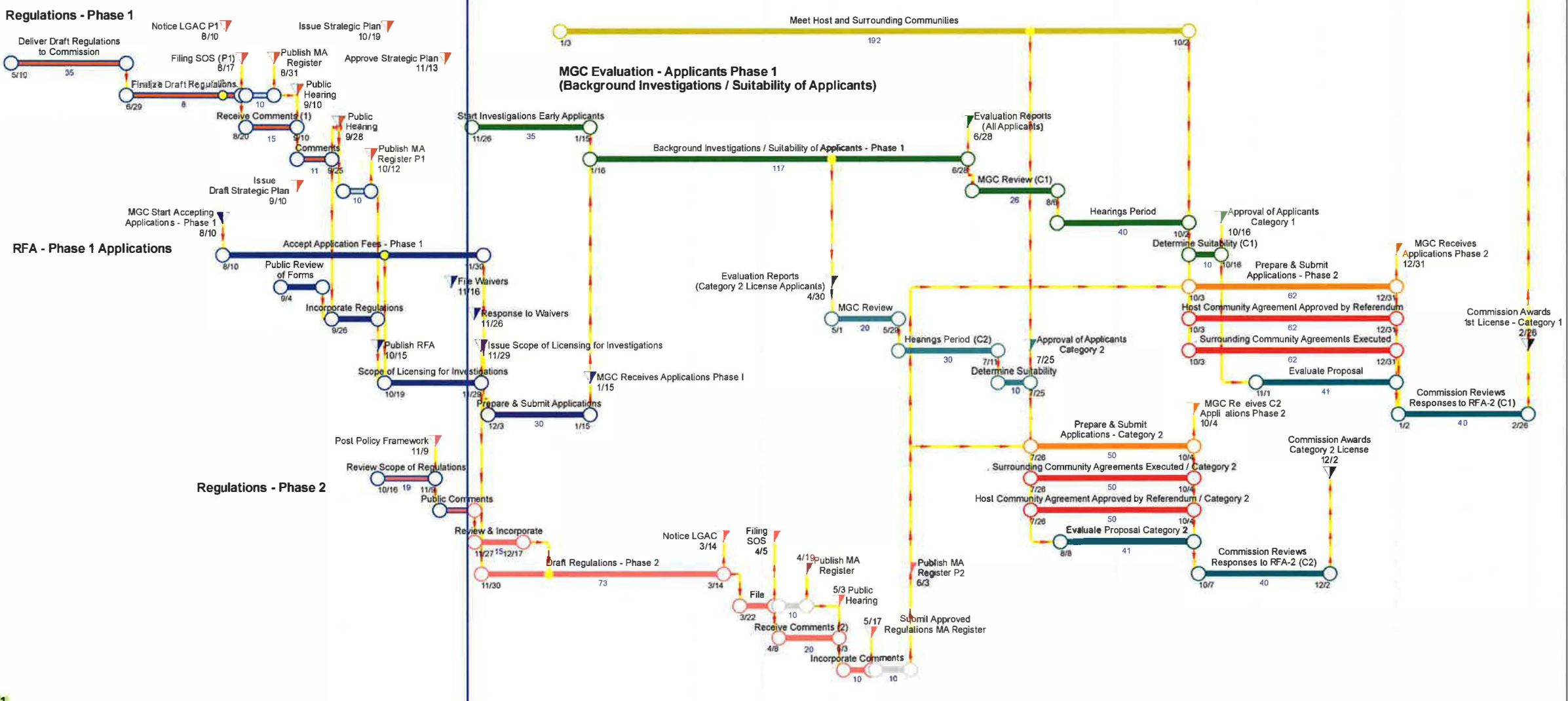
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### Massachusetts Gaming Commission / 2012-11-23 Summary Schedule Update

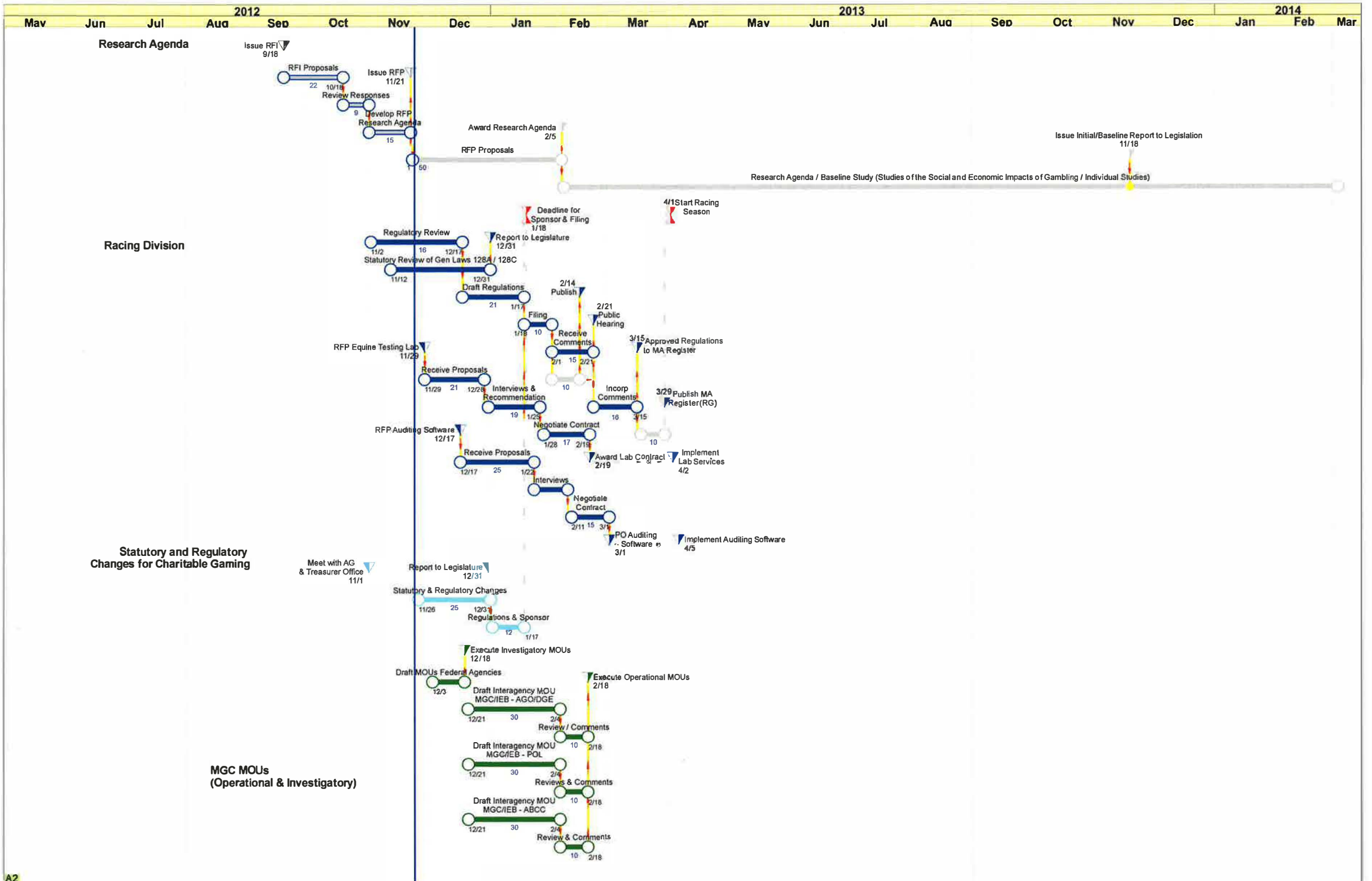
#### SUMMARY SCHEDULE



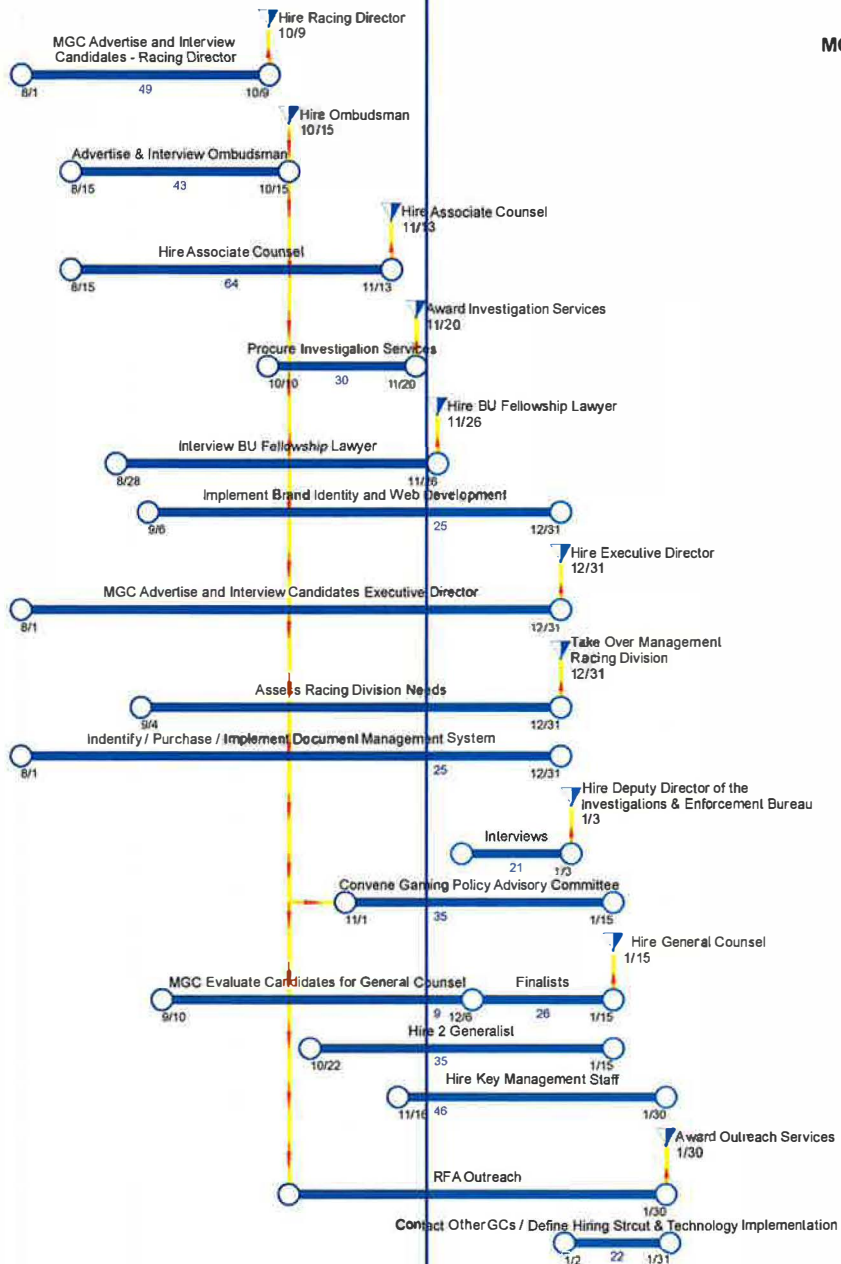
#### DETAILED SCHEDULE







**MGC - Near Term Hires**



MGC Decision on Office Space 11/30

**MGC - Mid Term Hires**



MGC Additional Office Space 4/12

**LEGEND**

Start Date ACT DESCRIPTION End Date  
 (Working Days)

Start Date SUMMARY ACTIVITY End Date

Memorandum of Understanding for  
Casino Careers Licensure Training  
By and Between  
**Massachusetts**  
**Casino Careers Training Institute**  
and  
**The Massachusetts Gaming Commission**

**A) Background**

In November of 2011, Governor Deval Patrick signed legislation, which established Casino Gaming in Massachusetts. The primary purpose of the legislation was to stimulate economic development through job creation, private investment and new and increased state and local tax revenue. The Massachusetts Gaming Commission was established to create the criteria and the regulations necessary for the development of the Casino industry within the Commonwealth.

In Chapter 194 of the Acts of 2011, Section 5(A) the following responsibilities of the Commission are defined:

(11) establish licensure and work permits for employees working at the gaming establishment and minimum training requirements; provided, however, that the commission may establish certification procedures for any training schools and the minimum requirements for reciprocal licensing for out-of-state gaming employees;

(12) require that all gaming establishment employees be properly trained in their respective professions;

**B) Workforce Need and Approach**

It is estimated that statewide over 10,000 jobs will be created by the casino industry. It is anticipated that over 30,000 individuals will need to be recruited in order to fill the anticipated positions. The legislation recognizes job creation as one of its primary objectives, thereby realizing a significant net job gain for the Commonwealth. The legislation also calls for the development of a diverse workforce, which provides employment opportunities for the unemployed and underemployed while establishing the necessary training and skills enhancement programs that will lead to quality jobs and career pathways. To meet these objectives it is recognized that the scale up of the workforce recruitment and screening process as well as creating the training infrastructure to meet the demand must begin immediately. It is anticipated that approximately 30% of the jobs will require training for licensure. A unified statewide workforce response is ideal because it will:

- Help insure the integrity of gaming operations by carrying out the regulations promulgated by the Massachusetts Gaming Commission for training and

licensure in a manner that is consistent and monitored with direct reporting to the Commission;

- Create a statewide workforce solution, with regional hubs that can take full advantage of the existing workforce infrastructure. The size of this workforce effort in terms of growing a pool of workers, which is properly screened and trained, requires that all workforce development partners work to meet this need. This includes, but is not limited to the Workforce Investment Boards (Regional Employment Boards), One-stop Career Centers, Community Based Organizations, Community Colleges, labor unions, apprenticeship programs and private providers;
- Provide a permanent statewide database of trained individuals who meet licensure requirements as documented by completion of training, or documentation of experience and skills; and,
- Provide a source of workforce information and programming to jobseekers and employers alike.

In order to effectively respond to this workforce need, in partnership with the Workforce Investment Boards/Regional Employment Boards (WIB/REB) the Massachusetts Community Colleges have established the Casino Careers Training Institute, which includes a collaboration of virtually all workforce system stakeholders both statewide and in each gaming region within the Commonwealth, including but not limited to the one-stop career centers, community based organizations, organized labor, and other educational entities. Through the Institute recruitment, screening, career counseling, training, job placement and more will be provided by the colleges and the workforce partners.

### **C) Agreements**

NOW THEREFORE to undertake the statewide workforce planning for the scale-up and development of a diverse workforce with the requisite skills/training, and to prepare for gaming licensure training the Massachusetts Gaming Commission (Commission), a department of the Commonwealth with a principle place of business at 84 State Street, Suite 720, Boston, Massachusetts 02109 and the Massachusetts Casino Careers Training Institute (Institute) representing the educational and workforce development partners of the State, with a principle place of business at 1 Federal Street, Building 101, Springfield, Massachusetts 01105 (c/o Training and Workforce Options, a joint venture of Holyoke and Springfield Technical Community Colleges) now enter into this Memorandum of Understanding (MOU) for the purpose of defining the role of the Massachusetts Casino Careers Training Institute regarding statewide workforce planning and the licensure training within the Massachusetts casino industry.

The Institute acknowledges that the Massachusetts Gaming Commission is solely responsible for

- Establishing the licensing requirements for educational vendors providing training for casino gaming positions which require licensure;
- The licensing and certification of educational vendors;

- Establishing the certification and licensure requirements for casino employees;
- The approval of certification (work permits) of individual employees; and
- Licensure of individual employees for gaming positions.

Both parties acknowledge:

- That the Massachusetts Community Colleges have a 60+ year history as the Commonwealth's own workforce training provider for licensed and unlicensed positions in a variety of industries;
- That the workforce need related to Casino development has been identified and that a comprehensive workforce development implementation plan will be developed;
- That timely establishment of the framework, procedures and process for licensure and certification of employment is required to inform citizens of career requirements and pathways as well as to inform the casino operators in the development of their gaming license application;
- That the Institute through its partners has established and continues to form a statewide workforce collaboration with regional hubs;
- That alignment and coordination of information, job seeker wrap around support, and instructional resources are essential to prepare an educated and competitive workforce; and
- That the Institute will also utilize a candidate assessment tool to help those residents of Commonwealth identify other career pathways if their background and skills are not found suitable for a gaming career, and
- That the Institute will seek to enter into memorandums of understanding with casino developers/operators which will facilitate the discovery of workforce needs and requirements of the industry and insure employer involvement in workforce decisions; and,

The Commission agrees to:

1. Work with its lead public partner - the Institute - through the Workforce Investment Boards, One-stop career centers, the Community Colleges and its many partners - to develop an implementation plan for the development of the workforce pool, alignment of certification and licensure procedures and the training and career pathway infrastructure, including but not limited to:
  - The formation of a statewide workforce coordinating team which will develop the workforce implementation plan for the Institute and submit it to the Commission for approval;
  - Create recommendations for the certification (work permit) process regarding the methods and procedures for screening of potential employees for any and all jobs in the development (casino, hotel, etc.) such as residency, CORI/SORI, financial background check, drug testing, basic educational assessment;
  - Design plan components to maximize the net job gain to the Commonwealth and to provide a diverse and skilled workforce – job

opportunities and career pathways for the unemployed and underemployed;

- Create a schedule for the implementation plan and resulting process;
- Create a timeline with benchmarks for workforce development activities such as recruitment, screening, training, and placement of individuals for various positions;
- Identify the roles of various workforce, business, educational and community organizations;
- Assist with identify funding options for the entire workforce process;
- Create an inventory of potential jobs (non-gaming) and assign training requirements and prerequisites;
- Collaborate with other departments and agencies within the Commonwealth to assist with the creation and implementation of a workforce development plan; and,
- Work with all potential casino developers/operators to maximize the ability to capture industry and employer information.

This agreement provides a framework for workforce planning and training for licensed positions and will be followed by agreements, which will detail any changes to the scope of work and new responsibilities of both parties.

In recognition of these joint agreements, both parties freely sign this MOU:

***For the Institute:***

***For the Commission:***

\_\_\_\_\_  
William F. Messner Chairperson,  
Date: \_\_\_\_\_

\_\_\_\_\_  
Stephen Crosby  
Date: \_\_\_\_\_



**walkBoston**<sup>TM</sup>

November 8, 2012

Massachusetts Gaming Commission  
84 State Street, Suite 720  
Boston, MA 02109

Dear Commissioners:

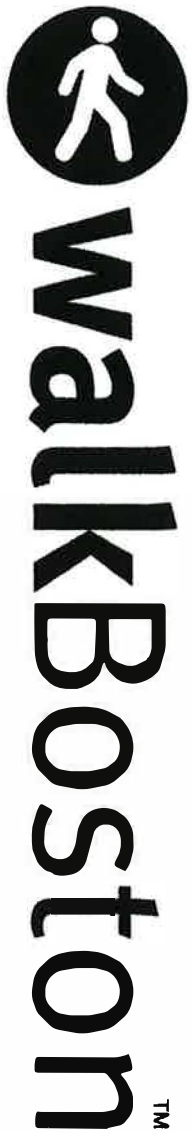
WalkBoston is pleased to provide to the Commission our thoughts about ways in which the casino developments might bring benefits to the Commonwealth that go beyond the economic realm. Our attached statement includes a number of criteria that we believe should be used in the evaluation of the development proposals.

We would be pleased to meet with the Commission and present these ideas in person if you think it would be useful for your deliberations.

Thank you for your consideration of our ideas.

Best regards,

Wendy Landman  
Executive Director



## **WalkBoston Statement on Casinos:**

### **An Opportunity to Provide a Variety of Transportation Options and to Enhance Physical and Operational Relationships with Adjacent Communities**

November 8, 2012

WalkBoston is the Commonwealth's leading advocate for pedestrians and safe walking. We work throughout the state – encouraging walking, advocating for pedestrian improvements and working for design improvements. We provide the following comments to the Massachusetts Gaming Commission in the hope that the Commission will include our suggestions in the guidance given to prospective developers.

Planning for three casinos in Massachusetts can serve as an opportunity to connect the proposed developments with host communities and surrounding locations and to address their potential impacts and benefits for transportation and community cohesion. Because the casinos are intended to be “entertainment destinations” and not simply gaming parlors, WalkBoston believes that the casinos provide opportunities to improve walkability and transit in diverse regions of the Commonwealth. Transportation and urban design should be addressed from the earliest stages of planning.

Key issues that should be addressed in the planning and impact assessment of each proposed casino are as follows:

- How the arrival and departure of patrons and employees will affect adjacent communities.
- How the siting of the projects, whether in a downtown, semi-urban or rural setting, will affect the ways on which the developments relate physically and operationally to the surrounding community.
- How the developments will meet and optimize their contributions to the recently announced statewide goal of tripling the share of walking, bicycling, and transit travel in Massachusetts. Reducing auto dependence would also reduce the environmental impacts of the developments and help preserve capacity on our highway network. In addition, encouraging greater use of active travel options will help the developments achieve some positive public health effects.

#### **Why is Walking Important?**

People walk as a part of nearly every trip. Access to the casinos will involve significant walking for patrons and staff, whether they arrive by sidewalk, car, bus, rapid transit or some combination of these travel modes. Pedestrian access should be a major consideration in the layout and design of buildings and the connections between the buildings, surrounding streets, transit stops, parking lots and structures.

Casino investments should include good walking, bicycling, and transit connections, including shuttles and other services to and through the sites from surrounding neighborhoods and to nearby destinations such as local restaurants, historic sites or open space resources. Design for pedestrian access should be well coordinated with vehicle access both on and off site.

## **MAKING MASSACHUSETTS MORE WALKABLE**

Old City Hall | 45 School Street | Boston MA 02108 | T: 617.367.9255 | F: 617.367.9285 | [info@walkboston.org](mailto:info@walkboston.org) | [www.walkboston.org](http://www.walkboston.org)



Walking routes within the buildings should be convenient and pleasant and, as with other large retail complexes such as malls, should provide opportunities for indoor winter walking and sites for new small businesses.

WalkBoston suggests that the following issues be addressed in planning and design for each of the proposals.

**Safe and attractive walking – and where appropriate bicycling – routes within, to and around the development area that include:**

- Wide and unobstructed sidewalks.
- Sufficient lighting for safe travel, using designs that do not spill into nearby residential areas or obscure the night sky.
- Beautiful and environmentally sensitive landscaping that incorporates water run-off controls.
- Intersections that have safe pedestrian crossings, and bicycle travel accommodations on all roads leading to the casino.
- Parking lots designed attractively, with trees, separate walking paths, and permeable surfaces.
- Protection of surrounding communities from through casino traffic.
- Multi-use paths in the surrounding region.
- Weather-protected bicycle parking facilities for staff and patrons.
- Public art on casino property.
- Visually permeable designs with no “blank walls” facing the community.
- A network of short distance walkways to encourage people to walk on site.
- Establishment of a Transportation Demand Management Plan (TDM) with meaningful incentives for both employees and patrons.

**Where appropriate, making the sites open to their host community**

- Design every street that provides access to the development to be welcoming to walkers and cyclists through, among other means, the inclusion of sidewalks or multi-use paths for walkers and cyclists.
- Provide buildings and businesses on site that invite the community, such as cinemas and performing arts venues.

**Increasing transit access with good walking and bicycling connections**

- Locations convenient to existing bus and transit service.
- Safe and attractive walking connections or multi-use paths to transit and bus stops.
- Focus casino’s main entrance on transit (where available).
- Weather-protected bus stops.
- Bus shuttles and traffic-protected multi-use paths or bike routes from regional park-and-ride locations.
- Bike-sharing services at off-site transit and parking sites.
- On-site parking fees to support transit operations and to supplement TDM or transit access.
- Subsidies for regional transit routes, bus management and remote parking to remove as many cars from local thoroughfares as possible.

**Commit to improving walking and transit infrastructure and operations**

- On-site and host community walking and cycling facilities.
- Constructing transit station facilities with connections to on-site walkways and bikeways
- Long-term operation and subsidies of transit, walking, and cycling facilities.
- Longer-distance buses from remote parking facilities. For example, Massport operates remote parking and bus shuttles for access to Logan Airport.
- Late night transit operations to serve patrons and staff, including possibly subsidizing increased transit service that would not otherwise be provided by the MBTA or regional transit authorities.
- Work with host and surrounding communities to diminish impacts on nearby neighborhoods by providing permanent improvements to transportation facilities and operating subsidies to provide community benefits that extend beyond direct access into the casinos.
- Schedule evening and early morning shifts timed to allow staff to use transit, such as 11 PM to 6 AM, when the MBTA is running buses and trains.

**Construction Period**

- The developers should provide a TDM Plan during the construction period to minimize local disruptions. (Deer Island facility's experience could be a model for this.)

We appreciate the opportunity to suggest criteria for use by the Massachusetts Gaming Commission in solicitation of proposals for casino development in the Commonwealth and we hope that these issues will appear in casino proposals since their development will impact the state, its localities and its residents for many years.

**PRESENTATION TO THE MASSACHUSETTS GAMING COMMISSION BY  
REPRESENTATIVES OF THE UNITED AUTO WORKERS (UAW) ON  
WORKPLACE SAFETY FOR GAMING WORKERS  
November 27, 2012**

**Speakers**

Introductions – Barry Hock, Director, UAW Mass Gaming Project

The UAW and Gaming – Julie Kushner, UAW Director, Region 9A (New England, southern New York State, New York City and Puerto Rico)

Dealing Injuries – Mary Magliano, dealer at Foxwoods Resort Casino for 20 years, retired in 2012 due to work-related injuries

Ergonomic Research on Gaming Worker Safety – Andrew Comai, Industrial Hygienist, Coordinator, UAW Health and Safety Department, Detroit, Michigan

**Documents**

1. Speakers' biographies
2. Statement by Julie Kushner
3. Statement by Mary Magliano
4. Statement by Andrew Comai
5. Resume of Andrew Comai
6. "The Correlations of Work Conditions with Unhealthy Lifestyles and Occupational Health Problems of Casino Croupiers in Macau" (abstract)
7. "Identifying and Prioritizing Gaming Workers' Health and Safety Concerns Using Mapping for Data Collection" (abstract)
8. Ergonomic risk factors for casino workers (photos)
9. Preventing Injuries to Casino Card Dealers, WorkSafeBC, Workers Compensation Board of British Columbia  
[http://www.worksafebc.com/publications/health\\_and\\_safety/by\\_topic/assets/pdf/casinocarddealers](http://www.worksafebc.com/publications/health_and_safety/by_topic/assets/pdf/casinocarddealers)
10. Improving the Odds: Redesigning Blackjack Tables for Injury Reduction, Marion J. Edwin and Peter A Roy, SKYCITY Entertainment Group, Ltd.

## UNITED AUTO WORKERS SPEAKERS' BIOGRAPHIES

**Andrew Comai**, an industrial hygienist, provides site specific training programs and conducts plant inspections for ergonomics, and other industrial hygiene issues. He has worked for the UAW International Union Health and Safety Department for 16 years. Each year the UAW provides training for approximately 3,500 members and employer representatives (12,000 contact hours in 2011) on a variety of topics.

Comai co-authored the UAW Health and Safety Department curriculum on ergonomics used to develop joint labor/management ergonomics teams, train the Hand Activity Level TLV, introduce workers to Anthropometry, and a hands-on module for the NIOSH Lifting formula. These trainings have been delivered at numerous facilities in the last decade from New York to California. The plants that now have successful ergonomics programs range in size from 70 to 3,000 hourly production employees. Products at these plants included household appliances, lawn mowers, rocket launchers, auto parts, bicycles, pharmaceuticals, cement mixers, heavy trucks, and automobiles. Trainings have also been conducted for casinos in Detroit and Atlantic City.

Comai has negotiated health and safety language in collective bargaining agreements with a number of employers. He is a member of the UAW-GM National Joint Committee for Health and Safety and has served as an expert witness on ergonomic injuries before the federal Occupational Safety and Health Review Commission.

He received a Masters of Science degree in industrial hygiene from the University of Michigan School of Public Health, Department of Environmental Health Sciences in 1995. He is currently working on a research project focused on evaluation of ergonomic hazards at small manufacturing facilities. Comai served on the Michigan OSHA Ergonomic Standard Advisory Committee since it began. He served as Chairman of the Michigan Health Standards Commission. During his tenure as chairman of the commission, it completed work on the state ergonomic standard. Several months later ergonomics standards were outlawed by the state legislature.

**Barry Hock**, Director of the UAW Mass Gaming Project, monitors gaming developments in each of the state's three gaming regions and at the Mass Gaming Commission. He is a member of the National Writers Union (UAW Local 1981), the Massachusetts UAW CAP Council and the Greater Boston Labor Council.

As an expert in strategic communications, policy research and campaign management, Hock has produced nearly two dozen public policy web sites, managed social media for several nonprofits, and managed scores of campaigns for candidates and organizations. His career has focused on workers' rights, children's rights, health care and education reform. Hock is an accomplished writer and editor, co-authoring a book on how to get elected to public office. Among his professional positions, Hock has served as Deputy Director of Commonwealth Care, as Chief of Staff for a State Senator and as Director of Massachusetts Kids Count. He is a graduate of Northeastern University School of Law.

## UNITED AUTO WORKERS SPEAKERS' BIOGRAPHIES

**Julie Kushner**, a union leader for more than 30 years, was elected in 2010 as the Director of UAW Region 9A of the UAW which includes New England, southern New York state, NYC and Puerto Rico.

In 2006, Kushner began working with the organizing committee of workers at the Foxwoods Resort Casino in Connecticut. The result of that campaign was a victory for the 2,500 dealers who are now represented by the UAW. She then led the negotiating committee to the first contract between the dealers and the casino in January, 2010.

Over the years Kushner has been involved in more than 30 organizing campaigns and has successfully negotiated more than a dozen first contracts. She has been particularly committed to the fight for contracts that protect workers' health and safety, and that promote women's and family issues.

As the first president of UAW Local 2110, Kushner was responsible for collective bargaining for more than 35 workplaces, including Barnard College, Teachers College of Columbia, the Museum of Modern Art and The Village Voice. Under her leadership the union was also successful in organizing thousands of graduate student employees and adjunct faculty at New York University and the part-time faculty at the New School University.

She has served as a board member in a number of civic organizations including the New York Committee on Occupational Safety and Health, the Working Families Party and Citizen Action of New York. She is active in the Democratic Party and a member of the Coalition of Labor Union Women (CLUW), the Labor Council for Latin American Advancement (LCLAA) and a lifelong member of the NAACP.

**Mary Magliano** is a veteran gaming dealer, licensed in Connecticut, who was born in Ft. Dix, NJ and now lives in Norwich, Connecticut. Following high school, she was an assembly supervisor for over 17 years at King-Seeley Thermos. In the fall of 1991 she responded to a newspaper ad to become a gaming dealer. She was one of 500 applicants chosen for dealer school. She became certified to deal Baccarat and Blackjack and passed auditions to become a "day-one dealer" at Foxwoods Resort Casino, which means she started when the casino first opened in 1992 – 20 years ago. She became one of its most skilled dealers, often assigned to the high-stakes room. Unfortunately, the toll on her body from work-related injuries has been extreme. She has had numerous severe injuries, from her neck discs to tennis elbow and carpal tunnel. After many surgeries and treatments and continuing chronic pain, she had to quit her career in April 2012 and is on long-term disability.

###

**STATEMENT OF JULIE KUSHNER, DIRECTOR, UAW REGION 9A,  
TO THE MASSACHUSETTS GAMING COMMISSION**

November 27, 2012

I'm Julie Kushner, Director of Region 9A of the United Auto Workers (UAW). My region includes New England, southern New York State, New York City and Puerto Rico. I want to thank the Commission for the opportunity to discuss with you the work-related hazards faced by gaming workers.

The UAW, like other unions, has been organizing workers beyond its original industry for many years. In fact, nearly half of our current active members are in non-manufacturing jobs. We represent many thousands of workers in higher education and in casinos across the country.

In 2006, I began working with the organizing committee of workers at the Foxwoods Resort Casino in Connecticut. The result of that campaign was a victory for the 2,500 dealers who are now represented by the UAW. I then led our negotiating committee to the first contract between the dealers and the casino in January, 2010. The UAW also represents dealers in Detroit, Atlantic City, Indiana and Ohio.

The UAW supported expanded gaming legislation in Massachusetts because of the good jobs and revenue that it will bring to the state. But those jobs should be safe jobs in a healthy workplace. They should not be jobs that make them sick or that are life-threatening; and the revenue should not be gained on their backs, necks, shoulders, elbows, arms and wrists.

One of the most serious and dangerous conditions for casino workers around the country is that they work in a cloud of cigarette smoke all day and, as a result, many suffer from chronic illnesses and deadly cancers. I want to thank Massachusetts for leading the nation by requiring smoke-free casinos, which will save countless lives and economic costs.

Another extremely hazardous condition for gaming dealers, that gets much less attention, is repetitive stress injury, such as carpal tunnel and neck injuries. Mary Magliano, who is also speaking today, was one of the most skilled dealers at Foxwoods. She will describe what her job entails and the years of painful injuries she has suffered as a result.

Each game has its unique complexities, physical stresses and dealer responsibilities, such as maintaining the integrity of the game by constant surveillance of the table. Just imagine the impact of constantly viewing the table by rotating your head from side to side in the same way hundreds of times a day; or the stress on your wrist from pulling cards from a shoe thousands of times per shift; or stretching to reach across the table over and over and over again – eight hours a day, five days a week, year after year. These injuries are often hidden in plain sight to the general public until we raise awareness about them and then take steps to prevent them.

Kushner/2

Protecting workers' health and safety makes economic sense. Prevention will save medical and rehabilitation expenses – but that's not all. When a dealer is injured on the job there are also the costs to the business of losing a skilled employee; the costs to the state, such as workers comp; and the personal costs of lost time and the toll on the family and other care givers.

The UAW is focusing on these issues nationally and will be glad to work with the Commission and others on specific ways to protect workers. Andrew Comai, an industrial hygienist, who is also on this panel, will provide an overview of our work in this area.

Following the smoking ban, Massachusetts can continue to lead the nation in casino worker safety. This is a problem that requires collaboration among labor, management and government. The Commission can do its part by including workplace safety in its research agenda, job training programs and licensing criteria.

Since the Commission is charged with researching the effects of gaming, minimizing harm to the community, instituting public health strategies, and ensuring quality jobs, training and workforce development, we believe that protecting the health and safety of casino workers and avoiding the extraordinary health care and related costs of job-related injuries falls within your authority.

In response to the Commission's request for topics to add to its policy agenda, we have previously submitted a letter that the following question be added to your list:

“What regulations, criteria, and other requirements should the Commission consider to ensure that a preventative approach is taken to work-related injuries and that casino workplace safety is maximized?”

We urge you to consider this question early in your deliberations so that researchers, training programs, operators and others will build prevention into their planning from the outset.

Thank you for your attention to these most serious issues.

###

**STATEMENT OF MARY MAGLIANO, GAMING DEALER,  
TO THE MASSACHUSETTS GAMING COMMISSION**

November 27, 2012

My name is Mary Magliano. I live in Norwich, Connecticut and I'm a member of the Foxwoods dealers' union, United Auto Workers Local 2121. I'm a "day 1 dealer" at Foxwoods Resort Casino, which means I started as a dealer when it opened in 1992 – 20 years ago. Before I had to leave work this past April due to disabling job-related injuries, I was one of the highest skilled dealers and often assigned to the high-stakes room.

A few months before I was hired at Foxwoods, I responded to a newspaper ad to learn to be a gaming dealer. I was one of 500 applicants chosen for dealer school. After taking courses, I became certified to deal Baccarat and Blackjack, and passed auditions to become a "day one dealer" which means I was dealing on the day Foxwoods opened in 1992 – 20 years ago. I've been a licensed dealer in the state of Connecticut since then. I've taken other courses for several novelty games, but I've mostly been assigned to the high stakes room for Baccarat and Blackjack. Most dealers are certified in multiple games, each with its own complicated rules, procedures, odds and particular physical demands. Even with training it can take a year or more to become proficient at a single game.

Most people probably don't realize how mentally and physically demanding it is to be a dealer. We have to do complex payout calculations in our heads in seconds – which can involve tens of thousands of dollars. At the same time, we have to protect against cheaters and keep order at our tables - often dealing with drunk and abusive players. The casino's profits and our own livelihood depend on us providing an entertaining experience to people who more often than not are losing money. All this, while we rely on tips for about three-quarters of our income.

I'm glad to talk with you about the physical demands of dealing, because many dealers will experience a repetitive motion injury at some time in their career. The most common injuries are to the muscles, tendons and joints in the wrist, elbow, shoulder, neck and back – with each game causing different injuries. I can tell you from my own experience that these injuries can be painful. They can involve surgery and lengthy recovery time. Sometimes they cause chronic pain, and sometimes, as in my case, they are career-ending.

I had surgery in 2008 for carpal tunnel and "tennis elbow," both of which were found to be work-related. This surgery was followed by months of physical therapy. I've had the discs in my neck fused twice, once in 2006, and again this past April. The second surgery wasn't successful, and I continue to have numbness in my fingers, wrists and arms. The problems have become so severe that I realized a few months ago that I couldn't return to work.

So now, at the age of 59, I'm retired on long-term disability. All of my injuries – except the 2012 neck problems – have been found to be work-related. My workers comp claim



Magliano/2

for my first neck surgery was granted. The 2012 workers comp claim is still pending - though it seems pretty obvious that it is related to my prior injury.

It's clear why these injuries are so common. The more we deal, the more the house makes. We are expected to deal maybe 100 or more hands *per hour*, depending on the game and the number of players at a table. Casino management is always looking to increase our speed.

The design of the gaming equipment makes the problems worse. For instance, for card dealers the card shoe creates resistance and requires a certain level of force to pull each card. Over time, the reaching and pulling causes injury to the muscles and tendons in the wrists and elbows. My carpal tunnel and tennis elbow were caused by the constant motion of pulling cards from the shoe.

Other examples are so-called "labor saving" technologies like "automatic shufflers" and "continuous shoes." These devices basically eliminate the time dealers used to spend shuffling cards, which gave us a brief rest from the repetitive grind of dealing. These machines increase our repetitive motions. They are also immovable and often awkwardly positioned depending on the height and reach of a dealer, and require more hand and finger force to draw each card.

Another trend is cutting dealer break time. The industry norm for years has been a 20 minute break after every 60 minutes of work for table games. For poker, where dealers sit down to deal, we get a 30 minute break after every 90 minutes of work. These rest breaks are really necessary, given the mental and physical stress of the job.

I want dealers to be able to make a living without so many of us ruining our bodies. I'm proud to belong to a union that has experience improving safety standards in other industries. We need the same protections to make our jobs safer. "Good jobs" means not only good wages but also healthy and safe jobs.

Thank you for listening to me.

###

**STATEMENT OF ANDREW COMAI, UAW INDUSTRIAL HYGIENIST,  
TO THE MASSACHUSETTS GAMING COMMISSION**

November 27, 2012

Good afternoon. My name is Andrew Comai. I'm an industrial hygienist and Coordinator for the Health and Safety Department of the United Auto Workers (UAW). Among other publications, I co-authored the department's curriculum on ergonomics used to develop joint labor-management ergonomics teams.

**Introduction**

We know from experience among UAW represented casino workers that the highly repetitive work done by dealers and their work conducted in awkward postures around gaming tables will lead to disease. Therefore, a preventative approach is called for, requiring a close collaboration among labor, management and government.

In our experience, any successful safety program requires management commitment and employee involvement and training. The UAW has a set of training programs that have been effective in reducing pain and disability among workers in a wide variety of service and manufacturing settings. While ergonomics research is not as far along in gaming as in other industries, we have worked cooperatively with management in several locations in joint labor-management committees to advance research and training in the field.

The Massachusetts Gaming Commission has a real opportunity to build a prevention program by committing to the process of injury prevention from the very start in its research agenda, job training programs and its criteria for licensure.

**I. NIOSH Ergonomics Process Criteria**

To prevent soft tissue injuries or Work Related Musculoskeletal Disorders (WMSDs) an ergonomic process should be established at each work place. Such a process has been outlined by the National Institute of Occupational Safety and Health (NIOSH, 1997). The process is designed to prevent disease from occurring. Critical elements described by NIOSH are as follows:

1. Management commitment and employee roles and responsibilities
  - Management needs to recognize and fix problem jobs and involve employees in the process.
2. Training and building in-house expertise
  - A joint committee must be set up to champion the process for ergonomics. The committee must be well trained, empowered to act and have access to resources.
3. Gathering evidence for WMSDs
  - The UAW recommends a system of early reporting of signs and symptoms. The symptom survey using the Nordic system of body mapping is effective (Werner Franzblau , 2005)

## Comai/2

- Work place surveys for risk factors are essential to identify and eliminate the risk factors such as awkward postures, high repetition, and forceful exertions and contact stresses seen in the gaming industry. The UAW-GM risk factor checklist has been successfully used in training programs in the casino environment.

### 4. Developing controls.

The most effective way to eliminate risk factors is to design work stations and job tasks based on ergonomic principles. Problem jobs in the casino setting include:

- Material handling equipment for slot technicians
- Seated work stations in need of ergonomic chairs
- Table heights that defy the concepts of Anthropometry
- Gaming table reach distances
- Methods to evaluate new technology and equipment
- Standing and static leg postures

### 5. Establishing health care management

The process of health care management starts with the early detection of disease and early treatment to prevent impairment and disability.

## **II. Job Training**

The UAW has conducted trainings at Foxwoods and casinos in Atlantic City and Detroit. Some of the reported problems include

- Static posture while standing effecting the lower extremities
- Awkward postures of the neck and back
- Seated work stations with awkward reaches and high repetition.
- Mechanical stress concentration on wrist torso and legs from table edges.
- Heavy Lifting pushing and pulling slot machine technicians

All workers should be trained in the signs and symptoms of WMSDs. During these trainings, techniques have been discussed that have been adopted by veteran dealers to reduce stresses on the body. These techniques need to be evaluated and disseminated. There are a number of ergonomic assessment tools that can be used to evaluate the risk factors. Workers should be trained to recognize these risk factors and given problem solving instruction on how to eliminate hazards.

## **III. Research**

There is value in conducting on-site research as casinos come on line. The vast majority of recordable injuries and illnesses in casino work are related to ergonomic risk factors.

Several studies have been conducted on casino worker populations but more research is critical. Valuable research would include studying the effects of force, posture and repetition in combination as seen in the work done at gaming tables. Because of the high incidence of significant shoulder injuries, studies on the mitigation of awkward postures and motions are critical.

### Comai/3

Studies conducted cooperatively in unionized manufacturing and service industries show the way forward. The UAW participated in a prospective study on epicondylitis and carpal tunnel syndrome that resulted in a number of papers on evaluating risk factors (Werner; Franzblau 2004; 2006; 2007). The studies validated tools to estimate risk to the hands and arms. One tool that was validated in these studies, the Hand Activity Level TLV is now published and widely used in both manufacturing industry, clerical and service jobs (ACGIH 2007). This would be an essential tool in evaluating table games for risk factors. Other studies showed the benefits of non surgical early interventions in Carpal Tunnel Syndrome. (Werner, 2005). A study on tracking risk factors using a computerized ergonomic risk factor check list demonstrated the benefits of combining video, job analysis and task instructions in a single source. (Womack 2005)

#### References:

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National Institute of Occupational Safety and Health (NIOSH), Elements of an Ergonomics Program: A primer based on Workplace evaluations of Musculoskeletal Disorders. Document PB -97-144901 US Department of Health and Human Services March, 1997.

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Comai/4

Werner RA, Franzblau A, Gell N, Hartigan AG, Ebersole M, Armstrong TJ.  
Case-Control Study Predicting Resolution of Symptoms Among Auto Assembly  
Workers with Carpal Tunnel Syndrome. presented at ICOH, Milan, Italy June 2006

Womack SK, Armstrong TJ. Use of a computerized decision support system for primary  
and secondary prevention of work-related MSD disability.  
J Occup Rehabil. 2005 Sep;15(3):313-28.

###

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**Detroit, Michigan 48107**  
**Work: 313.926.5563**  
**acomai@uaw.net**

**POSITION SOUGHT**

Coordinator, Health and Safety Department

**STATEMENT**

My job includes providing site specific training programs and plant inspections for chemical emergency response, hazard communication, ergonomics, and other industrial hygiene issues. I co-authored the UAW Health and Safety Department curriculum on ergonomics used to develop joint labor/management ergonomics teams. These trainings have been delivered at numerous facilities in the last decade from New York to California. The plants that now have successful ergonomics programs range in size from 70 to 3,000 hourly production employees. Products at these plants included household appliances, lawn mowers, rocket launchers, auto parts, bicycles, pharmaceuticals, cement mixers, heavy trucks, and automobiles.

I have negotiated health and safety language in collective bargaining agreements with several employers. I have edited the UAW Health and Safety Department Newsletter for 5 years.

I received a Masters of Science degree in industrial hygiene from the University of Michigan in 1996. I have finished course work and qualifying exams required in pursuit of a PhD at the U of M School of Public Health, Department of Environmental Health Sciences. I have worked for the UAW International Union for 14 years. I have served on the MIOSHA Ergonomic Standard Advisory Committee since it began, and currently serve on the Michigan Health Standards Commission. I am a member of the UAW-GM National Joint Committee for Health and Safety (UAW-GM NJC). I am a member of UAW Local 174.

**EDUCATION**

*School of Public Health University Of Michigan, Ann Arbor, Mi*  
**Graduate Program in Public Health**

**2003-  
present**

I am currently pursuing a PhD. All course work is completed including graduate level engineering course in ergonomics and statistics. Dissertation topic to be defended: "Ergonomic evaluation systems and intervention effectiveness in small manufacturing plants"

*School of Public Health, University of Michigan, Ann Arbor Mi*  
**M.S. Industrial Health**

**1995**

Thesis: Preventing Exposure of Sulfuric Acid Mist In Steel Pickling Operations.

*University Of Chicago, Chicago IL,*  
**English Literature Masters Program**

**1990**

All course work complete; graduation pending foreign language proficiency

*College of Literature Science and Arts, University of Michigan, Ann Arbor Mi*  
**A.B. English Literature**

**1987**

GPA 3.47

**HONORS AWARDS GRANTS**

University of Michigan Center for Occupational Health and Safety Engineering  
Research Grant "Developing and Testing Guidelines for Ergonomic Assessment  
Tools"

**2004-2005**

SEMCOOSH, South East Michigan on Occupational Safety and Health and Safety  
Activist Award

**1996**

|   |                      |
|---|----------------------|
| BA, Cum Laude, University of Michigan,  | 1987                 |
| National Merit Scholar  | 1983                 |
| <b>WORK EXPERIENCE</b>  |                      |
| <b>Industrial Hygienist</b> , United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Detroit, MI   | 1996-present         |
| <b>Research Director</b> - Ecology Center of Ann Arbor, Ann Arbor, MI<br>Developed and analyzed Toxic Release Inventory Data base for Auto companies and parts suppliers in Great Lakes basin. Coordinated campaigns on toxic use reduction with community groups. Wrote proposals for funded grants.       | 1994-1996            |
| <b>Toxics Program Specialist</b> – Lake Michigan Federation, Chicago, IL<br>Participated in Citizen Advisory groups in Areas of Concern for Grand Calumet River and Waukegan Harbor. Coordinated national conference on sewage treatment plants in the Great Lakes Basin                                    | 1992-1994            |
| <b>Research Assistant and Toxics Policy Analyst</b> – Citizens for a Better Environment, Chicago, IL<br>Wrote and produced fact sheets on toxic hazards. Developed pollution prevention materials and conducted training sessions in low income and minority communities. I managed interns and volunteers. | 1988-1992            |
| <b>RELATED EXPERIENCE</b>   |                      |
| <i>Michigan Health Occupational Health Standards Commission</i><br><b>Chair person</b>  | 2006-present<br>2009 |
| <i>Michigan Fatal Accident Control and Evaluation (MiFACE)</i><br><b>Editorial Board</b>  | 2006-present         |
| <i>Michigan Occupational Health Standards Advisory Committee</i><br><i>Ergonomic Advisory Committee</i>   | 2003-2008            |
| <i>UAW GM National Joint Committee on Health and Safety</i><br><b>Member</b>  | 2007-present         |
| EPA Advisory Committee on Metal Finishing, Common Sense Initiative, Federal Advisory Committee  | 1995-1998            |
| <i>National Advisory Committee on Environmental Programs and Technology NACEPT</i><br><b>Member</b><br>Federal Advisory Committee on TRI Data Reporting.  | 1999 - 2000          |
| <i>South East Michigan Committee on Occupational Health (SEMCOSH)</i><br><b>Board Member</b>  | 1997 -1998           |
| <i>Chicago Area Committee on Occupational Safety and Health (CACOSH)</i><br><b>Committee Member</b>   | 1997-2000            |
| ANSI Z-365 Control of Cumulative Trauma Disorders   | 2002                 |

PUBLICATIONS, PAPERS, SELECTED PRESENTATIONS

- 1991 Working Group on Community Right to Know National Conference. Presentation: "Targeting Industries for Pollution Prevention in Minority Communities."
- 1991 Environmental Defense Fund Pollution Prevention Conference. Presentation: "Labor / Environmental Coalitions: Preventing Pollution with the Steel Workers."
- 1993 TRI Data Use Conference. "Promoting Pollution Prevention through TRI Data Use" and "TRI Data and Geographic Initiatives," Proceedings: Toxic Release Inventory Data Use Conference July 1993, (EPA Doc. 745-R-93-004).
- 1996 Steel Pickling: Workers Perspectives, National Environmental Law Institute Proceedings to EPA Steel Pickling Conference
- 1991 Working Group on Community Right to Know National Conference. Presentation: "Targeting Industries for Pollution Prevention in Minority Communities."
- 1991 Environmental Defense Fund Pollution Prevention Conference. Presentation: "Labor / Environmental Coalitions: Preventing Pollution with the Steel Workers."
- 1993 TRI Data Use Conference. "Promoting Pollution Prevention through TRI Data Use" and "TRI Data and Geographic Initiatives," Proceedings: Toxic Release Inventory Data Use Conference July 1993, (EPA Doc. 745-R-93-004).
- 1996 "Steel Pickling: Workers Perspectives", National Proceedings to Environmental Law Institute /EPA Steel Pickling Conference.
- 2003 "Job Intervention Examples form Joint Labor Management Ergonomics Committees". Conference Proceedings: Ergonomics and Musculoskeletal Disorders: Job and Worker Considerations for Preventing Disability. University of Michigan Center for Occupational Health and Safety Engineering, and University of California Center for Environmental Health and Ergonomics Program; Emeryville, California.
- 2003 Curriculum: Safe Lifting. UAW Health and Safety Department, Detroit Michigan.
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- 2004 Building Joint Labor Management Ergonomics Committees.
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- 2008 Presentation: "Industrial Hygiene in a Caterpillar Environment." UAW Caterpillar Joint Health and Safety Conference. Peoria, Illinois.
- 2008 Presentation and Curriculum: "Using the Strain Index" UAW-GM National Ergonomic Conference, Walter and May Reuther Family Education Center, Onaway, Michigan.
- 2009 Publication: "Hand Activity Level Procedure". UAW GM Risk Factor Checklist. (pp. 9-11); UAW-GM Center for Human Resources, 200 Walker Street Detroit, Michigan 48217.
- 2009 Curriculum: "Ergonomics of the Hands and Arms." UAW-Caterpillar National Joint Health and Safety Training Conference, October 20-22 Peoria, Illinois.
- 2009 Presentation: "Ergonomic Assessments through the use of BRIEF/BEST evaluation tools. UAW-Caterpillar National Joint Health and Safety Training Conference, October 20-22 Peoria, Illinois.
- 2010 Expert Witness for OSHA Review Commission Docket No.09-0901;No.09-1733; Secretary of Labor vs. Caterpillar Logistics services., Inc Respondent, UAW Local 974 Third Party Intervenor; Sept 30, 2012.



**The Correlations of Work Conditions with Unhealthy Lifestyles and Occupational Health Problems of Casino Croupiers in Macau.**

(abstract)

J Gambl Stud. 2012 Apr 13. [Epub ahead of print]

Hu SX, Luk A, Leong C, U C, Van F.  
Kiang Wu Nursing College of Macau, Macau, People's Republic of China,  
Sydney@kwnc.edu.mo.

**BACKGROUND:** The Macau economy and employment of residents rely heavily on the gaming industry. It is important that the working conditions in casinos are not harmful to the health of the casino employees. This study examines the correlations between work conditions, unhealthy lifestyles and occupational health problems amongst casino croupiers in Macau. Its findings will provide casino managers and policy makers with evidence and awareness of the workplace health risks for the casino workers.

**METHODS:** The data were gathered by a questionnaire survey of 1,042 croupiers, which represents roughly 5% of the croupier population in Macau. Work conditions were measured by worker satisfaction towards the biological, chemical and physical elements in their work environments. Unhealthy lifestyles were measured by practices of excessive drinking, smoking, electronic game playing and addictive substance use as well as gambling. Occupational health problems were measured by experiences of work related illnesses or symptoms.

**RESULTS:** showed that high percentages of respondents were dissatisfied with the work conditions. On average each croupier experienced 10 work related health problems in the past seven days. Over 5% of the respondents drank more than three glasses of alcohol a day, 24% smoked cigarettes, 12% took addictive substances, 14% gambled in the past seven days. The analysis showed that dissatisfaction with work conditions did not correlate with unhealthy lifestyles but were strongly and significantly correlated with stress-related occupational health problems ( $R = 0.377-0.479$ ,  $P < 0.001$ ) and other occupational health problems ( $R = 0.348-0.461$ ,  $P < 0.001$ ).

**CONCLUSIONS:** Casino workers in Macau experience a variety of problems associated with their work conditions that can be hazardous to their health. The working conditions in casinos need to be regularly monitored and improvements such as occupational health training and enhanced health related policies can be introduced.

PMID: 22527488 [PubMed - as supplied by publisher]

###

**Identifying and Prioritizing Gaming Workers' Health and Safety Concerns  
Using Mapping For Data Collection**  
(abstract)

Am J Ind Med. 2001 Jan;39(1):42-51.

Keith MM, Cann B, Brophy JT, Hellyer D, Day M, Egan S, Mayville K,  
Watterson A.

Faculty of Health and Community Studies, DeMontfort University, Leicester,  
UK. mkeith@ohcow.on.ca

**BACKGROUND:** This research was prompted by the clinical presentation of workers from a variety of gaming occupations with injuries and illnesses and multiple health and safety concerns.

**METHODS:** Using participatory action research principles, 51 gaming workers in Ontario and 20 gaming workers in Manitoba were consulted during a series of focus group sessions. Mapping exercises were used to survey the participants about their health concerns, perceived occupational hazards and the impact of working conditions on their personal lives. Participants were then asked to prioritize their concerns and make recommendations for improvements.

**RESULTS:** Gaming workers from both provinces identified similar health, hazard and psycho-social concerns. They prioritized the issues of stress, ergonomics, indoor air quality (including second-hand smoke and temperature), biological hazards, physical hazards and noise.

**CONCLUSIONS:** This study points to a need to more fully investigate and address health and safety issues in the gaming industry. It also demonstrates the effectiveness of a worker-driven, participatory consultation.

Copyright 2001 Wiley-Liss, Inc.

PMID: 11148014 [PubMed - indexed for MEDLINE]

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## Ergonomics Risk Factors in a Casino Environment



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## Ergonomics Risk Factors

Risk Factors include:

- Awkward postures
- Repetition
- Mechanical stress concentrations
- Forceful exertions
- Environmental (Lighting)  
(Temperature)
- Static Muscle Work

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## Awkward Posture?



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### Posture

- Stress on hands
  - Pinch grips
  - Finger press
- Leads to tendonitis
- Swelling of hand tendons puts pressure on the median nerve



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### Posture



Extreme flexion  
Tendon goes around a corner  
Shape changes within carpal tunnel  
Median Nerve Compressed

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### Posture



- Contact Stress

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### Shoulder Damage



- Does not arise from weakness
- Often times the operator doesn't know which activity is related to shoulder damage

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### Cost of Rotator Cuff Injuries

- State of Washington 1993-2001
  - State fund covers 2/3 of all workers
  - 19,739 Rotator Cuff Claims
    - Non-traumatic
  - 2,193 per year
    - Rate is not declining
  - Average direct claim cost \$21,872
    - Indirect would depend on cost of hiring and retraining a replacement worker
    - Also productivity, quality, absenteeism
  - Average time loss 260 days
    - » Source: Work Related Musculoskeletal Disorders of the Neck, Back, and Upper Extremity 1993-2001 technical report No. 40-7-2003

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### Note Shoulder Postures



- Shoulder flexion
- Shoulder adduction
  - (toward center)
- Shoulder abduction
  - (outward from center)

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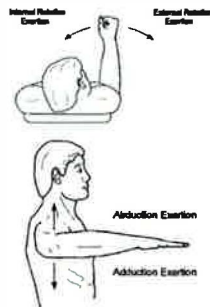
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### Upper Arm Motions

- Adduction, Abduction and rotation
- Identified as greatest stressors of muscles in rotator cuff.

RE Hughes 1996



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### Why will this Activity damage the Shoulder?

- Force
- High Repetition
- Awkward Posture



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### Lessons learned

- Static posture with mild to moderate flexion and abduction causes rotator cuff tendonitis
- Under load the shoulder is stressed due to awkward postures
- New evaluation tools needed

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### Shoulder Stressed by Awkward Posture



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### Recent Study(University of MI)

- **Goal of Study:** Determine the relative contributions of different work activities on prevalence of lower extremity fatigue among workers in an automobile engine assembly plant. Factors:
  - (% time spent standing, walking or sitting),
  - floor surface characteristics
  - weight, BMI, age, foot biomechanics
  - hours worked per week and other demographic and medical history factors

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### Ergonomic Risk Factors

- Knee bending related to Knee OA
- Meniscal tears and lesions are associated with occupational kneeling, squatting and standing
- Knee symptoms have been associated with
  - awkward posture
  - knee strains at work
  - work history
  - heavy physical demands

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# Preventing Injuries to Casino Card Dealers

## Ergonomics tips for the Hospitality Industry

### What is ergonomics?

Many of the ways we work — for example, lifting, reaching, or repeating movements — may strain our bodies and lead to musculoskeletal injury (MSI). Ergonomics is a way to prevent MSI by fitting the job to the person using proper equipment and work practices. This results in the safest way to work, and prevents workplace injuries.

Employers must provide equipment and establish safe work practices to reduce the risks of MSI. Employers must also instruct workers in these safe work practices. Workers must follow employers' instructions to protect themselves.

### MSI risk factors

Many jobs present MSI risks. If you are aware of the risk factors, though, you can change the way you do your job, and prevent injuries. This infosheet describes some of the risks of dealing cards, and provides tips for preventing injuries to card dealers.

**Prevention is the best policy.**

### Preventing awkward posture


Our bodies function best in comfortable (neutral) postures. Awkward body postures increase the stress on ligaments and joints. This can lead to fatigue and discomfort, and increase the risk of injury.

Casino card dealers are at risk of awkward postures when they do the following:

- Reach for cards and bets.
- Bend the neck forward to look at the table.
- Retrieve cards from the card shoe or shuffler.

Even if you do not feel immediate pain or discomfort while in an awkward posture, the potential for injury is still present.



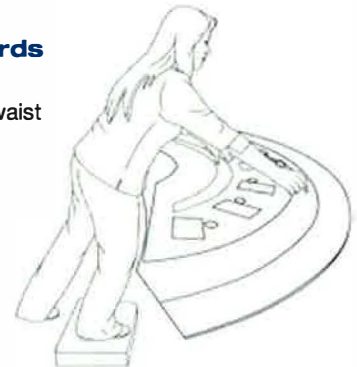
 Awkward back and shoulder posture




 Awkward hand wrist and elbow posture

### Tips for collecting cards and bets

- Use a step to raise your waist to table-top height.
- When reaching forward, maintain the curves in your back by lifting one leg.
- Where applicable, ask players to return cards closer to you.




 Preferred posture when collecting cards and bets

### Tips for retrieving cards from a card shoe or shuffler

- Adjust the position of your body and the shoe or shuffler so you can deal cards comfortably and maintain visual contact with all betting positions.
- Keep your elbows and arms close to your body.
- Raise your body position to avoid lifting your arms out to the side.
- Avoid twisting your wrists, hands, and fingers.




 Preferred posture when retrieving cards

### Tips for dealing cards while seated

- Sit back in your chair whenever possible.
- Adjust the chair to fit you, ensuring full support for your lower back and feet.
- In poker, turn the chair to face players rather than twisting your back.
- In poker, ask players to return cards closer to you.



 Preferred seating posture when dealing cards

See reverse side for more tips.

**Be aware of your posture when you work**





# Preventing Injuries to Casino Card Dealers

## Preventing repeated movements

Repeating the same motions over and over again continually uses the same muscles. Repeated movements, especially in awkward postures, increases the risk of injury.

Dealing cards requires the same motion with both left and right arms over and over. This repetition can increase when dealing to fewer players at a time.

### Tips for dealing cards

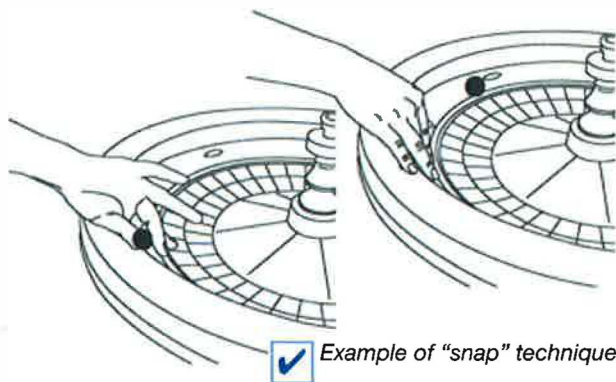
- Readjust the shoe or shuffler to maintain a comfortable posture.
- Keep joints straight by reducing unnecessary movements.

Example of comfortable posture



### Tips for roulette

- Organize the table so frequently used items are closer in order to reduce reaching.
- Move along the length of the table instead of reaching.
- Use a "snap" technique to spin the ball, rather than using your wrist. See the diagram below.

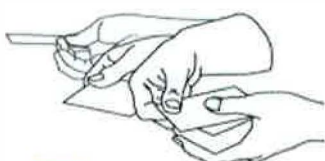


Example of "snap" technique

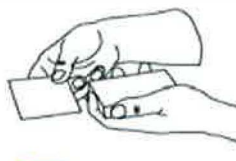
### Tips for pitching cards

Pitch cards using the following steps:

- 1 Imagine you are holding a cotton ball with your pinky and ring fingers.
- 2 Flick or pitch cards by only moving your index and middle fingers.
- 3 Do not move your wrist.



Example of incorrect pitching



Example of correct pitching

## Preventing static posture

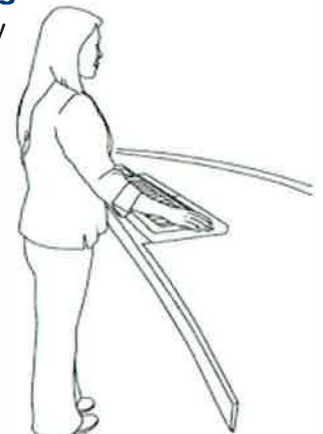
Maintaining the same posture with little variation is known as a static posture. This can lead to fatigue and discomfort, and increase the risk of injury. Static posture can occur when dealing cards if you don't change your posture while standing, sitting, or looking down.

### Tips for dealing cards

- Look up frequently.
- Stretch your neck, back, and shoulders at the beginning of the shift, during breaks, when there is a break in the game, or before shuffling the cards.

### Tips for standing or sitting

- Change your posture frequently by using foot rests and changing your weight distribution.
- Maintain good posture.
- Wear supportive footwear.
- Elevate your feet during breaks.



Example of static standing posture



Example of using a foot rest to change standing posture

### Visit WorkSafeBC.com for:

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- A searchable version of the Regulation (*under Quick Links, click OHS Regulation*)
- Additional copies of this infosheet (*under Safety at Work – By Industry, select Tourism & Hospitality*)

### Prevention Information Line

The WorkSafeBC Prevention Information Line can answer your questions about workplace health and safety, worker and employer responsibilities, and reporting a workplace incident. The Prevention Information Line accepts anonymous calls.

Phone **604 276-3100** in the Lower Mainland, or **1 888 621-SAFE (7233)** toll-free in B.C.

# **IMPROVING THE ODDS: REDESIGNING BLACKJACK TABLES FOR INJURY REDUCTION**

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## **ABSTRACT**

SKYCITY Entertainment Group Ltd sought assistance to redesign gaming tables due to a relatively high incidence of musculoskeletal disorders affecting table games dealers. Although this problem is accepted as being widespread in the gaming industry, a literature review indicated that little work on the functional aspects of table design has been undertaken, with anecdotal reports that most design changes were completed on a local or ad hoc basis - if at all.

An initial review of injury data and information from SKYCITY highlighted upper extremity and back discomfort for Blackjack dealers as a primary injury problem. Initial assessment included detailed dimensional analyses of the existing Blackjack table designs, interviews with dealing staff, task observation and anthropometric data review. A prototype Blackjack table was developed to address reach and work height issues, with the prototype refined via several project team site visits. A modified card dealing shoe prototype was also produced to address identified manual handling risk factors in card handling.

User trials with the prototype table and dealing shoe were completed. Trials encompassed interviews, the Nordic Musculoskeletal Questionnaire, anthropometric data collection, REBA analyses and task observation. Findings were used to determine a final Blackjack table and card shoe design in liaison with SKYCITY gaming and occupational health and safety staff and the equipment design/build firm. The resulting Blackjack table has some design features that appear to be a first within the gaming industry. The table and shoe was installed into a newly refurbished casino area with positive initial and ongoing feedback from gaming staff. Formal reassessment is planned.

## **INTRODUCTION**

The Occupational Health and Safety (OH&S) Manager and the Executive Manager - Gaming Projects of SKYCITY Entertainment Group Ltd, (Auckland, New Zealand) in March 2003 sought ergonomics expertise to address high levels of overuse injury reporting among table games dealers. In developing the project brief it was acknowledged that whilst

musculoskeletal disorders (MSD) have multiple causation, the project would focus on gaming table and related equipment design and function. The impact of other work system components such as work method, training, payment systems, breaks and task rotations were being addressed separately, and thus were not primary considerations for this project. The project was also driven by a relatively tight time frame for the commissioning of gaming tables for a refurbished gaming area.

Review of casino injury data for a five week period identified that 37% of injury reports were from dealers, with 26% of reports being MSD in nature. Of all reports, 20% were pertaining to upper extremity discomfort, 3% to back discomfort, and 3% to leg discomfort. 15% of all injury reports were attributed to dealing cards, and most reported injuries were to the right side of the body.

Literature review failed to identify any documented ergonomics work in the area of gaming table design, and anecdotal reports from individuals within the gaming industry indicated that if table design was addressed, it was done somewhat reactively and often with limited application of specialist expertise. The historical attitude within the industry was to either simply accept that 'that is how it is', or to suggest that injuries resulted from individual susceptibilities.

Blackjack is the game most frequently played in most casinos, and so involves potentially high musculoskeletal risk to dealers from task repetition, and the highest number of gaming staff. Blackjack table redesign was therefore identified as a priority. Redesign of Roulette, Money Wheel and Midi-Baccarat tables was completed similarly.

## **METHOD**

Key project personnel included the OH&S manager and OH&S Advisor, the Executive Manager Gaming Projects, the consulting physiotherapist who worked with rehabilitation of injured workers, the Table Games Operations Manager, and several Table Games Training staff. Initial information was gathered from OH&S records, informal interviews with these key personnel, and from observation of Blackjack games in the training room. Other personnel involved over the course of the project included purchasing department staff, and the design/build firm who fabricated the prototype tables.

Dimensional analysis of the Blackjack tables occurred (several different types were in use throughout the facility). The manual card dealing shoe was also reviewed. Analysis of the dealing task was completed via photographing and video-taping of dealers in simulated games in the training room. Discussion with these individuals identified areas of concern with the Blackjack table and dealing shoe designs.

Security reasons and customer privacy limited observation of active dealers in the casino environment. Access to surveillance camera footage of dealers working was similarly not permissible. The training room was therefore the only environment in which lengthy and detailed observation was possible, and where photographing and video recording of dealers at work was allowed.



Following the initial familiarisation visit key functional problems were identified. These included:

- Short and very tall workers had difficulty dealing comfortably
- Short workers struggled with both the height of the table (950 mm) and reach with cards to the dealer line (640 mm) and with chips to the boxes (770 mm to outside edge)
- Existing steps were of some benefit, but had to be bought in for use and were of fixed height (100 mm)
- The knee space under the table was limited, reducing standing position options, particularly the placing of one foot on a foot rest
- The stainless steel 'wear plates' on the leaning surfaces were uncomfortable
- When using the card dealing shoe the wrist extension position combined with the high frequency action (thousands of times per shift) appeared to be high risk.

Dimensional data and information on design problems were combined with anthropometric data, to formulate recommendations for a prototype Blackjack table suitable for formalised user trials. Given that dealing staff comprised a broad range of ethnicity including a reasonably high percentage of Asian and Indian workers; anthropometric data for these groups (Pheasant, 1996) was considered as well as NZ data (Slappendel & Wilson, 1992).

The prototype Blackjack table was fabricated, and two factory site visits by the project team were made to review its design and function prior to commencing user trials.

User trials proceeded in July 2003, with a table of finished height at 935 mm, 3 pull-out platforms (steps) of around 70 mm each, and a foot rest bar above the third step. The table layout, or 'felt' was altered for a 10-20 mm shorter reach to the 'dealer line'. The dealing shoe angle was altered from flat to angled by the insertion of a wedge under its base. Three different sized wedges at 10, 20 and 27 mm were trialed, in order to reduce the wrist extension required when dealing cards and when resting the hand on the shoe. An optional moulded hand rest was also trialed. A total of 14 dealers participated in the user trial, selected for anthropometric variation, handedness, gaming experience and gender. The user trials included a semi-structured interview, the Nordic Musculoskeletal Questionnaire (NMQ), anthropometric data collection, task observation, and later completion of REBA analyses from the video and photographic recordings.

## USER TRIAL FINDINGS

### *Sample*

A total of 7 ethnic groups were represented in the user trial (Pacific Island, European, Maori, Chinese, Philipino, Indian and Taiwanese). 12 participants were right handed and 2 were left handed; there were even numbers of males and females; and dealing experience varied from 3 weeks to 7.5 years. 3 participants were both gaming supervisors and dealers, 1 was a gaming supervisor, 2 were 'casual' employees, and 8 were full time dealers.

### *NMQ*

Key modified NMQ results were: 79% of participants reported shoulder discomfort occurring within the last 12 months (primarily right shoulder discomfort), 43% experienced neck discomfort, 43% lower back discomfort, and 36% wrist or hand discomfort. Lower

back discomfort and wrist or hand discomfort both impacted on ability to complete normal activities in 21% of participants. From the interviews, it appeared that few workers had made formal injury reports regarding the discomfort experienced, and they also had a poor understanding of discomfort management strategies.

### ***REBA Analyses***

Key findings from REBA analyses were:

- A female with less than 5<sup>th</sup> percentile stature measurements (standing eye, shoulder, elbow and knuckle heights), had *very high* risk levels (score 11) when reaching to place chips onto a player's 'box' at the centre of the table. Short stature resulted in trunk twisting and side flexion for adequate reach. Use of a 200 mm step reduced the risk level to *medium* (score 6).
- A male with greater than 95<sup>th</sup> percentile measurements for most stature measurements and his acromion-grip length, had a *medium* risk level (score 5) for the task of placing chips out at the centre of the table when standing on the floor.
- A female with approximately 50<sup>th</sup> percentile stature measurements, resting their wrist on the table surface near the standard manual shoe with fingers/hand resting on the shoe, had a *medium* risk level (score 5), that reduced to a *low* risk level (score 3) with use of the 20 mm angled raise in combination with a hand rest.

### ***Task Observations and Interview***

For the prototype Blackjack table trial, 57% of users preferred not to use any step (platform), 29% preferred using the first step, 7% used two steps, and 7% used three steps. A number of users (particularly experienced users) were reluctant to use the higher steps despite obvious biomechanical advantage, requiring additional coaching and explanation in order to do so. Some participants commented on the psychological impact/discomfort factor of being taller and at a different level with customers, feeling that this may require some adjustment. Some commented that the higher vantage point was a positive safety feature from a table visibility perspective. Most using the steps commented that they felt more relaxed and comfortable when dealing.

Participants felt that the step depth and width was adequate and felt safe, and there were no observations of workers being close to or stepping off the edge while dealing. Participants commented that the pull out steps had finger-groove handles that were difficult to grasp, and that some security/surveillance issues may result from the need to crouch down to pull them out (with the resultant momentary loss of visibility of the table surface). Some workers commented that the step options would allow them to select more comfortable footwear, rather than the platform and high heeled styles that had been selected for the height advantage afforded.

Workers were generally unaware of the benefit of postural variation achieved by standing with one foot on a foot rail, but found this to be comfortable. The prototype table foot rail was however too high, with inadequate knee space. Taller participants noted that a toe kick space was needed to make standing close to the table more comfortable. Some commented that they would prefer to stand at a surface lower than the flooring. Taller workers often stood with a stooped posture in an effort to work with the hands in an effective position.

Stainless steel 'wear plates' had been installed over the padded edge of the tables in the casino to prevent wear. The prototype Blackjack table did not have this, and was found to be more comfortable.

Participants quickly adjusted to the closer position of the dealing line, preferring the shorter reach distance and being unconcerned with the slightly smaller dealer work space created.

The gaming chip 'float tray' is kept covered and locked when the table is not in use. When the table is active the float tray cover is stored under the table. For the prototype table, the action of storing the lid on a shelf under the table was felt to be manageable, whilst still maintaining visibility of the table playing surface. Storage spaces for the card shoe and other minor items were reported to be adequate.

Shorter workers struggled to find a relaxed resting position on the card shoe when not actively dealing cards. All participants preferred to use the angled shoe, with 50% preferring a 20 mm high wedge. 43% preferred use of a hand-rest attached to the shoe. Use of the angled shoe made cards easier to grasp (as the thumb is under the card), as did a larger hole to through which to contact the cards, and use of a thinner material (Perspex).

### ***Anthropometric Data***

Data was collected to understand each participant's anthropometry in relation to observed function and REBA analyses, and to gain a better understanding of the SKYCITY dealer population. Overall the user trial participants varied from the NZ population described in NZ Anthropometric Estimates (1992) with shorter Asian women and broader Pacific Islanders of both genders.

## **DESIGN ITERATION**

### ***Blackjack Table***

Following user trials, a number of recommendations were made: to add a toe kick space; reduce from three to two steps; provide additional knee space; alter the step heights to 80mm; make pulling the step out easier; ensure that the lean surface is well padded; narrow the depth of the chip float trays and move them as close as possible to the table edge; reduce reach distance by altering the design on the table felt for a closer dealer line; and use a template for correct fabric placement on the tables. Final table design was limited to an extent by customer comfort, engineering factors and cost, though endeavours were made to improve the fit of the table to a wide range of dealers. Members of the larger project design/management team had varied acceptance of table design changes, with some impact.

The user trial process also identified training factors to be addressed so that gaming staff could optimise the benefits of the redesigned user-adjustable Blackjack table. Some additional focus on the reporting of, and management response to MSD's was also indicated.

After the trials and a series of prototypes and specific design enhancements, in December 2003 the new Blackjack tables were put into use. These tables were 960 mm high, and had two motorised steps (covered with non-slip rubber and with anti-fatigue padding) at 80 mm and 160 mm that were moved into place at the push of a button. The table had a closer

dealer line with the central point at 560 mm. The 80 mm shorter reach distance was created in part by flattening the arc on the dealer line and narrowing the float tray.

### ***Card Shoe***

Use of the angle-based card shoe allowed the dealer's hand/wrist to both operate and rest in a more neutral position. The shoe angle also allowed the cards to be dispensed with greater ease (getting the thumb under the card for easier grasp), though this was not evidenced in the REBA scoring method. Dealers quickly appreciated the improved dealing ease and resting comfort, with all participants preferring to use an angled shoe for Blackjack dealing. In December 2003 new angled shoes were in use at the new Blackjack tables.

### ***Informal Feedback***

No formal reassessment of this Blackjack table design has yet occurred, though commissioning of another casino area is underway and may allow this opportunity. The OH&S Manager reports that repeated informal observations and feedback has been almost uniformly positive. Specific feedback about the new Blackjack tables includes: the closer dealer line and reduced reach distances are good; the toe kick space needs to be deeper (from 50 to 100 mm); the automated steps are well-liked, but the top step is rarely used; and the table storage cupboard is too short for easy storage of the card shoe. These comments suggest that a formal review of table use and function will result in improved design for future tables, and this is planned.

## **CONCLUSION**

A Blackjack table with two automated steps and a shorter reach distance, and a modified card dealing shoe resulted from this redesign project. The effectiveness of both items should be formally reviewed with further design improvements likely. Work system factors other than design of the physical environment are relevant when considering MSD prevention for casino dealers.

### ***References***

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