



MASSACHUSETTS GAMING COMMISSION MEETING

November 6, 2014

10:30 a.m.

Boston Convention and Exhibition Center

415 Summer Street, Room 151B

Boston, MA



Massachusetts Gaming Commission



NOTICE OF MEETING and AGENDA***

November 6, 2014

*****Agenda items may change contingent upon November 4th referendum results.**

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:

**Thursday, November 6, 2014
10:30 a.m.
Boston Convention and Exhibition Center
415 Summer Street, Room 151B
Boston, MA**

PUBLIC MEETING - #138

1. Call to order
2. Approval of Minutes
 - a. October 23, 2014
3. Administration – Rick Day, Executive Director
 - a. General Update
 - b. Final Policy Manual – Ed Burke, Managing Director – North Passage Associates - VOTE
4. Racing Division – Catherine Blue, General Counsel
 - a. Live Racing License Decisions - VOTE
5. Legal Division – Catherine Blue, General Counsel
 - a. Award Region B License – VOTE
 - b. Award Region A License – VOTE
 - c. Assessment Discussion – D. Lennon, CFAO - VOTE
6. Ombudsman Report – John Ziembra
 - a. Community Mitigation Fund Discussion
 - b. Region C Update
7. Workforce, Supplier and Diversity Development – Jill Griffin, Director
 - a. Access and Opportunity Committee Recommendation – VOTE

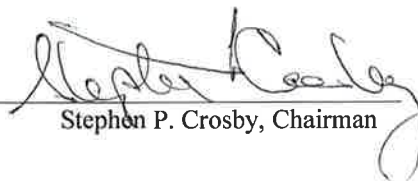


Massachusetts Gaming Commission

8. Research and Problem Gambling – Mark Vander Linden, Director
 - a. Play Management Update
 - b. Research Project Educational Presentation – Rachel Volberg and Amanda Houpt
 - c. Gaming Cohort Study Approval - VOTE
9. Investigation and Enforcement Bureau – Karen Wells, Director
 - a. Penn National Gaming Qualifier - VOTE
10. Information Technology Division – John Glennon, CIO
 - a. Information Security Policies and Procedures - VOTE
11. Licensing Division – David Acosta, Director
 - a. LMS and Documentum Progress Update – J. Glennon, CIO
12. 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.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

11/3/14
(date)


Stephen P. Crosby, Chairman

Date Posted to Website: November 4, 2014 at 10:30 a.m.



Massachusetts Gaming Commission



Meeting Minutes

Date/Time: October 23, 2014 – 9:30 a.m.

Place: Boston Convention and Exhibition Center
415 Summer Street, Room 102B
Boston, Massachusetts.

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

Call to Order

See transcript page 2

9:36 a.m. Chairman Crosby called to order the 137th Commission Meeting.

Approval of the Minutes

See transcript page 2-5

9:37 a.m. *Commissioner McHugh moved for the Commission to approve the minutes from the 134th Commission Meeting with changes made to the list of documents to add the signed license agreement. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

9:38 a.m. *Commissioner McHugh moved for the approval of the September 25, 2014 minutes. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*

9:38 a.m. *Commissioner McHugh moved for the approval of the October 9, 2014 minutes with one correction made to indicate when Chairman Crosby joined the meeting. Motion passed unanimously.*

Administration

See transcript pages 5-22

- 9:40 a.m. Director Day presented the Commission with the project monitors chosen for Regions A and B.
- 9:43 a.m. Jennifer Pinck presented on Pinck & Company's team that will be part of the project monitors for Region B.
- 9:46 a.m. Stephen Rusteika presented on PMA Consultant's team that will be part of the project monitors for Region A
- 9:46 a.m. Director Day presented an update on the public hearings held for the live racing applications for 2015.
- 9:49 a.m. John Rauen, Vice President of Development with Penn National Gaming; Lance George, General Manager of Plainridge Racecourse; and Emil Giordano, Project Executive of Turner Construction, presented the quarterly update for Penn National Gaming.
- 10:46 a.m. Commission took a brief recess.
- 11:00 a.m. Meeting resumed.

Ombudsman Report

See transcript pages 22-89

- 11:01 a.m. Mike Mathis, President of MGM Springfield; David Cruise, President & CEO for Regional Employment Board of Hampden County, Inc.; Laura Lee, Senior Vice President of Regional Human Resources for MGM Resorts; Mike Knapp, CEO of SkillsSmart; Jason Green, Vice President of Business Development for SkillsSmart presented MGM's monthly progress report.
- 11:58 a.m. Commission took a short recess
- 11:03 a.m. Meeting resumed
- 11:03 a.m. Robert DeSlavio, Senior Vice President of Development for Wynn Resorts and Jacqui Krum, Senior Vice President and General Counsel for Wynn Resorts presented Wynn MA, LLC's monthly progress report.

Research and Problem Gambling

See transcript pages 89-199

- 11:20 a.m. Director Vander Linden and Judith Glynn, Principal of Strategic Science presented a report on Play Management.
- 12:26 p.m. Commission recessed for lunch.

1:33 p.m. Meeting resumed.

1:34 p.m. Deputy General Counsel Grossman, Director Vander Linden, and Assistant Director of IEB Band presented on draft regulations regarding draft credit, checks, ATM and bank card regulations.

Workforce, Supplier and Diversity Development

See transcript pages 200- 240

2:06 p.m. Director Griffen; Mark Erlich, Executive Secretary and Treasurer of New England Regional Council of Carpenters; and Brian Doherty, Treasurer of Boston Metropolitan District Building Trades Council presented on increasing diversity in construction.

Legal Division

See transcript pages 240-272

2:47 p.m. General Counsel Blue presented on the draft Racehorse Development Fund Regulations which will be put out for informal comment.

2:59 p.m. General Counsel Blue, Deputy General Counsel Grossman, and Assistant Director of IEB Band presented the final versions of 205 CMR 141, Surveillance; 205 CMR 142, Administrative Search and Seizure; 205 CMR 122, Capital Investment regulations with their accompanying Amended Small Business Impact Statements.

3:17 p.m. *Commissioner Cameron moved for the Commission to approve the final versions of 205 CMR 141 with the changes identified, 142, and 122 along with their accompanying Amended Small Business Impact Statements. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

3:20 p.m. Commission took a short recess.

3:30 p.m. Meeting resumed.

Investigation and Enforcement Bureau

See transcript pages 272-289

3:30 p.m. Director Wells reported on the suitability of a Wynn MA, LLC qualifier, Mr. Robert DeSlavio.

3:34 p.m. *Commissioner Cameron moved that the Commission approve Mr.DeSalvio as a qualifier. Motion seconded by Commissioner McHugh. Motion passed unanimously.*

- 3:35 p.m. Director Wells, Assistant Director Band, and Deputy General Counsel Grossman presented on internal controls accounting and gaming procedure regulations.
- 3:44 p.m. Assistant Director Band and Deputy General Counsel Lillios presented on the gaming equipment regulations.
- 3:50 p.m. *Having no further items for discussion, Commissioner Cameron moved to adjourn the meeting. Motion passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission October 23, 2014 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission September 8-17, 2014 Meeting Minutes
3. Massachusetts Gaming Commission September 25, 2014 Meeting Minutes
4. Massachusetts Gaming Commission October 9, 2014 Meeting Minutes
5. Penn National Gaming, Inc. Quarterly Report as of September 30, 2014
6. Wynn, MA LLC Monthly Update
7. Strategic Science Report on Informing Play Management Systems: International Review of Limit-Setting Tools
8. Massachusetts Gaming Commission October 21, 2014 Memorandum Regarding Estimated Cost of Play Management Tools
9. 205 CMR 138.40 to 138.47 Uniform Standards of Accounting Procedures and Internal Controls DRAFT
10. 205 CMR XX.00 Racehorse Development Fund regulations DRAFT
11. Amended Small Business Impact Statement 205 CMR 122
12. 205 CMR 122 Capital Investment regulations
13. Amended Small Business Impact Statement 205 CMR 141
14. 205 CMR 141 Surveillance of the Gaming Establishment regulations
15. Amended Small Business Impact Statement 205 CMR 142
16. 205 CMR 142 Regulatory Monitoring and Inspection regulations
17. Massachusetts Gaming Commission October 20, 2014 IEB Qualifier Report of Applicant Wynn, MA LLC for Qualifier Robert DeSalivo
18. 205 CMR 138 Uniform Standards of Accounting Procedures and Internal Controls DRAFT
19. 205 CMR 146 Gaming Equipment DRAFT

/s/ Catherine Blue
Catherine Blue
Assistant Secretary

No Documents



Human Resources Policy Manual

Version 1.0

[insert date commission approves]

Table of Contents

Purpose and Use	1
History.....	2
Employment Policies.....	3
Equal Employment Opportunity.....	3
Employment at Will.....	4
Hiring.....	6
Background Check.....	11
Employment Categories.....	14
Protected Information.....	16
Identification Badge	17
Initial Review Period	19
Internal Transfers.....	21
Lactating/Breastfeeding	23
Personnel Records.....	24
Termination (Voluntary).....	26
Title VII, ADEA, ADA	28
Workplace Privacy.....	29
Personal Conduct Policies.....	31
Enhanced Ethics Code.....	31
Code of Conduct.....	40
Corrective Action	42
Customer Relations	45
Communication and Outreach	46
Public Records.....	48
Supplemental Employment and Business Activities	51
Dress Code	54

Drug and Alcohol Free Workplace	56
Harassment Free Workplace	58
Information Technology Use	60
Social Media	66
Solicitations and Distribution	73
Smoke Free Workplace	74
Sexual Assault, Stalking and Domestic Violence	76
Sexual Harassment	77
Violence Free Workplace	80
Weapons Free Workplace	82
Whistleblower Protection	84
Workplace Bullying	86
Workplace Relationships	88
Workplace Standards	90
Pay Policies.....	92
Compensation	92
Time and Attendance	95
Deferred Compensation	97
Military Pay Provision	98
Unemployment Insurance	99
Pay Practices	100
Time-Off Policies	103
Bereavement	103
Holidays	105
Sick Time	107
Vacation	109
Personal Time	111
Career Development/Advancement Policies.....	113

Performance Evaluations	113
Professional Development	115
Tuition Remission	117
Safety Policies	118
Workers Compensation	118
Workplace Safety	120
Office Closure/Inclement Weather	122
Leave Policies	124
Leave without Pay	124
Bone Marrow Donation/Organ Donor Leave	125
Disaster Volunteer Leave	125
Domestic Violence, Sexual Assault & Stalking in the Workplace Leave	125
Extended Illness Leave Bank	125
Family Medical Leave Act (FMLA)	125
Jury Duty/Witness Leave	125
Blood Donation Leave	125
Maternity Leave	125
Military Leave	125
Small Necessities Leave	126
Voting Leave	126
Benefit Policies.....	127
Employee Assistance Program	127
Adoption Tuition Incentive	129
Charitable Contribution Program	129
COBRA	129
Credit Union	129
Deferred Compensation 457b Plan	129
Dental & Vision Benefit	129

Dependent Care Assistance Plan (DCAP)	129
Group Life Insurance	129
Health Insurance	129
Health Insurance Responsibility Disclosure	129
Healthcare Spending Account (HCSA)	129
Long-Term Disability	129
MA Retirement System	129
Qualified Transportation Benefit Plan (QTBP)	129
Finance Policies	130
Procurement Card	130
Travel	131

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Purpose and Use

This manual incorporates policies adopted by the Massachusetts Gaming Commission (MGC) to document the rights and responsibilities of MGC management and employees. They represent the rules of the road for all members of Team MGC.

Employees and managers should pay special attention to the Enhanced Ethics Code policy. This comprehensive policy reflects the MGC's commitment to the highest standards for the personal and professional conduct of both management and employees. If you have any question about what's permissible and what's not, you should read this policy carefully.

Employees should direct any questions about the Code of Ethics or any other of the policies contained in this manual to their immediate supervisor.

To ensure you are referring to the latest version of policies, employees and managers should use the Policy Manual posted on the MGC Intranet. Policies may change from time to time and the version posted on the Intranet always will represent the official version. Managers are cautioned against printing out the manual and using it as a reference.

History

This section shows the history of the policy manual and any special notes or issues that have arisen since its initial publication.

[insert date]	First publication
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DRAFT

Employment Policies

This section of the policy manual contains policies that establish standards for how MGC hires employees and the on-boarding process for new hires.

Equal Employment Opportunity

MGC has adopted federal Equal Employment Opportunity laws that prohibit job discrimination in the workplace which can be found at <http://www.dol.gov/dol/topic/discrimination/>.

DRAFT

Employment at Will

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to employ all personnel at the will of MGC for an indefinite period. Employees may be subject to termination at any time, for any reason, with or without cause or notice. Further, the policies and practices of MGC are not intended to create a contractual relationship between the organization and its employees.

Applies to

All employees from their first day of employment, except commissioners (the employment of commissioners is governed by MGL 23K s 3C)

Procedure

- Employees may terminate their employment at any time and for any reason.
- MGC asks, but does not require, that employees who choose to terminate their employment provide a minimum of two weeks written notice if a non-exempt employee and four weeks if an exempt employee.
- MGC may terminate the employment of employees with or without notice and with or without cause.
- Employees serve at the discretion of MGC. MGC will generally follow a progressive corrective action process for non-exempt and exempt non-management employees, except in the case of serious, disruptive, negative behavior that negatively impacts the function and/or reputation of MGC.
- No statements made in pre-hire interviews, discussions, or in recruiting materials alter the at-will nature of employment or imply that discharge will occur only for cause. Nor is any representative of MGC authorized to modify this policy for any employee or enter into any agreement that changes the at-will relationship.

Responsibility

All Management

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

MGL Chapter 150E; Corrective Action; MGL 23K, s 3C

Created

08/21/2014

Revised

Reviewed

DRAFT

Hiring

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.

Hiring Process

Accepting Applications: All persons expressing interest in employment with the Commission will, without exception, be directed to the Human Resources Department.

The Human Resources Department 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 her/his designee.

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.

Hiring Manager: The Commission or the Executive Director shall designate a Hiring Manager for each vacant position. The Executive Director or any of the Commissioners may serve as a Hiring Manager and each may serve as a Hiring Manager for more than one vacant position at the same time. Another employee 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 the Human Resources Department for compliance with hiring policies and procedures, and overall structure 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.

Selection: Based on the application materials and the written interview assessment, the Commissioners or the Executive Director, or her/his 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 accordance with the Commission's Background Check Policy. In coordination with the Human Resources Department, the Hiring Manager may cause to request a background check on an individual or individuals prior to an offer of employment or in the alternative, issue a conditional offer of employment subject to background

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

References and Recommendations: Final candidates must provide at least three references; the number and type of references will be based upon the position involved and will be determined by the Human Resources Department. All recommendations/references must be in writing and directed to the Human Resources Department. Verbal recommendations references will not be considered. A reference check will 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 by third parties in support of candidates prior to determination of the final candidates for the position 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.

Firm Offer: 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 Executive Director, the Hiring Manager or the Human Resources Department 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 in writing by the Human Resources Department to the successful applicant.

Equal Employment Opportunity

The Commission is committed to the principle of equal employment opportunity. Applicants for employment are evaluated on their individual qualifications for a position. The Commission provides equal employment opportunities for all applicants and employees and does not unlawfully discriminate on the basis of age, race, color, religion, gender, sexual orientation, national origin, ancestry, veteran or active military status, physical or mental disability, gender identity or expression, genetic information or any other category covered by federal, state or local law. The Commission's policy regarding equal employment opportunity applies to all aspects of employment, including but not limited to recruitment, hiring, job assignments, promotions, working conditions, scheduling, benefits, wage and salary administration, disciplinary action, and termination. For more information, see the Commission's Discriminatory Harassment Policy in the Employee Handbook.

In accordance with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, the Commission undertakes affirmative action to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam era, recently separated veterans, 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 will strive to list all of its employment openings, with the appropriate local employment service office as well as on its website, www.massgaming.com. Such action will 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.

The Commission will not tolerate any form of unlawful discrimination. All employees are expected to cooperate fully in implementing this policy. In particular, any employee who believes that any other Commission employee may have violated the Equal Employment Opportunity Policy should report the possible violation to his/her manager and the Human Resources Department.

Reasonable Accommodations for Individuals with Disabilities

The Commission complies with the Americans with Disabilities Act and applicable state and local laws prohibiting discrimination in employment against qualified individuals with disabilities.

In accordance with applicable federal, state and local laws protecting qualified individuals with known disabilities, the Commission will attempt to reasonably accommodate qualified disabled persons unless doing so would create an undue hardship.

A qualified individual who believes that he or she requires a reasonable accommodation to perform the essential functions of her/his job should make a request for an accommodation to a manager, Commissioner, and/or human resources representative. A reasonable accommodation may include any action which enables an individual with a disability to perform the essential functions of her/his position. The Commission generally will engage the employee in a dialogue to better understand her/his request, and ultimately determine the feasibility of the requested accommodation. Before denying a requested accommodation, the Commission will engage the employee in a discussion about her/his request, and obtain any additional and relevant information to attempt to accommodate the employee.

The employee will be informed of the Commission's decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, the employee may appeal the Commission's decision by submitting a written statement to the Executive Director or General Counsel.

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 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 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 her or his identity and legal authorization to work by completing a federal government form (known as Form I-9) supplied upon hire. Former employees who are rehired must also complete the I-9 form if they have not completed an I-9 with the 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 her/his identity and legal authorization to work in the United States.

Employment of Relatives

The employment of an employee's relative, including domestic partners, at 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 she/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.

Employment of Minors

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

Internal Candidates

Current Commission employees should check the Commission website to view current job openings. Inquiries about posted positions are strongly encouraged from qualified internal candidates. Interested individuals should contact the Human Resources Department for further information and consideration. All internal inquiries will be treated confidentially. To be considered an applicant for an approved posted vacancy, an internal candidate must:

1. Submit a resume to the Human Resources Department specifying the position she/he is applying for and how her/his current experience with the Commission and prior work experience and education qualifies her/him for the position.
2. Be in her/his current position for at least one year and be performing competently in her/his current position. An employee who has received a verbal or 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 Commission recognizes the benefit of developmental experiences and encourages managers to talk with their employees about the employee's career plans. Managers are encouraged to support employees' efforts to gain experience and advance within the organization. An employee's manager 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 employees' suitability for the position.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Criminal Offender Record Information (CORI); Sex Offender Registry Information (SORI); Equal Employment Opportunity; Vietnam Era Veterans' Readjustment Assistant Act of 1974, as amended, 38 USC 4212; Immigration Reform and Control Act of 1986; Enhanced Ethics Code

Created

04/08/2014

Revised

Reviewed

DRAFT

Background Check

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to ensure all employees meet the highest ethical standards and demonstrate a commitment to embrace the MGC Enhanced Code of Ethics. In order to ensure the highest level of public confidence in the integrity of the MGC, all candidates who receive a conditional offer of employment must submit to a background check.

Applies to

All candidates who receive a conditional offer of employment; all commissioners who receive appointments; and where applicable consultants and temporary staff

Former employees seeking reemployment will be subject to a full or partial background check as determined by Human Resources (HR).

Definitions

- CORI: Criminal Offender Record Information
- SORI: Sex Offender Registry Information
- CHRI: National Criminal History Record Information

Procedure

- The background check may include:
 - Prior employment reference checks;
 - Review of criminal records including fingerprinting, CHRI, CORI, SORI and comparable out-of-state records;
 - Federal and state tax information and Social Security number match trace;
 - Credit history;
 - Motor vehicle records;
 - Verification of any licenses or certifications required by a specific position; and
 - Drug screen
- All aspects of the background check are overseen by the MA State Police. Candidates are not responsible for any fees connected with the background check.
- Conditional candidates must sign appropriate releases authorizing that a background check be conducted on their behalf.
- Conditional candidates who refuse to comply with all aspects of the background check will have their offer revoked and be ineligible for employment with the MGC.

- Conditional candidates who are found to withhold or falsify material information that impacts the background check will have their offer revoked and be ineligible for employment with the MGC.
- Conditional candidates may not become employed and report to work until the background check has been completed and HR determines a first day of employment.
- Consultants and temporary staff may be subject to a complete or partial background check as determined by HR.
- Conditional candidates who are disqualified based on the information contained in the background check will be provided the results of the background check. If the candidate disputes the information discovered in the background check she/he will be given a reasonable amount of time, as determined by the Manager of HR to submit corrected information.
- MGC may conduct post-employment background checks on employees as needed, such as but not limited to following any workplace violence incident involving the employee or when it is required to do so pursuant to state or federal laws, rules or regulations. As a condition of continued employment, employees must consent to any post-employment background check as determined by MGC.
- All results of the background check including signed releases are treated confidentially and maintained by HR separately from the personnel record. The background check information will be retained in accordance with the Personnel Records Policy and may be reviewed only on a need-to-know basis or as required by law.
- The MGC, upon careful evaluation, shall disqualify a conditional candidate if any one or more screens in the background check indicate the candidate may pose a risk to the honest and efficient operation of the MGC.

Responsibility

Human Resources and the MA State Police assigned to conduct a background check.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Personnel Records; Criminal Offender Record Information (CORI); Sex Offender Registry Information (SORI); National Criminal History Record Information (CHRI)

Created 08/21/2014

Revised

Reviewed

DRAFT

Employment Categories

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to classify employees in categories that determine their employment and benefit status.

Applies to

All employees

Definitions

Massachusetts Deferred Compensation SMART Plan (SMART Plan): An alternative to Social Security as permitted by the federal Omnibus Reconciliation Act of 1990 (OBRA).

Procedures

- Employment categories are as follows:
 - Regular Full Time: Hired into a position designated with no predetermined end date or with an end date that is 12 months from the first day of employment. Full time hours are 37.5 per week and occur during the regular business hours of operation. Employees are eligible for all employee benefits described in the policy manual.
 - Regular Part Time: Hired into a position designated with no predetermined end date or with an end date that is more than 12 months from the first day of employment. Part time hours are at least 18.75, but less than 37.5 per week and occur during the regular business hours of operation. Part time employees may also be those hired to work 37.5 hours or less per week for a period of nine months or less in a calendar year. Employees are eligible for all employee benefits described in this policy manual. Annual vacation, sick and personal hours are pro-rated based on the number of hours worked.
 - Co-op: An undergraduate or graduate student enrolled in an accredited cooperative education program hired into a temporary position utilizing her/his technical or administrative education and who has a predetermined end date for her/his employment. Co-op employees are covered by workers compensation and may be eligible for other statutory benefits, but are not eligible for MGC benefits as described in this policy manual. Co-op employees are required to participate in the SMART Plan and must contribute at least 7.5% of their gross compensation per pay period.
 - Intern: An undergraduate or graduate adult student (18 years or older) not enrolled in an accredited cooperative education program, hired into a temporary position utilizing her/his technical or administrative education and who has a predetermined end date. Interns are covered by workers compensation and may be eligible for other statutory benefits, but are not eligible for MGC benefits as described in this policy manual. Interns are required to participate in the SMART Plan and must contribute at least 7.5% of their gross compensation per pay period.

- Contract: Hired to temporarily supplement the work force, to assist in the completion of a specified project or for any other reason the MGC deems appropriate. The terms and conditions of employment are governed by a written agreement. Employment assignments are of a limited duration. The Executive Director (ED), or in the absence of the ED, the MGC has the authority to enter into such a written agreement. Contract employees are covered by workers compensation and may be eligible for other statutory benefits, but are not eligible for MGC benefits as described in this policy manual. Contract employees are required to participate in the SMART Plan and must contribute at least 7.5% of their gross compensation per pay period.

■ Employees, regardless of employment classification, are considered employees-at-will.

Responsibility

Executive Director, Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Employment at Will; Time and Attendance; Omnibus Reconciliation Act of 1990

Created 10/17/2014

Revised

Reviewed

Protected Information

The MGC has determined to use the Massachusetts Department of Health and Social Services policy on protected information which can be found at <http://www.hhs.gov/ocr/privacy>.

DRAFT

Identification Badge

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to require all employees to be issued one or more identification badges with their photo. All employees (and selected consultants, contractors and temporary staff with a need for access) will be issued a badge that provides them entry to MGC offices. Depending on responsibilities, employees may be issued a badge that allows them access to gaming properties regulated by the MGC.

Applies to

All employees and commissioners

All consultants, contractors and temporary staff who have submitted to a background check and have received clearance

Procedures

- Human Resources (HR) will make arrangements to ensure that newly hired employees are issued the appropriate identification badge(s) on their first day of employment. HR will issue badges to consultants, contractors and temporary staff as soon as practical.
- HR determines the type of access to MGC properties based on employment status and/or level of background check that has been conducted and insures each badge that is issued is coded appropriately.
- HR maintains an identification badge log including the name of the person holding the badge(s) and the badge number of each badge issued.
- Employees are required to carry their identification badge(s) with them at all times while they are at work and to show them when asked by management. Badges are not to be used as identification to access MGC offices or gaming properties when an employee is not at work.
- Employees shall not loan their badge(s) to another employee or visitor in order for that person to access MGC offices or gaming properties. Employees who have been found to have given their badge(s) to another employee or visitor for the purpose of building and/or casino access may be subject to corrective action up to and including termination.
- Employees, who lose or misplace their badge(s), must notify HR immediately. Arrangements will be made to get a replacement badge.
- Employees who lose their badge(s) more than once per calendar year will be charged a replacement fee. Employees who chronically lose their badge(s) may be subject to corrective action up to and including termination.
- Managers or HR must collect the employee's badges(s) on the last day worked. Managers must notify HR immediately if they are the ones to collect the badge(s). HR will ensure access to all MGC buildings is cancelled and the log updated.

- Consultants, contractors and temporary staff shall return their identification badge to HR on the last day of their assignment and the log updated.

Responsibility

All Managers and HR

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Corrective Action; Termination (Voluntary)

Created

08/21/2014

Revised

Reviewed

DRAFT

Initial Review Period

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) that the first 90 days of employment are an initial review period, regardless of employment classification. During this period managers will evaluate the employee's ability to perform the duties of her/his position and otherwise meet the qualifications for continued employment. This is also an opportunity for the employee to learn about the position she/he has accepted, including department and organization expectations.

Employees may be terminated without warning, notice or pay in lieu of notice at any time during this period.

Applies To

All employees, both exempt and non-exempt, including employees transferring to a new position or from another Massachusetts state government agency but excluding Commissioners whose employment is governed by MGL 23K Section 3C

Procedure

- During the initial review period managers should provide continuous feedback to employees regarding her/his progress and performance in her/his position.
- Managers are responsible for evaluating a new employee's performance and filling out an initial review evaluation form following the first 30 days of employment and updating it prior to the 90th day of employment.
- Managers are responsible for meeting with new employees following the first 30 days of employment and discussing any performance issues recorded on the initial review evaluation form.
- Prior to the 90th day of employment, managers are responsible for conducting a second meeting with new employees about updates to the initial review evaluation form and informing them whether employment will or will not be continued.
- The manager is responsible for forwarding the form to Human Resources for inclusion in the employee's file.
- If it is determined that an employee is going to be terminated within the initial review period, managers shall consult with the Manager of Human Resources before notifying the employee.
- An employee within the initial review period is not eligible to transfer within MGC positions.
- The initial review period may be extended, in limited circumstances, but only with the prior approval of the Manager of Human Resources or her/his designee.

Responsibility

Managers are responsible for complying with this policy.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Employment-at-Will; Workplace Standards; Personnel Records; Initial Review Period; MGL 23K s3C

Created

08/21/2014

Revised

Reviewed

DRAFT

Internal Transfers

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to provide employees with a supportive environment designed to encourage the pursuit of professional goals and career objectives. MGC recognizes that the best candidate for a position may already be an employee. MGC also believes that talented employees stay longer and contribute more value in an environment that encourages growth and development. Finally, MGC recognizes that the short-term implications of having to replace an employee who transfers is less disruptive to the MGC overall than losing an employee to an outside organization.

Applies to

All employees following the completion of one year of continuous service in their current position

To be considered for transfer employees must:

- Meet qualifications and skill requirements for the position of interest;
- Not be on a written corrective action within the previous 12 months; and
- Not have a written counseling within the previous six months

Exceptions to the above requirements may be considered on a case-by-case basis with the approval of the Manager and/or Executive Director.

Definitions

- Lateral transfer: A transfer in which an eligible employee moves into a position at the same or comparable salary grade as her/his current position. There is generally no change to salary or review date.
- Promotion: A transfer in which an eligible employee moves into a higher salary grade than her/his current position. There may be a change in pay rate and review date.
- Demotion: A transfer in which an eligible employee moves into a position in a lesser salary grade than her/his current position. There is often a change in pay rate, but no change to the review date.

Procedures

- Employees interested in pursuing other opportunities are encouraged to monitor the MGC job openings for positions that are available and match their education, skills and abilities.
- Employees interested in a specific open position and who would like to learn more details about the position are encouraged to make an appointment with Human Resources (HR) to discuss the position and their qualifications for the position.
- HR should determine if an employee is pursuing another position due to any issues of harassment or any type of discriminatory behavior within her/his current department.

- Employees who want to apply for an open position should submit an updated resume and formally apply for the position via the job posting procedure. Employees should also notify their manager of their action. If an employee is determined to be a viable candidate she/he will go through the interview process along with other internal and external candidates.
- Managers should complete any overdue performance reviews once they become aware of an employee pursuing an open position including meeting with the employee to discuss the review.
- Managers should not retaliate against any employee pursuing an open position.
- Employees who have been accepted for an internal transfer or promotion must provide a 30 day notice to their manager.
- During the employee's transition from her/his current position to the new position she/he is expected to support the hiring, on-boarding and training of her/his replacement. Once the employee has fully transitioned to her/his new position, she/he may be expected to provide limited support to the new employee in her/his former position.
- Occasionally an employee is struggling in their current position and receiving continuous performance feedback; managers should consider the employee for any job openings that may be a demotion but a better job fit for success, rather than corrective action and ultimate termination.

Responsibility

Managers should remain open to considering qualified internal employees for their open positions and be supportive of employees who are investigating a transfer to another department. Managers should consider qualified employees within their own department when job openings occur whether presenting lateral or promotional opportunities.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Compensation; Professional Development; Corrective Action; Hiring Policy

Created 09/25/2014

Revised

Reviewed

Lactating/Breastfeeding

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to comply with Federal Law that provides a nursing mother with reasonable break time to express breast milk for one year after the birth of her child.

Applies to

All female employees including female Commissioners who are nursing mothers and require time at work to express breast milk.

Procedure

- The employee must notify her manager that she requires a private space to express milk.
- The MGC will make every effort to provide a dedicated space for the nursing mother's use. However, it cannot guarantee such a dedicated space. If there is no dedicated space available the MGC will provide a space that is functional for expressing milk, shielded from view and free from intrusion from co-workers and the public.
- The MGC will provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express milk.
- Non-exempt employees shall use assigned breaks for this purpose, but it is understood that frequency and duration of the breaks may vary.

Responsibility

Managers are responsible for notifying Human Resources of the employee's need for a private space; HR will work with the manager to secure such a space.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Affordable Care Act of March 23, 2010; Employee Assistance Program

Created 08/21/2014

Revised

Reviewed

Personnel Records

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to ensure that personnel records are maintained in a secure environment. Personnel records will only be available to those with a need to know as determined by the Human Resources Manager or the MGC Office of the General Counsel. Employees shall have access to their record in accordance with state law regarding personnel records.

Applies to

All active employees including those on a leave and all terminated employees for up to three years following the termination of employment or after final disposition of an administrative or judicial proceeding, whichever is later

Definitions

A personnel record is a record kept by the MGC that identifies an employee, to the extent that the record is used or has been used, or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action.

Procedures

- The personnel record shall include the employee's name, address, date of birth, job title and job description; rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the employer in response to the MGC advertisement; all employee performance evaluations, including but not limited to, employee evaluation documents; written warnings of substandard performance; lists of probationary periods; waivers signed by the employee; copies of dated termination notices and any other documents related to disciplinary action regarding the employee.
- Information regarding an employee's I-9 form, background check information, affirmative action record, direct deposit, and medical information will be kept in files separate from the personnel record described above, but available for the employee's review.
- The MGC shall not place any negative information in the personnel record that the employee has not seen and signed, or has been documented that the employee refused to sign.
- Upon an employee's written request to review her/his personnel record, the MGC will provide the employee the opportunity to review the record within five business days of the request during normal business hours. The employee may review her/his file up to two times during a calendar year.
- Upon an employee's written request to receive a copy of her/his personnel record, the MGC will provide a copy within five business days. An employee who requests multiple copies of her/his personnel record may be charged a fee for the additional copies.

- Should an employee disagree with any information contained in the personnel record and the MGC and the employee cannot mutually agree on the removal or correction of such information the employee may submit a written statement explaining her/his position which shall then become a permanent part of her/his personnel record.

Responsibility

Human Resources is responsible for assisting the employee in reviewing her/his file and providing a copy of the file upon request.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

MGL, C. 149, Sec. 52c; Immigration Reform and Control Act of 1986

Created

08/21/2014

Revised

Reviewed

DRAFT

Termination (Voluntary)

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to provide employees with a mutually rewarding employment experience. However, the MGC recognizes that varying circumstances will cause employees to voluntarily resign from their position. The goal of the MGC is to create a smooth exit process.

Applies to

All employees who have completed their initial review period

Procedures

- Non-exempt and non-management exempt employees should notify their manager in writing of their impending termination including the reason for the termination at a minimum of two weeks prior to last day worked.
- Management employees should notify their manager in writing of their impending termination including the reason for the termination at least four weeks prior to last day worked.
- Notifications of less than two or four weeks, as appropriate, may result in ineligibility for rehire.
- The termination date is the last day worked or following the use of vacation and personal days as authorized by MGC. The termination date cannot be extended by any unused sick days. Accrued and unused vacation days will be paid out at termination. Employees who are retiring from state service may also be eligible to be paid out a portion of their sick time.
- The MGC reserves the right to request that employees who have given their notice to terminate their employment leave immediately. Pay beyond the last day worked is at the sole discretion of the MGC.
- Human Resources will contact terminating employees to discuss issues concerning their benefits and unemployment insurance and to participate in an exit interview.
- Employees should contact the State Board of Retirement to discuss their eligibility for retirement benefits.
- Employees who fail to report to work for three consecutive business days without proper communication to their manager may be viewed as voluntarily resigning their position at the close of business on the third day.
- Employees will not be allowed to rescind a resignation, whether given verbally or in writing, once the resignation has been accepted by the MGC. The MGC reserves the right, at its discretion, to rescind a resignation.

Responsibility

Employees are responsible for submitting their resignation in writing. Managers are responsible for notifying HR of the employee’s impending termination and retrieving all MGC property as of the last day worked. HR is responsible for terminating the employee from all systems.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Employment at Will; Unemployment Insurance; Initial Review Period; Vacation; Sick

Created 09/25/2014

Revised

Reviewed

DRAFT

Title VII, ADEA, ADA

MGC has adopted federal law and regulations on:

- Title VII that prohibits employment discrimination based on race, color, religion, sex and national origin. <http://www.eeoc.gov/laws/statutes/titlevii.cfm>
- ADEA that prohibits age discrimination. <http://www.eeoc.gov/laws/statutes/adea.cfm>
- ADA that prohibits discrimination against people with disabilities. <http://www.eeoc.gov/laws/statutes/ada.cfm>

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Workplace Privacy

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to provide employees with office space, tools, software and other office equipment necessary to carry out their work assignments. Those using MGC work spaces or equipment should not have an expectation of privacy.

Applies to

All employees, commissioners, consultants, contractors, temporary staff, and state troopers

Definition

MGC property includes but is not limited to offices and work spaces, desks, chairs, lockers, file cabinets, telephones, wireless mobile devices, voicemail, faxes, laptops, computers and software including electronic mail.

Any documentary materials or data made or received by an employee of the Commonwealth, regardless of its physical format, may be considered public records and subject to the public records law.

Procedures

- Employees may only use MGC issued keys and locks to secure desks and other MGC owned property.
- Employees may only use software installed by the MGC on office computers or laptops.
- Employees are expected to comply with the Information Technology Use Policy.
- Management may access an employee's office or workspace when there are reasonable grounds that the access is necessary due to suspected workplace misconduct or when the access is necessary to retrieve an item directly related to a work purpose (i.e., to retrieve a needed file).
- MGC may access electronic mail, voicemail and internet communication at any time without advance notice.
- Individual telephone conversations will not be monitored or recorded without prior notice to the user.
- Misuse or deliberate damage to MGC property will result in corrective action up to and including termination.

Responsibility

Managers are expected to monitor worksites under their control for appropriate use of MGC property; the MGC information technology office is responsible to insure the proper use of all equipment.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

MA Public Records Act, MGL, C 66; Public Records Policy; Information Technology Use Policy; Corrective Action

Created

09/25/2014

Revised

Reviewed

DRAFT

Personal Conduct Policies

This category of policies establishes standards for personal conduct for MGC management and employees. They are intended to hold the MGC team to values for how they interact in the work place and treat customers.

Enhanced Ethics Code

1. SCOPE AND PURPOSE

The purpose of this Enhanced Code of Ethics (hereinafter, Code) is to help ensure the highest level of public confidence in the integrity of the regulation of all gaming activities in the Commonwealth. To that end, in accordance with G.L. c.23K, §3(m), this Code establishes ethics rules for Commissioners, employees and consultants of the Massachusetts Gaming Commission (hereinafter, Commission) that are more restrictive than those already applicable to all state employees under G.L. c.268A and c.268B.

2. CONTINUING OBLIGATION

It is the continuing obligation of each Commissioner, employee, and consultant to review and assess their conduct in light of this Code. Commissioners, employees, and consultants have an affirmative obligation to request advice from the Office of the General Counsel or their immediate supervisor when they have any reasonable doubt regarding the propriety of their past, present or future conduct or the conduct of any other Commissioner or employee, or if they have any question regarding the applicability or meaning of any provision of this Code or any other restriction.

3. APPLICABILITY

This Code shall apply to all Commissioners, employees of the Commission, and where applicable, consultants.

4. USE OF THIS CODE

This Code is intended as a supplement to G.L. c.23K, G.L. c.268A (Conduct of Public Officials and Employees), G.L. c.268B (Financial Disclosure by Certain Public Officials and Employees), and 930 CMR (regulations of the State Ethics Commission). To the extent that any provisions of any of the above referenced authorities conflict with any provision of G.L. c.23K, the applicable provision in G.L. c.23K shall govern. In the event that a provision of this Code addresses a matter covered by G.L. c.268A, G.L. c.268B, or 930 CMR, the provision found in this Code shall control to the extent that it is more restrictive. The provisions of G.L. c.268A, G.L. c.268B, and 930 CMR shall otherwise remain fully applicable to all state employees, as that term is defined by G.L. c.268A, §1.

5. ETHICS TRAINING

Although this Code is intended only to enhance and supplement the existing provisions of G.L. c.23K, G.L. c.268A, G.L. c.268B, and 930 CMR, Commissioners and employees must be fairly and fully apprised of all ethical obligations incumbent upon them. To that end, the Commission shall provide ethics training to all Commissioners and employees. The training program shall be as follows:

- a. Each Commissioner and employee of the Commission shall be provided with a copy of this Code, a copy of G.L. c.23K, G.L. c.268A, G.L. c.268B, 930 CMR, and Advisory 86-02: Nepotism issued by the State Ethics Commission, and the Campaign Finance Guide published by the Office of Campaign and Political Finance within 14 days of appointment or employment.
- b. Within 30 days of appointment or employment each Commissioner and employee shall undergo a program of ethics training administered by the Office of the General Counsel. The program shall cover the provisions of this Code, and the applicable provisions of G.L. c.23K, G.L. c.268A, G.L. c.268B, 930 CMR, G.L. c.55, and the Conflict of Interest Law Online Training program prepared by the State Ethics Commission. The program shall be reviewed and approved by the Executive Director.
- c. At the completion of the training program each Commissioner and employee shall sign a form acknowledging receipt of the materials identified in Paragraph 5A, completion of the Conflict of Interest Law Online Training program, and completion of the Commission's ethics training program. The form shall be signed by the trainer upon completion.
- d. Each Commissioner and employee shall complete the process outlined in this section on an annual basis.

6. ANNUAL FILING

On an annual basis, each Commissioner and employee shall file the following with the Executive Director:

- a. A copy of the Ethics Training form required under section 5(C) of this Code.
- b. If they are required to file a Statement of Financial Interest with the State Ethics Commission in accordance with G.L. c.268B, §5, a receipt showing that they have done so.
- c. A disclosure statement required under section 8 of this Code.

7. DEFINITIONS

All words and terms in this Code shall be assigned their ordinary meaning as the context requires unless specifically defined by G.L. c.23K, §2 or as follows:

CONSULTANT means a person with whom the Commission has entered into a contract, either directly or through a consulting firm or entity, to provide specifically described advisory services relative to gaming, racing, or regulatory issues within the Commission's jurisdiction. With respect to service contracts with firms or entities, the Commission shall determine which persons within that firm or entity are consultants for purposes of this Code.

DIRECT OR INDIRECT INTEREST means an ownership, stock ownership, loan, property, leasehold or other beneficial interest or holding office as director, officer or trustee in an entity. The term does not include an individual's interests in less than one percent of publicly traded companies, nor mutual or common investment funds such as employee pension plans and publicly traded mutual funds, unless the individual is involved in the management or investment decisions of such fund or plan or the fund or plan specializes in gaming related issues.

EMPLOYEE means:

- a. a person who is hired by the Commission to perform services whether serving with or without compensation, on a full, regular, part-time, or intermittent basis, but shall not include consultants; or
- b. an employee of the Alcoholic Beverages Control Commission who is assigned to the Investigations and Enforcement Bureau under G.L. c.10, §72A; or
- c. an employee or officer of the Department of the State Police assigned to the Massachusetts State Police gaming enforcement unit under G.L. c. 22C, §70.
- d. Provided, in addition to its use in this Code, this definition shall apply to use of the term employee in G.L. c.23K.

FINANCIAL INTEREST means an ownership, stock ownership, loan, property, leasehold or other beneficial interest in an entity, or an interest in one's salary, gratuity, or other compensation or remuneration.

GIFT means anything of value that is given without something of equivalent fair market value being given in return.

IMMEDIATE FAMILY means the spouse, parent, child, brother or sister of an individual.

LICENSE means a license issued under G.L. c. 23K, G.L. c.128A, and/or G.L. c.128C.

LICENSEE means a person or entity granted a license under G.L. c. 23K, G.L. c.128A, and/or G.L. c.128C.

RELATIVE WITHIN THE THIRD DEGREE OF CONSANGUINITY means, the parents, grandparents, great grandparents, children, grandchildren, great grandchildren, brothers, sisters, nephews, nieces, uncles, aunts of a person by blood or adoption.

SECRETARIAL AND CLERICAL EMPLOYEE means a person whose duties consist primarily of administrative tasks such as scheduling, record keeping, document handling, word processing and typing, and similar tasks.

SIGNIFICANT RELATIONSHIP means:

- a. a spouse, domestic partner, or life partner;
- b. a relative within the third degree of consanguinity of a person's spouse, domestic partner, or life partner, i.e., affinity;
- c. a former spouse, domestic partner, or life partner; or
- d. anyone with whom a person shared an influential or intimate relationship that could reasonably be characterized as important.

8. DISCLOSURE PRIOR TO EMPLOYMENT

- a. In addition to the disclosure required by G.L. c.23K, §3(n), a prospective employee, prior to commencing employment, shall disclose to the Commission whether they were employed by,

presently hold, or previously held any direct or indirect interest in any licensee or current applicant within the period commencing 3 years prior to the date of the employment application. Prior to employment, each candidate shall be provided with a list of the names of all pending applicants for licensure. In the event of an affirmative disclosure relative to a current applicant, the prospective employee may not be employed until such time as the applicant's status is resolved.

- b. In addition to the disclosure required by section 8(A), candidates for major policymaking positions as defined in G.L. c.23K, §1, shall, prior to employment, disclose to the Commission whether any immediate family members own, are in the employ of, or own stock in, any business which is a current applicant or holds a license. The Commission shall not employ an individual for a major policymaking position who has immediate family members that own, are in the employ of, or own stock in, any business which is a current applicant or holds a license.

9. CONFLICTS OF INTEREST

- a. No Commissioner, employee, or consultant may participate in a particular matter, as defined by G.L. c.268A, §1, pending before the Commission that may affect the financial interest of a relative within the third degree of consanguinity or a person with whom they have a significant relationship.
- b. No Commissioner, employee, or consultant may hold an occupational license as an owner, lessor, lessee, or trainer of a horse that is entered in a race in this jurisdiction. Nor may any Commissioner, employee, or consultant accept or be entitled to a part of the purse or purse supplement to be paid on a contestant in a race held in this jurisdiction.
- c. Commissioners must recuse themselves from any licensing decision in which a potential conflict of interest exists. Commissioners, employees, and consultants must disqualify and recuse themselves, and abstain from participating or voting in any proceeding in which their impartiality may reasonably be questioned, and shall disclose to the Executive Director or, in the case of the Executive Director or a Commissioner, to the Chair of the Commission the nature of their disqualifying interest, including but not limited to instances where they have a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding.

10. OUTSIDE EMPLOYMENT BY A CONSULTANT

A consultant may hold other employment which does not involve employment or a contract with a licensee or current applicant for a license, or a holding company, intermediary company, or other affiliate or close associate of a licensee or current applicant for a license and that is otherwise in accordance with G.L. c.268A and G.L. c.268B.

11. GIFTS

- a. Except where permitted by section 11B, no Commissioner, employee, or consultant may solicit or directly or indirectly receive any complimentary service, commission, bonus, discount, gift or reward from an entity regulated by, or subject to the regulation of, the Commission, or any close associate, holding company, intermediary company or other affiliate thereof. A Commissioner, employee, or consultant who is offered any such complimentary service, commission, bonus, discount, gift or reward shall disclose such offer to their immediate supervisor, who shall make a record of the disclosure, as soon as reasonably possible.

- b. Exceptions to section 11A. A Commissioner, employee, or consultant may accept the following:
 - 1. Food or refreshment of nominal value where a Commissioner, employee, or consultant attends a function as an invitee, in their official capacity, that is hosted, sponsored, or subsidized by a current applicant, licensee, permittee, holder of a certification or registration or licensed entity representative thereof and is available to all members of the general public (e.g., opening ceremonies for licensed slot operator facilities, industry showcases and expositions, symposia, seminars, association meetings, and continuing education programs).
 - 2. Unsolicited advertising or promotional materials of nominal value.

12. UNWARRANTED PRIVILEGES

No Commissioner, employee, or consultant shall use or attempt to use their official position to secure for themselves or others unwarranted privileges or exemptions which are not available to members of the general public. Any action taken in accordance with section 15(A) of this Code shall not be considered an unwarranted privilege.

13. USE OF LICENSEE FACILITIES

No Commissioner, employee, or consultant shall stay overnight in a guest room at any hotel, in Massachusetts, owned or operated by a person or entity licensed by the Commission or an Indian tribe with a gaming establishment in Massachusetts, except in the course of their official duties and with the prior approval of the Commission or the Executive Director. Complimentary provision of such rooms to any Commissioner, employee, or consultant is prohibited and any approved use shall be at established governmental rates pre-approved by the Commission. The Executive Director shall maintain and make accessible a list of all such prohibited facilities.

14. WAGERS AND OTHER GAMING ACTIVITY

No Commissioner, employee, or consultant shall place any wager, including pari-mutuel wager, or receive any prize from a wager in a gaming establishment or at any pari-mutuel facility or through any pari-mutuel system, either within the boundary of Massachusetts or without, owned or operated by a person licensed by the Commission, or owned or operated by an Indian tribe with a gaming establishment in Massachusetts, except in the performance of their official duties and with the prior approval of the Commission, the Executive Director, or the Director of Investigations and Enforcement. The Executive Director shall maintain and make accessible a list of all such prohibited facilities. The Commission shall not discipline a person placing a wager or receiving a prize from a facility not on the prohibited list if the Commission later determines that the facility should have been on the prohibited list.

15. CHARITABLE AND OTHER OUTSIDE ACTIVITIES

- a. A Commissioner, employee, or consultant may not attend any convention, meeting, show, exhibition or other event, eat any meal, drink any beverage, or purchase any service or thing in any Massachusetts gaming establishment or racetrack, commercial or tribal, except in the course of the performance of their official duties. Notwithstanding the foregoing, a Commissioner or employee may attend a family or similar social gathering, or a civic, charitable or professional association function in a Massachusetts gaming establishment or racetrack, provided that:

1. They do not permit payment for any such attendance by any person, other than themselves or the host or sponsoring organization;
 2. They do not, directly or indirectly, sponsor or contract for such gathering or function;
 3. Prior to the event, they file a statement with the Executive Director identifying the location and circumstances of the event; the cost and manner of payment thereof, if known, and the payer thereof. Such statements shall be maintained by the Executive Director and made available for public inspection;
 4. They receive prior approval of the Executive Director or designee; and
 5. They check-in at the office of the designated State Police unit at the subject establishment.
- b. A commissioner may not solicit funds for any educational, religious, charitable, fraternal or civic organization, or use or permit the use of their office for that purpose; be listed as an officer, director or trustee of such an organization in any letter or other document used in such solicitation; be a speaker or guest of honor at an organization's fundraising events, but may attend such events and contribute to such organizations; or give investment advice involving gaming related interests to such an organization.
 - c. A Commissioner or employee may speak, write, lecture or participate in other activities concerning the gaming industry, if in so doing the Commissioner or employee does not cast doubt on his or her ability to decide impartially any matter which may come before the Commission, and provided that the Commissioner or employee does not accept compensation or honoraria for any such activity.
 - d. No Commissioner, employee, or consultant may accept compensation from any person or entity other than the Commission for published works created as part of their official duties.
 - e. A Commissioner or employee may participate in any civic or charitable activities, not including bazaars governed by G.L. c.271, §7A, that do not interfere with his or her independence of judgment.

16. NEPOTISM

No Commissioner or employee in a major policymaking position may solicit, request, suggest or recommend the employment by the Commission or by any person regulated by the Commission of any of their relatives within the third degree of consanguinity or a person with whom they have a significant relationship.

17. UNLAWFUL CONDUCT

It is the duty of each Commissioner and employee who has been charged with any felony or misdemeanor, or cited for possession of marijuana, whether within Massachusetts or elsewhere, to promptly report such incident to the Executive Director in writing.

6. CONDUCT UNBECOMING

Commissioners and employees shall conduct themselves at all times in such a manner as to reflect most favorably upon themselves and the Commission. Conduct unbecoming shall include that which brings the Commission into disrepute or reflects discredit upon the person as a member or employee of the

Commission, or that which impairs the operation, efficiency, or effectiveness of the Commission or the person.

Employees and Commissioners shall not associate with individuals they know or should know are engaged in criminal activities unless in the performance of duty or upon official Commission business. Employees and Commissioners shall not frequent or remain at any place where they know or should know criminal activity is occurring unless in the performance of their duty or upon official Commission business.

7. DUTY TO COOPERATE

- a. In all matters related to their duties with the Commission, all Commissioners, employees, and consultants shall cooperate with law enforcement officers in the proper performance of the law enforcement officer's official duties.
- b. In all matters related to their duties with the Commission, all Commissioners, employees, and consultants shall cooperate with the Executive Director, General Counsel, Office of the Attorney General, or State Ethics Commission in all matters relating to the operation and enforcement of this

20. DUTY TO REPORT

It is the duty of all Commissioners, employees, and consultants to report any conduct that they become aware of in the course of their official duties that a reasonable person would believe to be a violation of the criminal laws or G.L. c.23K. The individual shall report the conduct to the State Police at the gaming establishment where the conduct occurred, the Executive Director, or the Director for Investigations and Enforcement. The identity of the reporting individual shall be withheld from disclosure in accordance with G. L. c. 4, §7(26) (c) and (f) and/or other applicable exemption to the Public Records Law.

21. LIMITS ON PUBLIC COMMENTS

Commissioners shall abstain from public comment about the merits of a pending adjudicatory proceeding, quasi-judicial proceeding, application or other similar proceeding pending before the Commission, except in a duly posted open meeting, or otherwise in the course of their official duties or in explaining for public information the procedures of the Commission.

22. PROHIBITED COMMUNICATIONS

- a. Except during a hearing or meeting conducted in accordance with the Open Meeting Law, G.L. c. 30A, and/or 205 CMR, Commissioners may not engage in communications that a reasonable person would view as likely to affect the Commissioner's judgment regarding an application or other matter pending before it in an adjudicatory proceeding or reasonably likely to come before it in such a proceeding, except for consulting with another Commissioner, Commission employees, or consultants whose function it is to aid the Commission in carrying out its responsibilities, and shall take all reasonable actions necessary to avoid receiving such communications.
- b. Any Commissioner who receives any communication that a reasonable person would view as an improper attempt to influence that Commissioner's official action shall disclose the source and content of the communication to the Executive Director. The Executive Director may investigate or initiate an investigation of the matter to determine if the communication violates this Code. The disclosure under this paragraph and the investigation shall be withheld from disclosure in

accordance with the personnel exemption (G. L. c. 4, §7(26) (b)), privacy exemption (G. L. c. 4, §7(26) (c)), investigatory exemption (G. L. c. 4, §7(26) (f)), and/or other applicable exemption to the Public Records Law. Following an investigation, the Executive Director shall advise the Commission of the results of the investigation and may recommend such action as the Executive Director considers appropriate.

- c. No Commissioner, employee, or consultant may engage in any communication, in any medium, that:
 - a. improperly discloses any confidential information, materials or data of or pertaining to the Commission's activities not legally available to the public, i.e., that reasonably fit within one or more of the exemptions to the definition of public records as defined by the Public Records Law and/or has been deemed confidential information in accordance with 205 CMR, and were acquired by an employee in the course of their official duties; or
 - b. is protected from disclosure by a legally recognized privilege.
- d. Public records requests shall be processed in accordance with the Commission's Public Records Request Policy.

23. CHARACTER WITNESS

A Commissioner, employee, or consultant may not voluntarily testify as a character witness in any matter before the Commission.

24. VIOLATIONS

- a. If a Commissioner is (i) is guilty of malfeasance in office; (ii) substantially neglects the duties of a Commissioner; (iii) is unable to discharge the powers and duties of the commissioner's office; (iv) commits gross misconduct; (v) is convicted of a felony or (vi) is found to have committed a material violation of this Code, the remaining Commissioners shall refer the matter to the Governor for action pursuant to G.L. c. 23K, §3(c), which may include removal from office as provided by law.
- b. An employee or consultant, other than an employee assigned to the Investigations and Enforcement Bureau under G.L. c. 10, §72A or G.L. c. 22C, §70, who violates this Code or a provision of G.L. c.23K shall be subject to appropriate disciplinary action, ranging from reprimand to dismissal or, in the case of employees under contract or a consultant, the termination of said contract.
- c. An employee assigned to the Investigations and Enforcement Bureau under G.L. c. 10, §72A or G.L. c. 22C, §70 who violates this Code shall be subject to appropriate disciplinary action by the Alcoholic Beverages Control Commission or Colonel of the State Police, respectively. Provided, however, that their employment with the Commission may be terminated by the Commission.

25. POST-EMPLOYMENT

A Commissioner, employee, or consultant, who has been removed, dismissed or terminated for a violation of this Code, or who violates the post-employment restrictions:

- a. shall be ineligible for future appointment, employment or contracts with the Commission or the Enforcement Unit, and
- b. may not be approved for a license or registration for a period of two years after the violation.

26. ENFORCEMENT ACTIONS

The Commission or Executive Director may issue any order necessary to achieve compliance with this Code.

27. VARIANCES

- a. A Commissioner, employee, or consultant who believes that full compliance with a particular provision of this Code will be overly burdensome in a particular instance may apply to the Commission for a variance. The burden is on the petitioning Commissioner, employee, or consultant to demonstrate in writing to the Commission that the grant of a variance would not compromise the intent of this Code or undermine public confidence in the integrity of the regulatory process.
- b. No variance may be granted by the Commission from any provision of G.L. c.23K, G.L. c.268A, G.L. c.268B, 930 CMR, or G.L. c.55.
- c. No employee assigned to the Investigations and Enforcement Bureau under G.L. c. 22C, §70 shall apply for a variance, and the Commission shall not grant a variance, unless the employee first receives approval from the Colonel of the State Police or his/her designee.

28. REQUESTS FOR ADVICE

Any Commissioner, employee, or consultant may request a written opinion from the General Counsel relative to the applicability of any provision of this Code and may act in conformance with that opinion. An opinion rendered by the General Counsel, until and unless amended or revoked, shall be a defense in any disciplinary action brought under this Code and shall be binding on the Commission in any proceedings concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such requests shall be deemed confidential and exempt from disclosure under the personnel and /or privacy exemptions to the Public Records law (See G. L. c. 4, §§ 7(26) (b) and (c)); provided, however, that the Commission may publish such opinions, but the name of the requesting person and any other identifying information shall not be included in such publication unless the requesting person consents to such inclusion.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

G.L. c.23K, G.L. c.268A (Conduct of Public Officials and Employees), G.L. c.268B (Financial Disclosure by Certain Public Officials and Employees), and 930 CMR (regulations of the State Ethics Commission).

Created

04/08/2014

Revised

Reviewed

Code of Conduct

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to expect its employees to adhere to the highest standards of professional conduct and accountability. Employees are expected to conduct themselves in their official relations with the public and with their fellow employees in a manner which will enhance public respect for and confidence in the employee, the Commission, and the Commonwealth of Massachusetts as a whole.

The MGC expects any employee who is arrested, charged or convicted of a misdemeanor or felony during the course of their employment to immediately report this information to management.

Applies to

All employees and commissioners

Definition

Criminal activity may include theft, misappropriation or unauthorized use of MGC funds, falsification of time or other MGC records, possession or sale of drugs, possession of unauthorized firearms or other dangerous weapons on MGC property, acceptance or solicitation of gifts, money, or other things of value intended as an inducement to perform or refrain from performing an official act, and other violations of laws of the United States or the Commonwealth of Massachusetts

Procedures

- Employees are expected to perform their duties in a fair and impartial manner and to avoid any conduct which gives a reasonable basis for an impression that they are acting otherwise. In no case should they abuse the integrity of the MGC or improperly use their official title.
- Employees must review and comply with MGL c 268A (the Conflict of Interest Law) and the MGC Enhanced Code of Ethics, as well as, other applicable state and federal laws governing the conduct of public employees.
- MGC attorneys shall strictly adhere to all ethics standards established by the Massachusetts Supreme Judicial Court.
- Employees are expected to complete the State Ethics Commission's Conflict of Interest online training within 30 days of their first day of employment and then every two years thereafter. The training is available at the Ethics Commission's web site www.mass.gov/ethics. Employees are encouraged to print or save the completion certificate and keep a copy for themselves; a copy should be forwarded to the MGC Human Resources Department.
- Employees are encouraged to call the MA State Ethics Commission Attorney of the Day hot line with any questions about the application of MGL c 268A or c. 268B.

- Employees, who are arrested, charged or convicted of a misdemeanor or felony while employed by the MGC must immediately notify their manager, Human Resources, Office of General Counsel and/or the Executive Director. Pursuant to MGL c 23K 3 (1) (iv) an employee may be subject to suspension without pay and/or loss of other employee benefits pending resolution of the criminal matter.
- Employees who engage in criminal activity or are convicted of a misdemeanor or a felony may be subject to discipline up to and including termination.

Responsibility

Executive Director, Human Resources, Office of General Counsel

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Enhanced Ethics Code; Workplace Standards; Violence Free Workplace; Weapons in the Workplace; Corrective Action; MGL c 268A and 268B; MGL c 23K 3 (1) (iv)

Created

10/28/2014

Revised

Reviewed

Corrective Action

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to provide a professional, safe and comfortable environment for its employees. In order to achieve this goal employees are expected to perform their duties satisfactorily, follow MGC policies and conduct themselves in a professional manner. In those situations where employees fail to meet these expectations, corrective action will be taken, up to and including termination. MGC reserves the right to combine or skip steps based upon the facts of each situation and the severity of the offense, and terminate employment with or without cause or notice as defined in our Employment at Will Policy.

Applies to

All employees following the completion of their initial review period.

Procedures

- Managers should make their employees aware of MGC policies, standards and expected levels of job performance. If an employee is not meeting these standards of behavior or performance, counseling or corrective action should be initiated.
- The MGC will determine the level of corrective action for any violations of policies, behavioral issues or work performance, including bypassing the corrective action process and immediately terminating the employee.
- Managers should consider the following factors when determining what course of corrective action should be taken:
 - Nature and severity of the misconduct or performance problem
 - Employee's work history including performance and prior corrective actions
 - Length of employment
 - Impact of misconduct or poor performance on employee's work group, MGC clients and customers
 - Mitigating or aggravating circumstances.
- The steps of progressive corrective action are:
 - **Counseling and verbal corrective action:** This step is an opportunity for the manager to meet with an employee to bring to her/his attention a performance, conduct or policy violation and identify the steps necessary to correct the problem. A memorandum of the meeting should be prepared including what was discussed in the meeting and expectations for improvement. The memorandum should be signed by the employee and she/he and the manager should retain a copy. A signed copy should be sent to Human Resources (HR) for inclusion in the employee's personnel record.

- **Written Corrective Action:** A manager deploys this option if the employee does not demonstrate the improvement discussed during the counseling and verbal warning step above. The manager should meet with the employee and identify additional incidents or information, documenting that the performance or conduct or policy violation continues. A performance improvement plan (PIP) will be developed. The PIP shall state that improvement is expected to be immediate and continuing or it will lead to further corrective action, up to and including termination. The warning should be signed by the employee and she/he and the manager should retain a copy. A copy will also be sent to HR for inclusion in the employee's personnel record.
- **Termination:** This action is taken if the employee has made no improvement in the performance, conduct or policy violations that have been documented in the previous corrective action steps. MGC reserves the right to combine and skip steps, depending upon the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or corrective action.
- Suspension, whether with or without pay, is not a regular step in the corrective action process. It is utilized in limited circumstances, and only after consultation with the manager of human resources. Suspension may be appropriate as an alternative to termination in those situations where MGC determines there are extenuating circumstances and/or to allow time for an investigation of a situation.
- Behavior that is illegal is not subject to progressive corrective action and may be reported to local law enforcement. Theft, intoxication at work, fighting and other acts of violence are also not subject to progressive corrective action and may be grounds for immediate termination.
- Refusal by an employee to sign any document in the corrective action step does not negate the corrective action. Managers will note on the document that the employee refused to sign it.
- For the six months following a written corrective action, an employee cannot be considered for a lateral or promotional transfer within her/his department or to another MGC department. This requirement may be waived in appropriate circumstances by the executive director at her/his sole discretion.
- This policy should not be read or construed as modifying or altering the employment-at-will relationship between MGC and its employees.

Responsibility

It is the responsibility of the manager to objectively determine the appropriate level at which to commence corrective action. The manager should discuss all proposed corrective actions with the human resources manager.

It is the responsibility of HR to act as an advisor to management as they deal with disciplinary situations, to oversee the application of the corrective action process and to ensure that any action is consistent with state and federal laws.

It is the responsibility of the Executive Director to approve or make all termination decisions.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Employment at Will; Workplace Standards; Code of Conduct; Enhanced Ethics Code; Personnel Records; Internal Transfer

Created

08/21/2014

Revised

Reviewed

DRAFT

Customer Relations

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to expect employees to remember that they are at all times a representative of the MGC whenever they speak, correspond or meet with anyone in the course of their work.

Applies to

All employees

Definition

Customer: As a public instrumentality MGC customers are made up of every citizen of the Commonwealth of Massachusetts. Daily interactions include: communication with individuals from the gaming, hospitality, racing sectors, local and regional economic development officials, government officials, business and industry constituents, academicians, and environmental and consumer advocates.

Procedures

- Employees are expected to build positive working relationships with all groups with whom they have daily interactions; this is an important part of the work performed by the MGC.
- Employees are required to adhere to the highest standards of courtesy and politeness in their dealings with all individuals and groups.
- Employees are expected to provide the highest level of performance to those served by the MGC whether that service involves responding to a telephone call, answering a request for information from a co-worker, meeting with grant applicants or making a presentation to the Massachusetts State Legislature.

Responsibility

Management

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Workplace Standards; Enhanced Ethics Code; Code of Conduct

Created 10/27/2014

Revised

Reviewed

Communication and Outreach

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to recognize that ongoing communication is crucial to our success. The MGC also recognizes that employees have the right to express complaints or concerns constructively without fear of reprisal.

Applies to

All employees

Procedure

- **Communications:** Employees will be helped in properly communicating to the MGC by following these guidelines:
 - The employee’s immediate manager is their primary contact person. Employees should share their ideas and concerns at this level first.
 - If an employee has a complaint that cannot be resolved with their manager the employee should report the problem to the Human Resources Department, involving the Executive Director as necessary. The complaint should not go unexpressed to the appropriate person.
- **Communications with the Public:** All contacts with the public and media and all speeches or other oral or written public statements made on behalf of the MGC, or concerning its activities, applicants or licensees, must be cleared in advance by the MGC’s Executive Director and Director of Communications. In speeches and statements not made on behalf of the MGC, proper care should be taken to avoid any implication that the MGC endorses the view expressed. All disclosure requests under the Public Records Act or in the form of requests for discovery, subpoenas, court or administrative orders, or the like must also be referred to the General Counsel for appropriate handling.
- **Press Relations:** The Director of Communications is the point person for all communications with the press (including inquiries from the press, press groups or any media outlet, as well as communications to the press like press releases, letters to the editor, and any clarification information to the press). Direct communication with the press is limited to the Director of Communications and the Commissioners. Employees should direct all inquiries from the press (even if received outside of the office or outside of normal business hours) to the Director of Communications, and in her/his absence to the Chair of the Commission.
- **Social Media:** Employees should review the MGC’s Social Media Policy for information regarding the appropriate use of social media by employees.
- **Speaking Engagements:** Participation in any speaking engagement is assumed to be in an official capacity (as a Commissioner or staff of the MGC), unless expressly stipulated and clarified prior to the event. Employees invited to participate in a speaking engagement should ascertain the following information prior to seeking approval from the Director of Communications:
 - Sponsoring organizations or individual (if any)

- Group(s) that can be reasonably expected to attend

The Director of Communications may make a determination that a speaking engagement does not meet the guidelines of this section or is not relevant to the mission and work of the MGC and may refuse permission to participate in the speaking engagement.

The employee presenting before the group is responsible for ascertaining whether a conflict of interest or the appearance of a conflict of interest may arise out of such a speaking engagement. Employees should seek the advice of the State Ethics Commission and/or the General Counsel when evaluating potential conflicts of interest.

Responsibility

Director of Communications; Executive Director; Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Social Media Policy; Public Records Act; MA Conflict of Interest Law (MGL c 268A)

Created 10/28/2014

Revised

Reviewed

Public Records

1. Introduction

As a public instrumentality, MGC is subject to the Massachusetts Public Records Act, M.G.L. Chapter 66, which governs the retention, disposition, and archiving of public records. Commissioners, Directors and Staff are advised to confer with MGC's General Counsel about which records are public records, how long you may be required to retain those records, the method by which they should be disposed of, and archiving requirements. The Public Records Act also contains provisions which could require the Commission to disclose to the public certain sensitive Information made, received, or maintained by MGC, its contractors and consultants from time to time. In addition, MGC may be compelled by legal process to disclose information in its possession, including Sensitive Information about MGC itself or about its applicants, or recipients, or other third parties. Care must be taken to comply with all such legal requirements; however, it should be remembered that, in the absence of a specific legal requirement to disclose (as determined by the General Counsel), all MGC employees, consultants, contractors, and licensees are expected to take appropriate measures to safeguard Sensitive Information from improper disclosure and use at all times. If material is a public record within the meaning of the Public Records Act, it is subject to inspection by the public and cannot be destroyed or returned to those who delivered it to MGC, other than as specifically permitted under the Public Records Act. If material is deemed not to be a public record, it is subject to some protection from disclosure under the law.

2. What Are Public Records?

For purposes of the Public Records Act, public records include all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by MGC. File notes and memoranda created by MGC employees or outside contractors and licensees could be deemed to be public records, and the use of the Commission's Information Technology Resources can create public records which are subject to the retention requirements of and potential disclosure under the Act.

3. Exemptions under the Public Records Act

Public records do not include certain materials or data which fall within one of the specifically enumerated exemptions set forth in the Public Records Act or in other statutes, including MGC's enabling act, M.G.L. 23K. One such exemption is for certain internal personnel records.

4. Public Records Request Policy

In accordance with G.L. c.66, §10 the Massachusetts Gaming Commission (Commission) is required to respond to all requests for access to public records as soon as practicable and within ten days of receipt of the request. In order to ensure that all requests are processed in a uniform manner in accordance with the law the following policy shall apply to all Commissioners and employees.

1. Any Commissioner or employee who receives any request for any documentary type information shall refer the request to the Legal Department; even if he/she is unsure as to whether the information being requested qualifies as a public record.

2. Requests are not required to be in writing; oral requests can be accepted. However, in an effort to ensure the accuracy of the Commission's response, requestors should be encouraged to submit their request in writing and identify the specific information they seek. Requests may be submitted via letter, email, or any other medium, and may be submitted in person.
3. Requestors are not required to disclose the reasons for which they seek a public record. Further, requestors are not required to prove their identity prior to obtaining copies of public records.
4. If an individual merely seeks to inspect or review a public record he/she should be referred to the Legal Department.
5. The Commissioner or employee who receives a request shall promptly mark it received on (date) reflecting the date the request was received by the Commission.
6. If the requestor is a member of the media, the Legal Department and Director of Communications shall coordinate a response.
7. Upon receipt by the Legal Department, the request shall be logged-in such that the name and address of the requestor, the name of the requestor's firm or company (if any), and the date the request was received by the Commission are identified.
8. The Legal Department shall then set an Outlook task to respond with a compliance reminder for 10 days after the request was received.
9. If the request is received by a Commissioner or employee who is in possession of the public records that have been requested, they shall consult with the Legal Department and begin to gather the materials to be provided to the Legal Department.
10. All Commissioners and employees shall cooperate with the Legal Department in the gathering of public records.
11. Commissioners and employees shall not withhold any responsive information or documents from the Legal Department. In the event that a Commissioner or employee believes that certain information or documents being requested are exempt from disclosure under the Public Records Law, he/she shall provide the material to the Legal Department along with an advisory as to his/her opinion.
12. Recommendations to the appropriate keeper of the records as to whether any documentation or item is a public record or exempt from disclosure under the Public Records Law shall be made by the Legal Department. The keeper of the records shall then make a determination as provided in 205 CMR 103.04(2).
13. Within 10 days of the Commission's receipt of the request for public records, the Legal Department shall either fully respond to the request, send the requestor a good faith estimate for the costs of complying, or send written correspondence acknowledging receipt of the request and advising that a full response is being prepared.
14. All responses to public record requests, including the request itself, shall be scanned and indexed in the data storage system such that the name and address of the requestor, the name of the requestor's firm or company (if any), and the date the request was received by the Commission, and the date of the response are identified.

15. In the event that documents or other items are being withheld under an exemption to the Public Records Law, the documents or other items shall be marked withheld and scanned into the data storage system in a like manner to that in paragraph 14.

16. For information about the Public Records Law, Commissioners and employees are encouraged to review A Guide to the Massachusetts Public Records Law published by the Secretary of the Commonwealth.

17. Procedural Considerations and Mandatory Use of Policy and Procedures for the Submission of Sensitive Information.

MGC staff may from time to time be exposed to types of information that may contain sensitive information that a submitting party often seeks to protect from public disclosure. While it is understandable that the owner of such information may wish to restrict its disclosure, MGC is a public agency pursuant to the Massachusetts Public Records Act, and the submission of such information to MGC is, generally speaking, subject to public disclosure (without notice and without restriction) upon MGC's receipt of it. In response to the inherent tension between MGC's obligation to honor public records requests in a timely and comprehensive manner, and a submitting party's desire to restrict access to its Sensitive Information, MGC has implemented an Information Security Policy regarding how to properly handle all confidential information.

In addition, all communications seeking inspection or other disclosure of materials under the Public Records Act must be referred promptly to the General Counsel. Similarly, all subpoenas and other legal process documents requesting or seeking to compel disclosure of materials made or received by MGC, its consultants, or contractors must be delivered or promptly forwarded to the General Counsel upon receipt.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations M.G.L. c 23K sec 3 (o); MA Conflict of Interest Law, M.G.L. c. 268 A and B

Created 04/08/2014

Revised

Reviewed

Supplemental Employment and Business Activities

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) and pursuant to chapter 23K sec. 3 (o) that No employee of the MGC shall pursue any other business or occupation or other gainful employment outside of the MGC without the prior written approval of the MGC; that such employment will not interfere or be in conflict with the employee's duties to the MGC.

Applies to

All employees and commissioners

Procedure

- **General Guidelines:** While the MGC does not, as a condition of employment impose any absolute restrictions on an employee's right to engage in supplemental employment or business activities of the employee's choice certain general policies and procedure guidelines apply to supplemental employment or business activities of MGC employees:
 - The employee's commitment during normal working hours is to the employee's full-time position at the MGC. Supplemental employment or business activities may not reduce the time spent or the quality of her/his work at the MGC;
 - The supplemental employment or business activity may not influence the employee or create the appearance of influencing the employee in the performance of her/his MGC employment;
 - The employee may not use MGC sensitive information to secure or to support such supplemental employment or business activity;
 - The employee may not use MGC equipment, supplies or materials (including telephones, fax machines, department supplies and copy machines) in the course or in support of such supplemental employment or business activity;
 - The employee may not be paid by a non-State or private party if the Commonwealth of Massachusetts or the MGC has a direct and substantial interest in the supplemental employment or business activity;
 - In any supplemental employment or business activity the employee must take care to avoid any perception that such supplemental employment or business activity is representative of or in any way connected with the MGC or that employee's relationship therewith; and
 - The supplemental employment or business activity must be in conformance with the Massachusetts Conflict of Interest statute, MGL, c. 268A, et seq.
- **Prohibited Supplemental Employment or Business Activity:** The following outside supplemental employment or business activity is prohibited, even if it meets the above guidelines:

- Any supplemental employment or business activity during the employee’s scheduled working hours (including, but not limited to, real estate, retail sales, insurance, law and accounting);
 - Any supplemental employment or business activity that involves particular matters in which the employee has participated as a MGC employee or which are the subject of her/his official responsibility;
 - Any appearance in court as an attorney or otherwise practice law on behalf of a private client whether or not the litigation or other practice involves the Commonwealth of Massachusetts or the MGC;
 - Any advocacy activity (paid or unpaid) for or against the presence of a casino in a local jurisdiction (within or outside of the Commonwealth);
 - As part of the enhanced code of ethics, commissioner involvement in state and/or local political activities.
- **Activities that are not Supplemental Employment or Business Activity:** The following are examples of activities that are not generally considered to be Supplemental Employment or Business Activity and for which no advance approval will generally be required:
- Unpaid work for civic, scout, religious, educational, fraternal, social, community, veterans, or charitable organizations. (However, employees may not engage in fundraising activities for those organizations by soliciting funds from any person or organization that does business with the MGC. The Commonwealth’s Conflict of Interest Law (MGL, c. 268A and 268B) and the MGC enhanced ethics code has strict guidelines on what employees may participate in if any matters involves the MGC or another state agency;
 - Serving as a notary public or justice of the peace;
 - Serving as a trustee, guardian, conservator, executor, administrator or act as resident agent for the employee’s immediate family;
 - Renting property. (However, employees may not rent property to the MGC. Further, rental of any property to the Commonwealth, a municipality or any entity connected therewith may have ethical implications and should be reviewed by the State Ethics Commission);
 - Personal and/or professional involvement in the community, with professional organizations (if those events or organizations do not include advocacy for or against casinos or gaming);
 - Personal involvement in state or local politics as long as:
 - Such involvement does not interfere with the employee’s work at the MGC
 - Such involvement is not done within the premises of the MGC
 - Such involvement does not involve the employee’s use of her/his affiliation with the MGC

- Performing minor services and odd jobs for friends, relatives or neighbors. Examples include repairs or maintenance work such as painting, yard work, carpentry, or babysitting; and carools involving payment for transportation

Notwithstanding the above if any of these activities involves the MGC, MGC consultants, any person or organization that does business with the MGC or another state agency, employees must get prior written approval from the Executive Director. These activities may not be undertaken during work hours.

■ **Disclosure Requirements:** Employees planning to participate in supplemental employment or business activities are expected to disclose and review their plans with the Executive Director or his designee prior to making any commitment. Employees participating in supplemental employment and business activities are required to disclose the activities and make a report to the Executive Director on a semi-annual basis or whenever circumstances dictate. The report shall include the following:

- The company or organization involved;
- Number of days (including dates)
- Type of activity;
- Compensation (if requested)
- Other information deemed necessary or appropriate by the employee of MGC

Employees are encouraged to confer with the General Counsel if they have any questions about supplemental employment and outside activities.

Responsibility

Executive Director; General Counsel

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Enhanced Ethics Code; MGL, c 23K sec 3 (o); MA Conflict of Interest Law, MGL, c. 268 A and B

Created 10/29/2014

Revised

Reviewed

Dress Code

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to require that its employees present a professional image as representatives of the MGC including dressing in a manner that is appropriate for their position. Business casual attire is the standard for employees who work in an office setting. Business attire is expected to be worn when representing the MGC in an official capacity at meetings with invited guests or the public, whether on MGC premises or at other venues.

Applies to

All employees

Definitions

- **Business Casual Attire for women:** Reasonable length skirt or slacks of a non-jeans material combined with a top, i.e. dress shirt or sweater set.
- **Business Casual Attire for men:** Collared shirt, i.e. dress shirt or polo shirt; cotton trousers with a belt, limited to the colors of navy, tan, dark green, brown or black.
- **Business Attire for men:** Blazer, tie and cotton trousers with a belt or conservative suit with a belt and tie.
- **Business Attire for women:** Pantsuits, skirt suits or dresses of a reasonable length.
- **Casual Day Attire for men and women, as appropriate:** Slacks, clean jeans without tears, casual dresses and skirts, casual shirts and blouses, tee-shirts and golf shirts. Athletic shoes and other casual shoes.

Procedure

- Hats of any type are not to be worn in the office. Headgear is allowed if it is required as part of a religious, cultural or racial requirement or tradition.
- Fridays are designated as Casual Day. All office employees may participate excluding those who will be representing the MGC in an official capacity.
- The Executive Director (ED) has the final authority to declare other workdays as casual days or cancel one or all of the Friday Casual Days. If the dress of casual day is routinely violated by an employee, that employee may be restricted from participating in casual day; if many employees routinely dress inappropriately on casual day it may be cancelled permanently.
- Clothing and shoes that may not be worn to work at any time include but are not limited to sweat pants, exercise clothing, shorts, tank tops, mini-skirts, rumpled or ripped clothing, underwear as outerwear, inappropriately revealing attire such as bare midriffs, bib overalls, spandex or other form fitting clothing, attire with offensive messages or images, and flip flops.
- Employees arriving at work dressed inappropriately may be sent home to change to more appropriate attire. Non-exempt employees will not be paid for the time not at work.

- Employees who routinely violate the dress code may be subject to corrective action up to and including termination.

Responsibility

Management and Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Corrective Action

Created

10/17/2014

Revised

Reviewed

DRAFT

Drug and Alcohol Free Workplace

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to ensure a safe, healthy and productive working environment for all employees. The MGC fully complies with the Federal Drug-Free Workplace Act of 1988. No MGC employee shall illegally manufacture, distribute, dispense, possess, consume or otherwise use any controlled substances during the employee's employment hours. The possession or consumption of a controlled substance is permissible only if it is under the direction of a physician or other person authorized to issue prescriptions for controlled substances.

Applies to

All employees

Definitions

Controlled substances shall mean a drug, substance or immediate precursor in any schedule or class referred to in MGL, Chapter 94C.

Procedures

- The illegal manufacture, distribution, dispensing, possession, consumption, or other use of alcohol or a controlled substance while on the job, while on MGC premises, while attending business-related activities or while operating a vehicle or machine leased or owned by the MGC is an offense for which the MGC will take such corrective action as is appropriate up to and including termination. Any illegal controlled substances may be turned over to the appropriate law enforcement agency and may result in criminal prosecution.
- Employees are expected to report for work at all times in a condition to perform their duties. Accordingly, off-the-job illegal use of a controlled substance which adversely affects an employee's job performance or which could jeopardize the safety of other employees or guests of the MGC, or MGC property or equipment, may result in disciplinary action up to and including termination.
- Managers are expected to be alert for any infraction of this policy and are responsible to notify the Human Resources Department of any apparent violations.
- Employees who are under the influence of alcohol or unlawfully under the influence of a controlled substance will be subject to disciplinary action, up to and including termination.
- Employees who are arrested, charged or convicted of a misdemeanor or felony while employed by the MGC must immediately notify the MGC as required by chapter 23K 3 (1) (iv). Pursuant to chapter 23K 3 (1) (iv) an employee may be subject to suspension without pay and/or loss of other employee benefits, pending resolution of the criminal matter. Any employee who is convicted of a *misdemeanor or a felony may be subject to termination.*
- Employees are encouraged to take advantage of a variety of resources made available by the MGC to help combat the dangers posed by substance abuse and find treatment options. Resources include:

- The Governor’s Alliance Against Drugs, which provides drug and alcohol education
- Massachusetts Substance Abuse Information and Education helpline located on the web at <http://www.helpline-online.com> or by telephone at 1-800-327-5050 (TTY 617-536-5872).
- The MGC Employee Assistance Program (EAP). CMG Associates, the EAP service provider, may be reached at 866-228-2809.

Responsibility

Management, Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Employee Assistance Program; Workplace Standards; Corrective Action; Code of Conduct; Drug-Free Workplace Act of 1988; MGL c23K 3 (1) (iv); MGL, c94C

Created

10/29/2014

Revised

Reviewed

Harassment Free Workplace

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to ensure a work environment where everyone is treated with dignity and respect and is free from being harassed because of their protected status which includes race, color, religious creed, age, national origin, sex, physical or mental disability, veteran or active military status, sexual orientation, gender identity or expression, genetics, marital status, ancestry, citizenship, pregnancy, or any other protected status covered by federal, state or local law.

Applies to

All employees and commissioners

Definition

Workplace harassment includes discrimination and/or intimidation

Procedures

- Employees who feel they are being discriminated against, intimidated and/or harassed due to their protected status should file a complaint, whether verbally or in writing, with Human Resources (HR), the Office of General Counsel (OGC) or the Executive Director (ED).
- Any member of management receiving a complaint of workplace harassment or views actions that may lead to workplace harassment must inform HR immediately.
- In all cases, no matter how HR, the OGC or the ED receives information about workplace harassment, an immediate, thorough and expeditious investigation will be conducted.
- The MGC will respect the privacy of the parties involved in the complaint of workplace harassment and preserve their confidentiality, to the extent possible in dealing with the situation.
- In order to maintain the integrity of its investigation the MGC may suspend employees suspected of workplace harassment, either with or without pay, pending the completion of an investigation.
- Information concerning a complaint is treated as confidential. Any employee who is part of the investigation process may only discuss the complaint with those individuals who have a need to know.
- An employee, who has been found in violation of this policy by engaging in workplace harassment or by falsely accusing another person of doing so, will be subject to corrective action up to and including termination.
- Retaliation against an employee who has filed a complaint or cooperated with the investigation of a complaint will not be tolerated and will be subject to corrective action up to and including termination.

- Employees who knowingly make a false allegation of workplace harassment will be subject to corrective action up to and including termination.
- Employees have the right to file their complaint of workplace harassment because of their protected status with the United States Equal Employment Opportunity Commission (USEEOC) or with the Massachusetts Commission Against Discrimination (MCAD). In either case the complaint must be filed within 300 days of the alleged offense. Employees may contact the USEEOC at John F. Kennedy Building, 475 Government Center, Boston, MA 02203 (Telephone 800-669-4000). Employees may contact one of the four offices of the MCAD at (1) One Ashburton Place, Room 601, Boston, MA 02108 (Telephone 617-994-6000); (2) 436 Dwight Street, Room 220, Springfield, MA 01103 (Telephone 413-739-2145); (3) Worcester City Hall, 455 Main Street, Room 101, Worcester, MA 01608 (Telephone 508-799-8010); or (4) 800 Purchase Street, Room 501, New Bedford, MA 02740 (Telephone 508-990-2390).

Responsibility

Office of the General Counsel, Human Resource, the Executive Director and Commissioners

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Sexual Harassment; Workplace Bullying Prevention; Whistleblower Protection; Workplace Standards; Equal Employment Opportunity; MA Fair Employment Practices (M.G.L. c. 151B)

Created 10/29/2014

Revised

Reviewed

Information Technology Use

The Commission is committed to utilizing current technologies. This document formalizes the policy for employees of the Massachusetts Gaming Commission, contractors and other authorized users (hereafter users) on the use of information technology resources (Commission ITRs), including computers, printers and other peripherals, programs, data, local and wide area networks, the Internet, e-mail, facsimile machines, photocopiers, telephone and cellular phones, voicemail, and other mobile devices. Use of Commission ITRs as well as personally owned devices utilized by employees within the Commission's networks shall constitute acceptance of the terms of this policy and any such additional policies. The use of ITRs by any employee or contractor shall constitute acceptance of the terms of this policy. Accordingly, it is the responsibility of any person using Commission ITRs to read, understand and follow this policy. The following rules require strict adherence.

1. User Responsibilities

It is the responsibility of any user of Commission ITRs to read, understand, and follow this policy. In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of Commission ITRs. Any user with questions regarding the application or meaning of this policy should seek clarification from appropriate management. The Commission reserves the right to recoup any costs incurred for unauthorized use of ITR. Failure to observe this policy may subject users to disciplinary action, including termination of employment.

0.1 BUSINESS AND PERSONAL USE

Commission employees are provided with internet access and an e-mail address to facilitate the effective administration of the Commission's business. Some employees may also receive a laptop, tablet, or phone in order to allow for working away from their desks. These ITRs should be used to assist in the performance of their jobs. Employees using the Commission's accounts are acting as representatives of the Commission. All communications should be written with the same level of care and professional judgment as paper memoranda or documents. In addition, users are expected to exercise reasonable judgment in interpreting this policy when making decisions about the use of the ITRs.

Limited personal use of the ITRs is allowed if the use (a) is in compliance with this policy or any subsequent policy promulgated by the Commission, (b) is reasonable in amount, (c) does not interfere with work performance or business needs, (d) does not affect the Commission's goodwill or reputation, and (e) does not affect network performance.

The Commission reserves the right to modify this policy at any time.

0.2 USE OF PHONES, LAPTOPS, TABLETS, OR OTHER PORTABLE DEVICES

The Commission may in some instances approve the purchase of certain portable devices for the convenience of certain individuals if determined that it is in the interest of the Commission and for the purposes of conducting the business of the Commission after normal business hours or off site. This portability does not in any way limit this policy (i.e., business use, personal use, prohibited uses, etc.). In order for an individual to obtain a portable device, the business case for the use and need has to be approved by the employee's manager. Access to a portable device does not supersede any other policies relative to time and attendance.

0.3 USE OF ELECTRONIC COMMUNICATIONS SYSTEMS

The Commission's electronic communications systems, including intranet, Internet, telephony, email, and messaging services, are to be used for work-related purposes only. Limited personal use of these electronic communications systems is permitted in accordance with the requirements of Section Error! Reference source not found. Examples of inappropriate use of the Commission's electronic communications systems include, but are not limited to: excessive, unreasonable or unauthorized personal use; storing, sending or forwarding e-mails that contain libelous, defamatory, racist, obscene, inappropriate, or harassing remarks; visiting or sending information to or receiving or downloading information from Internet sites involving inappropriate topics such as pornography, terrorism, violence, racism, or gambling; and any other use prohibited by the Employee Handbook. The same principles and guidelines found in the Commission's other policies apply to employee's activities when using the Commission's electronic communications systems.

2. ACCEPTABLE USES

The Massachusetts Gaming Commission firmly believes that Commission ITRs empower users and make their jobs more fulfilling by allowing them to deliver better services at lower costs. As such, users are encouraged to use Commission ITRs to the fullest extent in pursuit of the Commission's goals and objectives.

3. PROHIBITED ACTS / UNACCEPTABLE USES OF COMMISSION ITRS

Provided below is a non-exclusive list of prohibited acts associated with the user's use of the Commission's ITRs. Failure to observe this policy may subject individuals to disciplinary action, up to and including suspension of individual user accounts and/or termination of employment. Unless such use is reasonably related to the user's job, it is unacceptable for any reason to use Commission's ITR's:

- in furtherance of any illegal act, including violation of any criminal or civil laws or regulations, whether state or federal;
- for any political purpose;
- for any commercial purpose;
- to send threatening or harassing messages, whether sexual or otherwise;
- to access or share sexually explicit, obscene, or otherwise inappropriate materials;
- to infringe any intellectual property rights;
- to gain, or attempt to gain, unauthorized access to any computer or network;
- for any use that causes interference with or disruption of network users and resources, including propagation of computer viruses or other harmful programs;
- to intercept communications intended for other persons;
- to misrepresent either the Commission or a person's role at the Commission;
- to distribute chain letters;

- to access on-line gambling sites for anything other than official MGC business;
- to use Public instant messaging (IM), including but not limited to, Internet Relay Chat (IRC), I Seek You (ICQ), and AOL Instant Messaging (AIM);
- to libel or otherwise defame any person.

4. DATA CONFIDENTIALITY

In the course of performing their jobs, users may often have access to confidential or proprietary information, such as personal data about identifiable individuals or commercial information about business organizations. Under no circumstances is it permissible for users to acquire access to confidential data unless such access is required by their jobs. Under no circumstances may users disseminate any confidential information, unless such dissemination is required by their jobs.

5. COPYRIGHT PROTECTION

Computer programs are valuable intellectual property. Software publishers can be very aggressive in protecting their property rights from infringement. In addition to software, legal protections can also exist for any information published on the Internet, such as the text and graphics on a web site. As such, it is important that users respect the rights of intellectual property owners. Users should exercise care and judgment when copying or distributing computer programs or information that could reasonably be expected to be copyrighted.

6.0. SECURITY

6.4 FLASH DRIVES

Employees should not use flash drives until they have been scanned for viruses, spyware, malware, Trojans, or other similar threats to the security or functionality of Commission ITRs. Employees should ascertain from the IT Department how best to ensure that previously used flash drives have been properly scanned.

6.5 INSTALLING SOFTWARE

No employee may install software on his or her computer without approval of his or her Gaming Commission manager and an authorized representative of the Information Technology Department. Any person with questions regarding the application or meaning of this policy should seek clarification from either the Information Technology Department or the Human Resources Department.

6.6 COMPUTER VIRUSES

It is critically important that users take particular care to avoid compromising the security of the network. It is the employee's responsibility to ensure that his/her computer contains the appropriate malware and antivirus software before installing or updating any programs on the computer. Users should exercise reasonable precautions in order to prevent the introduction of a computer virus into the local area or wide area networks. Virus scanning software should be used to check any software downloaded from the Internet or obtained from any questionable source. If an employee is not sure as to whether virus scanning software is active or running in his/her computer, the employee should

verify with IT personnel prior to downloading or installing software. In addition, executable files (program files that end in .exe) should not be stored on or run from network drives. Finally, it is a good practice to scan portable media devices periodically to see if they have been infected.

6.7 PASSWORDS

Users should never share their passwords with anyone else, and should promptly notify IT personnel if they suspect their passwords have been compromised. In addition, users who will be leaving their PCs unattended for extended periods should log off or lock their computers. All users should create passwords that are sufficiently strong to prevent unauthorized access to Commission devices. A password should not be a single word or common phrase. All passwords should be at least six characters in length and contain uppercase characters, lowercase characters, and numbers or symbols.

6.8 INTERNET

Internet use generates the possibility of breaches to the security of confidential information. It also creates the possibility of contamination of our system via viruses or spyware. Spyware allows unauthorized people, outside of the Commission, potential access to passwords and other confidential information. Removing viruses or spyware from the Commission's network would require IT staff to invest time and attention better suited for other business of the Commission. For this reason, and to assure the appropriate use of work time, we ask all employees of the Commission to limit personal use of internet and e-mail.

6.9 NETWORK SECURITY

Most desktop computers are connected to a local area network, which links computers within the Agency and, through the wide area network, to most other computers in state government. As such, it is critically important that users take particular care to avoid compromising the security of the network. Most importantly, users should never share their passwords with anyone else, and should promptly notify the MGC Information Security Officer if they suspect their passwords have been compromised. In addition, users who will be leaving their PCs unattended for extended periods should either log off the network or have a password protected screensaver in operation. Finally, no user is allowed to access the Internet or other external networks via modem unless they have received specific permission from MGC Information Security Officer.

7. E-MAIL

When using e-mail, there are several points users should consider. First, because e-mail addresses identify the organization that sent the message (user@state.ma.us), users should consider e-mail messages to be the equivalent of letters sent on official letterhead. For the same reason, users should ensure that all e-mails are written in a professional and courteous tone. Finally, although many users regard e-mail as being like a telephone in offering a quick, informal way to communicate, users should remember that e-mails can be stored, copied, printed, or forwarded by recipients. Emails are public records under the Commonwealth's public records law and subject to disclosure if requested as part of a public records request. As such, users should not write anything in an e-mail message that they would not feel just as comfortable putting into a memorandum.

8.0. OWNERSHIP AND PRIVACY

8.1 OWNERSHIP OF ITRS

All e-mail accounts, information, and messages that are created, sent, received, or stored in the Commission's e-mail system are the sole properties of the Commission and are not the properties of the employee or individual. All accounts created by a Commission employee for business use, and all information posted or connected to those accounts, are the sole property of the Commission and are not the property of the employee or individual. All documents created by a Commission employee while acting in his/her official capacity or performing duties on behalf of the Commission are the sole property of the Commission and are not the property of the employee or individual.

8.2 NO EXPECTATION OF PRIVACY

The Commission's ITRs are the property of the Commonwealth of Massachusetts and are to be used in conformance with this policy. The Commission, in pursuit of legitimate needs for supervision, control and the efficient and proper operation of the workplace, will exercise the right to inspect any user's computer, any data contained in it, and any data sent or received by that computer. Users should be aware that the Commission's network administrators, in order to ensure proper network operations, will routinely monitor the volume of the Internet and network traffic together with the Internet sites visited. Use of the Commission's ITRs constitutes express consent for the Commission to monitor and/or inspect any data or messages created, sent, retrieved or received and any web sites accessed for any violations of law, breaches of the Commission's policies, communications that are harmful to the Commission, or for any other reason. Such monitoring may occur at any time, without notice, and without the user's permission.

Users should be aware that network administrators, in order to ensure proper network operations, routinely monitor network traffic. Use of Agency ITRs constitutes express consent for the Agency to monitor and/or inspect any data that users create or receive, any messages they send or receive, and any web sites that they access. The Commission does not intend to monitor the content of telephone conversations without prior notice. However, the usage of telephone communication is monitored for the performance of agency operations, maintenance, auditing, security, or investigative functions.

9. INSTALLING SOFTWARE

No employee may install software on his or her computer without approval of his or her Gaming Commission manager and an authorized representative of the Information Technology Department. Any person with questions regarding the application or meaning of this policy should seek clarification from either the Information Technology Department or the Human Resources Department.

10. REMOTE ACCESS

Some users will be authorized by the Agency for remote access to e-mail and other applications. Access is authorized for the same purposes as other Agency resources, i.e., business use. Managers should approve remote access only for those users which have a job-related need to access Agency resources remotely.

All users of the Commission’s Information Technology Resources are required to read and comply with this policy. All users are required to sign (along with the responsible Massachusetts Gaming Commission manager) and submit the ITR Policy Acknowledgement Form to the Information Technology Division. This form is available on the MGC Intranet.

Users requesting remote access are required to read, comply, sign (along with the responsible Massachusetts Gaming Commission manager) and submit the Remote Access User Certification Agreement to the Information Technology Division. This agreement is available on the MGC Intranet.

Individuals, who own wireless mobile devices (tablet, smartphone, etc.) connected to the Commonwealth’s network and individuals who use MGC/Commonwealth-issued devices connected to the Commonwealth’s network are required to read, comply and sign and submit the Wireless Mobile Device Agreement to the Information Technology Division. This agreement is available on the MGC Intranet.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Workplace Privacy; Corrective Action

Created 03/01/2014

Revised

Reviewed

Social Media

Section 1. Introduction

This document formalizes the policy for employees that are managers, non-union employees and contractors (users) within the Massachusetts Gaming Commission (Commission) on the use of social media sites. This policy shall also extend to bargaining unit members, except that Section 3 (Required Work-Related Use of Social Media) shall apply to such members only if they have voluntarily agreed in writing with their employer to the use of social media as a job responsibility.

Social media sites refers to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. A social media identity is a specific user identity or account that has been registered on a third party social media site (such as the Whitehouse account on Twitter™ or an employee's personal account on Facebook™). Social media in general includes tools such as: blogs, wikis, and microblogging sites, such as Twitter™; social networking sites, such as Facebook and LinkedIn™; video sharing sites, such as YouTube™; and bookmarking sites such as Del.icio.us™.

This document addresses three distinct uses of social media, including:

- a) Required Work Related Use of Social Media: Use of social media that is sanctioned as part of employee's job function (e.g. when an employee tweets on behalf of the Executive Director of the Agency on the Executive Director's Twitter account). This use is addressed in Section 3 of this policy.
- b) Personal Use of Social Media at Work: An employee's personal use of social media while at work (e.g. logging onto Face book and providing personal updates to a Facebook page, which is outside of the employee's official job function, while at work, during work hours). This use is addressed in Section 4 of this policy.
- c) Personal Use of Social Media Outside of Work: An employee's use of social media in his or her personal capacity outside of work time. This use is addressed in Section 5 of this policy.

Section 2. User Responsibilities

It is the responsibility of any person subject to this policy that uses a social media to read, understand, and follow this policy. In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of social media identities. Any person with questions regarding the application or meaning of this policy should seek clarification from appropriate management. Failure to observe this policy may subject individuals to disciplinary action, including termination of employment.

Section 3. Required Work-Related Use of Social Media

The Commission is pleased to announce the launch of new social media channels to communicate with customers. A social media identity is a specific user identity that has been registered on a third party social media site and is associated with the Commission, an official at the Commission, or a designated employee. Government social media sites or identities typically provide forums for commentary or news on topics related to the government agency that hosts the social media site or has secured the social media identity. A typical social media site (whether hosted by the Commission or a third party)

combines text, images, and links to other websites including blogs, wikis, and other media related to the topic and enables readers to leave comments in an interactive format.

The purposes of the Commission's social media identities and sites include [sample goals ...

- Engaging in conversation with the citizens of the Commonwealth of Massachusetts
- Furthering the goal of transparency within government
- Providing the Commission with meaningful feedback from our customers

This document outlines the policy for Commission employees' conduct while contributing to or moderating the Commission's social media sites or .providing comments or updates to the Commission's social media identities.

In addition to the topics addressed here, social media content must be in compliance with the Commission's relevant policies, including its harassment and discrimination policies, confidentiality policies, ethics rules, code of conduct, and other policies.

3.1 Follow the Acceptable Use Policy.

Know and follow the Commission's Acceptable Use Policy (the AUP) and any additional acceptable use policies for use of Commonwealth information technology resources adopted by the Commission. The Commission's social media site or identity is an information technology resource under the AUP.

3.2 You are Personally Responsible for What You Publish.

You are personally responsible for the content you publish on the Commission's social media site. Be mindful that what you publish will be public for a long time.

3.3 Considerations When Speaking on Behalf of Your Agency.

Identify yourself-name and, when relevant, role at the Commission -when you discuss Commission or Commission -related matters on the Commission social media website or in connection with the Commission's social media identity. Write in the first person. It is important to make clear when you are speaking for yourself, and when you are speaking on behalf of the Commission. Only speak on behalf of the Commission when your commentary is based on the law governing the Commission, or on the Commission's explicit written standards, policies, and practices, and when you have received prior permission from your supervisor to address a particular topic in a particular way. However, there are occasions when Commission employees will be asked on a social media site (such as a blog or wiki), as they are by the public in other situations, to explain how the laws to which the Commission is subject, or the regulations and policies that it has issued, or its historic practices, will apply to a particular situation. There is often no black letter law, regulation, or policy, or historic practice, that addresses with 100% certainty an issue raised by the public. In their daily work with the public, Commission employees appropriately, on occasion, answer such questions by interpreting known precedents. When they do so, Commission employees often say something like I don't know what the official Commission position would be in that situation, but in my opinion.... When faced with a similar question on a social media site, make clear, as you would if speaking in

person or over the phone, that you are offering your opinion on a matter, not the Commission's official position.

3.4 Understand Users' First Amendment Rights.

Although the Commission can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, harassing, or off topic, we cannot use the moderation function to restrict speech with which the Commission merely disagrees (i.e. subject matter restrictions). Users have some First Amendment rights in posting content to public social media sites hosted by state agencies. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons.

3.5 Do Not Comment on Social Media Sites about Commission Business Outside the Commission's Social Media Sites or Identities.

Do not publish content to any website outside of the Commission's website that has to do with the Commission or Commission-related matters.

3.6 Respect Copyright Law.

Commission social media participants must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work and, if possible, provide a link to the original.

3.7 Protect Confidential Information.

Don't provide the Commission's confidential information. Never post legally protected personal information that you have obtained from the Commission (e.g., information that is not public record under the Public Records Law, Mass. Gen. L. c. 66, sec. 10 or whose dissemination is restricted under the Commonwealth's Privacy Act, Mass. Gen. L. c. 66A, Executive Order 504, or under other Federal or State privacy laws or regulations). Ask permission to publish or report on conversations that occur within the Commission. Never post information about policies or plans that have not been finalized by the Commission, unless you have received explicit permission from your supervisor to post draft policies or plans on the Commission social media for public comment.

3.8 Consider Your Content.

As informal as social media sites are meant to be, if they're on a government domain or a government identity, they're official government communications. Social media sites will be sought out by mainstream media- so a great deal of thought needs to go into how you will use the social media in a way that benefits both the Commission and the public.

3.9 Don't Feed the Rumor Mill.

You should merely say, No comment to rumors. Do not deny or affirm them-or suggest either denial or affirmation in subtle ways.

3.10 Handling Negative Comments.

Because the purpose of many social media sites particularly agency blogs and wikis, is to get feedback from the public you should expect that some of the feedback you receive will be negative (and you may need to develop a thick skin!). Some effective ways to respond to negative comments include:

- i. Providing accurate information in the spirit of being helpful
- ii. Respectfully disagreeing

3.11 Provide Links.

When you make a reference to a law, regulation, policy, or other website, where possible provide a link or at a minimum, the citation.

3.12 Respect Your Audience and Your Coworkers.

Don't use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your agency's workplace. Remember that the Commonwealth's residents reflect a diverse set of customs, values and points of view. Don't be afraid to be yourself, but do so respectfully. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory-such as party politics and religion. Do not use the Commission's social media presence to communicate among fellow Commonwealth employees. Do not air your differences with your fellow Commonwealth employees on the Commission's social media's presence. Show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory-such as race, ethnic origin, and religion.

3.13 Be Transparent, Admit to your Mistakes, and Differ Respectfully.

Don't pick fights, be the first to correct your own mistakes, and don't alter previous posts without indicating that you have done so. When you see misrepresentations made about the Commission by media or by other users, you may use the Commission's social media site or identity to point that out. However, you must do so with respect, and stick to the facts.

3.14 Use the Social Media Site or Identity Only to Contribute to the Commission's Mission.

When you contribute to the Commission's social media site or identity provide worthwhile information and perspective that contributes to the Commission's mission of serving the public. What you publish will reflect on the Commission and the Administration. Social media sites and identities should be used in a way that contributes to the Commission's mission by:

- i. Helping you and your co-workers perform their jobs better;
- ii. Informing citizens about government services and how to access them;
- iii. Making the operations of the Commission transparent and accessible to the public;
- iv. Creating a forum for the receipt of candid comments from residents about how government can be improved; and

v. Encouraging civic engagement.

3.15 Respond to Your Own Mistakes.

If you make an error, own up to it and correct it quickly. The Commission policy is that once something is posted, it should stay posted. Only spelling errors or grammar fixes should be made without making the change evident to users. If you choose to modify an earlier post, make it clear that you have done so-do not remove or delete the incorrect content; provide the correct information and apologize for the error. Ways to accomplish this include:

- i. Strike through the error and correct
- ii. Create a new post with the correct information, and link to it from the post you need to correct or clarify.

Either method is acceptable. The goal is that for the social media identity or site to achieve transparency, we cannot change content that has already been published without making the changes clearly evident to users.

3.16 Use Your Best Judgment.

If you're about to publish something that makes you even the slightest bit uncomfortable, review the suggestions above and think about why that is. If you're still unsure, discuss it with your manager.

3.17 Don't Forget Your Day Job.

Make sure that your online activities, even if they are sanctioned or required by the Commission, do not interfere with other parts of your job. Employee social media users are responsible for keeping their managers informed about any impediments that arise which could disrupt the agreed on publishing schedule.

3.18 Handling Media Inquiries.

The Commission social media identity or site may lead to increased inquiries from the media. If you are contacted directly by a reporter, you should refer media questions to the Director of Communications.

Section 4. Personal Use of Social Media at Work

4.1 Follow the Acceptable Use Policy.

Know and follow the Commission's Acceptable Use Policy (the AUP) and any additional acceptable use policies for use of Commonwealth information technology resources adopted by the Commission. Access to third party websites using Commonwealth technology is an information technology resource under the AUP.

4.2 Employees' personal use should not be attributable to the Commission or to the employee's job function at the Commission.

An employee's use and comments made at a social media site are subject to First Amendment protections. However, any personal use made of social media sites while at work (for example during break periods), must be conducted in such a manner that a reader would not think that the employee is speaking for or on behalf of the Commission.

4.3 Must be in conformance with relevant portions of workplace policies and all relevant laws and regulations.

Employees' use of such sites must be in compliance with the Commission's relevant policies, including its harassment and discrimination policies, confidentiality policies, ethics rules, code of conduct, and other policies, as well as with state Ethics Law, Federal Copyright law, and other applicable laws and regulations.

4.4 Must not be excessive.

Excessive use of social media during work hours may result in discipline or termination.

Section 5. Personal Use of Social Media outside of Work

5.1 Employees' personal use should not be attributable to the Commission or employee's job function at the Commission.

An employee's use and comments made at social media sites are subject to First Amendment protections. However, any personal use made of social media sites outside of work assignments or responsibilities, where such personal use is related to subject matter pertinent to the Commission, must be conducted in such a manner that a reader would not think that the employee is speaking for or on behalf of the Commission.

5.2 Must be in conformance with relevant portions of workplace policies.

Employees' use of such sites must be in compliance with the applicable portions of the Commission's relevant policies, including its harassment and discrimination policies, confidentiality policies, ethics rules, code of conduct, workplace violence, and other policies. Some of these policies, for example the Agency's sexual harassment policy and the ethics rules, could apply to employee actions performed outside of normal working hours at third party sites

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Information Technology Use Policy; Corrective Action; Code of Conduct; Workplace Standards; Harassment Free Workplace; Workplace Bullying; MA Privacy Act (MGL, c66A, Executive Order 504); MA Public Records Law (MGL, c66,s10)

Created

04/18/2014

Revised

Reviewed

File name

[Determine and use consistent naming convention]

DRAFT

Solicitations and Distribution

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to not permit employee solicitation and distribution during working time in order to maintain and promote efficient operations and security.

Applies to

All employees and non-employees

Definition

Working Time: Those times of the workday when employees are supposed to be engaged in work. Working Time does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working, including before and after working time.

Procedures

- Non-employees are not permitted to solicit or distribute literature on MGC property, whether owned or leased, at any time.
- Employees may not solicit other employees during the working time of either the employee making the solicitation or that of the other employees.
- Employees are not permitted to distribute literature in working areas at any time. Employees may distribute literature in non-work areas, such as a lunch room or parking lot during non-working time.

Responsibility

Management; Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Corrective Action;

Created 10/28/2014

Revised

Reviewed

Smoke Free Workplace

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to provide a safe and healthy workplace which includes maintaining a smoke free environment that complies with Massachusetts law that prohibits smoking in enclosed workplaces.

Applies to

All employees and commissioners

Definition

Smoking is the act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette, electronic cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.

Procedures

- Smoking is prohibited within all MGC enclosed workplaces, including but not limited to all buildings owned, leased or otherwise occupied by the MGC.
- Smoking is prohibited at all MGC sponsored off-site conferences and meetings.
- Smoking is restricted to outdoor smoking areas designated by building management at each building in which MGC owns, leases or rents space.
- Smoking is prohibited in all vehicles owned, leased or rented by the MGC.
- Violations of this policy shall result in corrective action up to and including termination.

Responsibility

Managers, who have knowledge of an employee violating this policy, must bring the violation to the attention of the employee and take appropriate corrective action.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

MGL, c270, sec. 22; Corrective Action

Created

08/21/2014

Revised

Reviewed

DRAFT

Sexual Assault, Stalking and Domestic Violence

In an effort to ensure state employees who are victims of domestic violence, sexual assault and stalking receive essential remedies, resources and referrals, the Commonwealth, through the Governor's Executive Order #491, has established a policy and program designed to assist victims, hold perpetrators accountable, and offer policy guidance, training and support to state agency managers and employees. MGC has adopted this policy in full (see below for details).

<http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/dom-violence-sexual-assault-and-stalking-awareness/>

DRAFT

Sexual Harassment

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to promote a productive work environment that is free of sexual harassment in the workplace or any other setting in which employees interact on MGC business. The MGC will not tolerate verbal or physical conduct that is unlawful or harasses, disrupts or interferes with another's work performance or that creates an intimidating offensive or hostile environment. The MGC will take all allegations of sexual harassment seriously and conduct a prompt and thorough investigation.

Applies to

All employees and commissioners

Definition

According to Massachusetts law, sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature may constitute sexual harassment when:

- Submission to or rejection of such advances, requests or behavior is made either explicitly or implicitly a term or condition of employment or a basis for an employment decision.
- Such behavior has the purpose or effect of unreasonably interfering with an individual's work performance.
- Such behavior has the purpose or effect of creating a sexually offensive work environment.

While it is not possible to list all the circumstances that may constitute sexual harassment, the following are some examples of conduct that may constitute sexual harassment, depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Sexual advances whether or not they involve physical touching.
- Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment.
- Sexual epithets, jokes, written or oral references to sexual conduct or gossip regarding another person's sex life; comments on an individual's body, comments about an individual's sexual activity, deficiencies or prowess.
- Jokes of a sexual nature.
- Displaying sexually suggestive objects, pictures or cartoons.
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Inquiries into a person's sexual experiences.
- Discussion of sexual activities.
- Assault or coerced sexual acts.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

Procedures

- All employees must be notified of this MGC policy regarding sexual harassment immediately upon starting their employment and annually thereafter.
- An employee who feels she/he has been sexually harassed should make her/his concerns known by:
 - Informing the employee engaging in the harassment that the conduct is offensive and must stop; or,
 - If the employee doesn't wish to communicate directly with the person or if communication hasn't brought results, the employee has the right to file a complaint with Human Resources (HR). The Human Resources Manager may be reached by phone at 617-979-8455, e-mail at Trupti.Banda@state.ma.us, or by mail sent to MGC, Human Resources Manager, 84 State Street, 10th floor, Boston, MA 02109.
- Any member of management receiving a complaint of sexual harassment must inform HR promptly to ensure that an investigation will be conducted.
- All allegations will be promptly investigated in a fair and expeditious manner.
- Information concerning a complaint is confidential. Any employee who is part of the investigation process may only discuss the complaint with those individuals who have a need to know.
- An employee, who has been found in violation of this policy by engaging in sexual harassment or by falsely accusing another person of doing so, will be subject to appropriate corrective action up to and including termination.
- Retaliation against an employee who has filed a complaint or cooperated with the investigation of a complaint will not be tolerated and will be subject to corrective action up to and including termination.
- Employees have the right to file their complaint of sexual harassment with the United States Equal Employment Opportunity Commission (USEEOC) or with the Massachusetts Commission Against Discrimination (MCAD). In either case the complaint must be filed within 300 days of the alleged offense. Employees may contact the USEEOC at John F. Kennedy Building, 475 Government Center, Boston, MA 02203 (Telephone 800-669-4000). Employees may contact one of the four offices of the MCAD at (1) One Ashburton Place, Room 601, Boston, MA 02108 (Telephone 617-994-6000); (2) 436 Dwight Street, Room 220, Springfield, MA 01103 (Telephone 413-739-2145); (3) Worcester City Hall, 455 Main Street, Room 101, Worcester, MA 01608 (Telephone 508-799-8010; or (4) 800 Purchase Street, Room 501, New Bedford, MA 02740 (Telephone 508-990-2390).

Responsibility

The MGC is legally responsible for acts of sexual harassment by its agents, supervisors and employees unless it can be shown that immediate and appropriate corrective action were taken when such actions became known. Additionally the MGC may be responsible for acts of sexual harassment by non-employees within its control.

Managers must treat all complaints seriously and notify HR immediately; HR must conduct a fair and prompt investigation.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

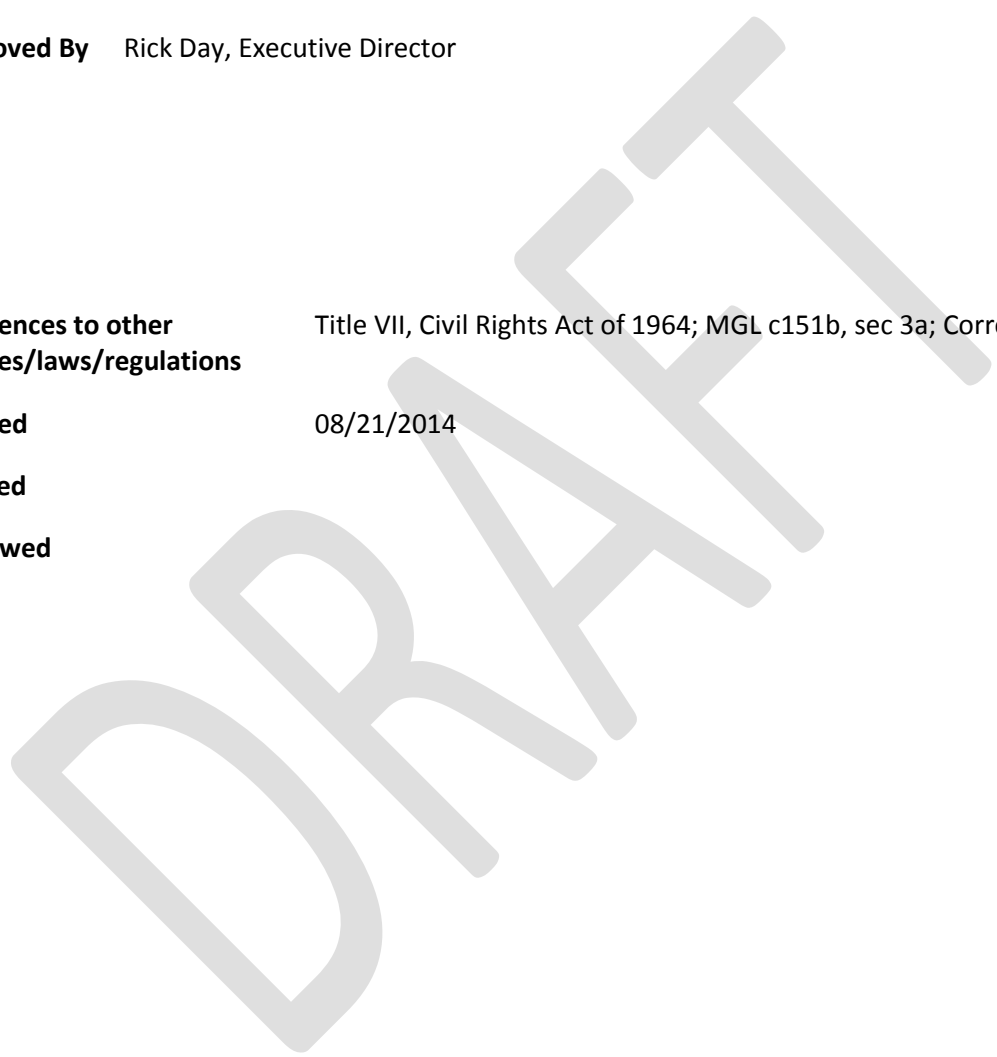
Title VII, Civil Rights Act of 1964; MGL c151b, sec 3a; Corrective Action

Created

08/21/2014

Revised

Reviewed



Violence Free Workplace

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to promote and maintain a safe and secure working environment free of violent behavior, threats of violence or physical intimidation. The MGC maintains a zero tolerance standard on violence in the workplace in compliance with Massachusetts Executive Order 442.

Applies to

All employees, commissioners, consultants, contractors and temporary employees.

Definitions

Workplace – any MGC owned or leased property, location where MGC business is conducted, or site where an employee is considered ‘on duty’, including MGC sponsored social functions and MGC owned, leased or rented vehicles or private vehicles being utilized for MGC business.

Workplace violence, includes, but is not limited to:

- Intimidation or threats communicated by any means
- Physical assault and/or battery
- Property damage
- Other disruptive or aggressive behavior that causes a reasonable person to be in fear of her/his safety or that of a colleague or that causes the disruption of workplace productivity
- Violence that is acted out individually or takes place between employees, employees and clients/customers, employees and acquaintances/partners and employees and the general public.
- Zero-tolerance: A standard that establishes any behavior, implied or actual, that violates this policy will result in corrective action up to and including termination.

Procedure

- The MGC will provide periodic workplace violence awareness and prevention training for managers and staff.
- Employees who feel they have been the subject of workplace violence, witnessing workplace violence or viewed actions that may lead to workplace violence must bring their concerns to their manager or Human Resources (HR).
- Any member of management receiving a complaint of workplace violence or witnesses workplace violence or views actions that may lead to workplace violence must inform (HR) immediately.
- Employees who have a protective or restraining order, whether temporary or permanent, that lists the workplace as a protected area should promptly notify HR and provide a signed copy of the document.

- In all cases, no matter how HR receives information about workplace violence, an immediate and thorough investigation shall be conducted in order to protect employees from danger or unnecessary anxiety about their welfare and the loss of productivity.
- In order to maintain the integrity of its investigation the MGC may suspend employees suspected of workplace violence, either with or without pay, pending the completion of the investigation.
- The MGC will respect the privacy of victims of workplace violence or those reporting workplace violence and preserve their confidentiality, to the extent possible in dealing with the situation.
- Retaliation against an employee who has filed a complaint or cooperated with the investigation of a complaint will not be tolerated and will be subject to corrective action up to and including termination.
- The MGC reserves the right to initiate criminal prosecution, in addition to termination, in instances of violent behavior.
- Employees who knowingly make a false allegation of workplace violence will be subject to corrective action up to an including termination.

Responsibility

Management employees shall monitor the workforce for the potential of workplace violence; HR shall conduct an immediate and thorough investigation of all instances reported to them.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Workplace Standards; Corrective Action; Weapons Free Workplace; Harassment Free Workplace; Sexual Harassment; Workplace Bullying; MA Executive Order 442

Created 09/25/2014

Revised

Reviewed

Weapons Free Workplace

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to prohibit all persons, excluding federal and state law enforcement and those authorized by the MGC, from entering the MGC workplace with a handgun, firearm, or prohibited weapons of any kind, whether they are licensed to carry the weapon or not.

Applies to

All employees, commissioners and consultants, excluding state police or others authorized by the MGC to carry licensed firearms while on MGC property and/or at a MGC gaming regulated establishment

Definitions

Workplace – any MGC owned or leased property, location where MGC business is conducted, or site where an employee is considered ‘on duty’ including MGC sponsored social functions. In addition MGC owned, leased or rented vehicles or private vehicles being utilized for MGC business.

Prohibited weapons include any form of weapon or explosive restricted under local, state or federal regulation including firearms, illegal knives or other weapons covered by the law.

Procedures

- Employees who have witnessed any employee, vendor or customer displaying a prohibited weapon while in the workplace shall bring this information to the attention of their manager or Human Resources (HR) immediately. HR will conduct an immediate and thorough investigation.
- MGC is authorized to search lockers, desks, purses, briefcases, baggage, lunch sacks, clothing and any other items in which a weapon may be hidden in the workplace. Employees may refuse the search, however, such refusal may result in termination for refusal to cooperate.
- Retaliation against an employee who has filed a complaint or cooperated with the investigation of a complaint will not be tolerated and will be subject to corrective action up to and including termination.
- Employees, who knowingly make a false allegation of an employee, vendor or customer displaying a prohibited weapon will be subject to corrective action up to and including termination.
- Employees, who are found to have a prohibited weapon on MGC property or in the course of their duties, regardless of location shall be subject to corrective action up to and including termination.

Responsibility

Management employees shall monitor the workforce to ensure there are no prohibited weapons on MGC property; HR shall conduct an immediate and thorough investigation of all instances reported to them.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Violence Free Workplace; Workplace Standards; Workplace Privacy; Corrective Action; MA Executive Order 442

Created 09/25/2014

Revised

Reviewed

DRAFT

Whistleblower Protection

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to commit to the highest standards of ethical, moral and business conduct. The MGC encourages and enables employees and others to raise concerns internally so that they can be addressed and corrected. It is contrary to the values of the MGC to retaliate against any person who reports an ethics violation or other violations of the law in good faith. This would include, but not be limited to a complaint of discrimination or suspected fraud, or suspected violation of any regulation governing the operations of the MGC.

Applies to

All employees, commissioners and consultants

Procedures

- Employees should share their questions, concerns, suggestions or complaints with their supervisor or manager.
- Employees who are not comfortable speaking with their supervisor or are not satisfied with a supervisor's response are encouraged to speak with the human resources manager, the office of general counsel (OGC) or the executive director (ED). Employees may also submit their concerns in writing.
- Supervisors and managers are required to report complaints or concerns about ethical and legal violations in writing to the human resources manager, the OGC or the ED.
- Concerns that are received anonymously will be explored appropriately with consideration given to the seriousness of the issue raised; the credibility of the concern; and the ability of confirming the allegation from attributable sources.
- Employees, commissioners and consultants, in the course of their official duties at a gaming establishment, who become aware of any conduct that a reasonable person would believe to be a violation of criminal law should report the conduct to the state police at the gaming establishment where the conduct occurred, the ED or the MGC Director for Investigations and Enforcement.
- All concerns and complaints about unethical or illegal conduct will be investigated thoroughly and promptly.
- Retaliation against either an employee who has filed a complaint or cooperated with the investigation of a complaint will not be tolerated and will be subject to corrective action up to and including termination.
- Employees who knowingly make a false allegation of workplace unethical or illegal conduct will be subject to corrective action up to and including termination.

Responsibility

All employees, commissioners and consultants are obligated to report unethical or illegal conduct to human resources, the office of general counsel the executive director, or in the case of such activities at a gaming establishment, the MA State Police. The party receiving the report is required to initiate a thorough and timely investigation.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Enhanced Ethics Code; Corrective Action

Created

08/21/2014

Revised

Reviewed

DRAFT

Workplace Bullying

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to ensure a productive work environment where all employees are treated with respect and dignity. The MGC will not tolerate inappropriate or abusive behavior, either direct or indirect. This includes written, verbal or physical conduct by one or more employees against any other employee or group of employees.

Applies to

All employees, commissioners, contractors, State Police, and temporary employees

Definition

- Workplace bullying is any behavior that is repeated, systematic and directed towards an employee or group of employees that a reasonable person, having regard to the circumstances, would perceive as victimizing, humiliating, undermining or threatening and which creates a risk to health and safety.
- Examples of workplace bullying, include but are not limited to, abusive, insulting or offensive language; behavior or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling and screaming; teasing or regularly making someone the brunt of practical jokes; displaying material that is degrading or offensive; or spreading gossip, rumors and innuendo of a malicious nature.

Procedures

- Employees who feel they are the subject of workplace bullying, witness workplace bullying or view actions that may lead to workplace bullying must bring their concerns to their manager, Human Resources (HR), the Office of General Counsel (OGC) or the Executive Director (ED).
- Any member of management receiving a complaint of workplace bullying or witnesses workplace bullying or views actions that may lead to workplace bullying must inform HR immediately.
- In all cases, no matter how HR receives information about workplace bullying, an immediate and thorough investigation will be conducted in order to protect employees from abuse or unnecessary anxiety about their welfare and the loss of productivity.
- In order to maintain the integrity of its investigation the MGC may suspend employees suspected of workplace bullying, either with or without pay, pending the completion of the investigation.
- The MGC will respect the privacy of victims of workplace bullying or those reporting workplace bullying and preserve their confidentiality, to the extent possible in dealing with the situation.
- Retaliation against either an employee who has filed a complaint or cooperated with the investigation of a complaint will not be tolerated and will be subject to corrective action up to and including termination.

- An employee, who has been found in violation of this policy by engaging in workplace bullying or by falsely accusing another person of doing so, will be subject to corrective action up to and including termination.

Responsibility

Management employees shall monitor the workforce for the potential of workplace bullying; HR shall conduct an immediate and thorough investigation of all instances reported to them.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Violence Free Workplace; Workplace Standards; Corrective Action; Social Media Policy; MA Executive Order 442

Created

09/25/2014

Revised

Reviewed

DRAFT

Workplace Relationships

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) that all recommendations and decisions by supervisors at the MGC pertaining to direct benefits to employees (e.g., promotion, salary, performance reviews, work assignments, or other working conditions) are made in a fair and unbiased manner, free from any conflict of interest and untainted by favoritism or the appearance of favoritism. Further, it is the policy of the MGC that employees who intend to or who do enter into an intimate personal or dating relationship with another employee in his or her chain of command notify his or her supervisor or HR.

Applies to

All employees

Procedures

- Any employee who intends to become involved or is involved in an intimate personal or dating relationship with another employee where there is a direct or indirect reporting relationship must notify his or her supervisor or Human Resources. Implications for the workplace will be assessed so that alternate reporting arrangements can be made to ensure that employment decisions are appropriate and unbiased.
- Although both employees involved in such a relationship are responsible for the reporting requirement, a supervisor's failure to report his or her intimate personal or dating relationship with an employee under his or her direct or indirect supervision will be regarded as a serious violation of workplace policy and is grounds for disciplinary action, up to and including dismissal.
- Any supervisor or human resources representative who receives the report of such a consensual intimate personal or dating relationship will be expected to speak confidentially with the persons involved. Supervision and human resources will treat the disclosure confidentially and it will be shared only to the extent necessary.
- Any employee with the authority to select or influence the selection of a vendor (including a consultant), authorize purchases from a vendor, or develop programs with a vendor must notify HR if there is an intimate personal or dating relationship between the employee and the vendor so that alternative arrangements can be made as deemed necessary.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Sexual Harassment; Corrective Action

Created

10/21/2014

Revised

Reviewed

DRAFT

Workplace Standards

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to maintain a working environment that encourages mutual respect, promotes collegial and collaborative relationships among employees and is free from all forms of harassment and violence.

Applies to

All employees

Procedures

- Listed below are examples of the types of behavior that will not be permitted and will constitute the basis for corrective action up to and including termination. This list includes activities referenced in other policies but is not intended to be all-inclusive of MGC expectations for proper conduct by its employees.
 - Threatening, intimidating, disturbing, bullying, endangering, harassing or coercing management, co-workers or persons interacting with the MGC
 - Theft, destruction, defacement or misuse of MGC property or another employee's property
 - Falsifying or altering any MGC record or report, including without limitation, an application for employment, a time record, an expense record or an absentee report.
 - Failing to maintain confidential information of the MGC
 - Using MGC property, equipment, or facilities while on work time in violation of MA GL chapter 268A, the MGC Enhanced Code of Ethics or MGC Information Technology Policy and Procedures
 - Failure to abide by safety rules, policies and practices
 - Smoking on property leased or owned by the MGC
 - Refusing to follow a lawful management request
 - Careless or inefficient work performance
 - Sleeping on the job
 - Failure to meet MGC absenteeism and/or tardiness standards
 - Using obscene or abusive language
 - Interfering with another employee's ability to complete an assignment
 - Possession, distribution, sale, transfer, or use of alcohol or illegal drugs while at work
 - Participating in illegal activity while at work
 - Engaging in any form of sexual or workplace harassment or bullying
 - Fighting or causing bodily injury to another
 - Possession of firearms or other weapons while at work

- Retaliating against anyone who files a complaint or expresses a concern about a workplace behavior, or participates in a workplace investigation

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- The MGC will determine the level of corrective action for any violations of policies, behavioral issues or work performance, including by-passing the corrective action process and immediately terminating the employee.
- This policy should not be read or construed as modifying or altering the employment-at-will relationship between the MGC and its employees.

Responsibility

Managers and Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Employment at Will; Corrective Action; Enhanced Code of Ethics; Harassment in the Workplace; Sexual Harassment; Violence in the Workplace; Weapons Free Workplace; Workplace Bullying Prevention; Information Technology User Policy

Created

08/21/2014

Revised

Reviewed

Pay Policies

The following group of policies details how MGC pays its employees.

Compensation

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to maintain a compensation program that is non-discriminatory and helps to ensure that it can attract, motivate and retain exceptional employees. MGC compensation is designed and administered to comply with the Equal Pay Act (EPA) and all other state and federal laws and regulatory requirements.

Applies to

All employees

Definitions

- **Equal Pay Act (EPA):** a federal law that requires women and men be given equal pay for equal work. The EPA permits pay differentials based on seniority, merit, quantity or quality of productivity or any other factor other than sex.
- **Exempt employees:** Employees who are paid a salary for the results they are expected to accomplish regardless of the number of hours they work. Each of these employees must qualify for the exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) based on the specific duties outlined in their job description.
- **Non-exempt employees:** Employees who are paid on an hour-by-hour basis and for each hour or fraction of an hour worked. Hour-by-hour records are maintained. Each of these employees must be paid the appropriate premium rate for all hours worked over 40 per week in accordance with the provisions of the FLSA.
- **Unrestricted On Call Pay:** Limited to non-exempt employees. Employees are not required to remain at the work site; they must be able to be reached by cellphone; and they may use the time they are on call for their own purposes. Employees will be paid an hourly rate less than their base rate while on call. Once called in they will be paid their base rate for all hours worked, with a minimum payment of one hour. On Call hours are not considered time worked for purposes of determining overtime.

Procedure

- Directors and/or managers are responsible for preparing job descriptions for each of the positions under their supervision. The job description is completed using the MGC template and includes the essential functions of the position, the education, skills, abilities and other qualifications required in order to perform the job, as well as information concerning working conditions and reporting relationships.

- Human Resources (HR) reviews the job description and determines if it is an exempt or non-exempt job based on FLSA criteria. All job descriptions must receive final approval from the executive director.
- All employees receive a copy of their job description upon hire.
- A newly hired employee's pay rate is determined based on a discussion between the manager and HR and is based on market analysis, the employee's experience and internal equity.
- 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 work overtime at their own discretion. Non-exempt employees who work overtime without prior manager or department head permission may be sent home before the end of the day or workweek to limit worked hours to 37.5. Employees who continually work overtime without prior permission are subject to corrective action up to and including termination.
- Compensatory time-off for non-exempt employees in lieu of overtime pay is not permitted by state and federal law, nor can the requirement that overtime pay be waived by agreement between a manager and an employee.
- Employees have the right to file a complaint about the compensation practices of the MGC with the Wage and Hour Division of the U.S. Department of Labor and/or the Fair Labor Division of the MA Attorney General's Office.
- Retaliation against an employee who has filed a complaint or cooperated with the investigation of a complaint will not be tolerated and will be subject to corrective action up to and including termination.
- Employees who believe they have been subject to retaliation may file a complaint with the:
 - U.S. Department of Labor, Boston District Office, Wage and Hour Division
John F. Kennedy Federal Building, Room 525, Boston, MA 02203
Phone: 671.624.6700 or 866.487.9243
 - Office of the MA Attorney General, Fair Labor Division
One Ashburton Place, Boston, MA 02108
Phone: 617-727-3465

Responsibility

Managers, Department Heads, Human Resources and the Executive Director

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Pay Practices; Time and Attendance; Equal Pay Act; Fair Labor Standards Act

Created

09/25/2014

Revised

Reviewed

DRAFT

Time and Attendance

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to conduct its mission in a highly efficient manner. In order to meet this obligation employees are expected to report to work punctually, work productively and record their work time accurately.

Applies to

All employees

Definitions

Essential employee: Those employees assigned to a gaming establishment in accordance with MGL, c23K.

Procedures

- Employees will be informed of their work hours at the time employment begins. The manager or Executive Director (ED) will advise employees if any change in the schedule is necessary.
- Employees are expected to arrive at their job on time and ready to work.
- Employees who are going to be absent or late must notify their immediate manager/supervisor by phone or email prior to or within the first hour of the normal workday. Prompt notification is seen as not only a matter of courtesy, but allows the manager/supervisor to make adjustments to work assignments.
- Non-essential employees are expected to report to work during inclement weather unless the MGC or the Governor declares an emergency closing in which case non-essential employees are excused from reporting to work.
- Essential employees are expected to report to work unless the Governor declares them excused from work due to a weather related or other emergency.
- The ED may advise non-essential employees to suspend work due to inclement weather. Employees will be notified in an appropriate manner.
- The MGC may request medical documentation for illnesses lasting more than five consecutive days.
- Managers/supervisors are required to notify Human Resources of all non-vacation related absences in excess of five days
- Employees who are excessively absent or demonstrate patterns of unexcused absences may be subject to corrective action up to and including termination.
- Employees who fail to report to work for three consecutive business days without proper communication to their manager may be viewed as voluntarily resigning their position at the close of business on the third day.

Responsibility

The Executive Director, Managers/Supervisors and Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Pay Practices; Office Closure/Inclement Weather/Other Emergency Policy; Compensation; MGL, c23K

Created

10/17/2014

Revised

Reviewed

DRAFT

Deferred Compensation

The MGC has determined to use the state policy on deferred compensation which can be found at <http://www.mass.gov/dor/individuals/filing-and-payment-information/guide-to-personal-income-tax/massachusetts-income/pensions-general-information.html#DesignatedRothAccounts>.

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Military Pay Provision

The MGC has determined to use the state policy on military pay which can be found at <http://www.mass.gov/anf/employment-equal-access-disability/employee-benefits-and-comp/military-pay-act/>.

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Unemployment Insurance

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to comply with the State Law regarding Unemployment Insurance and the requirements of the MA Department of Unemployment Assistance (DUA).

Applies to

All employees

Procedure

- The MGC contributes to the MA unemployment insurance system on behalf of each employee.
- The MGC will terminate an employee promptly from all internal systems following last day worked.
- The MGC will provide the terminated employee with a notice containing pertinent information required by the DUA no later than 30 days following last day worked.
- Human Resources will respond to all inquiries from the DUA regarding verification of the employee's last day worked and reason for termination.
- The DUA is solely responsible for determining the employee's eligibility for unemployment benefits.

Responsibility

Managers are responsible for notifying HR of the impending termination of an employee; HR is responsible for responding to all correspondence from the DUA regarding an employee's termination.

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Termination (Voluntary)

Created 08/21/2014

Revised

Reviewed

Pay Practices

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to pay employees accurately, timely and fairly. The MGC complies with all federal, state and local wage and hour laws and pay practice requirements.

Applies to

All employees

Definitions

Exempt employees: Employees who are paid a salary for the results they are expected to accomplish regardless of the number of hours they work. Each of these employees must qualify for the exemption from the minimum wage and overtime provisions of the FLSA based on the specific duties outlined in their job description.

Non-exempt employees: Employees who are paid on an hour-by-hour basis and for each hour or fraction of an hour worked. Hour-by-hour records are maintained. Each of these employees must be paid the appropriate premium rate for all hours worked over 40 per week in accordance with the provisions of the FLSA.

FMLA: Family Medical Leave Act

FLSA: Fair Labor Standards Act

Procedure

- The MGC pay week is Sunday to Saturday. Employees are paid bi-weekly, over 26 pay periods, on Friday; if the regular pay day falls on a holiday employees will be paid the previous business day.
- Normal business hours in MGC offices are 8:45am to 5pm, Monday through Friday. Employees assigned to gaming establishments may have their hours customized to provide the optimal service.
- Employees will be informed of their work hours at the time employment begins. The manager or Executive Director (ED) will advise employees if any change in the schedule is necessary.
- All employees are expected to record all hours worked or taken off for any reason, including but not limited to, sick, vacation, or personal days. This allows non-exempt employees to be paid overtime, in accordance with federal and state laws and MGC policy. It also allows managers /supervisors to manage the workload of their department.
- A standard workweek for full-time non-exempt employees is 37.5 hours. Part-time employees may be scheduled for a reduced number of hours. Any hours worked beyond assigned weekly hours must be approved by a supervisor/manager.

- Exempt employees are paid a fixed salary. There will be no deductions for partial days of work unless they are connected to the MGC approved sick, vacation, personal days policies or intermittent leave under the FMLA. The first and last week of work may be less than their salary if they did not work a full week. Deductions from salary are limited to sick, vacation, personal days, jury duty, being a witness and military leave.
- Non-exempt employees receive an unpaid 45 minute lunch period. They are also entitled to a minimum of one paid 15 minute break in the morning or afternoon as determined by business needs. The MGC may allow a second 15 minute break at its discretion. Breaks cannot be combined to create a longer break or added to the lunch period.
- Employees may be asked to accept a temporary assignment to fill-in for their manager or supervisor who is on an extended absence. The decision to select an employee to fill this assignment is solely that of the division director with the approval of the ED. The specific level of responsibility that this employee will have will be set by the division director. The employee may receive additional compensation for accepting this temporary assignment.
- Employees are required to have their bi-weekly pay directly deposited to their personal savings or checking account at a bank or credit union of their choosing that participates in the Automated Clearing House (ACH). Employees may access payroll information via the self-service time and attendance system.
- MGC deducts all legally mandated deductions from the employee's pay. Mandated deductions may include but are not limited to federal and state taxes, Social Security and Medicare taxes, retirement plan, child support payments and wage garnishments.
- MGC takes a variety of optional deductions from the employee's paycheck. These are deductions that are related to a specific benefit and have been authorized by the employee. Optional deductions may include but are not limited to health, dental, deferred compensation plan/457b (SMART), dependent care assistance plan (DCAP); health care spending account (HCSA), optional life insurance, long term disability (LTD), qualified transportation benefit (QTBP), savings bonds, credit union and college savings plan (U Fund). MGC employees may have the right to participate in other programs offered by the state as they are developed.

Responsibility

Human Resources; Finance Department

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Compensation; Time and Attendance; Vacation; Sick; Personal Days; Fair Labor Standards Act; Family Medical Leave Act

Created

09/25/2014

Revised

Reviewed

DRAFT

Time-Off Policies

This group of policies reflects MGC's approach to giving time off to its employees.

Bereavement

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) that employees who have experienced the death of an immediate or extended family member require time off to assist with funeral arrangements, attend a funeral/memorial service and grieve.

Applies to

All employees

Definitions

- **Immediate family member:** employee's spouse or named partner, child, child of spouse or named partner, parent or parent of spouse or named partner, sibling, grandparent, grandchild or a person living in the household of the employee.
- **Extended family members:** employee's aunt, uncle, niece or nephew; or brother, sister, grandparent or grandchild of the spouse of the named partner.
- **Named Partner:** a person living with an employee in lieu of marriage.

Procedures

- Employees may take a paid bereavement leave of up to four consecutive days due to the death of an immediate family member.
- Employees may take a paid bereavement leave of one day to attend the funeral of an extended family member.
- Employees are expected to notify their manager as soon as they become aware that they will need bereavement leave.
- Only hours that an employee is otherwise expected to work are eligible for paid bereavement leave; scheduled days off cannot be converted to bereavement leave.
- Employees who require additional time-off must take that time using accrued vacation and/or personal time. The request for additional time must follow established department time-off procedures.
- Paid bereavement leave is not considered time worked for the purpose of determining if overtime will be paid to non-exempt employees. However, bereavement pay will be included in the calculation of the overtime pay rate.

- Employees with a documented attendance issue may be asked to provide verification of the death of their immediate or extended family member. Verification may include an obituary notice, death certificate or letter from an attending physician.
- Employees who misuse bereavement leave will be subject to corrective action up to and including termination.

Responsibility

Managers

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

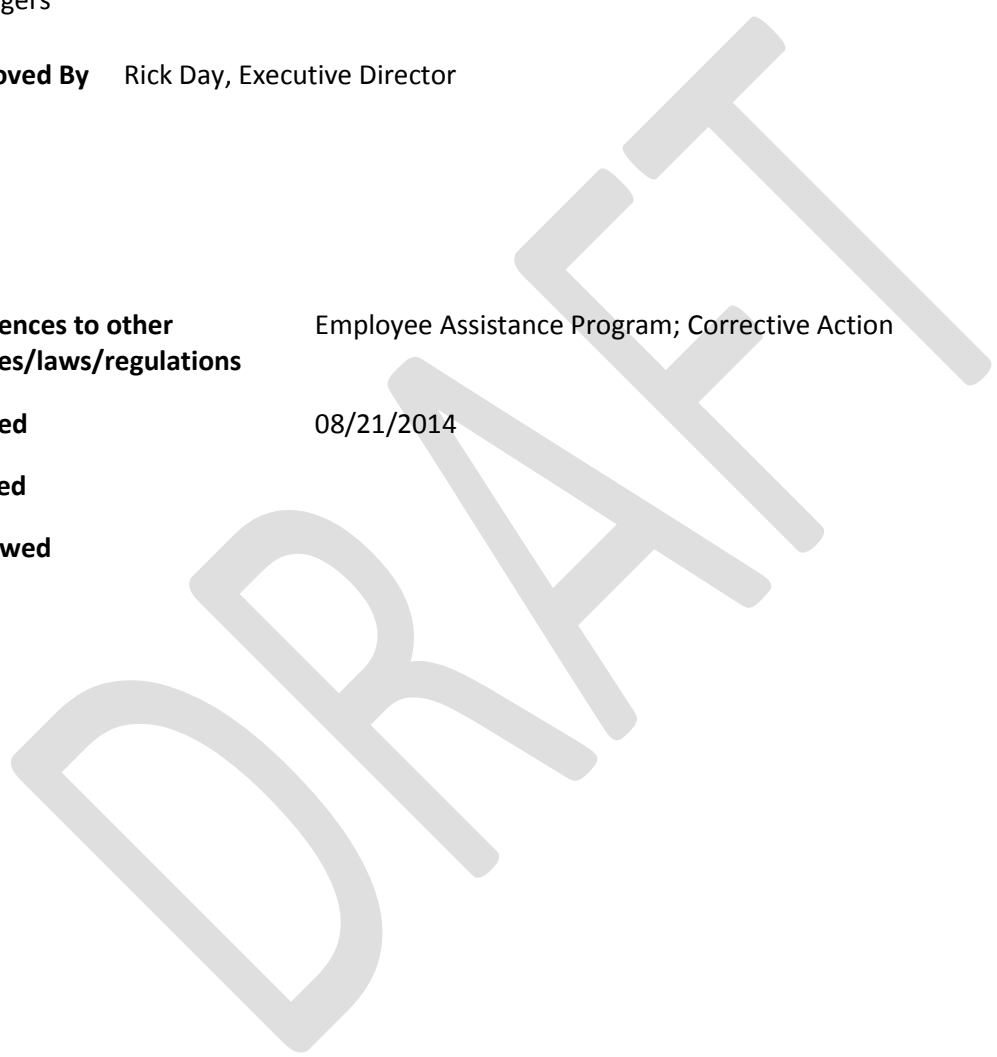
Employee Assistance Program; Corrective Action

Created

08/21/2014

Revised

Reviewed



Holidays

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to observe certain holidays designated by the Commonwealth of Massachusetts.

Applies to

All employees excluding those in employment categories Co-op, Intern and Contract.

Definitions

Designated Holiday	Date
New Years	January 1
Martin Luther King Day	3 rd Monday In January
President's Day	3 rd Monday in February
Patriot's Day	3 rd Mon in April
Memorial Day	4 th Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veterans' Day	November 11
Thanksgiving	4 th Thursday in November
Christmas	December 25
Skeleton Day:	Offices kept open with a designated skeleton force

Procedure

- Holidays that fall on a normal work day will be observed on the holiday itself.
- Holidays that fall on a Sunday will be observed on a Monday; holidays that fall on a Saturday will be observed on the preceding Friday.
- If a holiday falls on a weekend day, the Executive Director (ED) may offer the following alternative: MGC offices will be kept open on the preceding Friday or the following Monday and managers/supervisors will designate a 'skeleton force' so that the office remains open during the required workday. All other employees may observe the day as a holiday. Employees who work on the 'skeleton day' will be given a subsequent day off as a holiday.

- Part-time employees will receive holiday pay on a pro-rated basis.
- Employees who wish to observe any other holidays not recognized by the Commonwealth of Massachusetts may apply their personal or vacation leave toward their absence. Such leave must be approved in advance by the employee’s manager or the ED.
- Employees who are on unpaid leave are not eligible for holiday pay if the holiday is observed during their leave.

Responsibility

Management, Executive Director, Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Time and Attendance; Pay Practices; Employment Categories; Vacation; Personal Leave

Created

10/28/2014

Revised

Reviewed

Sick Time

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to provide sick time as a benefit to eligible employees to protect them from economic loss due to illness.

Applies to

All eligible employees excluding those in employment categories Co-op; Intern and Contract

Definitions

- **Sick Time:** Time taken off from work when an employee cannot perform her/his duties because of illness, accident, other medical conditions, and medical appointments or to care for a sick dependent, immediate family member or other member of the employee's household.
- **Sick time abuse:** includes but is not limited to:
 - Requesting or utilizing sick leave immediately prior to or following a vacation
 - Regular absences on Mondays, Fridays or immediately before or after holidays
 - Repeated use of sick leave without documentation when requested
 - Requesting or using more sick leave time than the medical appointment or condition warrants

Procedure

- Employees must contact their immediate manager prior to their normal start time if they are going to be absent due to illness.
- Employees who give no notice or justification for an absence may cause the absence to be deemed unauthorized and treated as leave without pay.
- Employees who are absent are expected to arrange for appropriate coverage for meetings, interviews, or other matters scheduled on the date of absence.
- Employees returning from sick leave in excess of five consecutive work days may be required to submit satisfactory medical evidence from her/his medical provider.
- If the MGC has reason to believe that sick leave is being abused, an employee may be required to submit satisfactory medical documentation even if the employee has not been absent in excess of five consecutive work days. Misuse or abuse of paid sick leave benefits will lead to discipline up to and including termination.
- Sick time is earned at the rate of 7.5 hours (one day) for each creditable month of service, not to exceed 90 hours (12 days) per year. Part-time employees accrue sick leave on a pro-rated basis. Time on leave with pay is creditable for sick leave accrual. However, any employee who is on leave without pay for more than 50% of a month will not earn sick leave credit for that month.

- Sick time accrues on a monthly basis and begins to accrue after one full month of service. Employees may only take the amount of sick time actually earned and accumulated, or appropriately transferred from other State service. Vacation and personal time may be used to extend sick leave.
- Sick time that is not taken in the year in which it is earned accumulates and may be taken in succeeding years.
- Employees who retire directly from active employment with the MGC and who have accumulated unused sick time will be paid 20 percent of the value of any unused sick time upon departure from state service. Calculation of the payment for accrued sick time is based upon the last full month in which an employee worked. No other employees are entitled to payment for unused sick time upon termination or resignation.

Responsibility

Management; Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Time and Attendance; Pay Practices; Corrective Action; Employee Assistance Program; Vacation; Personal Leave

Created 10/29/2014

Revised

Reviewed

Vacation

Policy Statement

The Commission will seek to accommodate vacation requests based on the staffing needs of the organization. If a paid holiday falls during your vacation period, you will be paid for the holiday, and will not be required to use vacation time hours. Full time regular employees accumulate vacation time on a monthly basis as follows:

Years of Service	Accrual Rate	Annual Accrual
Less than 4.5 years	7.5 hours/month	12 days/year
4.5 – 9.5 years	9.375 hours/month	15 days/year
9.5 – 19.5 years	12.5 hours/month	20 days/year
More than 19.5 years	15.625 hours/month	25 days/year

Applies to

All employees

Procedure

- Requests for vacation leave should be submitted in writing to an employee's supervisor as far in advance as is reasonably possible. Approval of vacation requests will be made by the supervisor, or her/his designee(s).
- Employees are strongly encouraged to take their vacation leave during the calendar year in which it is earned. Employees may carry over a maximum of 40 days (300 hours) of accrued vacation leave into the next calendar year. Any vacation leave above the maximum carryover amount which is not used by December 31st of the respective year will be forfeited. Any exceptions to this policy must be approved by the Executive Director.
- Accrued vacation leave balances are indicated at the bottom of the employee's self-service Time and Attendance Time Sheet. Employees may determine the number of days accrued by dividing the total number of hours by 7.5. Employees are responsible for keeping apprised of their leave balance and using their time accordingly.
- If employment should end employees will be compensated for any unused accrued vacation.

Responsibility

Human Resources

Approved By Rick Day, Executive director

Date

References to other policies/laws/regulations

Termination (Voluntary); Compensation; Pay Practices

Created

10/30/2014

Revised

Reviewed

DRAFT

Personal Time

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to provide eligible employees with paid personal time-off.

Applies to

All eligible employees excluding those in employment categories Co-op, Intern and Contract.

Procedure

- Eligible employees who are on the payroll on a full-time basis as of January 1st are awarded three days of paid personal time-off per year. Part-time employees are awarded personal time-off on a pro-rated basis.
- Employees who are hired on a full-time basis on or after January 1st will be awarded personal time-off on a pro-rated basis in the following manner based on the hire date and the applicable quarter of the calendar year.

Hire Date	Amount of Personal Leave
1/1 – 3/31	22.5 or 3 days
4/1 - 6/30	15 hours or 2 days
7/1 – 9/30	7.5 hours or 1 ay
10/1 – 12/31	0

- Employee requests for personal time-off must be approved as far in advance as possible by the employee's manager or the Executive Director.
- Employees may use personal time-off for holidays not observed by the Commonwealth of Massachusetts or for any other personal reasons.
- Personal time-off awarded but not taken during the calendar year does not carry over to the next calendar year; therefore, personal time-off not used by December 31st will be forfeited.
- No compensation for any portion of unused personal time-off will be paid to an employee upon resignation or termination.

Responsibility

Management; Human Resources; Executive Director

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Vacation; Sick Leave; Holidays; Time and Attendance; Pay Practices; Employment Assistance Program

Created

10/28/2014

Revised

Reviewed

DRAFT

Career Development/Advancement Policies

This set of policies details MGC rules for how we will evaluate employee performance and how we will help our employees advance their careers.

Performance Evaluations

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) that managers/supervisors discuss with each of their direct reports the goals and performance expectations for the upcoming year. The MGC values each employee and understands that a productive and motivated workforce requires that each employee receive regular and ongoing verbal feedback about their performance, as well as an annual written performance evaluation. The goal of evaluations is to provide an objective assessment of the employee's support for MGC's performance goals.

Applies to

All employees

Procedure

- Upon the start of employment, managers/supervisors will consult with their newly hired employees to establish personal goals that align with the organization's performance goals as established in MGC's strategic plan.
- Managers/supervisors and employees are expected to provide regular and ongoing feedback to each other throughout the evaluation year.
- Managers/supervisors and employees are expected to meet at the sixth month point in the evaluation year to discuss performance and make adjustments to expectations and/or goals, if necessary.
- Employees are urged to initiate discussion with their manager throughout the year with their concerns about their performance.
- Managers/supervisors will conduct a formal evaluation of the employees they supervise annually on a date to be established by Human Resources. The self-evaluation and the managers/supervisors evaluation will follow MGC procedures and use MGC approved forms.
- Managers/supervisors need to meet with each of their employees to initiate the annual performance evaluation process including the requirement that a self-evaluation must be written.
- Employees will conduct a self-evaluation 30 days prior to their annual performance evaluation meeting with their manager/supervisor.
- Managers will review the self-evaluation and prepare a formal evaluation based on their own objective observations and the employee's performance during the past year and the employee's progress against her/his goals for the year.

- Managers will conduct an evaluation meeting with each of their direct reports. The performance evaluation meeting should be a dialogue between the manager and the employee including:
 - Documenting where performance has been successful and areas where improvement is needed. This documentation must be clear and specific.
 - Providing suggestions to assist the employee to improve her/his performance.
 - Specific performance expectations as well as setting goals for the next evaluation period.
- Employees are encouraged to make written comments that will become part of the evaluation.
- Employees must sign their performance evaluation. If they decline to sign, the manager will note this fact on the evaluation.
- Completed evaluations, signed by both the manager/supervisor and the employee, and must be reviewed by the next management level in the MGC, who may include her /his written comments.
- The manager’s evaluation, the employee’s self-evaluation and all employee and senior management written comments about the evaluation will become part of the employee’s personnel record.

Responsibility

Management

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Employment at Will; Corrective Action; Professional Development

Created 09/25/2014

Revised

Reviewed

Professional Development

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to encourage the professional development of its employees. The MGC recognizes that the professional growth of employees provides value to both the employee and the MGC. Managers are encouraged to support employee efforts to gain experience and advance within the organization.

Applies to

All employees

Procedures

- Regular full and part time employees, with prior approval from their manager, may participate in professional organization memberships and subscribe to professional newsletters and magazines.
- Employees who terminate their employment will have their MGC sponsored active memberships and/or subscriptions transferred to the MGC.
- Employees are encouraged to attend work-related conferences or seminars that provide professional and/or technical skill development.
- Employees who wish to attend training conferences must obtain prior approval from the Executive Director (ED). Conference registration fees may be pre-paid, but funds for other conference related purposes cannot be advanced. Employees must pay for all appropriate related conference expenses and seek reimbursement in a timely fashion.
- Employees who fail to obtain the requisite approval before commencing travel or attending the conference/seminar may be denied reimbursement for all conference expenses.
- The MGC will reimburse attorneys for Board of Bar Overseers (BBO) dues upon proof of payment.

Responsibility

Executive Director

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Professional Recognition; Internal Transfers; Travel Policy

Created

10/17/2014

Revised

Reviewed

DRAFT

Tuition Remission

MGC has determined to use the state policy on tuition remission which can be found in the Red book at <http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/leave-program/red-book/>.

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Safety Policies

This group of policies groups MGC's approach to safety.

Workers Compensation

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to maintain appropriate insurance coverage in accordance with the Massachusetts Workers' Compensation Law at no cost to our employees.

Applies to

All employees

Procedure

- Employees are covered by workers' compensation insurance beginning on their first day of employment.
- Employees must report all work-related accidents, injuries and illnesses immediately to their manager and the Human Resources Department. A written accident report must be completed regardless how slight the injury or illness and whether or not medical treatment is sought or time is missed from work.
- Prompt reporting of every work-related injury or illness provides the employee with the earliest possible medical assessment and a record of the accident to support any workers' compensation claim.
- Failing to report work-related injuries and illnesses is a serious matter and may preclude coverage under workers' compensation insurance.
- Eligibility for workers' compensation benefits is determined by the insurance provider and/or an administrative tribunal. Failure to report a work-related injury or illness on a timely basis may result in the denial of workers' compensation benefits.
- Neither the MGC nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the MGC.
- Employees who are absent from work due to an injury or illness covered by workers' compensation will not be able to use paid sick time.

Responsibility

Management, Human Resources

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Workplace Safety; Corrective Action;

Created

10/29/2014

Revised

Reviewed

DRAFT

Workplace Safety

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to promote a safe work environment, recognizing that the most important safety tool is prevention. Employees are expected to take personal responsibility and work as a team to keep the workplace safe.

Applies to

All employees

Procedures

- Employees are expected to:
 - Know and be prepared to carry out facility emergency procedures.
 - Use proper body mechanics when performing their job tasks. Employees should know their own limits and get help when a task is more than they can safely handle.
 - Immediately cleanup foreign material and small liquid spills if they are the first employee on the scene.
 - Immediately report any hazards or broken/faulty equipment such as loose floor tiles or carpeting, loose or broken handrails, leaks, etc.
 - Keep all halls and emergency exits clear.
 - Avoid engaging in horseplay and practical jokes which are strictly prohibited. Horseplay and practical jokes often lead to accidents and people getting hurt.
 - Know and comply with the Smoke Free Workplace Policy. When smoking in a designated smoking area employees must use proper receptacles and never leave a cigarette unattended.
 - Stay alert and watch where they are going and carry out their job safely.
 - Use proper infection control procedures. Immediately report any inappropriate infection control practices to their manager.
 - Drive safely and slowly at all times and follow all laws regarding the use of wireless devices when driving on MGC business. This is critical to prevent accidents.
- Failure to follow safety procedures may be cause for disciplinary action up to and including termination.

Responsibility

Management

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

Workers' Compensation; Smoke Free Workplace; Corrective Action; Drug and Alcohol Free Workplace; Violence Free Workplace; Weapons Free Workplace

Created

10/29/2014

Revised

Reviewed

DRAFT

Office Closure/Inclement Weather

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to take a pro-active stand in the event of dangerous conditions resulting from inclement weather or other emergencies. The MGC will make every effort to ensure employee safety and well-being.

Applies to

All employees

Procedure

■ If offices are operational:

- Employees who are unable to report to work or continue scheduled work due to inclement weather/other emergency will have their leave charged in one of the following categories at their option:
 - Earned compensatory or exchange time;
 - Accrued vacation or personal time;
 - Authorized leave without pay;
 - Modified schedule for the remainder of the week.
- Tardiness due to an employee's inability to report for work as scheduled because of severe inclement weather/other emergency, will be allowed up to one hour without having to take leave or as extended by the Executive Director or designee, or supervisor, due to special conditions.
- Employees who are scheduled to be or are already on leave for some other reasons (e.g. vacation, sick, military leave or leave without pay) will not have their leave changed as a result of inclement weather/other emergency.

■ If offices are closed:

- The Executive Director may determine the safety and well-being of employees are at risk or that the offices are inoperable or incapable of providing regular services due to inclement weather/other emergencies; in that case she/ he may release employees at no loss of pay.
- Employees who work their normal hours during any disruption will not receive extra pay, compensatory or exchange time.

■ The Executive Director has the authority to:

- Suspend office operations if public safety, health or property is jeopardized due to emergency conditions and/or in response to the Governor's directive.

- May reduce the length of the work day
- May authorize leave with pay as conditions and circumstances warrant.
- May appoint a designee to assist and/or act in her/his behalf.
- Employees may call the MGC hotline at **617-979-8494** or their immediate supervisor, in the event of inclement weather/other emergency to determine if an office is closed. Information will be posted by 6:30 a.m. In addition, the information will be sent to all employees via e-mail. The MGC hotline number is located on the MGC phone list and other postings such as those on the MGC website.
- Employees may also consult the Emergency Management website for information and updates <http://www.mass.gov/eopss/agencies/mema/>
- Should the office be open when inclement weather/other emergency conditions are present, employees are expected to use sound judgment to evaluate road conditions before making the determination to drive to work.
- Employees must report they will not report to work as appropriate and as soon as circumstances allow.

Responsibility

Executive Director

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations M.G.L. c23K s3; Vacation; Personal Leave

Created 10/29/2014

Revised

Reviewed

Leave Policies

This grouping of policies addresses how MGC will manage leave issues.

Leave without Pay

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to provide employees leaves of absence without pay at the discretion of the Executive Director.

Applies to

All employees

Procedure

- Employees desiring to take a period of unpaid leave of any length of time must fill out a Leave Request Form and submit it to their manager for approval prior to the start of the leave.
- Employees do not accrue vacation or sick time during an unpaid leave of absence.
- Employees will not receive holiday pay during an unpaid leave of absence for any holiday which is observed during such leave.
- Employees may maintain insurance benefits during an unpaid leave of absence. However they are responsible for paying the employee share of insurance premiums during the leave. Depending on the reason for the leave employees may be responsible for the full cost of insurance premiums.
- Employees who do not report for work promptly upon the expiration of such leave are deemed to have resigned from employment.

Responsibility

Managers; Executive Director; Human Resources

Approved By Rick Day, Executive Director

Date

References Termination (Voluntary); Vacation; Sick Time; Holiday

Created 10/29/2014

Revised

Reviewed

Bone Marrow Donation/Organ Donor Leave

MGC has determined to use the state policy on bone marrow donation and organ donor leave which can be found at <http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/leave-program/>

Disaster Volunteer Leave

MGC has determined to use the state policy on disaster volunteer leave which can be found at <http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/leave-program/>

Domestic Violence, Sexual Assault & Stalking in the Workplace Leave

MGC has determined to adopt Executive order 491 page 5 as its policy on domestic violence, sexual assault and stalking on the workplace leave which can be found at <http://www.mass.gov/governor/legislationexecorder/executiveorder/executive-order-no-491.html>

Extended Illness Leave Bank

MGC has determined to use the state policy on extended illness leave bank which can be found at <http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/leave-program/eilb.html>

Family Medical Leave Act (FMLA)

MGC has determined to use the Family Medical Leave Act as its policy which can be found at <http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/leave-program/fmla/>

Jury Duty/Witness Leave

MGC has determined to use the state's policy on jury duty and witness leave which can be found in the Red Book at <http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/leave-program/red-book/>

Blood Donation Leave

MGC has determined to use the state policy on blood donation Leave which can be found at <http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/leave-program/> Maternity Leave

Maternity Leave

MGC has determined to use the state policy on maternity leave which can be found at <http://www.mass.gov/mcad/maternity1.html>

Military Leave

MGC has determined to use the state policy on military leave which can be found at <http://www.mass.gov/anf/employment-equal-access-disability/employee-benefits-and-comp/military-pay-act/>

Small Necessities Leave

MGC has determined to use the state policy on small necessities leave which can be found in the Red Book at <http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/leave-program/red-book/>

Voting Leave

MGC has determined to use the state policy on voting leave which can be found in the Red Book at <http://www.mass.gov/anf/employment-equal-access-disability/hr-policies/leave-program/red-book/>

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Benefit Policies

This section of the policy manual sets forth MGC's program for employee benefits. With the exception of an Employee Assistance Program, MGC benefits mirror state Human Resources Division (HRD) policies and Group Insurance Commission (GIC) policies as indicated in the associated table.

Employee Assistance Program

Policy Statement

It is the policy of the Massachusetts Gaming Commission (MGC) to promote and maintain an Employee Assistance Program (EAP) to provide employees and their family members living in their household with the opportunity to receive confidential professional help to resolve personal problems that may affect job performance. This policy recognizes that such personal problems are capable of resolution and strongly encourages employees to seek assistance and appropriate means of resolving them.

Applies to

All employees, commissioners and family members living in their household.

Definition

The EAP is a voluntary program that offers free and confidential assessments, short-term counseling, referrals, and follow-up services to employees and their family members living in their household who have personal and/or work-related problems, including but not limited to substance abuse, domestic abuse, stress, grief, marital and family issues and untreated psychological disorders.

Procedures

- The services of the EAP are provided to the employee and her/his family members. The EAP counselors will make every effort to coordinate referral for ongoing treatment with in-place health insurance coverage as well as ability to pay.
- The services provided by the EAP to an employee and her/his family members are strictly confidential. Except as may otherwise be required by law, no confidential information maintained by the EAP, whether oral or written, will be disclosed without the express written permission of the employee.
- EAP records are for the counselor's use only and are not part of the employee's personnel records.
- Aggregated data may be collected to study program utilization. At no time will any data that is gathered identify employees utilizing EAP services.
- MGC management may not be granted access to names of people seeking or using the services of the EAP.
- Supervisors and managers are responsible for confronting employees about unsatisfactory as well as acceptable but deteriorating performance, and referring such employees to the EAP when appropriate. The employee may accept or refuse participation in the EAP however, there may be

situations where continued employment at MGC may be contingent upon the employee calling the EAP for assistance. When an employee's continued employment is contingent upon calling the EAP, the EAP counselor will only verify whether or not the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through on the treatment.

- Employees are responsible for correcting unsatisfactory performance and maintaining acceptable performance whether or not they are accessing the services of the EAP. An employee's use of the EAP will not prevent a supervisor from implementing a corrective action process, as appropriate.
- The EAP provides the MGC with support for managers and employees following a critical incident such as an incident of workplace violence.
- The EAP provides the MGC with workplace training for managers and employees.

Responsibility

Management employees who may suggest use of the EAP services to an employee; Human Resources that will coordinate EAP training initiatives and services following a critical incident

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations Corrective Action; Bereavement; Lactating-Breastfeeding

Created 08/21/2014

Revised

Reviewed

MGC has determined to adopt Massachusetts Group Insurance Commission (GIC) policies for the following benefits which can be viewed at the associated web locations.

Policy	GIC URL
Adoption Tuition Incentive	http://www.lawlib.state.ma.us/source/mass/eo/eotext/EO417.txt
Charitable Contribution Program	http://www.mass.gov/anf/employment-equal-access-disability/employee-prog-and-training/comecc/
COBRA	http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/benefit-enrollment/forms/active-employee-forms/cobra-forms.html
Credit Union	http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/benefit-enrollment/forms/active-employee-forms/cobra-forms.html
Deferred Compensation 457b Plan	http://www.mass.gov/dor/individuals/filing-and-payment-information/guide-to-personal-income-tax/massachusetts-income/pensions-general-information.html#DesignatedRothAccounts
Dental & Vision Benefit	http://www.mass.gov/dor/individuals/filing-and-payment-information/guide-to-personal-income-tax/massachusetts-income/pensions-general-information.html#DesignatedRothAccounts
Dependent Care Assistance Plan (DCAP)	http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/employee-health-and-other-insurance-benefits/pretax-benefits/dependent-care-assist-prog-dcap.html
Group Life Insurance	http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/employee-health-and-other-insurance-benefits/life-insurance-and-accidental-death/
Health Insurance	http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/employee-health-and-other-insurance-benefits/health-plans/
Health Insurance Responsibility Disclosure	http://www.mass.gov/dor/businesses/help-and-resources/legal-library/regulations/111m-00-individual-health-coverage/proposed-830-cmr-111m-2-1.html
Healthcare Spending Account (HCSA)	http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/employee-health-and-other-insurance-benefits/pretax-benefits/health-care-spending-account-hcsa.html
Long-Term Disability	http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/employee-health-and-other-insurance-benefits/long-term-disability/
MA Retirement System	http://www.mass.gov/perac/guide/mainguide1.htm
Qualified Transportation Benefit Plan (QTBP)	http://www.mass.gov/dor/individuals/filing-and-payment-information/guide-to-personal-income-tax/income-excluded/employee-fringe-benefits.html#Transportation

Finance Policies

Proper financial management at the Massachusetts Gaming Commission (MGC) is a key management responsibility. These policies cover two areas of financial management: procurement card and travel policy.

Procurement Card

The MGC has determined to use state policy for procurement card transactions. It can be found at:

<http://www.mass.gov/osc/docs/policies-procedures/accounts-payable/po-ap-ctr-pcard.pdf>

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Travel

1. Travel

No expenses for out of state travel, including the use of state-owned cars, shall be reimbursed unless it is within the division/bureau's budget and prior approval is given by the Division or Bureau Head and Executive Director for staff, the Commission Chair for Commissioners and the Executive Director, and the Treasurer for the Commission Chair.

No expenses for in-state travel, including the use of state-owned cars, shall be reimbursed unless prior approval is given by the immediate supervisor.

2. Economy of Travel Expenses

In every case the means of transportation which is least expensive to the Commission and which is in the interest of economy, with proper consideration to the circumstances, should be used. Reduced-rate round trip tickets shall be used when possible. The cost of transportation shall include fares less federal taxes. Reference should be made to the detailed procedures for cost-effective authorized travel as issued from time to time by the Executive Director and/or Chief Financial and Accounting Officer (CFAO).

3. Travel Between Home and Work Assignment

Transportation of any kind between an employee's home and permanently assigned office (official headquarters) is not reimbursable (M.G.L., Chapter 30, §25).

If employees travel from home to temporary assignments rather than to their permanently assigned offices, transportation expenses shall be allowed either for the distance from their homes to places of temporary assignment, or from their permanently assigned offices to places of temporary assignment, whichever is nearer.

In all instances in which the Supervisor assigns the employee's home as his/her permanent office, prior approval must be given by the Executive Director for staff, the Commission Chair for Commissioners and the Executive Director, and the Treasurer for the Commission Chair before such assignment becomes valid.

4. Full Travel Status

This is defined as temporary absence from home on assignment to duty for more than 24 hours. The following items including but not limited to shall be reimbursable while on full travel status:

Reasonable charges for hotel rooms, based upon submission of receipted hotel bill.

Reasonable tips other than those for meals.

Telephone and facsimile (fax) charges over 25 cents, if itemized and listing the exchange called or place to which fax was sent. Use of a Commission issued cellular device is advised and preferred to telephone costs incurred at a hotel.

5. Unallowable Travel Expenses

Reimbursement shall not be made for expenses incurred for the sole benefit of the traveler, such as valet service, entertainment, etc.

8. Duration of Full Travel Status

Full travel status, other than out-of-state travel, for any employee shall not exceed a period of 30 consecutive days unless prior approval is given by the Executive Director for staff, the Commission Chair for Commissioners and the Executive Director, and the Treasurer for the Commission Chair.

9. Use of State-owned Automobiles

State-owned cars shall be used on official business only. They shall not be operated outside the necessary working hours (working hours to include time required to travel to and from place of authorized garaging).

Pleasure riding or use for private purposes is absolutely forbidden.

No operator of a state-owned motor vehicle shall transport a passenger or passengers other than those traveling on official business except with the approval of the Executive Director or Commission Chair.

10. Liability When Using State-owned Automobiles

Operators are personally responsible for damage liabilities arising from accidents occurring during non-work related travel or involving passengers not traveling on official business. Any accident in which a state-owned vehicle is involved shall be reported immediately to the Commission's Division of Administration and Finance and Legal Division. Any such accident involving death or personal injury shall be reported immediately in writing to the Registrar of Motor Vehicles. (M.G.L., Chapter 90, §26).

11. Reimbursement of Expenses of State-owned Automobiles

Reimbursement shall be allowed for expenses incurred in the operation of state-owned cars, including charges for gas, oil and reasonable charges for minor repairs, public garage and parking fees, toll charges and reasonable charges for car washing.

12. Privately-owned Automobiles and Mileage Rate

When use of a person's private automobile is necessary and has been authorized, the approved mileage rate as defined by the Secretary of ANF will be allowed. In addition to the approved mileage rate, reimbursement will be allowed for reasonable charges for tolls, garaging and parking.

From time to time, the Secretary of Administration and Finance may adjust the mileage rate up or down, depending upon current conditions.

For each trip, the city or town visited must be reported. If several addresses are visited within a city or town, state the number visited and total mileage covered.

Mileage reported shall be based upon actual odometer readings or computed from a recognized mileage chart.

Private automobile mileage reimbursement shall be payable only to one of two or more employees traveling together in the same vehicle.

13. Unallowable Expenses for Automobiles

No reimbursement shall be allowed or obligation incurred for the private garaging of a state-owned automobile operated by an employee as transportation from the place of employment to the vicinity of residence.

No payment shall be made or obligation incurred for the garaging of any automobile in private garages under any circumstances except upon prior approval by the Executive Director for staff, the Commission Chair for Commissioners and the Executive Director, and the Treasurer for the Commission Chair.

No charges for simonizing, polishing, or repainting will be allowed unless approved in advance by the Commission's Meal Division of Administration and Finance.

14. Reimbursement

Maximum allowable reimbursements when on travel will be consistent with the amount set by the General Services Administration (GSA) for each city travelled to. Employees will only be reimbursed for actual costs incurred up to the maximum amounts allowed per sections .15- .17. Receipts must be included with reimbursement requests. In no instance will the MGC reimburse for alcohol and will not accept receipts with alcohol present on the receipt. Staff will not be reimbursed for any meals that are included in registration fees, price of passage, etc. and will not be reimbursed for the cost of meals for other individuals unless prior approval is sought from the Executive Director for staff, the Commission Chair for Commissioners and the Executive Director, and the Treasurer for the Commission Chair

The rules on meal reimbursement (Rules 12 to 17) apply to all persons employed by the MGC Reimbursement shall be allowed for meals while on full travel status.

15. Amount of Meal Reimbursement

Employees who are required to travel to other locations for business shall receive a per diem payment consistent with the amount set by the GSA for each city travelled to for meals, for each whole day during which they are on such assignment.

A whole day shall be a 24 hour period commencing at midnight;

The duration of travel shall begin from the employee's departure from his/her home or work location directly to the destination of the travel assignment, and shall conclude with the employee's arrival at his/her home or work location directly from such travel assignment.

The rates above shall apply only when meals are not included in the rate charged for lodging or otherwise included in registration or conference fees.

For travel for partial day periods (see rules 14 through 16), individual meal allowances are found at the GSA website

16. When Meals May be Reimbursed

For travel status of 24 hours or more, the following are the allowances on the first day:

When travel status begins before 6:00 A.M., the person will be entitled to the entire per diem amount.

When travel status begins between 6:00 A.M. and noon, the person will be entitled to midday and evening meals.

When travel status begins between noon and evening, the person will be entitled to the evening meal.

For travel status of 24 hours or more, the following are the allowances on the final day:

When travel status ends between 6:00 A.M., and noon, the person will be entitled to breakfast.

When travel status ends between noon and 6:00 P.M., breakfast and midday meals will be allowed.

When travel status ends after 6:00 P.M., the entire per diem amount will be allowed.

Breakfast at the beginning and evening meal at the end of travel status will not be allowed unless the charge is accompanied by a statement of necessity for early departure or late return.

17. Meal Reimbursement for Travel Less Than 24 Hours in Duration

For travel of one day's duration starting two hours or more before compensated time, the person will be entitled to the breakfast allowance. Reimbursement form must state time of departure and time compensation commenced.

For travel of one day's duration ending two hours or more after compensated time, the person will be entitled to the evening meal allowance. Reimbursement form must state the time compensation ceases and time of arrival home.

In no event will the midday meal be allowed for travel of less than 24 hours' duration.

Reimbursement form must state necessity for early departure or late return as well as a statement giving the regularly scheduled work hours.

In computing travel under this rule, the two hour travel time must be computed from the person's permanently assigned office or home, whichever is nearer to the place of temporary assignment.

18. Unallowable Meal Reimbursement

Meals served by airlines, steamship lines, or at a conference at no charge to the traveler or where the price of passage includes a meal or meals shall not be reimbursable.

In no instance will the MGC reimburse for alcohol and will not accept or reimburse in whole or in part any receipts with alcohol present on the receipt

19. Foreign Travel

Reference should be made to the detailed procedures for cost-effective authorized foreign travel as issued from time to time by the Executive Director and/or Chief Financial and Accounting Officer.

Employees traveling in foreign countries shall report their expenditures by items in dollars, noting on hotel bills and other receipts submitted with vouchers the equivalent value in dollars at the then current rate of exchange.

Supplemental expenses such as fees for passports, visas, photographs, birth and marriage certificates and inoculations shall be reimbursable.

MGC Travel Guidelines

The following guidelines apply to employees of the Massachusetts Gaming Commission. The purpose of these guidelines is to govern travel by MGC employees on Commonwealth business. All official in and out-of-state travel must be consistent with the following principles:

All travel must serve a legitimate public purpose in support of the agency's mission.

All travel arrangements must be cost effective.

All travel must be consistent with the relevant rules of the State Comptroller's Office and the MGC's procurement rules/policies.

All employees who participate or attend a work-sponsored event represent the MGC and the Commonwealth as a whole. Whether it is an official or after-hours event, all employees must conduct themselves in a manner that is consistent with the MGC's enhanced code of ethics. Failure to do so may result in disciplinary action up to and including termination.

Section 1 - Privately-owned Automobiles and Mileage Rate

Reimbursement for mileage is set at the same rate as state employees (currently \$0.45/mile). For each trip, the location visited (including start point and destination address) and the purpose of the visit must be listed on the travel reimbursement form. Mileage reported will be based upon odometer readings, or internet mapping software (like Google Maps or MapQuest). Any mileage requested that varies by 10% or more from the mapping software or the guide must be supported by a memo from the employee to his or her supervisor, explaining the variance, and approved by the supervisor. In addition to the approved mileage rate, reimbursement will be allowed for reasonable charges for tolls and parking, but documentation of these charges must be provided.

Private automobile mileage reimbursement is payable only to one employee if two or more employees are traveling together in the same vehicle.

Transportation between an employee's home and permanently assigned office is not reimbursable.

An employee, who travels from his or her home to a temporary assignment rather than to his or her permanently assigned office, shall be allowed transportation expenses for the distance from his or her home and the temporary assignment, or from his or her permanently assigned offices to places of temporary assignment, whichever is less.

Section 2 - Accommodations

Staff will be reimbursed for lodging for approved out-of-state travel and for approved overnight in state travel. Employees are advised to take advantage of conference rate lodging. If conference lodging is not available, staff should seek and document competitive rates from 3 local area lodgings or ask the MGC's current vendor Great Getaways to find accommodations. Employees are not allowed to lodge at locations where a category 1 or category 2 current applicant/licensee has a financial interest in the establishment. Employees should always request a government or business rate and should not

consider a rate above the amount approved by the GSA for the city they are lodging in. Any room rates exceeding the GSA rate require prior approval from the

Division/Bureau's supervisor and the CFAO. Requests for approval above the GSA rates must demonstrate that reasonable efforts have been made to request accommodations at the GSA rates and are not achievable, or that GSA rate accommodations are more costly (including travel expenses to and from meetings) than the closer location. Government approved reimbursement rates can be found at the following website for US travel: <http://www.gsa.gov/portal/category/100120>

For foreign travel please use this site:

http://aoprals.state.gov/content.asp?content_id=184&menu_id=78

Section 3 - Meals

Overall allowable reimbursements when on travel will be consistent with the amount set by the GSA for each city travelled to. Employees will only be reimbursed for actual costs incurred up to the maximum amounts allowed per sections .13-.17 of the MGC Travel Policy. Receipts must be included with reimbursement requests. In no instance will the MGC reimburse for alcohol and will not accept receipts with alcohol present on the receipt. Staff will not be reimbursed for any meals that are included in registration fees, price of passage, etc. and will not be reimbursed for the cost of meals for other individuals unless prior approval is sought from the Executive Director for staff, the Commission Chair for Commissioners and the Executive Director, and the Treasurer for the Commission Chair.

To find allowable meals and incidental rates by city please refer to the following GSA link:

<http://www.gsa.gov/portal/category/100120>

Section 4 - Instructions for Travel Reimbursement Requests/Required Documentation for Reimbursement

In order to receive reimbursement for mileage, meals, and other incidental expenses, an MGC travel reimbursement form should be submitted no later than 30 days after the last travel date listed. Travel reimbursement forms not submitted within this timeframe may not be reimbursed.

Any travel undertaken without prior approval from your supervisor may not be reimbursed.

1. The travel reimbursement form along with receipts for any item to be reimbursed should be submitted no later than 30 days after the last date of travel listed.
2. In order to be reimbursed for mileage, employees must include the start and end destinations' addresses (including city or town), as well as the start and end odometer readings or mapping software printouts.
3. For meal reimbursements, please include the beginning and end time of the travel, as well as all receipts.
4. For out-of-state travel, employees must include original itemized receipts in order to be reimbursed for expenses such as airfare (economy class only and boarding passes must be included), ground transportation, lodging, and other incidental expense.

5. For foreign travel, employees should report their expenditures in US dollars on the travel reimbursement form. Submitted receipts should note the equivalent value and the current rate of exchange.
6. Supervisors must carefully review the completed travel reimbursement form and accompanying receipts to ensure it is in compliance with this policy before their approval signatures are granted.
7. After the travel reimbursement form is approved by the employee's supervisor, it must be submitted to the Chief Financial and Accounting Officer (CFAO) for approval. The CFAO will verify that travel rates being requested are compliant with this policy and receipts support the request and all costs are compliant with this policy. Fiscal will include the appropriate appropriation out of which the reimbursement is to be paid.
8. After the travel reimbursement form has been approved by the employee's supervisor and the Chief Financial and Accounting Officer, the CFAO will submit the reimbursement form to Payroll for processing.

Section 5 - Out-Of-State Travel

All out-of-state travel requires the submission of a completed Travel Authorization Form (TAF) for approval by the Executive Director for staff, the Commission Chair for Commissioners and the Executive Director, and the Treasurer for the Commission Chair

1. TAFs should be submitted to your supervisor at least two weeks prior to travel to ensure adequate review and processing time. Any travel undertaken without a prior approved TAF may not be reimbursed.
2. The submitted TAF should comprise of a full and detailed statement, signed under the pains and penalties of perjury, and must provide at a minimum:
 - a. The purpose of the travel or event, including anticipated benefit to the Commonwealth and work related benefit to employee.
 - b. The full itinerary or schedule of the travel or event with all dates, locations, accommodations and modes of transportation.
 - c. A detailed cost of the trip, including breakdown of all anticipated expenses. Indicate which expenses will be borne by the Commonwealth, private entity, if any, and the employee.
 - d. All relevant information regarding any private party subsidizing the travel, event, and related expenses, in whole or in part. Include the name, address, primary business activity, and detail the relationship, if any, between the private party and the Commonwealth.
 - e. A statement of all activities offered at the event, including meals or entertainment and the employee's intent to participate in such activities.
 - f. Arrangements, if any, to extend the travel for personal purposes.
 - g. Copies of all relevant brochures, meeting agendas, or other publications describing the purpose of the trip.

3. Upon submission of the TAF, the Executive Director must determine that the travel or event serves a legitimate public purpose that is not outweighed by any actual or apparent benefit to the employee or private sponsor. Such public purposes may include:
 - a. Gaming Control and Enforcement activities;
 - b. Training and educational activities; or
 - c. Prudent purchasing and vendor selection.

Once this is completed the employee should submit a travel reimbursement form for reimbursement as outlined above.

Section 6 - Subsidized Travel by a Non-Public Entity

Employees who are approved to go on travel (whether in-state or out-of-state), which will be reimbursed, waived or paid by a non-public entity (but not a lobbyist) in the amount of \$50 or more are required to file a disclosure of such travel expenses. Employees should confer with MGC's legal unit at least 2 weeks prior to departure to ensure all travel and the disclosure thereof is in compliance with the State Ethics Commission's guidelines and polices as well as the MGC's enhanced code of ethics.

If the actual cost of the travel differs from the cost previously disclosed by \$50 or more, then the employee must confer with the MGC legal unit within 2 weeks of his or her return to file a reconciliation statement in compliance with the State Ethics Commission.

Section 7 - Statewide Contract for Travel

Employees are strongly encouraged to utilize a statewide contract for travel agent related costs, i.e. booking all travel, booking airline fares with related accommodation, hotel rooms, etc. At this time, there is no statewide contract; therefore, the Commission is currently using Great Getaways as a travel agent. Information about this agent is attached to this communication. A fact sheet to help employees use this service is found as an attachment to this policy.

A TAF must be submitted for all out-of-state travel, including travel subsidized in whole or in part by any private entity (This form is still being developed, but in the meantime an email approval should be sought. Otherwise, no such travel may be authorized or associated disbursements permitted.

Within 2 weeks of return, the employee should submit a statement of reconciliation to his or her supervisor if the travel expenses vary by 20% or more from the estimated expenses TAF submitted prior to travel. This statement must be approved by the supervisor prior to submitting to the CFAO. Where deviations of 20% or more may have occurred, the Executive Director may request payments from the employee, authorize payments by the Commonwealth, or take other appropriate action.

Section 8 - Questions

All questions regarding travel or anything within this document can be directed towards the MGC's Administration and Finance office or the Legal office.

Travel Agent Information

Great Getaways

CONTACT: DIANE MABARDI

E-MAIL: diane@ggatravel.com

PHONE: 617-720-6100

WEBSITE: www.ggatravel.com

Billing profiles should be completed and submitted to the travel agent for each traveler prior to booking. See attached form (only fill in non-shaded portions of form).

Car Rental Information

Enterprise Car Rental

WEBSITE: www.enterprise.com/car_rental/home.do

Account: STMA177

Password: (Contact Agnes Beaulieu for the password if needed)

While car rentals cannot be billed through the travel agent for out of state travel we should still use Enterprise and the account # as this will get us a similar discount that we get for rentals in Massachusetts.

2014 PROFILE UPDATE All data is kept strictly confidential and only accessible by our staff and our Emergency Travel Center. This information will not be sold or shared with anyone unless required by US law.


★★★★★ Massachusetts Gaming Commission ★★★★★

2014 PROFILE UPDATE All data is kept strictly confidential and only accessible by our staff and our Emergency Travel Center. This information will not be sold or shared with anyone unless required by US law.

Last Name:		First Name:		Middle Name		Date of Birth	
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Company Information Charge Card Information -If you prefer you can call us with your credit card information

Company Name: **Unless your Division will have us pre pay hotels** Division/Department:

Address 1: Charge Card for Airlines	Email: Charge Card for Hotel if Different)
Address 2:	Reservations
Card Number:	Title:
exp	Card Number:
	exp

City, State, Zip: Card Number:	exp	Travel Arranger: Card Number:	exp
Business Phone:		Travel Arranger's office & cell # :	
Cell Phone:		E-Mail Address:	

Frequent Flyer Programs

Car Rental Club Information Would you like a navigation system in your car rental Yes No

Car Company:	ID #:	Car Company:	ID #:
Car Company:	ID #:	Car Company:	ID #:

Hotel Club Memberships

Hotel Company:	ID #:	Hotel Company:	ID #:
Hotel Company:	ID #:	Hotel Company:	ID #:
Special Hotel Requests:		Specify Other:	

Airline Memberships

Preferred Seating:		Comments:	
Special Meal Requests (Specify):		Medical Alerts :	

Frequent Flyer

Airline:	ID #:	Airline:	ID #:
Airline:	ID #:	Airline:	ID #:
Airline:	ID #:	Airline:	ID #:

Passport Information-OPTIONAL

Do you have a passport?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Issuance Date:	
Country of Citizenship:			Expiration Date:	

Personal Information-OPTIONAL

Emergency Contact:		Emergency Phone:	
Charge Card for Personal Travel			
Home Phone Number:			

Miscellaneous

Are there any special requests or needs :

Approved By Rick Day, Executive Director

Date

References to other policies/laws/regulations

MGL, c30,s25; MGL, c90,s26; GSA, Rules 12-17;

Created

2014

Revised

Reviewed

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Policy Manual Summary

Policy Titles	New (Approved by Commission)	Reformatted/Edited from Employee Handbook	Adopted State Policy with URL Link	Inserted Without Reformatting/Editing as Adopted by Commission in April
Employment Policies				
Equal Employment Opportunity			✓	
Employment at Will	✓			
Hiring				✓
Background Check	✓			
Employment Categories		✓		
Protected Information			✓	
Identification Badge	✓			
Initial Review Period	✓			
Internal Transfers	✓			
Lactating/Breastfeeding	✓			
Personnel Records	✓			
Termination (Voluntary)	✓			
Title VII, ADEA, ADA			✓	
Workplace Privacy	✓			

Policy Titles	New (Approved by Commission)	Reformatted/Edited from Employee Handbook	Adopted State Policy with URL Link	Inserted Without Reformatting/Editing as Adopted by Commission in April
Personal Conduct Policies				
Enhanced Ethics Code				✓
Code of Conduct		✓		
Corrective Action	✓			
Customer Relations		✓		
Communication and Outreach		✓		
Public Records				✓
Supplemental Employment and Business Activities		✓		
Dress Code		✓		
Drug and Alcohol Free Workplace		✓		
Harassment Free Workplace	✓			
Information Technology Use				✓
Social Media				✓
Solicitations and Distribution		✓		
Smoke Free Workplace	✓			
Sexual Assault, Stalking and Domestic Violence			✓	
Sexual Harassment	✓			

Policy Titles	New (Approved by Commission)	Reformatted/Edited from Employee Handbook	Adopted State Policy with URL Link	Inserted Without Reformatting/Editing as Adopted by Commission in April
Violence Free Workplace	✓			
Weapons Free Workplace	✓			
Whistleblower Protection	✓			
Workplace Bullying	✓			
Workplace Relationships	✓			
Workplace Standards	✓			
Pay Policies				
Compensation	✓			
Time and Attendance		✓		
Deferred Compensation			✓	
Military Pay Provision			✓	
Unemployment Insurance	✓			
Pay Practices	✓			
Time-Off Policies				
Bereavement	✓			
Holidays		✓		
Sick Time		✓		

Policy Titles	New (Approved by Commission)	Reformatted/Edited from Employee Handbook	Adopted State Policy with URL Link	Inserted Without Reformatting/Editing as Adopted by Commission in April
Vacation		✓		
Personal Time		✓		
Career Development/Advancement Policies				
Performance Evaluations	✓			
Professional Development		✓		
Tuition Remission			✓	
Safety Policies				
Workers Compensation		✓		
Workplace Safety		✓		
Office Closure/Inclement Weather		✓		
Leave Policies				
Leave without Pay		✓		
Bone Marrow Donation/Organ Donor Leave			✓	
Disaster Volunteer Leave			✓	
Domestic Violence, Sexual Assault & Stalking Leave			✓	
Extended Illness Leave Bank			✓	
Family Medical Leave Act (FMLA)			✓	

Policy Titles	New (Approved by Commission)	Reformatted/Edited from Employee Handbook	Adopted State Policy with URL Link	Inserted Without Reformatting/Editing as Adopted by Commission in April
Jury Duty/Witness Leave			✓	
Blood Donation Leave			✓	
Maternity Leave			✓	
Military Leave			✓	
Small Necessities Leave			✓	
Voting Leave			✓	
Benefit Policies				
Employee Assistance Program	✓			
Adoption Tuition Incentive			✓	
Charitable Contribution Program			✓	
COBRA			✓	
Credit Union			✓	
Deferred Compensation 457b Plan			✓	
Dental & Vision Benefit			✓	
Dependent Care Assistance Plan (DCAP)			✓	
Group Life Insurance			✓	
Health Insurance			✓	
Health Insurance Responsibility Disclosure			✓	

Policy Titles	New (Approved by Commission)	Reformatted/Edited from Employee Handbook	Adopted State Policy with URL Link	Inserted Without Reformatting/Editing as Adopted by Commission in April
Healthcare Spending Account (HCSA)			✓	
Long-Term Disability			✓	
MA Retirement System			✓	
Qualified Transportation Benefit Plan (QTBP)			✓	
Finance Policies				
Procurement Card			✓	
Travel				✓



Division of Racing

To: Stephen Crosby, Chairman
Gayle Cameron, Commissioner
Jim McHugh, Commissioner
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner

From: Jennifer Durenberger, Director of Racing

cc: Rick Day, Executive Director

Date: 6 November, 2014

Re: Applications to conduct live horse racing in 2015

Dear Commissioners:

In order for operators to conduct live racing in the Commonwealth, they must first file an application with the Commission pursuant to M.G.L. c.128A §§2-3. The application must be received on or before October 1 of the preceding year. The application must address five enumerated statutory housekeeping-type items (name, business entity, location, days, etc.) along with “answers to such other questions as the commission may prescribe,” and contain an affirmation of compliance with all applicable laws and regulations. The form of the application and the questions it contains are identical to that used for the 2014 season and were approved by the Commission at its 75th public meeting, held on August 22, 2013.

In addition, in order to apply for a license to conduct horse racing in conjunction with a state or county fair (“fair” license), section 3 requires a qualifying certificate from the Department of Agriculture. This is significant, because a fair license is exempt from certain or subject to modified statutory requirements and its pari-mutuel wagering revenue is attended by a different takeout distribution to industry stakeholders.

The statute requires a public hearing on each application, outlines criteria that the Commission shall take into consideration when considering the application (discussed below), sets forth conditions for issuance of a license (discussed below), and requires that the Commission “shall grant or dismiss” each application not later than November 15th.



Massachusetts Gaming Commission

However, November 15th is not the last actionable date as it relates to license applications. A statutory mechanism exists whereby successful applicants may submit supplemental applications at a later date, so long as those supplemental applications relate to “the same premises.” The Commission first contemplated this mechanism during last year’s live racing license application process when considering the application of Brockton Racing, LLC for harness racing dates.

M.G.L. c.128A §2:

“... [A] supplementary application by a licensee for a subsequent license in the calendar year for which a license had theretofore been issued to such licensee and relating to the same premises as were specified in the previously issued license, and supplementary applications by a licensee for additional licenses under section four, may be filed with the commission at any time prior to the expiration of said calendar year for which a license had theretofore been issued to said licensee; and the commission shall grant or dismiss such applications within thirty days of the date of filing.”

A statutory mechanism also exists whereby unsuccessful applicants may submit a request for reconsideration within 90 days of a license denial.

M.G.L. c.128A §3(i):

“Notwithstanding the foregoing provisions of this section, the racing commission shall have the right to review and reconsider without further notice or public hearing any application made prior to October 1 for which racing dates have been requested for the following year; provided that the application has had a public hearing prior to November 15; and provided, further, that any applicant who has been denied these racing dates makes a written request for review and reconsideration within 90 days of receiving notice of the denial; and provided further, that the commission shall reconsider and review the request within 180 days of the denial.”



Massachusetts Gaming Commission

Applications Received

The Commission is in receipt of four timely filed applications to conduct live horse racing in 2015:

- The application of Springfield Gaming and Redevelopment, LLC, (“SGR”) to conduct 105 days of harness horse racing between April 1 and November 30 at an existing facility in Norfolk County known as Plainridge Racecourse;
- The application of the New England Thoroughbred Horsemen’s Benevolent and Protective Association, Inc. (“NEHBPA”) to conduct one day of running horse racing at an existing facility in Suffolk County known as Suffolk Downs;
- The application of the Brockton Agricultural Society (“Brockton”) to conduct one day of running horse racing at an existing facility in Plymouth County at the Brockton Fairgrounds, IF “the slot’s [sic] parlor in Plainville is open and contributing to the purse accounts at the Applicant’s racing meeting, as contemplated by chapter 23K, and IF Suffolk Downs does not conduct any racing meetings during 2015;” and
- The application of the Middleborough Agricultural Society (“Middleborough”) to conduct one day of running horse racing at an existing facility in Plymouth County at the Brockton Fairgrounds, IF “the slot’s [sic] parlor in Plainville is open and contributing to the purse accounts at the Applicant’s racing meeting, as contemplated by chapter 23K, and IF Suffolk Downs does not conduct any racing meetings during 2015.”

The first of these applications (SGR) appears to be complete at this time. The NEHBPA, Brockton, and Middleborough applications have all been deemed administratively complete for the purposes of this license consideration, but each would require substantial additional material information in any subsequent supplemental application. Additionally, the Brockton and Middleborough applications are contingent upon certain additional conditions beyond the applicants’ control.

As discussed at this Commission’s 135th public meeting on September 25th, 2014, the purpose of these “one-day” applications is to act as a placeholder for subsequent supplemental applications.



Massachusetts Gaming Commission

Public Comment

The license applications were posted to the MGC website on October 8th, 2014, and public comment was invited. Public hearings on each of the applications were conducted in Plainville, Boston, and Brockton, respectively, in accordance with M.G.L. c.30A the week of October 20th. The relevant hearing materials are included at the end of this memorandum for your review, and the summary of each hearing will be provided in the discussion of each application.

Statutory Criteria for the Commission's Consideration

The criteria the Commission shall consider, “in addition to any other appropriate and pertinent factors,” when making its determination appear in M.G.L. c.128A §3(i):

- The financial ability of an applicant to operate a race track;
- Maximization of state revenues;
- Suitability of racing facilities for operation at the time of the year for which dates are assigned;
- That large groups of spectators require safe and convenient facilities;
- The interest of members of the public in racing competition honestly managed and of good quality;
- The necessity of having and maintaining proper physical facilities for racing meetings; and
- The necessity of according fair treatment to the economic interest and investments of those who in good faith have provided and maintain such facilities.

The Racing Division notes that several of the criteria found in c.128A §3(i) take on significance only in the context of competing applications, as a relative measure. For example: “maximization of state revenues.” In the context of competing applications, the Racing Division would conduct handle projections and make a determination as to expected revenue from one applicant versus the other. Here, where we do not have competing applications *per se*, we are left with what is essentially a yes/no analysis. If dates are awarded, then revenue. If dates are not awarded, no revenue. To the extent that any of the criteria take on a particular relevance, they will be taken up in detail under the discussion of the individual applicants.



Massachusetts Gaming Commission

Similarly, conditions related to the issuance of the license are found in M.G.L. c.128A §3. Many relate to situations involving competing applications for the same class of racing and are irrelevant to this discussion. Those few conditions which are implicated under present circumstances will be taken up in detail under the discussion of the individual applicants.

We turn now to the individual applications.

Springfield Gaming and Redevelopment, LLC (“SGR”)

Springfield Gaming and Redevelopment, LLC (“SGR”) is a member-managed subsidiary of Western Mass Gaming Ventures, LLC, which traces 100% ownership up through Delvest Corp. and, ultimately, Penn National Gaming, Inc. In February of 2014, the Commission awarded the entity a category 2 gaming license. As a gaming licensee, SGR is required to conduct 105 days of live racing during its first year of operation. [c.23K §24(a)(i)]

SGR has applied for 105 live harness racing days during the period April 1 – November 30, 2015 at an existing facility in Norfolk County known as Plainridge Racecourse. Its application addresses the statutory requirements found in M.G.L. c.128A §2 as well as the other questions which the Commission prescribed, and its request for 105 days makes it eligible to offer simulcast wagering pursuant to M.G.L. c.128C §2.

The application includes a master list of requested simulcast imports [Exhibit 27] and simulcast outlets for export of its live signal [Exhibit 28], a request to continue operations of the existing telephone account wagering system (“WinLine”) and Plainridge Points/Players Club pursuant to M.G.L. c.128A §5C [Exhibit 29], and a notice of election of the so-called “premium-free period,” pursuant to M.G.L. c.128C §2(4). This notice of election, for the period June 22 through September 13 [13], 2015, appears in Exhibit 27.

On October 2, 2013, the Commission issued a positive determination of suitability regarding Springfield Gaming and Redevelopment, LLC as a gaming applicant. Given the depth and complexity of the background check procedures performed, the Racing Division has confidence in the entity. An additional qualifier since the initial suitability determination has recently completed background and has been recommended to the Commission for approval at this meeting. Prior to the start of the live racing meet, we will be conducting the appropriate background checks on those individuals recommended by the applicant for employment as racing officials.



Massachusetts Gaming Commission

A public hearing on the application was held at the Plainville Senior Center in Plainville, MA on October 20th, 2014. Approximately 6 members of the public attended, 2 of whom requested to speak. All comments were favorable to the application. To the best of my knowledge, no comments have been received in response to the request for public comment on the MGC website. All associated materials are included at the end of this memo.

Racing Division Comments

The Racing Division would like to note that the existing paddock does not have sufficient stalls to hold more than 7-8 races. It is our understanding that it was built with the expectation that the number of stalls was “temporary” and that additional stall space would be forthcoming should gaming ever be conducted on the property. While we recognize that the facility was planned and constructed by a different entity than the current operator, we would like to begin discussions of what reasonable measures can be taken going forward to ensure that in-today horses have adequate and secure stall space once they arrive on premises, since it is anticipated that the number of races offered will be increasing as purse supplements begin to attract additional horses.

The existing certificate of on-track driver’s accident insurance appears to expire on December 14, 2014. In prior years, off-season training hours have been maintained on the premises. If off-season training is to continue beyond that date, a renewed policy will be required. If off-season training is not going to be available this year, evidence of a new policy will need to be submitted prior to the track re-opening for training next year.

We note the success of the 2014 live racing meeting under the applicant’s first year of racing operations and look forward to partnering with the harness industry for a productive future.

Because this was the only application received by the Commission pertaining to harness racing dates, no analysis of “competing” applications is required.

Recommendation: The Racing Division respectfully recommends that the application of Springfield Gaming and Redevelopment, LLC for live harness horse racing dates in 2015 be approved, subject to the conditions outlined below and any other conditions deemed appropriate by this Commission. Particularly, we note the strong racetrack operations portfolio of SGR’s parent company, PNGI, coupled with the benefits to the Commonwealth of conducting harness racing at the existing facility, as outlined in Exhibit 25.



Massachusetts Gaming Commission

Such approval would also authorize:

- Simulcast wagering, effective January 1, 2015, pending the requisite regulatory and representative horsemen's group approvals required by the Interstate Horseracing Act (15 U.S.C. §3001 *et seq.*) and M.G.L. c.128C §2;
- The 12-week premium-free period elected by the applicant;
- The use of the WinLine as a telephone account wagering system; and
- The Plainridge Points/Players Club.

The following conditions to licensure, and any other conditions deemed appropriate by this Commission, are suggested:

- The Racing Division must be notified of any amendments to existing contracts and agreements or any newly executed contracts and agreements with any third-party racing operations-related service providers or representative horsemen's groups within five (5) business days of execution, and said documents are subject to review.
- The renewed on-track driver's accident insurance certificate must be filed with the Commission no later than 3:00 p.m. December 12, 2014, should off-season training hours be contemplated beyond that date, and no later than three (3) business days prior to re-opening for training prior to the meet, should off-season training hours not be contemplated.
- Should there be a running horse racing meeting licensee in Suffolk County, the Racing Division be notified of the applicant's election of so-called "special events" pursuant to c.128C §2(4) no later than five (5) business days prior to the contemplated event.



Massachusetts Gaming Commission

New England Horsemen’s Benevolent and Protective Association, Inc. (“NEHBPA”)

The New England Horsemen’s Benevolent and Protective Association, Inc. (“NEHBPA”) is a non-profit corporate trade association of running horse racing occupational licensees whose membership eligibility is determined by by-law.

The NEHBPA has applied for one live running horse racing day, July 15, 2015, at an existing facility in Suffolk County known as Suffolk Downs. Its application addresses the statutory requirements found in M.G.L. c.128A §2 as well as certain, but not all, of the other questions which the Commission prescribed. Its request for one racing day does not make it eligible to offer simulcast wagering pursuant to c.128C §2. It is our understanding that this application for one live racing day has been filed as a functional “placeholder” and that, should the Commission grant the license, the applicant may subsequently submit a supplemental application in accordance with c.128A §2. Should the applicant wish to conduct simulcast operations in 2015, that supplemental application must request a minimum of 65 live racing days or “such other number of... racing days as may be approved by the Massachusetts Gaming Commission in the interest of the health and safety of the horses, riders and drivers.” [c.311 of the Acts of 2014]

As a practical matter, it is unlikely that the NEHBPA intends to actually conduct one day of live racing if so approved and so a background check was not initiated on the corporate entity or its principals at this time. Should a supplemental application be filed, we would work with the Commission’s Investigations and Enforcement Bureau to complete our due diligence as part of our analysis of that supplement.

A public hearing on the application was held at 1000 Washington St. in Boston, MA on October 21st, 2014. All comments were favorable to the application. To the best of my knowledge, two comments have been received in response to the request for public comment on the MGC website, both in support of the application. All associated materials are included at the end of this memo.

Because of the brevity of the existing application, the Racing Division will recommend that the Commission hold a second public hearing and comment period should a supplemental application be received, so that the public may have adequate opportunity to consider the complete details regarding the proposal once available.



Massachusetts Gaming Commission

Racing Division Comments

At this time, not enough is known about proposed operations and associated business plans to review or comment in detail. The premises involved are known and familiar to both applicant and Commission, and we note the success of the 2014 live racing meeting in which the applicant and its members were integral participants.

Suffolk Downs is currently a National Thoroughbred Racing Association Safety and Integrity Alliance-accredited facility. This accredited status is an important part of the Commission's commitment to supporting the "highest standards in integrity and safety as the industry prepares for the arrival of expanded gaming." [Massachusetts Gaming Commission website.] While approximately 40% of the agreed-upon code of standards is under regulatory control and will continue to meet or exceed the relevant requirements, the majority of the program is in the hands of the operator. The Racing Division is of the opinion that losing that accredited status would be a significant and unfortunate step backward for the industry and intends to strongly urge the Commission to require a good-faith effort to maintain accreditation as a condition of licensure, should a supplemental application be received.

Recommendation: The Racing Division respectfully recommends that the application of the New England Horsemen's Benevolent and Protective Association for one live running horse racing date in 2015 be approved, subject to the expectations outlined below and any other conditions deemed appropriate by this Commission.

The applicant understands the expectations regarding a supplemental application, including:

- That a complete background check will be initiated on the entity and its qualifiers, including key operations staff, upon filing of such application;
- That the Commission has 30 days from the supplemental filing date to take action on that filing;
- That a recommendation that a second public hearing and comment period be scheduled will be forthcoming from the Racing Division;
- The minimum number of days required in order to be eligible to simulcast; and
- That a recommendation regarding a good-faith effort to maintain NTRA Safety and Integrity Alliance accreditation will be forthcoming from the Racing Division.

A copy of the applicable code of standards may be found at:
http://www.ntra.com/media/8917657/2014_code_of_standards_-_final.pdf



Massachusetts Gaming Commission

Brockton and Middleborough Agricultural Societies

The Brockton Agricultural Society (“Brockton”) and the Middleborough Agricultural Society (“Middleborough”) are privately-held corporations sharing common ownership. Each application was accompanied by a certificate of recognition from the Department of Agriculture, as required by M.G.L. c.128A §3. Under c.128A §3(n), no “fair racing” license shall be issued for more than 15 days. It is assumed that the purpose of filing an application under each Agricultural Society’s certificate is to permit the common ownership to conduct 30 days of racing at the existing facility. The applications are identical in all aspects but one – the date for which live racing has been requested – and will be treated identically in the analysis below.

The Brockton Agricultural Society has applied for one live running horse racing day, July 1, 2015, at an existing facility in Plymouth County known as the Brockton Fairgrounds. The Middleborough Agricultural Society has applied for one live running horse racing day, July 15, 2015, at the same facility. The applications address the statutory requirements found in M.G.L. c.128A §2 as well as certain, but not all, of the other questions which the Commission prescribed. The applicants’ request for one racing day on a Wednesday does not make them eligible to offer simulcast wagering pursuant to c.128C §2A. It is our understanding that this application for one live racing day has been filed as a functional “placeholder” and that, should the Commission grant the license, the applicant may subsequently submit a supplemental application in accordance with c.128A §2.

Should the applicant wish to conduct simulcast operations in 2015, that supplemental application may request a maximum of 15 live racing days between June 15 and October 15. [M.G.L. c.128A §3(n), §3(d).] Simulcasting would be permitted only on certain days of the week, in accordance with c.128C §2A, and only in number equaling the “total number of days the live racing licensee is licensed to operate or 15 days, whichever is less.” [c.128C §2A.]

As a practical matter, it is unlikely that Brockton or Middleborough intend to actually conduct one day of live racing if so approved and so a background check was not initiated on the corporate entity or its principals at this time. Should a supplemental application be filed, we would work with the Commission’s Investigations and Enforcement Bureau to complete our due diligence as part of our analysis of that supplement.



Massachusetts Gaming Commission

A public hearing on the application was held at the Conference Center at Massasoit in Brockton, MA on October 20th, 2014. Approximately 8 members of the public attended, 2 of whom requested to speak. All comments were favorable to the application. To the best of my knowledge, one comment has been received in response to the request for public comment on the MGC website, and it was in support of the application. All associated materials are included at the end of this memo.

Because of the brevity of the existing application, the Racing Division will recommend that the Commission hold a second public hearing and comment period should a supplemental application be received, so that the public may have adequate opportunity to consider the complete details regarding the proposal once available.

Racing Division Comments

Although much of the applications are necessarily incomplete at this time, the Racing Division would like to offer five comments.

Among the modified statutory requirements for “fair” licensees is an exemption from the requirement to use a “totalisator machine or like machine” for pari-mutuel calculations found in M.G.L. c.128A §5(a). It is the expectation of the Racing Division that any racing meeting licensee should comply with this requirement. It is our understanding that all of the regulations governing running horse racing and pari-mutuel activities found in 205 CMR are applicable to “fair” meeting licensees, and the requirements regarding pari-mutuel wagering found in 205 CMR 6.00 will apply.

The Racing Division finds the proposed insurance coverage for jockeys found in Exhibit 18 to be insufficient. Although the proposed \$50,000 medical coverage is listed as a “minimum,” it is our expectation that any subsequent application would be in conformity with industry standards. Although the Commission does not have any regulations specifying dollar amounts for on-track jockey insurance, current industry trade recommendations as well as the NTRA Safety and Integrity Alliance Code of Standards begin at a \$1,000,000 minimum per incident.

The applicants’ response to Question 29: “Include as Exhibit 29 a request for authorization for a system of account wagering in accordance with 205 CMR 6.00...” was “The applicant will submit a request for account wagering before it commences racing horse racing [sic].”



Massachusetts Gaming Commission

M.G.L. c.128A §5C does not permit “fair” racing licensees to utilize account wagering, and so it appears that any such subsequent request would be denied.

The current running horse racing licensee in Massachusetts is a National Thoroughbred Racing Association Safety and Integrity Alliance-accredited facility. This accredited status is an important part of the Commission’s commitment to supporting the “highest standards in integrity and safety as the industry prepares for the arrival of expanded gaming.” [Massachusetts Gaming Commission website.] While approximately 40% of the agreed-upon code of standards is under regulatory control and will continue to meet or exceed the relevant requirements, the majority of the program is in the hands of the operator. The Racing Division is of the opinion that, in keeping with that stated commitment, any new entity contemplating conducting a running horse racing meeting should meet these standards. To lower our expectations regarding safety and integrity would be a significant and unfortunate step backward for the industry. We intend to strongly urge the Commission to require a good-faith effort to achieve accreditation as a condition of licensure, should a supplemental application be received. It is not a requirement of accreditation that a track be of a certain size or dimension, nor is it unprecedented to encourage accreditation of a “fair” meeting. For example, the Los Angeles county fair meet run at Fairplex Racetrack, was an NTRA Safety and Integrity Alliance-accredited facility prior to its closure this year. It conducted approximately 15 days of live racing and had a 5/8 mile racetrack.

Recommendation: The Racing Division respectfully recommends that the application of the Brockton and Middleborough Agricultural Societies for one live running horse racing date in 2015 be approved, subject to the expectations outlined below and any other conditions deemed appropriate by this Commission.

The applicant understands the expectations regarding a supplemental application, including:

- That a complete background check will be initiated on the entity and its qualifiers, including key operations staff, upon filing of such application;
- That the Commission has 30 days from the supplemental filing date to take action on that filing;
- That a recommendation that a second public hearing and comment period be scheduled will be forthcoming from the Racing Division;
- That all regulations regarding the racing and pari-mutuel activity found in 205 CMR are fully applicable to “fair” meeting licensees;



Massachusetts Gaming Commission

- That the applicants' proposed minimum insurance coverage for jockeys is considered insufficient;
- That a recommendation regarding a good-faith effort to achieve NTRA Safety and Integrity Alliance accreditation will be forthcoming from the Racing Division. A copy of the applicable code of standards may be found at:
http://www.ntra.com/media/8917657/2014_code_of_standards_-_final.pdf

The Ability of the Commission to Issue Multiple Running Horse Applications

M.G.L. c.128A §3 sets forth certain restrictions on the number of licenses which may be issued for each class of racing. Section 3(e) governs here:

(e) No license shall be issued to permit running horse racing meetings to be held or conducted, except in connection with a state or county fair, at the same time of day at more than 1 race track within the commonwealth unless the race tracks are more than 75 miles apart; provided that, no license shall be issued to permit a running horse racing meeting to be held at a racing strip of less than 1 mile, except for a racing meeting in connection with a state or county fair; provided, however, that, in no case, shall more than 2 licenses be issued for meetings to be held or conducted at the same time of day.

These conditions are all satisfied under the current circumstances. The two applications regarding the Brockton Fairgrounds facility do not compete with each other, being proposed for different days. The NEHBPA and Middleborough applications are proposed for the same day, July 15, 2015, but this language appears to permit both licenses to issue as the Middleborough application is for a license in conjunction with a county fair.



Massachusetts Gaming Commission



The National HBPA, Inc.

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October 28, 2014

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Ron Maus

Counsel
Peter Ecabert

Veterinary Advisor
Dr. Thomas Tobin

Massachusetts Gaming Commission
ATTN: Chairman Stephen P. Crosby
84 State Street, 10th Floor
Boston, MA 02109

Re: License Application of the New England HBPA

Dear Chairman Crosby:

The National Horsemen's Benevolent & Protective Association, Inc. (www.hbpa.org) ("NHBPA") is the largest trade association in the United States representing approximately 29,000 Thoroughbred racehorse owners and trainers. The mission of the NHBPA is to improve and preserve Thoroughbred horse racing. The NHBPA has Affiliates in 25 states and in Canada. The New England HBPA is one of our Affiliates and it has approximately 900 members.

I write in support of the New England HBPA's Application for a license to lease and operate Suffolk Downs in 2015. When reviewing the New England HBPA's License Application, there are several critical matters I want to ensure the Commission takes into account as part of its review process.

1. First and foremost is the matter of lost jobs. Not only will the para-mutual clerks, management staff, regulatory staff, food service staff, maintenance and janitorial staff jobs be lost on the "front side" of the racetrack, the trainers, grooms, hot walkers, exercise riders and jockey jobs will be lost on the "back side" of the racetrack. Trainers are really the owners and operators of small businesses with employees (i.e. grooms and hot walkers). Failure to approve the New England HBPA's License Application will result in closure of these small businesses. Additionally, the veterinarians, blacksmiths, tack and feed suppliers will also lose substantial income with the track's closing. In summary, anyone with a Massachusetts Thoroughbred racing license of any type or nature will be losing their jobs. It is my understanding that this may be as many as 1,500 people without work. On a related note, it is not reasonable to conclude that many of these laid off track workers will be able to be retrained into locally marketable skills. Skills associated with the care and training of Thoroughbred racehorses are not readily transferable


to the traditional job market. Additionally, many of the people working at Suffolk Downs are 55-65 years old and do not have any readily marketable skills.

2. Second, the closing of the Suffolk Downs will destroy the Thoroughbred breeding industry throughout the State. The owners of Massachusetts bred horses will no longer have a market to sell and race their horses. The owners of these horses will find it hard, if not impossible, to find race tracks where it makes economic sense to race their Massachusetts bred horses. The anticipated closing of the State's breeding farms, due to the closing of Suffolk Downs, will have a detrimental impact on the tax base throughout the State. The closing of the racetrack will eliminate the jobs of the people who work on the breeding farms and the layup farms where racehorses are sent to rest, relax and recover from the rigors of racing. The closing of these farms will negatively impact the income of the support services these farms require such as feed suppliers, farm equipment suppliers, veterinarians, blacksmiths, and vehicle maintenance and repair services. Since these farms are located throughout the State many counties will be negatively impacted by the closing of Suffolk Downs. A related loss will be the loss of the agricultural "green space" these farms provide to the citizens of the State. It is reasonable to conclude that some of these farms, after they close, will be turned into shopping malls or residential developments.
3. With the loss of jobs comes a loss of payroll tax revenue throughout the State. Sales tax revenue will also be lost throughout the State. State unemployment expenses will rise and disposable income of all the laid off participants in the industry will drop. The negative ramifications of the permanent closing of Suffolk Downs will be substantial and will be felt statewide.
4. Suffolk Downs is a valuable part of the Thoroughbred racing industry. As a matter of historic background, there used to be approximately 17 racetracks in New England and Suffolk Downs is the last track remaining. Suffolk Downs provides horsemen and horsewomen in the New England region with an opportunity to race Thoroughbred horses that are second tier horses. It is essential that tracks like Suffolk Downs exist because very few horses are Kentucky Derby tier horses. Without tracks like Suffolk Downs a significant percentage of New England Thoroughbred horses will have no place to race.
5. Furthermore, the Massachusetts Thoroughbred Breeders Association conducts a bonus program and a stakes program for Massachusetts bred horses. The bonus program pays the owner and breeder, of a MA bred horse, a bonus (in addition to the purse earned) by their horse for finishing first, second or third in any race. The stakes program consists of eight races with purses of \$25,000 per race. These races, which are restricted to Massachusetts bred horses, provide the owners of these Massachusetts bred horses with a greater chance for a positive return on investment. The closing of Suffolk Downs will eliminate this possible ROI.

Furthermore the loss of the ability to race the Massachusetts breed horses in the Massachusetts restricted races or to earn bonuses will destroy the auction value of such horse. Horsemen racing in New York and other mid-Atlantic states will have no incentive to invest in Massachusetts breed horses if these potential owners and trainers cannot run the horses in the Massachusetts restricted races.

For all the reasons set forth above the Massachusetts Gaming Commission should approve the License Application of the New England HBPA. Such approval will yield substantial economic and other benefits throughout the State of Massachusetts and will contribute to the overall health of the Thoroughbred horse racing industry in New England.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip L. Hanrahan".

Philip L. Hanrahan, CEO
The National HBPA, Inc.

CC:

Gayle Cameron, Commissioner, Massachusetts Gaming Commission

Dr. Jennifer. Durenberger, Director of Racing, Massachusetts Gaming Commission

No Documents



MEMORANDUM

To: Chairman Crosby; Commissioners Cameron, McHugh, Stebbins and Zuniga
From: John S. Ziemba, Ombudsman
Date: November 6, 2014
Re: Community Mitigation Fund

Below please find a discussion of the Community Mitigation Fund and mitigation advisory committees established by MGL c. 23K.

Estimate of Community Mitigation Fund Deposits

In November, MGM Springfield and Wynn MA LLC will each deposit \$7.5 million to the Community Mitigation Fund, a fund created by MGL c. 23K, § 61. As a result of these deposits and Penn National's \$2.5 million deposit in March 2014, the Community Mitigation Fund will have a balance of \$17.5 million.

No further contributions will be made to the Community Mitigation Fund until either MGM Springfield or Wynn Everett become operational and generate revenues.¹ MGM Springfield currently projects to be operational in the second quarter of 2017. Wynn Everett projects to be operational by the fourth quarter of 2017. Once operational, MGL c. 23K, § 59 specifies that 6.5% of the revenues from the tax on gross gaming revenues from Category 1 licensees shall be deposited in the Community Mitigation Fund. HLT estimated that MGM Springfield will generate between \$416.2 and \$485.6 in gross gaming revenues.² With the 25% tax rate on gross gaming revenues and using the lower end of the HLT range, MGM Springfield could generate approximately \$104 million in annual gaming tax revenues, out of which approximately \$6.76 million would be deposited into the Community Mitigation Fund. HLT estimated that Wynn MA

¹ This memorandum does not describe revenue estimates from or the participation of a Region C facility, as the Region C application deadlines have not yet been reached.

² See page 37 of Commissioner Zuniga's June 10, 2014 MGM Springfield Finance Presentation, <http://massgaming.com/wp-content/uploads/2A-Finance-Presentation.pdf>.

LLC will generate between³ \$705.2 million and \$822.7 million in gross gaming revenues. With the 25% tax rate on gross gaming revenues and using the lower end of the HLT range, Wynn MA LLC could generate approximately \$176.3 million in annual gaming tax revenues, out of which approximately \$11.46 million would be deposited into the Community Mitigation Fund. None of the annual gaming tax revenues from Penn National's Category 2 facility will be deposited into the Community Mitigation Fund because 100% of such revenues are deposited into the Gaming Local Aid Fund pursuant to MGL c. 23K, § 59. Penn National was required to pay 10% (\$2.5 million) of its gaming license fee to the Community Mitigation Fund pursuant to Section 93 (a)(1) of Chapter 194 of the Acts of 2011 (the Expanded Gaming Act).

In sum, a total of \$17.5 million from the current licensee and current designees will be deposited in the Community Mitigation Fund starting in November for use until Category 1 gross gaming revenues are generated, or thereafter (if all such funds are not used prior to that date). No additional deposits from the current Category 1 designated licensees will likely be made until the second quarter of 2017 at the earliest. Thereafter, approximately \$18.0 million from the two current Category 1 designated licensees will be annually deposited into the Community Mitigation Fund using the lower end of HLT's estimates.

Community Mitigation Fund Application Date and Allowed Uses

MGL c. 23K, § 61 states that "parties requesting appropriations from the fund shall submit a written request for funding to the Commission by February 1 of each year" and that the Commission shall expend funds to assist parties "in offsetting costs related to the construction and operation of a gaming establishment." (*emphasis added*)

No gaming facility will be operational by February 1, 2015. Both MGM Springfield and Wynn MA LLC may be in construction by that date. Penn National began construction in March 2014.

The Commission's regulations and MGL c. 23K, § 61 do not limit use of Community Mitigation Funds to only host or surrounding communities. The Commission's regulation, 205 CMR 125.01(4), states that "[a]ny finding by the commission that a community is not a surrounding community for purposes of

³ See page 52 of Commissioner Zuniga's September 8, 2014 Region A Finance Presentation, <http://massgaming.com/wp-content/uploads/2A-Region-A-FINANCES-Presentation.pdf>



the RFA-2 application shall not preclude the community from applying to and receiving funds from the Community Mitigation Fund established by MGL c. 23K, § 61....” MGL c. 23K, § 61 states the Commission shall expend monies in the fund to assist the host and surrounding communities ... “including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire, and emergency services.”

MGL c. 23K, § 61 does not limit the use of the Community Mitigation Fund to offset costs related to Category 1 facilities. Several surrounding community agreements for the Category 2 gaming facility anticipate that Community Mitigation Funds may be available. However, Category 2 host and surrounding communities are not included in the specified membership of the Community Mitigation Subcommittee and the Local Community Mitigation Advisory Committees, which have a role in reviewing expenditures from the Community Mitigation Fund and in advising the Commission on how to expend such funds.

Roles of the Community Mitigation Advisory Subcommittee and the Local Community Mitigation Advisory Committees Regarding the Community Mitigation Fund

Attached please find charts that describe the membership and roles of the Community Mitigation Advisory Subcommittee (“Subcommittee”) and the Local Community Mitigation Advisory Committees (“Local Committees”). In sum in regard to the Community Mitigation Fund, both committees provide advice regarding the Community Mitigation Fund. The Local Committees, if established, are charged with providing information and developing recommendations for the Subcommittee on “ways in which funds may be expended from the Community Mitigation Fund.”⁴ The Subcommittee shall develop recommendations regarding “how funds may be expended from the Community Mitigation Fund”, will “receive input from the local community mitigation advisory committee”, and shall “review annually the expenditures of Community Mitigation Funds.”

It may be a challenge to establish both of these committees in time for them to provide community mitigation advice prior to the February 1 Community

⁴ MGL c. 23K, § 68(e) does not require the establishment of local community mitigation advisory committees. Instead, it provided that “[e]ach [Category 1] region may establish a local community mitigation advisory committee.” *Emphasis added.*
★★★★★

Mitigation Fund application deadline. MGL c. 23K, § 68(e) specifies that “[e]ach local committee shall annually elect 1 committee member from those members appointed by surrounding communities to represent the local committee in the subcommittee on community mitigation under subsection (b).” The Subcommittee, whose membership includes these elected members, is required to receive “input from local community mitigation advisory committees.” Thus, potentially the Local Committees would need to be formed, would need to meet to make community mitigation recommendations, and would need to elect a representative in the time between the November 2014 license award date and the date when Subcommittee meets to make any recommendations on the Community Mitigation Fund. Communities that may apply for Community Mitigation Funds should, in all likelihood, be informed about the application process at least three to four weeks prior to the February 1 application date. Therefore, in order to provide timely advice, the Subcommittee would likely need to be formed, receive input from the Local Committees, and make any recommendations prior to January (to give communities time to apply). Given the logistical difficulties of the appointment process, including the necessity of background checks, it is very unclear if the Subcommittees could be properly formed and meet to make in-depth recommendations.

Instead of providing advice prior to the first application round, both of the committees could instead provide advice after the Commission receives any submissions. The Committees would need to determine whether they provide more general advice about community mitigation needs or provide recommendations on specific applications. A review after the beginning of the application process, or perhaps even after Commission determinations on applications, would be consistent with the requirement of MGL c. 23K, §68 that the Subcommittee “review annually the expenditures of Community Mitigation Funds.”

GPAC Meeting

Although it would be extremely difficult to get in-depth recommendations from the committees prior to the mailing of applications, the Commission can consult with the Gaming Policy Advisory Committee (“GPAC”).

We are currently checking on December 1st, 8th or 9th as potential dates of the of GPAC meeting. We will work to get background checks completed for the GPAC



Massachusetts Gaming Commission

Chair and licensees representatives and will work with the Governor's office on the currently unfilled appointees.

Between now and December we will brief all the GPAC members about the subcommittees and the initial February 1 Community Mitigation Fund deadline. We will also brief the members about developing a more comprehensive process for 2016-2018 funding rounds.

We will consult the GPAC Community Mitigation Subcommittees and any local Subcommittees on the process for further application rounds. The Commission, after consultation would need to determine whether further Community Mitigation Funding should be allocated by region and how to account for Category 2 impacts if funds are allocated by Category 1 region.

Community Mitigation Fund Policy Documents and Draft Applications

As noted, Applications would need to be made available at least three weeks to one month prior to the February 1 application date. In order to reach all potentially impacted communities, application materials could be mailed to all geographically adjacent communities. The Commission could also notify regional planning agencies, the Massachusetts Municipal Association and post the forms on the Website.

The attached draft timeline depicts the approval of the initial application and Community Mitigation Policy by December 18th. Below are some initial recommendations in advance of that date.

- The first funding round should likely be for construction only, as no facility will be operation by February 1.
- Applicant communities would need to address how the specific mitigation requested will address such impacts and provide justification of any funds requested. Unlike existing Surrounding Community Agreements which were based on anticipated impacts, any community mitigation award would be based on impacts that have occurred or are occurring.
- Applicant comments would described if and how such impacts were addressed in any host or surrounding community agreements.



Massachusetts Gaming Commission

- Similar to our surrounding community review process, the Commission would ask each licensee to review and comment on any requests for funding.
- The Commission would evaluate such requests in a similar manner to how it reviewed the Surrounding Community petitions.
- The Commission would evaluate the submittal by the community, any input received from the petitioner and interested parties (such as Regional Planning Agencies), the responses of the licensee, and Commission consultant reviews.

The application would describe but not prescribe the types of construction impacts that can be funded. Our regulation on 205 CMR 125.07 defines construction period impacts as:

“The community will be significantly and adversely affected by the development of the gaming establishment prior to its opening taking into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction.”

In developing the initial policy and the application, the Commission could consider any advice received from the GPAC, assuming a meeting date prior to the December 18 Commission meeting.

Recommendation Summary:

Staff should develop a Community Mitigation Fund plan and application for approval by the Commission by December 18, 2014. Staff shall consult with appropriate parties, such as the GPAC, in the development of such policy and application.



MEMBERSHIP OF GAMING POLICY ADVISORY COMMITTEES



GAMING POLICY ADVISORY COMMITTEE

The Gaming Policy Advisory Committee is comprised of the Commission chair, Governor’s designee as chair, 2 members of the Senate, 2 members of the House, the Commissioner of the Dept. of Public Health or designee, and 8 persons appointed by the Governor (3 gaming licensees, a federally recognized Indian tribe, organized labor, and 3 from the vicinity of each gaming establishment (**host and surrounding communities**)).

COMMUNITY MITIGATION ADVISORY SUBCOMMITTEE

The Community Mitigation Advisory Subcommittee is comprised of members from **each host community**, a Commission representative, a Department of Revenue representative, a Massachusetts Municipal Association, **one member from each local community mitigation advisory committee** and three appointed by the Governor: (i) a community mitigation professional; (ii) a host community small business owner; and (iii) a chamber of commerce member.

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION A - EVERETT

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION B - SPRINGFIELD

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION C -

Each local committee is comprised of a representative from each **host and surrounding community**, each RPA region, and four Commission appointees from the region (a representative from a Chamber of Commerce, an economic development organization and 2 human service providers). Each local committee shall annually elect 1 committee member from those members appointed by surrounding community to represent the local committee in the subcommittee on community litigation.



Massachusetts Gaming Commission

ROLES AND MEMBERSHIP OF GAMING POLICY ADVISORY SUBCOMMITTEES ON ADDICTION SERVICES AND PUBLIC SAFETY



GAMING POLICY ADVISORY COMMITTEE

The Gaming Policy Advisory Committee is comprised of the chair of the Commission, Governor’s designee as chair, 2 members of the Senate, 2 members of the House, the Commissioner of the Dept. of Public Health or designee, and 8 persons appointed by the Governor (3 gaming licensees, a federally recognized Indian tribe, organized labor, and 3 from the vicinity of each gaming establishment (**host and surrounding communities**)).

MEMBERS OF SUBCOMMITTEE ON ADDICTION SERVICES

MEMBERS OF SUBCOMMITTEE ON PUBLIC SAFETY

The Subcommittee on Addiction Services is comprised of 5 members: a representative from the Department of Public Health’s Bureau of Substance Abuse Services; a representative from the Massachusetts Council on Compulsive Gambling, Inc.; a representative of the Commission; and 2 members appointed by the Governor with professional experience in the area of gambling addictions.

The Subcommittee on Public Safety is comprised of 7 members: a Commission member, the Secretary of Public Safety or designee, the Attorney General or designee, a representative from the Massachusetts District Attorney Association, the Colonel of the State Police or a designee, a representative from the Massachusetts Chiefs of Police Association, and a representative of a public safety labor union.

ROLE OF SUBCOMMITTEE ON ADDICTION SERVICES

ROLE OF SUBCOMMITTEE ON PUBLIC SAFETY

The Subcommittee shall develop recommendations for regulations to be considered by the Commission in addressing issues related to addiction services as a result of the development of gaming establishments in the Commonwealth including, by not limited to, prevention and intervention strategies.

The Subcommittee shall develop recommendations for regulations to be considered by the Commission to address public safety issues as a result of the development of gaming establishments in the Commonwealth including, but not limited to, ways to mitigate the impact of gaming establishments on crimes committed in the Commonwealth. The Subcommittee shall also study the impact of gaming establishments on all aspects of public safety in the Commonwealth.



Massachusetts Gaming Commission

ROLES OF GAMING POLICY ADVISORY COMMITTEES



GAMING POLICY ADVISORY COMMITTEE

The Committee shall designate subcommittees to examine community mitigation, compulsive gambling, and gaming impacts on cultural facilities and tourism. The Committee shall meet at least once annually for the purpose of discussing matters of gaming policy. The Committee shall advise the Commission on the development of its annual gaming research agenda.

COMMUNITY MITIGATION ADVISORY SUBCOMMITTEE

The Subcommittee shall develop recommendations to address community mitigation issues including but not limited to how funds may be expended from the Community Mitigation Fund and the impact of gaming establishments on the host and surrounding communities. The Subcommittee will receive input from Local Community Mitigation Advisory Committees; review annually the expenditures of Community Mitigation Funds and propose regulations to the Commission upon which the Subcommittee shall review prior to promulgation.

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION A - EVERETT

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION B - SPRINGFIELD

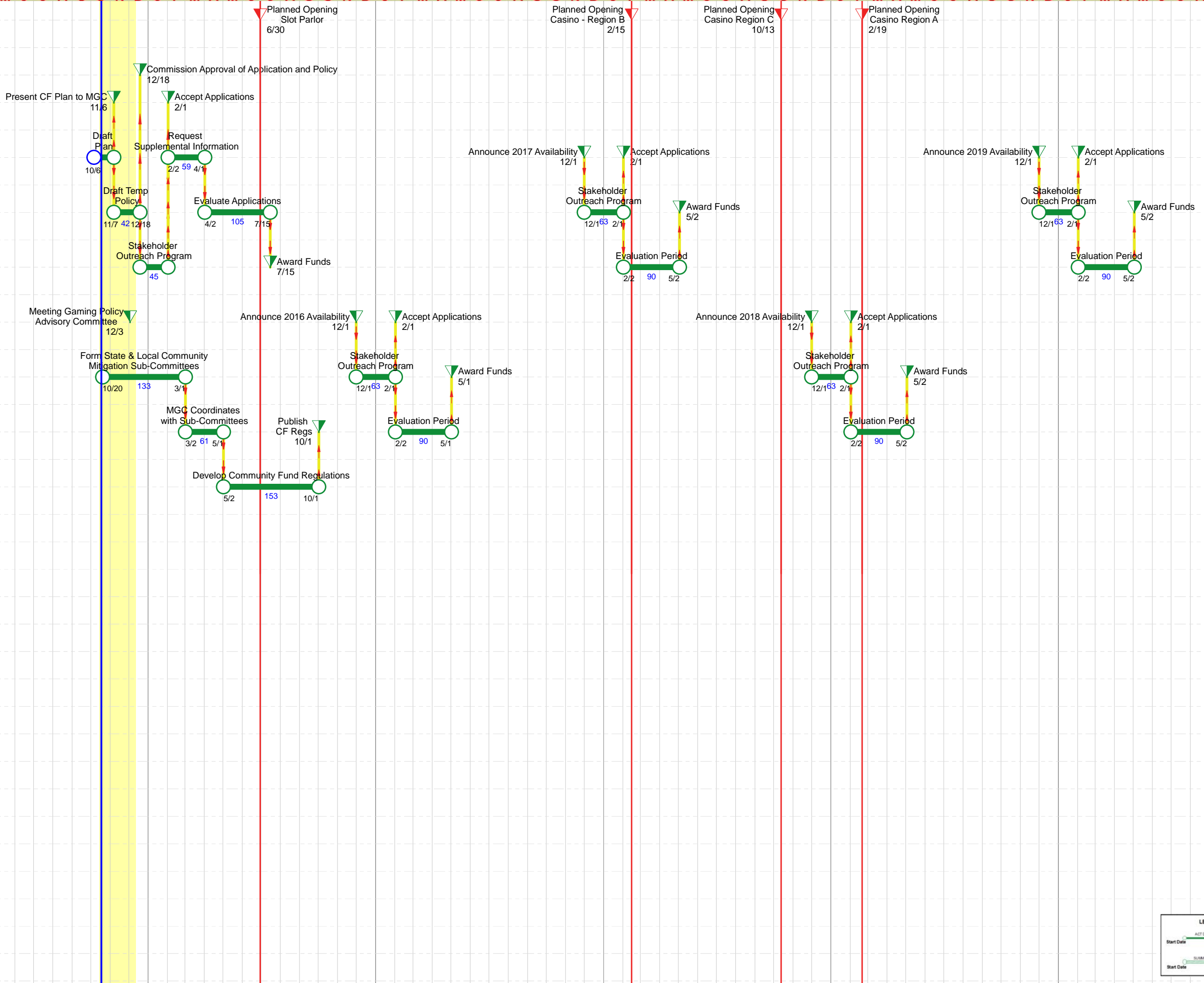
LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION C -

Each Local Community Mitigation Advisory Committee may provide information and develop recommendations for the Community Mitigation Advisory Subcommittee on any issues related to the gaming establishment located in its region including, but not limited to: (i) issues of community mitigation; (ii) ways in which funds may be expended from the Community Mitigation Fund; and (iii) the impact of the gaming establishments on the host and surrounding communities. Additionally, each Local Community Mitigation Advisory Committee may present information to the Commission consistent with the rules of the Commission on any issues related to the gaming establishment located in its region.



Massachusetts Gaming Commission

Community Mitigation Fund

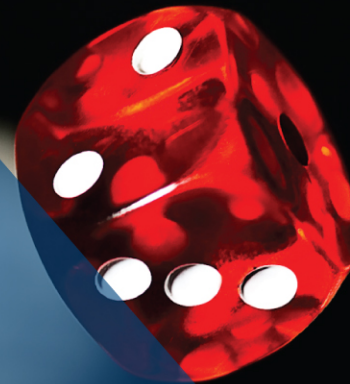




MASSACHUSETTS GAMING COMMISSION

REGION C APPLICATION PROCESS UPDATE

November 6, 2014



REGION C

DECISION ON APPLICATION PROCESS

On April 18, 2013, the Commission voted unanimously in a 5-0 vote to adopt a plan that opened Region C or southeastern Mass to commercial applications.

As noted in a April 18, 2013 blog by Chairman Crosby, “[t]he Commission voted to pursue this option to protect the best interests of southeastern Mass by developing an alternative that assures timely economic development and job creation, whether or not the Tribe successfully meets its promised deadlines.

Under this plan, the Commission will open Region C to commercial applications; the final determination to issue a commercial license will take into account the totality of economic circumstances, including Tribal status, as they exist at the time of the licensing decision....”

REGION C APPLICATION PROCESS

Consistent with this determination to open Region C to commercial developers, the Commission established the application deadlines for Region C including the RFA-1 (background investigation application) and RFA-2 (full site specific application) applications.

The initial RFA-1 application deadline was September 30, 2013.

The initial RFA-2 application deadline was July 23, 2014.

MODIFICATIONS TO PROMOTE COMPETITION: DEADLINE EXTENSIONS

On April 3, 2014, this July RFA-2 deadline was extended until at least September 23, 2014.

On June 26, 2014, the Commission discussed a looming July 14, 2014 deadline for the execution of host community agreements associated with the September 23, 2014 RFA-2 deadline. With no host community agreements executed at that time, the Commission again extended the Region C RFA-2 application deadlines.

The Commission extended the deadline to **December 1, 2014** for the RFA-1 application to be substantially complete, and extended the RFA-2 deadline to **March 27, 2015**.

MODIFICATIONS TO PROMOTE COMPETITION: POLICY MODIFICATIONS

- **The Commission also took other actions to promote competition in Region C.**
- **On April 17, 2014, the Commission voted to change the calculation of the minimum capital investment for Region C by including the cost of infrastructure outside the property boundaries.**
- **At the June 26, 2014 meeting, the Commission decided *to open Region C to new applicants. Previously, it had been open to only those applicants that had applied for Region C by September 30, 2013 and to Region A, B, and Category 2 applicants.***
- **On June 26, 2014, the Commission also decided to amend the Commission's regulations to allow for the inclusion of capitalized interest in the calculation of the minimum capital investment for Region C.**

APPLICABLE STATUTORY, REGULATORY AND COMMISSION GUIDANCE FOR DECEMBER 1 RFA-1 REQUIREMENTS

- **205 CMR 122.03 (11) and (12) specify that capitalized interest and outside infrastructure costs are included in the minimum capital investment for Region C.**
- **205 CMR 115.02(1) and (2) specify that the IEB will either determine that an RFA-1 application is sufficiently complete for the purposes of initiating substantive review or request additional information from the applicant.**
- **On June 26, 2014, the Commission adopted a motion that in order for a Region C RFA-1 application to be substantially complete, it must include qualifiers, operations, and financing.**
- **In regard to the operations requirement, MGL c. 23K (12)(a) specifies that the Commission, in reviewing suitability, shall consider “the business ability of the applicant to establish and maintain a successful gaming establishment.”**

WHAT IS REQUIRED ON DECEMBER 1?

- **December 1 is the deadline for the submission of an RFA-1 for Region C.**
- **Applicants that have not previously filed an RFA-1 application must also submit a \$400,000 application fee.**
- **Applicants that previously filed must submit at least a cover letter referencing a prior RFA-1 submission but do not need to pay another \$400,000 application fee with the RFA-1 application.**
- **The RFA-1s are expected to be substantially complete and must adequately describe the proposed project's financing, operations, and qualifiers.**

IEB EVALUATION OF APPLICATIONS

- **The IEB will evaluate all applications received by December 1 and will make a judgment whether they are substantially complete.**
- **The IEB will use the Commission's scoping process to help determine completeness of applications.**
- **Given the relatively quick turnaround time for investigations, the IEB may report back to the Commission about establishing a deadline for any outstanding information and may then recommend steps, including disqualification, for any application that is not substantially complete.**

APPLICANT SCOPING PROCESS

- Applicants are encouraged to be in contact with the IEB as soon as possible.
- However, to meet the requirements of the Commission's Region C application process, applicants must schedule a formal scoping session with the IEB.
- This required scoping session can occur before or after December 1st , but must be scheduled at least two weeks prior to December 1st (November 17, 2014). IEB recommends that the Commission set a scoping deadline of December 17, 2014.
- The required scoping session will help the IEB in its determination of whether an application is substantially complete.
- Applicants can schedule one or more discussions with the IEB before the required scoping session.
- One week prior to the required scoping session, applicants shall provide [if they have not done so already] (a) a list of entities and individuals that the applicant believes are qualifiers under 205 CMR 116.02, (b) a list of entities having more than a nominal ability to exert control over the applicant entity, (c) a list of entities owning greater than a 5% interest, either voting or financial, in the applicant or in an entity owning a 5% interest, either voting or financial, in the applicant, (d) an organizational chart showing upper level positions held by individuals in each entity noted above, (e) an ownership chart showing the owners of each entity noted above (for public companies only show ownership greater than 5%), and (f) a list of entities and individuals for which the applicant is requesting waiver under 205 CMR 116.03 and the reasons for the request.

OTHER KEY DEADLINES

March 27, 2015	RFA-2 Application Date
December 17, 2014	Deadline for execution of Host Community Agreement with 90 day review
January 16, 2015	Deadline for execution of Host Community Agreement with 60 day review
Prior to March 27, 2015	Applicants must submit their Environmental Notification Form (ENF) - their Massachusetts Environmental Policy Act (MEPA) filing - and receive a certificate after MEPA's review of the ENF.



WHAT ARE WE HEARING

- **There is interest in Region C.**
- **We may receive one or more applications by the December 1, 2014 date.**
- **Although there has been interest, the uncertainty of the referendum has caused some operators to be hesitant about competing in Region C.**
- **Some have been hesitant to spend significant funds on applications prior to the referendum decision.**
- **Some have posited that there may not be enough time between the referendum and December 1 to promote the most robust competition.**

WHAT WE ARE HEARING

- **Uncertainty regarding the impact of the Wampanoag Casino Proposal has also caused some concerns.**
- **Specifically, some have expressed concern about how the Tribe's plan may play a factor in the Commission's deliberation on awarding a Region C commercial license.**
- **The minimum capital investment may still pose an obstacle given the risks and nearby competition in the region.**

NEXT STEPS

- **All those wishing to apply should contact the IEB as soon as possible.**
- **By November 17, 2014, applicants must schedule the required scoping session with the IEB. This meeting can occur after the December 1 application date.**
- **At the December 4 Commission meeting, the IEB can report on any RFA-1 applications received and the progress of its review of the substantial completeness of applications.**

From: Jonathan Silverstein [<mailto:JSilverstein@k-plaw.com>]
Sent: Tuesday, November 04, 2014 12:48 PM
To: Ziemba, John S (MGC)
Cc: Mayor Jon Mitchell (jon.mitchell@newbedford-ma.gov); Neil Mello (neil.mello@newbedford-ma.gov)
Subject: City of New Bedford--Comments regarding Region C Schedule

John,

Thank you for providing the City of New Bedford with the opportunity to comment on the status and timeline of the Region C application process.

As you know, the impending vote on a ballot question that would repeal expanded gaming in Massachusetts has impeded the ability of applicants and potential host communities to move forward with meaningful evaluation of potential projects in the region. This is true of New Bedford. Indeed, prospective applicants have informed the City that uncertainty created by the ballot question has caused them to put on hold all activities in pursuit of the license for Region C, and that such activities will resume only if and after the ballot question is defeated.

As has been reported, of the potential development sites in New Bedford for a Category 1 gaming facility, one of the preferred locations is City-owned. Accordingly, the City would have to undertake a public bidding process to make the site available to applicants interested in purchasing the site and developing a project on the site. This process would require bidder/applicants to invest substantial time and resources in bidding on the site and would require them to make various commitments to the City in connection with their bids. With the threat of repeal unresolved, it has not made sense for the City to undertake the substantial bidding process for the potential sale of the City-owned site. Even were the City to immediately begin this process after the results of today's election are known, it would be challenging for the City and the successful bidder to meet the current timelines contemplated by the Commission, particularly given all of the other steps necessarily completed prior to submission of an RFA-2 application, such as development of plans, negotiation of a host community agreement, evaluation of impacts, public proceedings and a local vote on the project.

Accordingly, the City respectfully submits that the goals of the Commission, including fostering competition for the Region C license, would best be served by further extending the deadlines for both RFA-1 and RFA-2 submissions.

Please do not hesitate to contact me with any question regarding this matter.

Jonathan M. Silverstein
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Boston, MA 02110
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**MASSACHUSETTS GAMING COMMISSION
ACCESS AND OPPORTUNITY COMMITTEE
RULES OF PROCEDURE**

Section 1. Scope and Purpose of Committee

The Massachusetts Gaming Commission (“Commission”) hereby establishes an Access and Opportunity Committee (“Committee”). The Committee’s primary function shall be to monitor efforts by each Category 1 gaming licensee to achieve diversity in the workforce and supplier efforts of their respective construction projects, in furtherance of the goals underlying G.L. c.23K, §15(16), and to make related recommendations to the Commission and/or licensees. This Access and Opportunity Committee will serve the function as a Liaison Committee highlighted in Administrative Bulletin 14.

Section 2. Organization

- (a) The membership of the Committee shall consist of:
- A representative of the Construction Manager or Construction Managers performing work pursuant to any agreement between the licensed casino operator and organized labor;
 - At least one representative of each of the Category 1 gaming licensee;
 - The Director of Workforce Supplier and Diversity Development for the Commission;
 - The Construction Monitor engaged by the Commission;
 - A Representative from the Commission’s Vendor Advisory Team
 - The Assistant Secretary for Access and Opportunity or her designee;
 - The Director of the Massachusetts Supplier Diversity Office or his designee;
 - Secretary of the Commonwealth’s Department of Veteran’s Services or his designee
 - Secretary of Commonwealth’s Department of Labor and Workforce Development or her designee
 - The appointee of the Mayor of the Host Community
 - One representative from a Surrounding Community chosen by the Local Community Mitigation Advisory Committee
 - Representatives, appointed by the Commission, of local organizations/institutions, minority and women and veteran business



Massachusetts Gaming Commission

organizations, trade associations, community-based organizations, and/or representatives of the associated unions and contractors.

- (b) The Massachusetts Gaming Commission shall appoint a Chairperson.
- (c) The Chairperson shall identify, subject to the approval of the Gaming Commission, an individual to serve as Secretary of the Committee. The Secretary shall be responsible for the custody of the records of the Committee, including but not limited to Agendas, Minutes, Program Requirement Reports, and any other matter related to the purpose of the Committee.

Section 3. Duties and Responsibilities of Committee

- (a) The Committee shall review the quarterly status reports submitted to the Commission in accordance with 205 CMR 135.02(5)(d) reflecting the progress of construction and certifying compliance with the approved project schedule for major stages of construction.
- (b) The Committee shall review the detailed statistical reports pursuant to M.G.L. c. 23K, § 21(a)(23) submitted to the Commission in accordance with 205 CMR 135.02(5)(e) on the number, gender and race, and veteran status of individuals by job classifications hired to perform labor as part of the construction of the gaming establishment and related infrastructure, and a comparison of this report with the goals established by the gaming licensee and commission pursuant to G.L. c. 23K, § 21(a)(22). In the event the hiring of the aforementioned persons for any project did not comply with the goals established, the Committee shall review any response submitted to the Commission from the licensee as to why the goals had not been achieved, identifying any good faith efforts that have been undertaken to achieve those goals and providing a plan to bring the hiring into compliance with the goals.
- (c) The Committee shall review the quarterly status reports submitted to the Commission in accordance with 205 CMR 135.02(5)(f) describing the number of contracts, total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises for design and construction of the gaming establishment and related infrastructure, and the total number and value of all subcontracts awarded to a minority, women and veteran owned business, and a comparison of these reports with the goals established by the gaming licensee and commission pursuant to G.L. c. 23K, § 21(a)(21). In the event a licensee's

hiring of the aforementioned entities did not comply with the goals established the Committee shall review any response provided to the Commission from the licensee as to why the goals have not been achieved, identifying any good faith efforts that have been undertaken to achieve those goals and provide a plan to bring the dollar amount contracted and spent into compliance with the goals.

- (d) The Committee shall recommend actions that can be taken to increase the level of minority business enterprise and/or women business enterprise participation as subcontractors.
- (e) The Committee shall recommend actions that can be taken to increase the number and percentage of women, minority individuals and veterans participating as labor on the construction projects.
- (f) The Committee shall participate in public forums and other educational and/or outreach activities designed to inform the general public about the construction projects.
- (g) The Committee may take any other actions, consistent with the purpose of the Committee, as determined by the Commission.
- (h) The Committee shall provide its recommendations and provide status updates to the Commission at the Commission's request.

Section 4. Meetings of the Committee

- (a) The Committee shall meet every other month or as frequently as the the Chairperson determines. The Committee shall be subject to the Open Meeting Law. Committee meetings shall be convened by the Chairperson at such times and places as the Chairperson shall decide.
- (b) The Chairperson of the Committee shall prepare an agenda for each meeting, which shall be sent by the Secretary, with all pertinent documents, to each member of the Committee.
- (c) The Commissioners of the Massachusetts Gaming Commission and the Executive Director of the Massachusetts Gaming Commission may participate in meetings of the Committee. Such other officials as the

Commissioners or the Executive Director considers appropriate may also participate.

(d) The Committee may invite other persons to attend meetings.

Adopted by vote of the Commission _____
DATE

DRAFT

No Documents

The Massachusetts Gambling Impact Cohort (MAGIC) Study:

A Cornerstone of the Massachusetts Gaming
Commission's Research Agenda

Dr. Rachel Volberg, Principal Investigator

November 6, 2014

Comparing SEIGMA to MAGIC

DEFINING KEY TERMS

Type of Study

SEIGMA:

REPEAT CROSS-SECTIONAL STUDY

- Collecting data “*snapshots*” at designated points in time over a period of time
- **Not** the same group of individuals over time

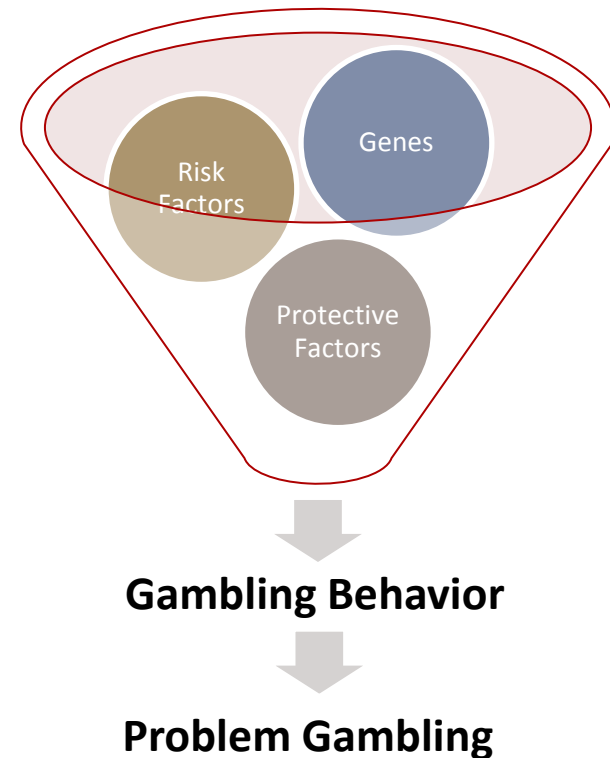
MAGIC:

LONGITUDINAL COHORT STUDY

- Collecting a kind of “*moving picture*” by collecting data from a group of people at designated time points
- Following ***the same group*** of people over a period of time

Etiology

- The study of causation, or what causes a particular condition
- The study of how a condition, in this case problem gambling, develops over time



Incidence vs. Prevalence

SEIGMA gives you PREVALENCE

- # of **existing** cases in the population
- Includes both new cases and existing cases
- = the raw # of existing problem gamblers in MA

MAGIC gives you INCIDENCE

- # of **new** cases in the population
- People who go from not having a condition to having a condition
- = the raw # of new problem gamblers in MA

Incidence & Prevalence



What will we learn?

RESEARCH QUESTIONS & ANTICIPATED FINDINGS

Research Goals

1. Determine the incidence of problem gambling in Massachusetts
2. Develop an etiological model of problem gambling

Research Questions: Incidence

- What is the incidence of problem gambling in MA prior to the introduction of the 4 new gambling venues?
- What is the incidence of problem gambling in MA immediately after the introduction of the 4 new gambling venues?
- Does the incidence of problem gambling decrease after several years of these venues being open?
- What is the raw number of new problem gamblers each year?
- What are the normal patterns of continuity and discontinuity in gambling and problem gambling behavior over time?

Research Questions: Etiology

- What individual, social, and environmental variables are most predictive of, and mediate the development of future gambling and problem gambling?
- What variables are most predictive of recovery from problem gambling?
- What is the best way of using findings from the previous questions to optimize prevention and treatment services in MA?
- Are there 'safe levels' of gambling involvement that do not lead to problem gambling?
- What characteristics differentiate problem gamblers who seek treatment from those who do not?

How can we apply what we learn?

Raw # of New Problem Gamblers

- Target how resources for prevention, intervention, treatment, and recovery support are allocated

Risk Factors

- Target prevention campaigns
- Target intervention, treatment, & recovery support

Protective Factors

- Target intervention, treatment, & recovery support

Safe Levels of Gambling

- Develop guidelines for awareness & prevention
- Make safe levels the default

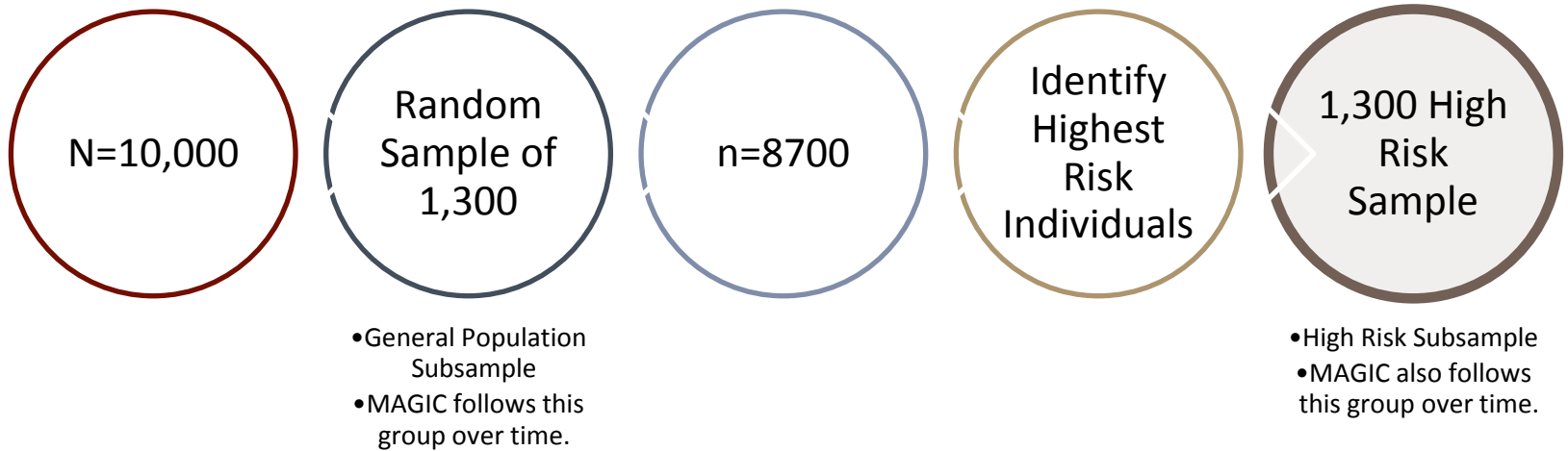
Treatment-Seeking Characteristics

- Target interventions
- Ensure availability of services & recovery supports

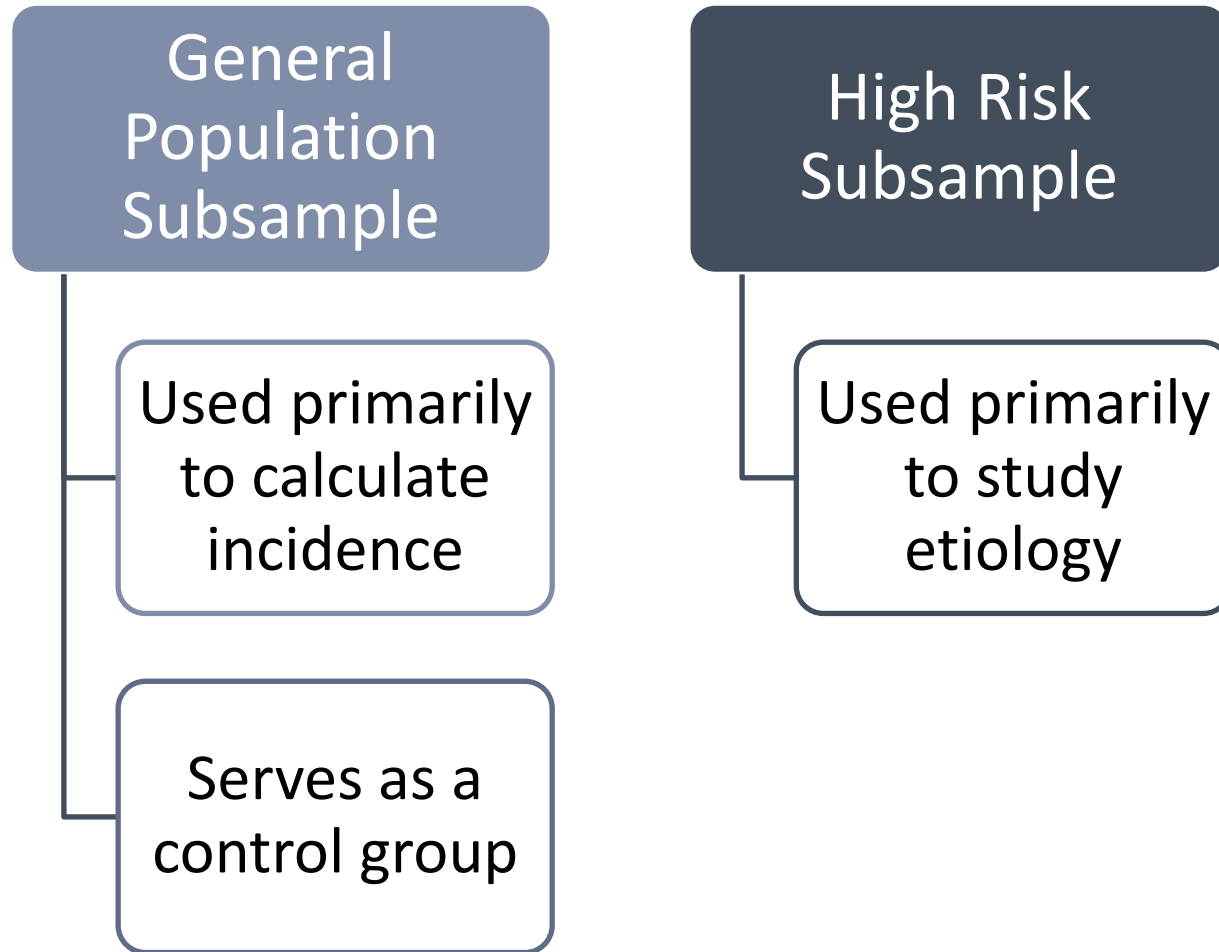
Overview

MAGIC'S METHODOLOGICAL APPROACH

Sampling Strategy



Utility of Each Subsample



Timing of Assessments

Wave 1 Launched
September
2013

Wave 2 Launch in
January
2015

Wave 3 Launch in
September
2015

Wave 4:: Launch
annually in
September

Retention Strategies

- Conducting assessments at the same time every year
- Being attentive to participant needs
- Providing incentives for participants
- Maintaining contact between assessments
- Having multiple means of contact
- Having an easily remembered project “brand”
- Maintaining a website
- Having permanent offices in the region
- Having a small, stable, and cohesive research team
- Hiring the right people to recruit and maintain the cohort
- Using staff time efficiently

SIGNIFICANCE OF THE MAGIC STUDY

Limitations of Existing Small-Scale Cohort Studies:

- Focused on a very narrow demographic
- Small sample sizes
- Small # of people who developed problems
- Short timespan
- Small # of assessment periods
- Focus on gambling *or* problem gambling, but not both
- Short questionnaire
- Poor retention rates

Limitations of Existing Large-Scale Cohort Studies:

- Relatively low incidence of problem gambling
 - Due to insufficient oversampling of people at risk
- Long time interval between assessments
 - i.e., 1-2 years
 - Most PG assessments based on past year
- Short duration
 - i.e., 4-6 years

The Value of MAGIC

- There have been no major cohort studies of gambling in the United States
 - None conducted in Massachusetts
- Change in gambling availability in MA will be more dramatic than in other jurisdictions studied
- Findings will be synergistic with the SEIGMA study

THANK YOU!



MASSACHUSETTS GAMING COMMISSION

MEMORANDUM

To: Chairman Crosby and Members of the Gaming Commission
From: Mark Vander Linden, Director of Research and Problem Gambling
Date: November 3, 2014
Re: Recommendation to authorize UMass Amherst to begin a longitudinal cohort study on gambling behavior

Summary of the gambling behavior cohort study procurement process

In October 2013 the MGC, with the advice of the Gaming Research Advisory Committee and Gaming Policy Advisory Committee, voted unanimously to add a longitudinal cohort study of gambling behavior to the research agenda.

In November 2013, the MGC released a Request for Proposal (RFP) to conduct a cohort study on gambling behavior to the University of Massachusetts Amherst and the Cambridge Health Alliance Division on Addiction. The rationale for limiting to these two applicants was that each possessed a unique set of qualifications to conduct a study of this nature. An external review committee and Director Mark Vander Linden unanimously agreed that the proposal submitted by the University of Massachusetts Amherst had a stronger research strategy and would more successfully accomplish the objectives of the study.

On April 3, 2014, the MGC approved the recommendation of the review committee and selected UMass Amherst to conduct the study, but directed that it begin at a later date in 2014 to be determined by the Commission.

Cohort study of gambling behavior

The proposed longitudinal cohort study of gambling behavior satisfies an objective in Section 71 of Chapter 23K which specifically calls for a study to understand the etiology of gambling and problem gambling in the general population. If approved by the MGC, the study will follow a group of people with a shared experience (exposure to expanded gaming) at intervals over time. This type of study can provide detailed etiological information about how gambling and problem gambling develops, progresses, and remits. The information collected will have significant value as it will highlight risk and protective factors important in developing effective prevention, treatment, and recovery support services.



Massachusetts Gaming Commission

Budget

The total budget for the initial 2-year project period is estimated to be \$2,183,191 with an annual cost of:

UMASS Amherst Cohort Study Budget		
	FY2015 Launch Dec. 1, 2014	FY2016 (estimated)
Salary/Fringe	\$113,002	\$326,515
Tuition and Fees	\$8,930	\$14,252
Travel	\$13,304	\$23,263
Supplies	\$14,261	\$39,820
Subcontracts	\$764,240	\$714,761
Sub-total	\$913,738	\$1,118,610
Indirect	\$49,548	\$101,295
Total	\$963,285	\$1,219,906

Recommendation

This proposed study will advance the steadfast commitment of the MGC to mitigate, to the maximum extent possible, the potentially negative or unintended consequences of expanded gaming in Massachusetts. I therefore recommend that the MGC authorize the University of Massachusetts Amherst to begin the longitudinal cohort study of gambling behavior in Massachusetts as described in their proposal submitted to the Massachusetts Gaming Commission.



Massachusetts Gaming Commission



November 3, 2014

Stephen P. Crosby, Chairman
Gayle Cameron, Commissioner
James McHugh, Commissioner
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner

RE: Qualifier: Lance Matthew George

Applicant: Penn National

Dear Chairman Crosby and Commissioners,

The Investigations and Enforcement Bureau has completed a probity background investigation on Lance George a qualifier for Penn National. The recommendation of the IEB on suitability can be found below and all findings of fact relative to the investigation are in the attached report.

Recommendation by the Investigations and Enforcement Bureau:

- Suitable
- Suitable with conditions
- Unsuitable
- Hearing recommended to determine suitability

If applicable, the proposed conditions of suitability include:

- None
- Detailed below:
 1. _____
 2. _____
 3. _____

Respectfully submitted,

A handwritten signature in blue ink that reads "Karen Wells".

Karen Wells
Director
Investigations and Enforcement Bureau
Massachusetts Gaming Commission



Massachusetts Gaming Commission



Investigations & Enforcement Bureau

INVESTIGATION REPORT - INDIVIDUAL QUALIFIER

Qualifier Name: Lance Matthew George

Qualifier Position: Vice President and General Manager, Plainridge Park Casino

Qualifier Entity: Penn National Gaming, Inc.

Primary Investigator: Trooper Dean Cerullo

Financial Investigator: Edward Jay

The Investigations and Enforcement Bureau (IEB) of the Massachusetts Gaming Commission (MGC) has completed a probity background investigation for Lance M. George. In May of 2014, Mr. George was appointed by Penn National Gaming, Inc. to be the Vice President and General Manager of the Plainridge Park Casino located in Plainville, MA. Prior to that appointment, Mr. George was the Vice President and General Manager of the Argosy Casino located in Sioux City, IA. As a result of his appointment to the position as VP/GM at the Plainridge Park Casino, he was determined to be an individual qualifier for the Massachusetts Category 2 licensee, Penn National Gaming, Inc.

On October 17, 2014, an in-person interview of Mr. George was conducted by Trooper Dean Cerullo and Financial Investigator Edward Jay relative to his application and subsequent background investigation to that date. This interview was conducted at Penn National Gaming's offsite facility located at 416 South Street in the town of Plainville, MA. This interview was voice recorded with Mr. George's approval.

1. Qualifiers Name and Verified Information

The investigation, including documents and information provided by Mr. George, has verified the following information:

Name: Lance Matthew George

Address: [REDACTED]

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]



Massachusetts Gaming Commission

The investigation revealed that this social security number was issued [REDACTED] and is listed and has been verified. Pursuant to a supplemental document request, Mr. George provided a birth certificate indicating that he was born [REDACTED]

Mr. George disclosed in his MJPHD (Question #3), the following residential addresses for him since May of 1998 with the most recent address listed first.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On June 30, 2014, the Massachusetts Gaming Commission received updated Personal History Disclosure documents disclosing that Mr. George currently holds a

[REDACTED]
The investigation confirmed this information.

2. Employment History

Mr. George was promoted on May 26, 2014 to the position of Vice President and General Manager at Plainridge Park Casino in Plainville, MA. Prior to this position Mr. George held several positions/titles which are listed on Appendix "A" which is attached to this report.

3. Criminal Record

[REDACTED]



Massachusetts Gaming Commission



4. Education

Mr. George disclosed in his MJPHD (Question #11) that he attended the University of New Hampshire where he was awarded a Bachelor of Arts in Communication and that he graduated in 1995. The investigation confirmed this information.

5. Professional and Gaming Licenses

Mr. George disclosed in his MJPHD (Question #24) that he has been licensed or registered to participate in some form of gaming in four jurisdictions. A check with Iowa, Louisiana, Indiana and New York confirmed the following licenses/certifications and their statuses:

Licensing Agency	Type	Date of License		Status	License or Permit Number
		Issued	expires		
Iowa Racing and Gaming Commission	Gaming License	9-9-11 1-2-13	12-31-14	Active	9917357 9928549
Louisiana Gaming Control Board	Gaming License	2-25-04 6-3-09	3-16-04 11-19-09	Expired Expired	P020043808 P040043808
Indiana Gaming Commission	Gaming License	N/A	N/A	Expired	Inactive, Registered Gaming Employee
NY State Racing & Wagering Board	Temp Certification	10-5-95	1-9-97	Inactive	License number not issued to temp Certifications

All of Mr. George’s licenses were in good standing and all jurisdictions reported no derogatory information related to Mr. George’s licensure.

6. Directorships and Stockholdings

Mr. George disclosed in his MJPHD (Question #12) that he did not have any Directorships [redacted] and the investigation did not reveal any Directorships [redacted] for him.

7. Civil Litigation Records



Massachusetts Gaming Commission

Research of available online civil records, judgments, liens, and UCC filings in the United States has revealed no records personally naming Mr. George.

8. Bankruptcy

[REDACTED] A bankruptcy search of available online records relative to Mr. George was conducted with negative results.

9. Property Ownership

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Financial Suitability Evaluation

We conducted an evaluation of Lance George's financial integrity, responsibility and stability by focusing on two areas, namely, his net worth statement as disclosed in his PHD filed with the Massachusetts Gaming Commission as of May 19, 2014, and through a review of his sources of income as reported in the PHD and his income tax returns filed for the years 2009 through 2013.

Income Analysis

Below is a summary of key income and deductions reported on tax returns submitted for the years 2009 – 2013.



Massachusetts Gaming Commission

[REDACTED]

(d) Capital Gains and Losses

[REDACTED]

(e) Total Itemized Deductions

[REDACTED]

(f) Federal Income Tax

[REDACTED]

Net Worth Analysis

Mr. George submitted a statement of assets and liabilities

[REDACTED]

Below is a summary of the revised net worth statement.

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



Massachusetts Gaming Commission

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

(c) Real Estate Interests

[REDACTED]

(d) Cash Value Pension/Retirement Funds

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

(e) Furniture and Clothing

[REDACTED]

(f) Vehicles



Massachusetts Gaming Commission

[REDACTED]

(g) Other Assets

[REDACTED]

Liabilities

(h) Mortgages or Liens Payable on Real Estate

[REDACTED]

11. Applicant's Financial Condition

[REDACTED]

12. Credit

Financial Analysis

[REDACTED]

No bankruptcies, civil lawsuits, liens or judgments pertaining to this credit report were identified.

[REDACTED]

[REDACTED]



Massachusetts Gaming Commission

[REDACTED]

13. Conclusion as to Applicant's Financial Stability and Integrity

Mr. George is a qualifier for Penn National Gaming, Inc. due to his management position. As such, he is not expected to make any capital contribution to PNG regarding its casino license. No other information was uncovered which would otherwise preclude him. He was found to possess the requisite financial integrity, responsibility and financial stability to be found suitable to participate in the project.

14. Qualifier References

Name	Address	Telephone
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[REDACTED]	[REDACTED]	[REDACTED]
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The above-named references were contacted and queried regarding the character and integrity of Mr. George. All three references advised that Mr. George was of good character and integrity.

[REDACTED] References did not provide any derogatory information pertaining to Mr. George.

15. Political Contributions

Research of the applicant's political donations was conducted through available on-line sources. All identified contributions appear to be in compliance with 205 CMR 108.00. Research revealed no record of Mr. George making political contributions to any Massachusetts State or local officials. During Mr. George's interview with investigators, he reiterated that he has not made any contributions to any Massachusetts politician or campaign.

16. Media Coverage

Research of available online and print media did not reveal any derogatory or adverse items relative to Mr. George.

17. Significant Investigative Issues

There are no significant investigative issues pertaining to Mr. George and his application for licensure.



Massachusetts Gaming Commission

18. Conclusion

Based on our investigation, there are no known facts that would disqualify Mr. George for licensure based on any of the criteria listed in the gaming laws or regulations of the Commonwealth of Massachusetts.



Massachusetts Gaming Commission

2014 JUN 30 AM 9:10

APPENDIX A

14. EMPLOYMENT AND LICENSING DATA

NAME OF GAMING/GAMBLING RELATED COMPANY AND COUNTRY/STATE WHERE YOU WERE EMPLOYED	NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF EMPLOYER(S)	DATES FROM (MO/YR)	DATES TO (MO/YR)	TITLE/POSITION HELD AND DESCRIPTION OF DUTIES	NAME OF SUPERVISOR	REASON FOR LEAVING
Plainridge Park Casino (Penn National Gaming) USA, Massachusetts	301 Washington Street Plainville, MA 02762	05/2014	Present	Vice President/General Manager Responsible for overall performance of casino operations.	John Finamore	N/A
Argosy Casino (Penn National Gaming) USA, Iowa	100 Larsen Park Road Sioux City, IA 51101 712-294-5818	08/2011	05/2014	Vice President/General Manager Responsible for overall performance of casino operations.	Tom Burke	Relocation to Plainridge Park Casino, Plainville, MA
Boomtown Hotel & Casino (Pinnacle Entertainment, Inc.) USA, Louisiana	300 Riverside Drive, Bossier City, LA 71111 318-746-0711	12/2010	08/2011	Vice President/General Manager Responsible for overall performance of casino and hotel operations	Geno Iafrate	To join Penn National Gaming
Boomtown Casino (Pinnacle Entertainment, Inc.) USA, Louisiana	4132 Peters Road Harvey, LA 70058 504-366-7711	07/2009	12/2010	Vice President/Assistant General Manager Responsible for slots, tables, poker, Marine crew and player development	Patrick Browne	Promotion
Pinnacle Entertainment, Inc. USA, Nevada	3800 Howard Hughes Parkway, Suite 1800, Las Vegas, NV 89169 702-784-7777	05/2008	07/2009	Director of Relationship Marketing Responsible for all direct marketing efforts for Pinnacle's Boomtown branded properties	Arthur Schleifer	Promotion
Boomtown Casino (Pinnacle Entertainment, Inc.) USA, Louisiana	4132 Peters Road Harvey, LA 70058 504-366-7711	10/2006	12/2007	Director of Marketing Managed players club, bus marketing and database marketing efforts	David Williams	Promotion
L'Auberge du Lac Casino Resort (Pinnacle Entertainment, Inc.) USA, Louisiana	777 Avenue L'Auberge Lake Charles, LA 70601 337-395-7777	01/2006	10/2006	Director of Database Marketing Managed all direct mail efforts, and property database	Kim Ginn	Promotion

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6/22/14
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MASSACHUSETTS GAMING
COMMISSION

2014 JUN 30 AM 9: 10

L. M. O'Keefe
MGC
6/27/14

Boomtown Hotel & Casino (Pinnacle Entertainment, Inc.) USA, Louisiana	300 Riverside Drive, Bossier City, LA 71111 318-746-0711	02/2004	01/2006	Database Manager <i>Managed all direct mail efforts and property database</i>	Michael Jerlecki	Promotion
Bellerra Casino Resort & Spa (Pinnacle Entertainment, Inc.) USA, Indiana	777 Belterra Drive Bossier City, LA 71111	03/2003	02/2004	Database Analyst; Database Marketing Supervisor <i>Managed Database Marketing and Direct Mail efforts</i>	Mario Maesano	Promotion
Turning Stone Resort & Casino USA, New York	5218 Patrick Road Verona, NY 47020	10/1995	04/1997	Cage Cashier <i>Counted money in casino banks/vaults</i>	Cindy Klein	Relocated to Charlotte, NC



MEMORANDUM

DATE: November 3, 2014

TO: Stephen Crosby, Chairman
Gayle Cameron, Commissioner
Jim McHugh, Commissioner
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner Rick Day

FROM: John R. Glennon

SUBJECT: Information Technology Security Policies and Procedures – Drafts for the November 6th Commission Meeting

Commissioners:

Earlier this year, under the direction of CFAO Derek Lennon, MGC engaged Compass IT Compliance, LLC. to conduct an audit and review of MGC's policies and procedures relative to compliance with Payment Card Industry (PCI) guidelines. Because MGC accepts and processes credit card payments during the course of business, we are obligated to undergo a periodic PCI audit.

Because MGC is a start-up agency, Compass IT worked with MGC to develop the necessary Information Technology security policies and procedures necessary to not only comply with the PCI guidelines, but to protect confidential information – both digital and on paper.

In the packet for the November 6th Commission Meeting are a series of 9 Information Technology Security Policies and Procedures (attached below) that were developed in collaboration with Compass IT Compliance, LLC.

The draft documents have been circulated internally for review to Commissioners and Directors and appropriate changes made.

The draft documents have been reviewed by the office of Kevin J. Burns, Chief Information Security Officer for the Commonwealth (CCISO).

I will address questions or concerns you have with the 9 drafts at the meeting on November 6th. I plan to ask for your approval in the form of a VOTE to issue the attached, pending any additional changes or modifications you deem necessary.



Massachusetts Gaming Commission

MASSACHUSETTS GAMING COMMISSION

Access Control Policy



11/3/2014



IT Access Control Policy

Effective November 7, 2014 Last revision:

PURPOSE

The purpose of this policy is to outline the control of logical access at the Massachusetts Gaming Commission to applications, systems, and hardware and the execution of automated functions. This policy has been created and implemented to meet the security objectives of the Enterprise Information Security Policy in accordance with Massachusetts Information Technology Division security policies and standards.

POLICY

It is the responsibility of every user of the Massachusetts Gaming Commission information resources to know the Information Security Policies, and to conduct their activities accordingly.

The Massachusetts Gaming Commission defers to the Massachusetts Information Technology Division (ITD) for policies, procedures, standards, and guidelines. The latest revision of the ITD Access Control Policy may be found at: [ITD Access Control Policy](#).

APPLICABILITY

This Policy applies to all entities authorized to use and administer access (and associated security controls) to Massachusetts Gaming Commission information resources. Any access not explicitly authorized is prohibited.

PROCEDURES

The objective of these procedures is to provide guidelines to control logical access to applications, systems, and hardware and the execution of automated functions. When assigning access rights, access should be limited to only those individuals and functions that require them to perform their assigned duties (the principle of least privilege). Adequate separation of duties between individuals is required to reduce the opportunity for self-benefit or concealed actions. Massachusetts ITD has developed Access Control Standards may be found at: [ITD Access Control Standards](#).

User Registration:

Management will immediately notify the IT Administrators any time an employee or contractor is hired, terminated, transferred, or has had a change in responsibilities that warrants review of a staff member's access level. Upon receipt of this notification, as appropriate the IT Administrators will enable, modify, or disable access for that user to Massachusetts Gaming Commission systems and resources.

Review of User Access Rights:

In January and July of each year, an IT System Administrator will review with Management the appropriate access level of each Massachusetts Gaming Commission Staff member. If any changes are necessary, the IT System Administrator will update the Massachusetts Gaming Commission Staff Access Level Spreadsheet and make the appropriate changes to the Massachusetts Gaming Commission Office domain settings and the Massachusetts Gaming Commission Test and Production server security.

Privilege Management:

The Massachusetts Gaming Commission IT Administrators will manage access to the Massachusetts Gaming Commission computer hardware based on the roles and responsibilities laid out in the Massachusetts Gaming Commission Staff Access Level spreadsheet.

RESPONSIBILITIES

Role	Responsibility
Massachusetts Gaming Commission Staff	Understand and adhere to this policy. Safeguard their user IDs and passwords. Access only those resources for which they are authorized. Immediately report suspected violations of this policy to their manager or the Information Security Officer.
Management	Determine who should have access to their resources. Periodically review access rights and notify IT when access privileges require adjustment. Notify Information Technology when an employee or contractor is hire, terminated, or transferred. Report suspected violations of this policy to the Information Security Officer.
IT System Administrators	Execute procedures defined for assigning and removing access. Ensure that individuals assigned to access their applications are authorized and assigned duties require access capabilities. Ensure that the IT infrastructure is protected against unauthorized access. Report suspected violations of this policy to the Information Security Officer.
Information Security Officer	Provide communication, training and enforcement of this policy that support the security goals of the Massachusetts Gaming Commission.

REVISION HISTORY

This section contains comments on any revisions that were made to this document and the date they were made.

Revision Number	Date	Name	Description
1.0	September 1 , 2014	John Glennon	Initial Version
1.1	November 3, 2014	John Glennon	Final Draft for Commission Approval

APPROVED BY

PRINTED NAME AND TITLE

SIGNATURE & DATE

MASSACHUSETTS GAMING COMMISSION

Business Continuity Management Policy



11/3/2014



Business Continuity Policy

Effective November 7, 2014 Last revision:

PURPOSE

This policy articulates requirements that assist management in defining a framework that outlines business continuity and disaster recovery plans, processes, procedures, testing, and reporting mechanisms that are to be in place and in effect to provide for continuity for the Massachusetts Gaming Commission business operations. This framework provides the necessary structure for building agency operational resilience with the capability for an effective response that safeguards the interests of its key stakeholders, information assets, and Information Technology (IT) Resources, in case of a disruption to or a reduction in the quality of IT services. Agencies are required to have controls in place and in effect that provide reasonable assurance that security objectives are addressed throughout such a disruption.

POLICY

It is the responsibility of every user of the Massachusetts Gaming Commission information resources to know the Information Security Policies, and to conduct their activities accordingly.

The Massachusetts Gaming Commission defers to the Massachusetts Information Technology Division (ITD) for policies, procedures, standards, and guidelines. The latest revision of the ITD Business Continuity Management Policy may be found at: [ITD Business Continuity Management Policy](#).

APPLICABILITY

This Policy applies to all entities authorized to use or administrate Massachusetts Gaming Commission information resources. Specifically roles and responsibilities as defined within the business continuity plan. Any access not explicitly authorized is prohibited.

PROCEDURES

Massachusetts ITD has provided standards and guidelines to assist in the creation, maintenance, and testing of the Massachusetts Gaming Commission business continuity plan and associated disaster recovery and incident response plans. Business Continuity for IT Management Standards are located at: [ITD Business Continuity for IT Management Standards](#) and ITD Guidelines for Business Continuity for IT Management Frameworks may be found at: [Business Continuity for IT Management Guidance](#).

RESPONSIBILITIES

Role	Responsibility
IT System Administrators	Execute procedures defined for support the business continuity efforts of information processing facilities.
Information Security Officer	Provide communication, training and enforcement of this policy that support the security goals of the Massachusetts Gaming Commission. Review and approve Business Continuity and Disaster Recovery programs and plans submitted by the Massachusetts Gaming Commission. Facilitate continuous testing and monitoring of the plans.

REVISION HISTORY

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1.1	November 3, 2014	John Glennon	Final Draft for Commission Approval

APPROVED BY

PRINTED NAME AND TITLE

SIGNATURE & DATE

DRAFT

MASSACHUSETTS GAMING COMMISSION

Communications and Operations Management Policy



9/1/2014



Communications and Operations Management Policy

Effective November 7, 2014 Last revision:

PURPOSE

The purpose of this policy is to define the framework that establishes a secure Information Technology environment at the Massachusetts Gaming Commission. This policy requires the development, adoption, and implementation of detailed operating procedures that support the principles of least privilege and separation of duties to facilitate secure operation of information processing facilities. This policy has been created and implemented to meet the security objectives of the Enterprise Information Security Policy in accordance with Massachusetts Information Technology Division security policies and standards.

POLICY

It is the responsibility of every user of the Massachusetts Gaming Commission information resources to know the Information Security Policies, and to conduct their activities accordingly.

The Massachusetts Gaming Commission defers to the Massachusetts Information Technology Division (ITD) for policies, procedures, standards, and guidelines. The latest revision of the ITD Communications and Operations Management Policy may be found at: [ITD Communications and Operating Management Policy](#). Data Classification Standards may be found at: [ITD Data Classification Standards](#).

APPLICABILITY

This Policy applies to all entities authorized to use or administrate Massachusetts Gaming Commission information resources. Any access not explicitly authorized is prohibited.

PROCEDURES

The objective of these procedures is to provide guidelines to for facilitating the secure operation of information processing facilities within the Massachusetts Gaming Commission environment.

Anti-virus Management:

The Massachusetts Gaming Commission IT Administrators will manage the deployment of anti-virus software for all systems commonly affected by viruses or malware. Anti-virus software shall be configured to be kept current, perform periodic scans, and generate audit logs, which shall be retained in accordance with defined log retention procedures. Additionally, users shall be unable to disable or alter anti-virus mechanisms unless specifically authorized by management.

Log Reviews:

Information system log records are reviewed and analyzed regularly for indications of inappropriate or unusual activity, and reports findings to designated organizational officials.

Log reviews shall be conducted at least daily for systems that could affect the security of payment card information data.

Log Retention:

Log records must be retained for a minimum of ninety (90) days and old records archived for one (1) year to provide support for after-the-fact investigations of security incidents and to meet regulatory and information retention requirements.

Log File Protection:

File Integrity Monitoring tools shall be utilized to protect log files for critical systems.

RESPONSIBILITIES

Role	Responsibility
Massachusetts Gaming Commission Staff	Understand and adhere to this policy. Access only those resources for which they are authorized in manners approved by this policy. Immediately report suspected violations of this policy to their manager or the Information Security Officer.
Management	Report suspected violations of this policy to the Information Security Officer.
IT System Administrators	Execute procedures defined for support the principles of least privilege and separation of duties to facilitate secure operation of information processing facilities. Report suspected violations of this policy to the Information Security Officer.
Information Security Officer	Provide communication, training and enforcement of this policy that support the security goals of the Massachusetts Gaming Commission.

REVISION HISTORY

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APPROVED BY

PRINTED NAME AND TITLE

SIGNATURE & DATE

MASSACHUSETTS GAMING COMMISSION

Information Security Policy



11/3/2014



Information Security Policy

Effective November 7, 2014 Last revision:

PURPOSE

The purpose of this policy is to outline the Information Security controls in place at the Massachusetts Gaming Commission to applications, systems, and hardware and the execution of automated functions. This policy has been created and implemented to meet the security objectives of the Enterprise Information Security Policy in accordance with Massachusetts Information Technology Division security policies and standards.

POLICY

It is the responsibility of every user of the Massachusetts Gaming Commission information resources to know the Information Security Policies, and to conduct their activities accordingly.

The Massachusetts Gaming Commission defers to the Massachusetts Information Technology Division (ITD) for policies, procedures, standards, and guidelines. The latest revision of the ITD Information Security Policy may be found at: [ITD Information Security Policy](#).

APPLICABILITY

This Policy applies to all entities authorized to use and administer access (and associated security controls) to Massachusetts Gaming Commission information resources. Any access not explicitly authorized is prohibited.

PROCEDURES

The objective of these procedures is to provide guidelines to the protection of the Massachusetts Gaming Commission's information assets. Massachusetts ITD has developed Information Security Standards, which are found at: [ITD IT Security Standards](#).

Risk Assessment:

On an annual basis a documented IT Risk Assessment will be conducted to consider factors that could impact the security of the Massachusetts Gaming Commission's information and resources. Risk assessments shall consider threats from *both* internal and external sources. All risks identified shall be ranked as defined in the [ITD Information Security Policy](#).

RESPONSIBILITIES

Role	Responsibility
Massachusetts Gaming Commission Staff	Understand and adhere to this policy. Access only those resources for which they are authorized in manners approved by this policy. Immediately report suspected violations of this policy to their manager or the Information Security Officer.
Management	Report suspected violations of this policy to the Information Security Officer.
IT System Administrators	Execute procedures defined for support the principles of least privilege and separation of duties to facilitate secure operation of information processing facilities. Report suspected violations of this policy to the Information Security Officer.

Role	Responsibility
Information Security Officer	Provide communication, training and enforcement of this policy that support the security goals of the Massachusetts Gaming Commission.

REVISION HISTORY

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1.1	November 3, 2014	John Glennon	Final Draft for Commission Approval

APPROVED BY

PRINTED NAME AND TITLE

SIGNATURE & DATE

DRAFT

MASSACHUSETTS GAMING COMMISSION IT Acquisition Security Policy



11/3/2014



IT Acquisition Security Policy

Effective November 7, 2014 Last revision:

PURPOSE

The objective of this policy is to ensure that security requirements are an integral consideration when acquiring IT solutions.

POLICY

It is the responsibility of every user of the Massachusetts Gaming Commission information resources to know the Information Security Policies, and to conduct their activities accordingly.

The Massachusetts Gaming Commission defers to the Massachusetts Information Technology Division (ITD) for policies, procedures, standards, and guidelines. The latest revision of the ITD IT Acquisition Security Policy may be found at: [ITD IT Acquisition Security Policy](#).

APPLICABILITY

This Policy applies to all entities authorized to acquire Information Technology resources on behalf of the Massachusetts Gaming Commission.

PROCEDURES

The Massachusetts ITD has developed IT Acquisition Standards to articulate specific areas that must be addressed throughout the process of acquiring (building or buying) IT solutions by the Massachusetts Gaming Commission. As such it is important to understand that these standards will require both procedural and contractual actions to be successfully carried out in order to effectively achieve compliance. ITD Acquisition Standards are located at: [ITD IT Acquisition Standards](#).

Service Provider Maintenance:

A list of service providers shall be maintained to keep track of and identify potential risk extensions outside of the organization. Additionally, agreements with service providers whose services may impact the security of high sensitivity data ([as defined in the ITD Data Classification Standard](#)) shall include acknowledgment of responsibilities as well as detailed information about the extent and boundaries of those responsibilities. At least annually, service providers whose services may impact the security of high sensitivity data shall be evaluated for compliance status with applicable laws, regulations, and industry standards (SSAE16, MA 201 CMR 17, HIPAA, PCI DSS etc.).

RESPONSIBILITIES

Role	Responsibility
IT System Administrators	Execute procedures defined for the support of secure IT Acquisitions.
Information Security Officer	Provide communication, training and enforcement of this policy that support the security goals of the Massachusetts Gaming Commission. Review and approve IT Acquisition requests. Facilitate continuous monitoring of service providers.

REVISION HISTORY

This section contains comments on any revisions that were made to this document and the date they were made.

Revision Number	Date	Name	Description
1.0	September 1, 2014	John Glennon	Initial Version
1.1	November 3, 2014	John Glennon	Final Draft for Commission Approval

APPROVED BY

PRINTED NAME AND TITLE

SIGNATURE & DATE

DRAFT

MASSACHUSETTS GAMING COMMISSION IT Asset and Risk Management Policy



11/3/2014



IT Asset and Risk Management Policy

Effective November 7, 2014 Last revision:

PURPOSE

The objective of this policy is to articulate the requirements for periodic reviews of Massachusetts Gaming Commission IT assets that include the determination of appropriate data classifications and controls, and assessing and reacting to risks in order to safeguard those assets.

POLICY

It is the responsibility of every user of the Massachusetts Gaming Commission information resources to know the Information Security Policies, and to conduct their activities accordingly.

The Massachusetts Gaming Commission defers to the Massachusetts Information Technology Division (ITD) for policies, procedures, standards, and guidelines. The latest revision of the ITD IT Asset and Risk Management Policy may be found at: [ITD IT Asset and Risk Management Policy](#).

APPLICABILITY

This Policy applies to all entities authorized to manage or interact with, at a privileged level, Information Technology resources on behalf of the Massachusetts Gaming Commission.

PROCEDURES

The Massachusetts ITD has developed IT System Hardening guidelines to harden various system components within the Massachusetts Gaming Commission information system environment. As such it is important to understand that these guidelines will require procedural activities to be successfully carried out in order to effectively achieve compliance. ITD Hardening Guidelines are located at: [ITD Hardening Guidelines](#).

Asset Management:

At a minimum an inventory of assets that transmit, process, store, or have the potential to affect the security of payment card information and data shall be kept. Asset inventory shall list all hardware and software components and a description of the function for each.

Vulnerability and Risk Management:

On an annual basis a documented IT Risk Assessment will be conducted to consider factors that could impact the security of MGC information and resources. Risk assessments shall consider threats from *both* internal and external sources. All risks identified shall be ranked.

On an annual basis, internal and external penetration tests shall be conducted for critical systems. If tests result in high risk exploitable vulnerabilities retests shall be conducted after the vulnerabilities have been addressed to validate remediation efforts.

On a quarterly basis, internal and external vulnerability scans shall be conducted for critical systems. If scans result in "high" risk vulnerabilities rescans shall be conducted after the vulnerabilities have been addressed to validate remediation efforts. Additionally on a quarterly basis, wireless access point scanning shall be conducted to identify wireless devices in use. In the event that an unauthorized wireless device is detected the incident shall be handled and tracked in accordance with the Massachusetts Gaming Commission Security Incident Response Policy.

On a continuous basis as the IT staff is alerted to potential vulnerabilities from industry or news sources potential risks or vulnerabilities shall be assessed.

Upon significant changes to the environment a documented Risk Assessment will be conducted in conjunction with internal and external vulnerability scanning and penetration testing to identify and assess risks introduced by the changes to the environment.

RESPONSIBILITIES

Role	Responsibility
IT System Administrators	Execute procedures defined for the support of secure IT Asset and risk management.
Information Security Officer	Provide communication, training and enforcement of this policy that support the security goals of the Massachusetts Gaming Commission. Initiate and oversee risk management activities. Facilitate continuous monitoring of service providers.

REVISION HISTORY

This section contains comments on any revisions that were made to this document and the date they were made.

Revision Number	Date	Name	Description
1.0	September 1, 2014	John Glennon	Initial Version
1.1	November 3, 2014	John Glennon	Final Draft Version for Commission Review

APPROVED BY

PRINTED NAME AND TITLE

SIGNATURE & DATE

MASSACHUSETTS GAMING COMMISSION

Physical and Environmental Security Policy



11/3/2014



Physical and Environmental Security Policy

Effective November 7, 2014 Last revision:

PURPOSE

The objective of this policy is to ensure that adequate physical and environmental security controls are implemented at Massachusetts Gaming Commission facilities to secure and protect information assets, infrastructure and Information Technology (IT) resources.

POLICY

It is the responsibility of every user of the Massachusetts Gaming Commission information resources to know the Information Security Policies, and to conduct their activities accordingly.

The Massachusetts Gaming Commission defers to the Massachusetts Information Technology Division (ITD) for policies, procedures, standards, and guidelines. The latest revision of the ITD Physical and Environmental Security Policy may be found at: [ITD Physical and Environmental Security Policy](#).

APPLICABILITY

This Policy applies to all entities authorized to manage or interact with Information Technology resources on behalf of the Massachusetts Gaming Commission.

PROCEDURES

Massachusetts ITD has provided standards and guidelines to assist the physical protection of the Massachusetts Gaming Commission information resources. ITD Access Control Standards are located at: [ITD Access Control Standards](#), and ITD Guidelines for Data Classification Standards to define the levels of physical and environmental protection required for information resources may be found at: [ITD Data Classification Standards](#).

RESPONSIBILITIES

Role	Responsibility
IT System Administrators	Execute procedures defined for the support of securing physical access to information resources.
Information Security Officer	Provide communication, training and enforcement of this policy that support the security goals of the Massachusetts Gaming Commission. Review and approve IT physical and environmental security controls. Facilitate continuous monitoring of control effectiveness.

REVISION HISTORY

This section contains comments on any revisions that were made to this document and the date they were made.

Revision Number	Date	Name	Description
1.0	August 30 th , 2014	John Glennon	Initial Version
1.1	November 3, 2014	John Glennon	Final Draft Version for Commission Approval

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PRINTED NAME AND TITLE

SIGNATURE & DATE

DRAFT

MASSACHUSETTS GAMING COMMISSION

Point of Interaction Device Policy



11/3/2014



Point of Interaction Device Policy

Effective November 7, 2014 Last revision:

PURPOSE

This policy outlines the acceptable use and regular maintenance of point of interaction devices at the Massachusetts Gaming Commission. This policy applies to employees, contractors, consultants, temporaries, and other staff at the Massachusetts Gaming Commission. This policy applies to all point of interaction devices owned or leased by the Massachusetts Gaming Commission.

The purpose of this policy is to protect Massachusetts Gaming Commission employees, partners, clients and the company against internal and/or external exposure of confidential information and malicious activity specifically related to the compromise of point of interaction devices either knowingly or unknowingly.

POLICY

It is the responsibility of all individuals that use or maintain point of interaction devices to know the Information Security Policies, the acceptable use of point of interaction devices, and to conduct their activities accordingly.

General Use

- Point of Interaction Device Policy and Procedure training is required to be completed for any employee using or maintaining point of interaction devices prior to use or maintenance.
- Safeguard the physical security of point of interaction device(s) in the care or under the supervision of personnel.
- Conduct only authorized transactions using the device.
- Before each use and at least daily inspect the point of interaction device for signs of tampering per the Point of Interaction Device Procedures.
- A record shall be kept of daily inspections that include the date and time of the inspection as well as the name of the individual who performed the inspection.
- Management shall review the log daily to ensure inspections are completed.
- Verify the identity of any third-party persons claiming to be repair or maintenance personnel prior to granting them access to modify or troubleshoot devices.
- Be aware of suspicious behavior around devices – for example attempts by unknown persons to unplug or open devices.
- Report of any suspected or actual security violations/incidents to the Chief Information Security Officer (or other designated management personnel).

Unacceptable Use

The following unacceptable activities are by no means exhaustive, but attempt to provide a framework for activities that are strictly prohibited:

- Replacing or modifying any connections to the point of interaction device without documented approval from the Chief Information Security Officer (or other designated management personnel).
- Replacing or modifying any point of interaction device without documented approval from the Chief Information Security Officer (or other designated management personnel).

Other Provisions

- Point of Interaction Device Policy and Procedure training acknowledgement is required to be completed and kept on file for any employee using or maintaining point of interaction devices.

- A list of all point of interaction devices shall be maintained as part of the PCI Inventory.
- Devices will be labeled with owner, contact information and purpose
- A list of company approved point of interaction devices shall be maintained

APPLICABILITY

All Personnel, including employees, contractors, partners, consultants, and temporary employees with job functions or responsibilities that require interaction with or maintenance of point of interaction devices owned or leased by the Massachusetts Gaming Commission. Point of interaction devices must be used for business purposes and in accordance with their job functions and responsibilities, serving the interests of the Mass Gaming Commission in a legal, ethical, responsible, and secure manner, with respect for the rights of others.

PROCEDURES

Tampering Inspection:

Before each use and at least daily inspect the point of interaction device for signs of tampering per the Point of Interaction Device Procedures. If any anomalies are noted during the inspection notify the Chief Information Security Officer (or designated management personnel) immediately.

1. Inspect all connections to the device and ensure connections are exactly as shown in figure 1.

Figure 1 - FD200TI Rear Connections



2. Inspect the front (see figure 2 for reference) of the point of interaction device for signs of physical tampering. Check for the following items:
 - Added attachments, known as card skimmers.
 - Scratches, broken casing, or loose screws that may indicate unauthorized modification to the point of interaction device.
 - Torn labels or labels that appear to have been removed and replaced.

Figure 2 - FD200TI Front View



3. Inspect the Massachusetts Gaming Commission Label and ensure that:
 - The label is in tact and does not appear modified.
 - The label has the correct Device Name, Model, and Serial Number.

Device Repair or Replacement:

In some cases a point of interaction device may abruptly stop functioning. It is important to ensure that the appropriate parties facilitate the repair or replacement of point of interaction devices. In the event of device repair or replacement ensure that the following conditions are met.

1. Management has been notified that the device is being replaced or repaired.
2. Prior to repair or replacement Staff has been notified of the individuals and affiliated companies who will be performing repairs or providing replacement devices.
3. Individuals performing repairs or providing replacement devices will sign the visitor log per the Physical and Environmental Security Policy and provide identification to staff prior to receiving access to the point of interaction device(s).
 - In the event that the individual or affiliated company performing the repairs or providing the new devices are different from the identified individuals or affiliated parties in step two (2) then Management approval will be required prior to providing access to the point of interaction device(s).

Other Provisions

In the event that a point of interaction device has been lost or stolen the Chief Information Security Officer (or other designated management personnel) must be notified.

Enforcement

Personnel using Massachusetts Gaming Commission point of interaction devices in opposition to this procedure may be subject to limitations on the use of these resources, suspension of privileges (including internet access), as well as disciplinary and/or legal action, including termination of employment.

Employees, contractors, consultants, temporaries, and all personnel affiliated via third parties who use or maintain the Massachusetts Gaming Commission point of interaction devices shall sign an agreement to comply and be governed by this policy and associated procedures upon hire and again annually.

RESPONSIBILITIES

Role	Responsibility
MGC Staff	Use point of interaction devices with good judgment and in compliance with this policy, and report any inappropriate use or identified tampering or theft to the Chief Information Security Officer
MGC Management	Ensure that personnel understand and agree with this Policy
Chief Information Security Officer	Maintain the information security program and monitor compliance with the Information Security Policies

REVISION HISTORY

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Appendix A:

Massachusetts Gaming Commission Point of Interaction Device Training Acknowledgment:

Acknowledgment

I, the undersigned individual, hereby acknowledge that I have received training to identify point of interaction device tampering as well as a copy of the Massachusetts Gaming Commission Policy and associated procedures.

Date:

Name of Employee/Contractor (Printed)

Signature of Employee/Contractor

DRAFT

MASSACHUSETTS GAMING COMMISSION

Security Incident Response Policy



11/3/2014



Security Incident Response Policy

Effective November 7, 2014 Last revision:

PURPOSE

The objective of this policy is to ensure that controls are in place to promptly and efficiently identify and respond to IT security incidents and that these controls are implemented at the Massachusetts Gaming Commission.

POLICY

It is the responsibility of every user of the Massachusetts Gaming Commission information resources to know the Information Security Policies, and to conduct their activities accordingly.

The Massachusetts Gaming Commission defers to the Massachusetts Information Technology Division (ITD) for policies, procedures, standards, and guidelines. The latest revision of the ITD Security Incident Response Policy may be found at: [ITD Security Incident Response Policy](#).

APPLICABILITY

This Policy applies to all entities authorized to manage or interact with Information Technology resources on behalf of the Massachusetts Gaming Commission.

PROCEDURES

Massachusetts ITD has provided procedures for responding to security incidents of the Massachusetts Gaming Commission information resources. ITD have provided Incident Response Procedures which are located at: [ITD Security Incident Response Procedures](#).

RESPONSIBILITIES

Role	Responsibility
IT System Administrators	Execute procedures defined for the support of responding to security incidents.
Information Security Officer	Provide communication, training and enforcement of this policy that support the security goals of the Massachusetts Gaming Commission. Review and approve security incident response controls. Facilitate continuous monitoring of control effectiveness.

REVISION HISTORY

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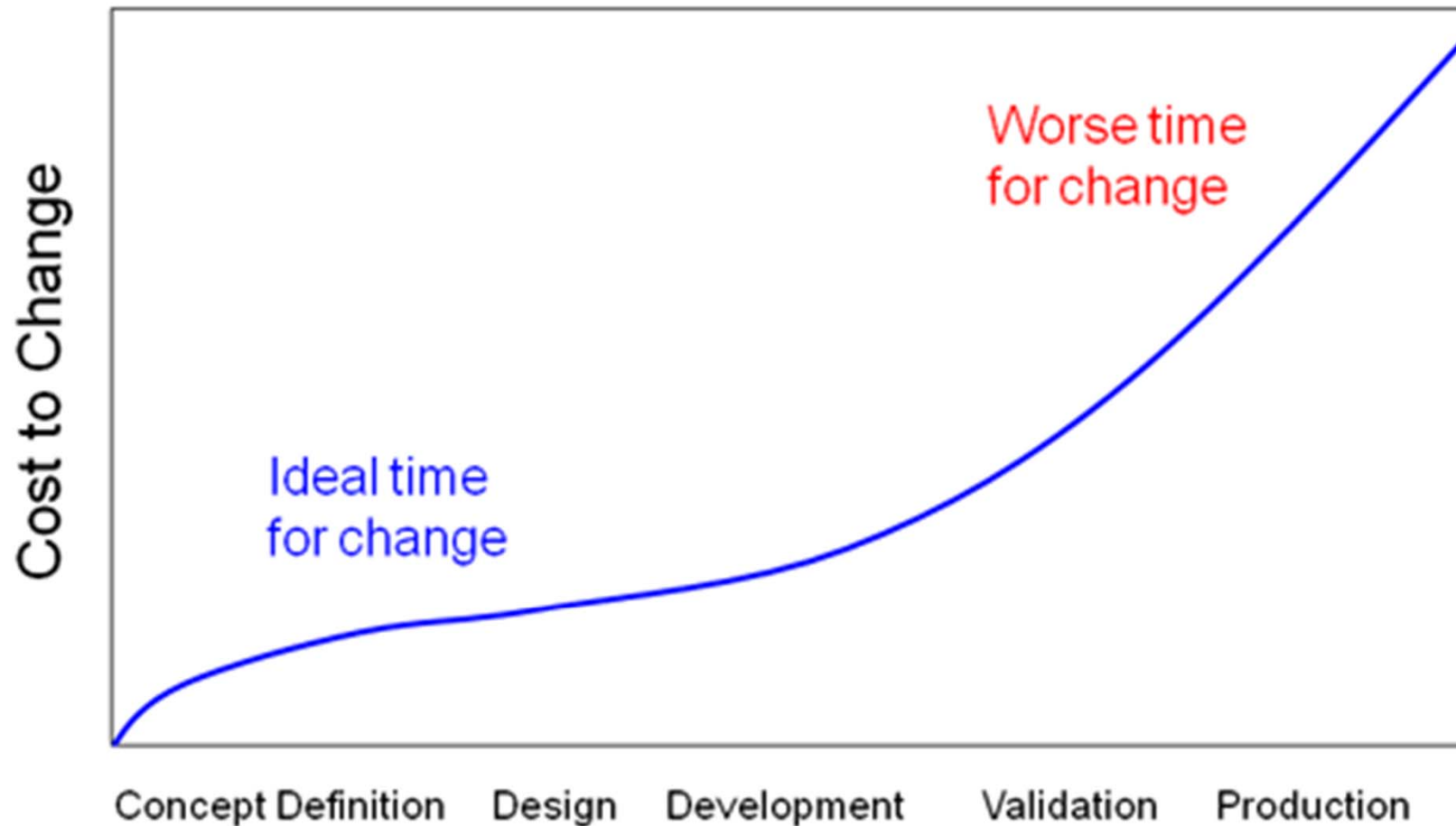


LICENSING MANAGEMENT SYSTEM (LMS) UPDATE



11/6/2014

DEVELOPMENT LIFECYCLE - COST OF CHANGE



"Concurrent Engineering," J. R. Hartley, Productivity Press

LMS PROJECT TIMELINE HISTORY

Project Timeline Dec. 2013

Phase	2013	2014												
	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Requirements	█													
Architecture & Design		█												
Development			█											
Testing				█										
Training						█								
Deployment & Go-live							█*							
Post Production Support							█							

Project Timeline Mar. 21 2014

Key Items:

- Data Center Availability
- Subcontractor Form
- Application Environments Installation

Phase	2013	2014												
	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Requirements	█													
Architecture & Design		█												
Development			█											
Infrastructure				█										
Testing						█								
Training							█							
Deployment & Go-live							█*							
Post Production Support								█						

Project Timeline Nov. 2014

Key Items:

- Product Issues
- Investigation Checklists
- Licensing Form and Checklist Changes

Phase	2013	2014												
	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Requirements	█													
Architecture & Design		█												
Development			█											
Infrastructure							DEV		QA		PROD			
Testing									█					
Training												█		
Deployment & Go-live												█*		
Post Production Support													█	



LMS Project Milestones

- **User Acceptance Testing (Phase II and III)** **October 30 – November 14**
 Business Process Cycle Testing
 Security Testing – Vulnerability and Penetration Testing
- **Production “Go Live” Internal Launch-** **November 24**
- **90 Warranty Period for LMS** **November 24 – February 24**
- **Production “Go Live” Public Facing -** **mid - January 2015**
- **Phase II Specification Development -** **Ongoing**



LMS Project Costs

Massachusetts Gaming Commission

Licensing Management System - NTTData Engagement - Project Costs

		<u>MGC Expenses</u>	<u>NTTData</u>
Consulting			
NTTData - Licensing System - Phase I	Statement of Work - December 2013	\$941,267	\$52,147
NTTData - Licensing System - Phase I	Change Order #1 for Phase I - March	\$200,258	\$30,082
NTTData - Licensing System - Phase 1	Change Order #3 for Phase I - Nov	\$399,000	\$420,000
		<u>\$1,540,525</u>	<u>\$502,229</u>

