

8(a) – No documents



OVERSIGHT PROJECT MANAGEMENT
Program Management Plan



APRIL 17, 2014

INTRODUCTION

The OPM PROGRAM MANAGEMENT PLAN (PMP) is intended to guide the Project Team to achieve the goals of the Mass Gaming Commission

- 1. Ensure revenue to the Commonwealth arrives on time**
- 2. Ensure benefits to the Commonwealth are delivered**
- 3. Ensure compliance with statutory, regulatory & license conditions**



Compliance Monitoring & Reporting

The Program Management Plan (PMP) addresses the approach to monitoring & reporting in seven key areas:

1. Schedule
2. Workforce & Supplier Diversity
3. Facility Design & Construction
4. Construction Mitigation
5. Financial
6. Host & Surrounding Community Agreements
7. Permits & Approval

The PMP will also address the review and approval process for those items related to the facility which must be approved by the Commission – e.g. safety & surveillance



Sources of Commitments

1. Statutory
2. Regulatory (issued or to be issued)
3. License Conditions
4. RFA- 2
5. Host & Surrounding Community Agreements
6. Permits & Approvals

Intent: Identify sources and develop checklists for OPM and team to ensure compliance and facilitate approvals. Checklists ensure that we:

- identify & forecast items requiring review and/or approval
- focus OPM monitoring & reporting efforts where it counts



Schedule

Schedule Development & Review

1. Review & approve developer's preliminary & detailed baseline schedules
2. Review developer updates & report monthly
3. Review developer's quarterly progress reports
4. Forecast milestones & coordinate with MGC Team

Intent: Ensure the developer's schedule is all inclusive. It must:

- Reflect all commitments – even unrelated to facility design and construction (e.g. baseline studies per Surrounding Community Agreements)
- Identify milestones and deliverables (permitting, design, construction, gaming equipment, IT infrastructure, testing, etc.)
- Identify the critical path to opening the facility
- Allot specific timeframes for MGC actions (review, approve, inspect, test)
- Be cost and resource loaded, and
- Be updated monthly



Workforce & Supplier Diversity

A. Workforce and Supplier Diversity

1. Review & Monitor Developer Plan
 - M/W/VBE Vendors & Suppliers
 - Design & Construction
 - Amounts Committed & Expended
 - Workforce
 - Local Hiring
2. Report Independently

Intent: To track, record and report Developer efforts and progress towards diversity and other hiring/spending goals on a timely basis. When efforts are failing - diagnose and require corrective actions.



Facility Design & Construction

C. Facility Design & Construction

1. Identify in schedule, track, and coordinate/facilitate the review and/or approval of specific items:

- Requiring **MGC Review & Approval** – e.g. security & surveillance
- Pertaining to **Facility Design (RFA-2)** - e.g. # of parking spaces, location of lottery sales, landscape buffer zone
- Pertaining to **LEED & Sustainability** - e.g. 10% renewable energy, re-use of stormwater
- Pertaining to **Final Inspection** – e.g. commissioning of gaming equipment, performance of technology

2. Tracking and Approval Process



Construction Mitigation

D. Construction Mitigation

- Noise
- Dust
- Hours of Operation
- Truck Routes

Intent: Identify the construction mitigation required by RFA – 2, community agreements, or permit conditions; monitor contractor compliance to minimize impacts on abutters and communities



Financial

B. Financial

1. Investment - \$125,000,000 minimum
 - Review total development budget
 - Review spending
 - Review contractor schedule of values
 - Review contractor requisitions
 - Review executed contracts
2. Financial Condition
 - Review developer quarterly financials
 - Debt Equity ratio
 - Note market issues

Intent: Identify and describe the tools to verify initially and throughout the project developer's compliance with minimum investment and financial position & tie back to MBE, WBE & VBE goals



Host & Surrounding Community Agreements

E. Host & Surrounding Community Agreements

1. Community Liaison
 - Establish Point of Contact from each H/S community
 - Regular contacts/meetings
 - Report on issues
2. Require & review developer confirmation of compliance



Permits & Approvals

F. Permits & Approvals

1. Review Developer permits
 - Monitor status overall
 - Cull conditions and requirements from permits and add to checklists; permits will continue to be issued up to start of construction (and even after)
 - Monitor & report
2. Coordinate with Agencies
 - Via designated Agency contacts
3. Report on permit conditions which alter Developer plans



OPM Reporting

Content

1. Hot Spots & Concerns
2. Schedule – Actual vs. Forecast
3. Milestone tracking
4. Key deliverables & MGC inputs needed
5. Compliance
 - Financial
 - Diversity
 - Design
6. Agency & Community Updates
7. Permitting Status
 - Submitted
 - Received
 - Appeals filed

Frequency

Monthly per template

In addition – we will review developer's quarterly report and note exceptions



End



Attachment: PMP Table of Contents

1. Introduction
2. Project Team
3. Communication Protocols
4. Approvals
5. Site Access
6. Reporting
7. Sources of Commitments
8. Variance Requests
9. Compliance Monitoring
 - i. Schedule
 - ii. Workforce & Supplier Diversity
 - iii. Facility Design & Construction
 - iv. Construction Mitigation
 - v. Financial
 - vi. Host & Surrounding Community Agreements
 - vii. Permits & Approvals



Attachment: Sample Checklist

	Item	Source	Review	Approval	Comment	Status
1	Own land within 60 days of license	S,R,L	MGC legal	MGC Legal		
2	Planted & fenced buffer at property line	RFA-2	OPM	OPM		
3	Separate entrance to sports bar - not only through gaming floor	RFA-2	OPM	I & EB		
4	Minimum four electric vehicle charging stations	RFA-2	OPM	n/a		
5	Provide responsible gambling signage	S,L,R	R G Dir	R G Dir		
6	Reuse storm water for track infield watering	P, RFA-2	OPM	n/a		
7	Surveillance cameras	R	I & EB	I & EB		
8	MGC office space	S, L, R	OPM	MGC team		
9	Conduct baseline traffic studies prior to opening	SCA	OPM	OPM		
10	Hold job fairs	HCA, SCA	OPM	n/a		
KEY	* S = Statutory * R = Regulation * L = License Condition * RFA-2 = Application * P = Permit * HCA = Host Community Agreement * SCA = Surrounding Community Agreement					





Monthly Status Report

Oversight Project Manager – Slots Parlor Plainville

AUGUST 2014

PINCK & Co., INC

Summary

TEXT...

-
-
-
-

Hot Spots / Concerns:

- Game day traffic coordination; needed no later than 9/08/14
- Approval cage layout & egresses so surveillance camera locations can be finalized
- Winter storage for trainers

Status Code Legend

- Open Issue
- Concern
- Urgent

PROGRESS FOR THE MONTH	SCHEDULE ASSESSMENT & MILESTONE PROGRESS																								
NARRATIVE: <ul style="list-style-type: none"> • TEXT • TEXT • TEXT 	NARRATIVE: <ul style="list-style-type: none"> • TEXT • TEXT • TEXT 																								
COMMENTS:	<p style="text-align: center;">KEY DATES & MILESTONES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #f4a460;">Item</th> <th style="background-color: #f4a460;">Forecast</th> <th style="background-color: #f4a460;">Actual</th> </tr> </thead> <tbody> <tr><td>Contract Award</td><td></td><td></td></tr> <tr><td>Notice to Proceed</td><td></td><td></td></tr> <tr><td>Design Development</td><td></td><td></td></tr> <tr><td>Construction Documents</td><td></td><td></td></tr> <tr><td>Building Permit</td><td></td><td></td></tr> <tr><td> </td><td></td><td></td></tr> <tr><td> </td><td></td><td></td></tr> </tbody> </table>	Item	Forecast	Actual	Contract Award			Notice to Proceed			Design Development			Construction Documents			Building Permit								
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STATUS – MGC APPROVALS

FOR APPROVAL

Item	Comment
Plan layout – MGC office space	Concept layout approved with comments
Signage – responsible gaming	Submittal forwarded to MVL for comment
Location of lottery ticket sales	Developer meeting with lottery agent scheduled 9/15/14
Door locking systems	Specification reviewed; more detail requested

FORECAST

Item	Comment

PERMITS & APPROVALS	HOST & SURROUNDING COMMUNITY UPDATE
<p><u>Submitted:</u></p> <ul style="list-style-type: none"> • SWPPC • Building Permit <p><u>Received:</u></p> <ul style="list-style-type: none"> • <p><u>Appeals:</u></p> <ul style="list-style-type: none"> • 	<p>NARRATIVE:</p> <ul style="list-style-type: none"> • TEXT • TEXT • TEXT
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PROJECT COST UPDATE

AUGUST

Item	Original	Revised	Current
Total Project Budget	\$	\$	\$
*Minimum Investment	\$	\$	\$

Reasons for Variances (If any):

*Minimum investment ≠ land, legal, interest, financing fees, promotional & others per 205 CMR 122.04

PROJECT SPENDING UPDATE

AUGUST

	Total	Design	Construction	FF&E
*Minimum Investment	\$	\$	\$	\$
Expended to Date	\$	\$	\$	\$
Percentage Complete	%	%	%	%
Expended Forecast	\$	\$	\$	\$
Expended Actual	\$	\$	\$	\$
Variance	\$	\$	\$	\$

Variances:

VARIANCES	REQUESTS FOR INFORMATION								
<p><u>In Progress:</u></p> <ul style="list-style-type: none"> • • • <p><u>Possible:</u></p> <ul style="list-style-type: none"> • • • 	<p style="text-align: center;">RFI Status</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>RFI Status Data</caption> <thead> <tr> <th>Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>< 30 DAYS</td> <td>16%</td> </tr> <tr> <td>30-60 DAYS</td> <td>20%</td> </tr> <tr> <td>> 60 DAYS</td> <td>64%</td> </tr> </tbody> </table> <hr style="width: 40%; margin: 20px auto;"/>	Category	Percentage	< 30 DAYS	16%	30-60 DAYS	20%	> 60 DAYS	64%
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MASSACHUSETTS GAMING COMMISSION

MEMORANDUM

To: Chairman Crosby and Commissioners Cameron, McHugh, Zuniga and Stebbins
From: Rick Day and Derek Lennon
Date: April 17, 2014
Re: FY14 Third Quarter Budget Update

Summary:

On January 23, 2014, the Commission was presented with a mid-year update of the anticipated spending and revenue for fiscal year 2014 (FY14). That update included estimated spending of \$24.42M and estimated revenue of \$40.16M. Those figures have been revised to reflect the best estimates as of April 17th. Spending is now projected to be 23.72M (\$712K decrease), and revenue is projected to be \$38.49M (\$1.73M decrease). The decrease in projected spending is derived mainly out of delayed hiring, while the decrease in revenue is a result of the Commission using \$17.5M of the licensing fees to assist with closing out FY14 and opening FY15 which will be paid back in FY15, instead of the original plan of using \$20M as reported in January.

This memo is intended to provide details and/or explanations to the increases or decreases.

Spending and Revenue Details

Spending

AA Regular Employee Compensation—decrease of \$455.9K. On January 23rd, the Commission was expecting to hire 15 additional FTEs before the close of FY14 with the latest anticipated start date being 4/21/14. Due to funding uncertainty, difficulty finding the correct candidates for director level positions, and regular delays experienced in hiring, the Commission is only projecting to hire eight of those positions in FY14, and all of the actual start or anticipated start dates have slipped. In addition, the Commission has not had a need to provide overtime to its regular salaried employees, so that item has been decreased by \$85K.



Massachusetts Gaming Commission

BB Regular Employee Related Expenses—decrease of \$40K. In the first half of FY14 the Commission experienced higher travel expenditures due to many investigations, as well as staff receiving training by visiting other regulators. Both in state travel and out of state travel estimates have been decreased by \$20K each.

CC Special and Contract Employees—increase of \$23.06K. I had not fully estimated the cost of one of our contract employees. This accounts for the full year cost.

DD Pension and Insurance Related Expenses—decrease of \$104.4K. These expenses are a percentage of regular employee payroll (AA) and special and contract employee payroll (CC). Due to the large decrease of regular employee payroll there is a corresponding decrease here.

EE Administrative Expenses—decrease of \$33.5K. This is a result of a decrease of \$40K in anticipated credit card spending due to the effort to take expenses off of credit cards and place them under a contract, a decrease of \$10K in the employee recognition program that we will not be able to undertake this year, an increase of \$14.8K for public meeting space an ~\$8K increase in office supplies as well as some small ups and downs in other contracts.

GG Energy Costs and Space Rental—decrease of \$10K. This is a result of signing an extension to the lease at 84 State Street. Prior to signing the extension we did not know the cost/sq. ft. We had budgeted for the worst case possible based on previous conversations with the landlord.

HH Consultant Services (To Departments)—increase of \$103.4K. This is the most deceptive of all of the changes. There were numerous large changes and swings in this item that resulted in the small net change. This analysis will only cover the large shifts in projected costs. The significant decreases to this item are the following:

- The Commission is estimating to spend \$500K less in outside counsel than previously estimated. Some of these savings are attributable to delays in developments of legal matters so will shift into FY15, while some of it is attributable to the legal division taking in house more of the work.
- Training for the IEB was also reduced by \$200K. This is a result of delayed hiring of two key positions within the IEB. This cost will be shifted to FY15.

The significant increases are the following:

- \$262K increase to category 2 phase 2 reviews. Most of this was due to surrounding community determination analysis which was requested by the Commission.



Massachusetts Gaming Commission

- \$150K increase to category 1 phase 2 reviews. This is estimated based on the level of effort required for category 2 reviews.
- \$162.5K for development of policies and procedures manual focusing on human resources and employee manual as part of phase 1 of the high performance organization project. Phase 1 will cross fiscal years.
- \$100K for finance policies and travel policy independent review. This will make sure that the offices finance policies, including travel, are compliant with the state's laws as well as aligned with industry best practices.

There were five other smaller items that made up the balance of the increases.

JJ Operational Services—decrease of \$150.9K. This was made up mainly of a decrease in the state police chargebacks for OT and travel, and some of the costs that were expected to fund the category 1 and 2 phase 2 reviews were shifted to the Consultant Services to Departments (HH) spending category.

KK and LL Equipment Purchases and Leases—increase of \$5K. Fingerprinting machines came in \$5K under estimates, and maintenance on copiers has increased due to a higher demand for copies.

PP Grants and State Aid—decrease of \$15.7K. This is a result of an increase in grant spending by potential host and surrounding communities, offset by the delay in beginning the cohort study grant activities.

UU Information Technology—decrease of \$33K. This item saw increases for the start-up costs of outfitting employees with I-pads, as well as a higher than expected cost for the Microsoft licenses required to run the electronic licensing database, which were offset by the delay in posting an RFR for an electronic monitoring system for slots machines. We do not anticipate having the RFR posted and awarded until September or October of FY15.

Revenue

On January 23rd, the Commission's FY14 revenue streams were estimated to total \$40.2M. As of April 17th those estimates have been revised down by \$1.73M to \$38.5M. The decrease is the result of the following:

- The Commission's decision to only utilize \$17.5M of the Category 2 licensing fees rather than the amount proposed in January of \$20M.
- Grant collections for surrounding community and host community analysis has increased by \$439.5K (this area is difficult to project and is offset in expenditures).



Massachusetts Gaming Commission

- Category 1 phase 2 application review estimates increased based on the actual experience and spending of category 1 reviews.
- Phase 1 investigation costs were negotiated down by \$52.8K.

In January the Commission had estimated needing to utilize \$4.5-\$5M of the category 2 licensing fees to close out FY14 and carry a balance of between \$15.0M-\$15.5M into FY15 to begin operations. Based on the revised spending and revenue estimates the Commission is projecting to balance forward \$14.0-\$14.5M into FY15 while only using \$3.0M-\$3.5M of the licensing fees to close out FY14. The \$3M+ will be built into the Commission's FY15 budget as a repayment.



Massachusetts Gaming Commission

Budget and Actuals

2014 Row Labels	2014			Actuals									Projections				Remaining Months Projected	Actual + Projected	
	Initial Projection	Revision	New Projection as of 4/17/2014	July	August	September	October	November	December	January	February	March	Nine Month Actual	April	May	June			
10500001																			
AA REGULAR EMPLOYEE COMPENSATION	3,746,771.00	(455,881.58)	3,290,889.42	183,756.69	207,006.73	216,525.98	226,440.02	251,572.07	391,899.30	262,295.20	275,263.47	260,372.06	2,275,131.52	338,585.97	338,585.97	338,585.97	338,585.97	1,015,757.90	3,290,889.42
BB REGULAR EMPLOYEE RELATED EXPEN	137,950.00	(40,000.00)	97,950.00	5,000.00	23,371.39	7,341.04	4,027.76	10,005.38	540.42	8,126.93	4,205.08	5,429.67	68,047.67	9,967.44	9,967.44	9,967.44	9,967.44	29,902.33	97,950.00
CC SPECIAL EMPLOYEES	100,000.00	23,057.18	123,057.18	3,900.00	11,227.50	13,627.50	14,557.50	12,255.00	19,912.50	13,927.50	9,637.50	7,987.50	107,032.50	5,341.56	5,341.56	5,341.56	5,341.56	16,024.68	123,057.18
DD PENSION & INSURANCE RELATED EX	1,010,136.15	(104,390.93)	905,745.22	50,919.23	57,458.90	60,127.90	62,885.31	69,809.18	108,760.49	72,801.08	75,729.12	72,184.42	630,675.63	91,689.86	91,689.86	91,689.86	91,689.86	275,069.59	905,745.22
EE ADMINISTRATIVE EXPENSES	564,729.00	(33,500.00)	531,229.00	23,096.39	215,731.81	167,314.73	56,964.99	44,054.03	(292,415.86)	62,944.36	21,945.33	51,927.67	351,563.45	59,888.52	59,888.52	59,888.52	59,888.52	179,665.55	531,229.00
GG ENERGY COSTS AND SPACE RENTAL	563,256.00	(10,000.00)	553,256.00	39,388.42	41,272.11	44,097.11	44,093.04	43,727.98	43,469.78	1,570.87	1,520.42	86,932.43	346,072.16	69,061.28	69,061.28	69,061.28	69,061.28	207,183.84	553,256.00
HH CONSULTANT SVCS (TO DEPTS)	11,013,053.44	103,417.75	11,116,471.19	648.87	1,285,548.31	1,378,596.80	245,583.40	1,170,506.53	928,571.30	379,986.14	238,884.39	1,357,979.54	6,986,305.28	1,376,721.97	1,376,721.97	1,376,721.97	1,376,721.97	4,130,165.91	11,116,471.19
JJ OPERATIONAL SERVICES	903,180.00	(150,940.00)	752,240.00	35,890.36	33,689.82	8,671.31	79,117.29	14,472.38	52,252.63	16,534.53	25,502.98	30,606.80	296,738.10	151,833.97	151,833.97	151,833.97	151,833.97	455,501.90	752,240.00
KK Equipment Purchase	61,500.00	(5,000.00)	56,500.00	-	-	-	-	-	-	-	98.85	-	98.85	18,800.38	18,800.38	18,800.38	18,800.38	56,401.15	56,500.00
LL EQUIPMENT LEASE-MAINTAIN/REPAR	28,822.00	10,050.00	38,872.00	1,076.77	2,229.51	2,861.73	2,052.09	3,558.17	3,421.00	1,625.25	4,565.95	5,746.14	27,136.61	3,911.80	3,911.80	3,911.80	3,911.80	11,735.39	38,872.00
MM PURCHASED CLIENT/PROGRAM SVCS	10,000.00	-	10,000.00	-	-	-	-	7,402.50	2,587.50	-	-	-	9,990.00	-	-	-	10.00	10.00	10,000.00
NN INFRASTRUCTURE:	76,585.81	-	76,585.81	-	-	59.00	488.25	58,320.41	17,627.40	-	-	-	76,495.06	30.25	30.25	30.25	30.25	90.75	76,585.81
PP STATE AID/POL SUB	4,158,083.00	(15,731.00)	4,142,352.00	-	75,000.00	211,140.00	1,107,497.30	15,000.00	164,239.13	15,000.00	19,821.14	312,339.25	1,920,036.82	740,771.73	740,771.73	740,771.73	740,771.73	2,222,315.18	4,142,352.00
UU IT Non-Payroll Expenses	2,054,893.89	(33,289.60)	2,021,604.29	2,684.50	2,878.35	9,459.58	5,199.26	13,927.81	384,771.80	302,603.94	77,625.77	98,748.95	897,899.96	374,568.11	374,568.11	374,568.11	374,568.11	1,123,704.33	2,021,604.29
Grand Total	24,428,960.29	(712,208.18)	23,716,752.11	346,361.23	1,955,414.43	2,119,822.68	1,848,906.21	1,714,611.44	1,825,637.39	1,137,415.80	754,800.00	2,290,254.43	13,993,223.61	3,241,172.83	3,241,172.83	3,241,172.83	3,241,172.83	9,723,528.50	23,716,752.11

Revenues	2014			Actuals									Projections				Remaining Months Projected	Actual + Projected	
	Initial Projection	Revision	New Projection as of 4/17/2014	July	August	September	October	November	December	January	February	March	Nine Month Actual	April	May	June			
Beginning Balance	10,868,827.88	-	10,868,827.88	10,868,827.88	-	-	-	-	-	-	-	-	10,868,827.88	-	-	-	-	-	10,868,827.88
Grant Collections		439,546.39	439,546.39	-	-	-	-	-	-	-	-	-	439,546.39	-	-	-	-	-	439,546.39
Phase 1 Investigation Collections	4,898,333.23	(52,866.34)	4,845,466.89	745,411.41	745,411.41	745,411.41	745,411.41	745,411.41	745,411.41	-	95,696.39	343,850.00	4,845,466.89	-	-	-	-	-	4,845,466.89
Phase 2 Category 2 Collections	1,500,000.00	-	1,500,000.00	-	-	-	-	-	1,000,000.00	500,000.00	-	-	1,500,000.00	-	-	-	-	-	1,500,000.00
Phase 2 Category 1 Collections	2,800,000.00	383,880.02	3,183,880.02	-	-	-	-	-	-	-	1,061,293.34	1,061,293.34	2,122,586.68	353,764.45	353,764.45	353,764.45	353,764.45	1,061,293.34	3,183,880.02
Licensing Division Revenue	150,000.00	-	150,000.00	-	-	-	-	-	-	-	-	200.00	200.00	149,800.00	-	-	-	149,800.00	150,000.00
Transfer from \$25M Category 2 Fee	20,000,000.00	(2,500,000.00)	17,500,000.00	-	-	-	-	-	-	-	-	-	17,500,000.00	-	-	-	-	17,500,000.00	17,500,000.00
Grand Total	40,217,161.11	(1,729,439.93)	38,487,721.18	11,614,239.29	745,411.41	745,411.41	745,411.41	745,411.41	1,745,411.41	500,000.00	1,209,856.07	1,725,475.41	19,776,627.84	18,003,564.45	353,764.45	353,764.45	353,764.45	18,711,093.34	38,487,721.18
Cash Balance At Close of Month				11,267,878.06	10,057,875.05	8,683,463.78	7,579,968.98	6,610,768.96	6,530,542.98	5,893,127.18	6,348,183.25	5,783,404.23	5,783,404.23	20,545,795.84	17,658,387.45	14,770,969.07	8,987,564.84	14,770,969.07	

Grant payments

	3100 Crossroads MA LLC	3200 Hard Rock MA	3300 Mass Gaming Ent LLC	3400 MGM Springfield	3500 Mohegan Sun	3600 Penn National Gaming, Inc	3700 Plainridge Racecourse	3800 PPE Casino Resorts	3900 Raynham Park	4000 Sterling Suffolk Racecourse	4001 Wynn, LLC	4002 KG Urban Adivsory LLC	Totals
*Grant Revenue	\$186,140.00	\$266,314.13	\$50,000.00	\$169,282.14	\$50,000.00	\$138,339.25	\$201,109.00	\$50,000.00	\$121,230.00	\$50,000.00	\$642,601.75	\$50,000.00	\$1,975,016.27
Grant Payments	\$186,140.00	\$266,314.13	\$50,000.00	\$169,282.14	\$42,464.00	\$88,339.25	\$201,109.00	\$50,000.00	\$121,230.00	\$20,000.00	\$492,751.75	\$0.00	\$1,687,630.27

Balance \$0.00 \$0.00 \$0.00 \$0.00 \$7,536.00 \$50,000.00 \$0.00 \$0.00 \$0.00 \$30,000.00 \$149,850.00 \$50,000.00 \$287,386.00

* includes \$50,000 from the application fee

Phase I Detail

Phase I Investigations	3100 Crossroads MA LLC	3200 Hard Rock MA	3300 Mass Gaming Ent LLC	3400 MGM Springfield	3500 Mohegan Sun	3600 Penn National Gaming, Inc	3700 Plainridge Racecourse	3800 PPE Casino Resorts	3900 Raynham Park	4000 Sterling Suffolk Racecourse	4001 Wynn, LLC	Totals
*Collections	\$1,120,486.00	\$869,918.38	\$756,084.00	\$2,060,942.00	\$1,342,219.96	\$500,000.00	\$813,039.00	\$452,294.00	\$909,354.00	\$1,450,771.00	\$2,198,364.07	\$12,473,472.41
Forecast Cost amount	\$924,000.00	\$733,380.00	\$555,380.00	\$1,766,445.00	\$1,180,742.25	\$443,894.00	\$768,000.00	\$411,740.00	\$789,000.00	\$1,310,630.00	\$1,871,136.64	\$10,754,347.89
Other costs	\$220.00	\$694.87	\$0.00	\$38,568.64	\$5,365.83	\$45,894.90	\$3,541.50	\$6,781.14	\$14,691.29	\$16,421.86	\$37,801.25	\$169,981.28
Total	\$924,220.00	\$734,074.87	\$555,380.00	\$1,805,013.64	\$1,186,108.08	\$489,788.90	\$771,541.50	\$418,521.14	\$803,691.29	\$1,327,051.86	\$1,908,937.89	\$10,924,329.17
Admin Percent	13.71%	13.71%	13.71%	13.71%	13.71%	13.71%	13.71%	13.71%	13.71%	13.71%	13.71%	13.71%
Admin Costs	\$126,680.40	\$100,546.40	\$76,142.60	\$242,179.61	\$161,879.76	\$60,857.87	\$105,292.80	\$56,449.55	\$108,171.90	\$179,687.37	\$256,532.83	\$1,474,421.10
Remaining Balance	\$69,585.60	\$35,297.11	\$124,561.40	\$13,748.75	-\$5,767.88	-\$50,646.77	-\$63,795.30	-\$22,676.69	-\$2,509.19	-\$55,968.23	\$32,893.35	\$74,722.14

* include \$350,000 application fee

Phase I Summary

Phase I Investigations	Totals
*Investigation Collections	\$12,473,472.41
Forecast Cost amount	\$10,754,347.89
Other costs	\$169,981.28
Admin percent	13.71%
Admin Costs	\$1,474,421.10
Remaining balance	\$74,722.14

Phase II Detail

Phase II Projected cost	3400 MGM Springfield	3500 Mohegan Sun	3600 Penn National Gaming, Inc	3800 PPE Casino Resorts	3900 Raynham Park	4001 Wynn, LLC	Totals
Finance and Economic	\$433,333.34	\$433,333.34	\$105,000.00	\$105,000.00	\$105,000.00	\$433,333.34	\$1,615,000.01
Design and Mitigation	\$366,666.67	\$366,666.66	\$216,666.67	\$216,666.67	\$216,666.67	\$366,666.66	\$1,750,000.00
Project Mangement	\$102,333.33	\$102,333.33	\$84,000.00	\$84,000.00	\$84,000.00	\$102,333.34	\$559,000.00
Expert Evaluations	\$31,000.00	\$31,000.00	\$30,833.00	\$30,833.00	\$30,833.00	\$31,000.00	\$185,499.00
Total	\$933,333.34	\$933,333.33	\$436,499.67	\$436,499.67	\$436,499.67	\$933,333.34	\$4,109,499.01
Percent applied	13.71%	13.71%	13.71%	13.71%	13.71%	13.71%	Total
Admin cost	\$127,960.00	\$127,960.00	\$59,844.10	\$59,844.10	\$59,844.10	\$127,960.00	\$563,412.31
Grand Total	\$1,061,293.34	\$1,061,293.33	\$496,343.77	\$496,343.77	\$496,343.77	\$1,061,293.34	\$4,672,911.32
Collected amount	\$0.00	\$1,061,293.34	\$500,000.00	\$500,000.00	\$500,000.00	\$1,061,293.34	\$3,622,586.68
Paid amount	\$67,726.58	\$67,772.04	\$506,174.84	\$506,174.84	\$506,174.84	\$67,652.14	\$1,721,675.30
Balance	-\$67,726.58	\$993,521.30	-\$6,174.84	-\$6,174.84	-\$6,174.84	\$993,641.20	\$1,900,911.38

Phase II Summary

Phase II Projected cost	Slot	Casino	Totals
Finance and Economic	\$315,000.00	\$1,300,000.00	\$1,615,000.00
Design and Mitigation	\$650,000.00	\$1,100,000.00	\$1,750,000.00
Project Mangement	\$252,000.00	\$307,000.00	\$559,000.00
Expert Evaluations	\$92,500.00	\$93,000.00	\$185,500.00
Sub-Total	\$1,309,500.00	\$2,800,000.00	\$4,109,500.00

Admin Percent	13.71%	13.71%	
Admin cost	\$179,532.31	\$383,880.00	\$563,412.31

Grand Total	\$1,489,032.31	\$3,183,880.00	\$4,672,912.31
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Collected amount	\$1,500,000.00	\$2,122,586.68	\$3,622,586.68
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Paid amount	\$1,518,524.53	\$203,150.77	\$1,721,675.30
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Balance	-\$18,524.53	\$1,919,435.91	\$1,900,911.38
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RPT--MGC Budget Projections

BFY	Appropriation	Object Class	Object Code	Initial Budget	Revisions	Current Budget
2014	10500001					
		AA REGULAR EMPLOYEE COMPENSATION				
			A01 Salaries: Inclusive	\$3,646,771.00	(\$380,882.86)	\$3,265,888.14
			A08	\$100,000.00	(\$85,000.00)	\$15,000.00
			A13 Vacation-In-Lieu	\$0.00	\$10,001.28	\$10,001.28
		Object Class Totals		\$3,746,771.00	(\$455,881.58)	\$3,290,889.42
		BB REGULAR EMPLOYEE RELATED EXPEN				
			B01 Other Out Of State Travel - INCLUSIVE: AIRFARE, HOTEL, LODGI	\$54,500.00	(\$20,000.00)	\$34,500.00
			B02 In-State Travel	\$83,450.00	(\$20,000.00)	\$63,450.00
		Object Class Totals		\$137,950.00	(\$40,000.00)	\$97,950.00
		CC SPECIAL EMPLOYEES				
			C01 Contracted Faculty	\$100,000.00	\$23,057.18	\$123,057.18
		Object Class Totals		\$100,000.00	\$23,057.18	\$123,057.18
		DD PENSION & INSURANCE RELATED EX				
			D09 Fringe Benefit Cost Recoupment	\$1,010,136.15	(\$104,390.93)	\$905,745.22
		Object Class Totals		\$1,010,136.15	(\$104,390.93)	\$905,745.22
		EE ADMINISTRATIVE EXPENSES				
			E01 Office & Administrative Supplies	\$42,000.00	\$8,500.00	\$50,500.00
			E02 Printing Expenses & Supplies	\$25,400.00	\$0.00	\$25,400.00
			E06 Postage	\$5,317.00	\$0.00	\$5,317.00
			E12 Subscriptions, Memberships & Licensing Fees	\$25,200.00	\$2,000.00	\$27,200.00
			E13 Advertising Expenses	\$3,500.00	\$0.00	\$3,500.00
			E15 Bottled Water	\$500.00	\$0.00	\$500.00
			E19 Fees, Fines, Licenses, Permits & Chargebacks	\$2,653.00	\$0.00	\$2,653.00
			E22 Temp Use Space/Confer-Incidental Includes Reservation Fees	\$90,000.00	\$14,800.00	\$104,800.00
			E30 Credit Card Purchases	\$265,000.00	(\$40,000.00)	\$225,000.00
			E41 Out Of State Travel Expen on Behalf of State Employ	\$20,000.00	\$0.00	\$20,000.00
			E56 Secretariat Central Services Chargeback	\$46,000.00	\$0.00	\$46,000.00
			E98 Reimbursement for Traval and Other Expenses for Board Member	\$8,659.00	\$0.00	\$8,659.00
			EE2 Conference, Training and Registration Fees	\$20,500.00	(\$8,800.00)	\$11,700.00
			EE9	\$10,000.00	(\$10,000.00)	\$0.00
		Object Class Totals		\$564,729.00	(\$33,500.00)	\$531,229.00
		GG ENERGY COSTS AND SPACE RENTAL				
			G01 Space Rental	\$543,256.00	(\$10,000.00)	\$533,256.00
			G03 Electricity	\$20,000.00	\$0.00	\$20,000.00
		Object Class Totals		\$563,256.00	(\$10,000.00)	\$553,256.00
		HH CONSULTANT SVCS (TO DEPTS)				

BFY	Appropriation	Object Class	Object Code	Initial Budget	Revisions	Current Budget
2014	10500001	HH CONSULTANT SVCS (TO DEPTS)				
			H09 Attorneys/Legal Services	\$1,359,772.72	(\$503,863.25)	\$855,909.47
			H19 Management Consultants	\$9,334,384.11	\$587,836.00	\$9,922,220.11
			H21 Personnel Placement Consultants (Recruiters)	\$30,096.61	\$0.00	\$30,096.61
			H23 Program Coordinators	\$137,500.00	\$19,445.00	\$156,945.00
			H98 Reim Trav/Exp For Consultant Services	\$8,000.00	\$0.00	\$8,000.00
			HH3 Media Design, Editorial and Communication	\$143,300.00	\$0.00	\$143,300.00
		Object Class Totals		\$11,013,053.44	\$103,417.75	\$11,116,471.19
		JJ OPERATIONAL SERVICES				
			J25 Laboratory & Pharmaceutical Services	\$717,931.00	(\$105,940.00)	\$611,991.00
			J33 Photographic & Micrographic Services	\$75,000.00	\$10,000.00	\$85,000.00
			J46 Temporary Help Services	\$15,000.00	\$20,000.00	\$35,000.00
			J62	\$92,499.00	(\$75,000.00)	\$17,499.00
			JJ2 Auxiliary Services	\$2,750.00	\$0.00	\$2,750.00
		Object Class Totals		\$903,180.00	(\$150,940.00)	\$752,240.00
		KK				
			K06	\$15,000.00	\$0.00	\$15,000.00
			K10	\$45,000.00	(\$5,000.00)	\$40,000.00
			K12 Television Broadcasting Equipment	\$1,500.00	\$0.00	\$1,500.00
		Object Class Totals		\$61,500.00	(\$5,000.00)	\$56,500.00
		LL EQUIPMENT LEASE-MAINTAIN/REPAR				
			L06 Print, Photocopying/Micrographics Equip TELP Lease-Purchase	\$5,400.00	\$500.00	\$5,900.00
			L25 Office Equipment Rental or Lease	\$15,922.00	\$2,050.00	\$17,972.00
			L26 Printing/Photocopy & Micrographics Equip Rent/Lease	\$7,500.00	\$7,500.00	\$15,000.00
		Object Class Totals		\$28,822.00	\$10,050.00	\$38,872.00
		MM PURCHASED CLIENT/PROGRAM SVCS				
			M04 Services Purch Support of Human/Social Services for Clients	\$10,000.00	\$0.00	\$10,000.00
		Object Class Totals		\$10,000.00	\$0.00	\$10,000.00
		NN INFRASTRUCTURE:				
			N18 Initial Furnishings & Equipment Purchases	\$488.00	\$0.00	\$488.00
			N51 Property Management	\$25,769.36	\$0.00	\$25,769.36
			N73 Non-Hazardous Waste Removal Services	\$150.00	\$0.00	\$150.00
			N98 Reimbursement for Travel/Other Expense Infrs Projects	\$50,178.45	\$0.00	\$50,178.45
		Object Class Totals		\$76,585.81	\$0.00	\$76,585.81
		PP STATE AID/POL SUB				
			P01 Grants To Public Entities	\$693,731.00	(\$15,731.00)	\$678,000.00
			P06 Other Financial Assistance to State Authorities	\$3,459,352.00	\$0.00	\$3,459,352.00
			PP1	\$5,000.00	\$0.00	\$5,000.00
		Object Class Totals		\$4,158,083.00	(\$15,731.00)	\$4,142,352.00
		UU IT Non-Payroll Expenses				

BFY	Appropriation	Object Class	Object Code	Initial Budget	Revisions	Current Budget
2014	10500001					
		UU IT Non-Payroll Expenses				
			U02 Telecommunications Services - Voice	\$44,500.00	\$27,000.00	\$71,500.00
			U03	\$60,000.00	\$152,710.40	\$212,710.40
			U05 Information Technology (IT) Professionals	\$1,191,266.89	(\$215,000.00)	\$976,266.89
			U06 Information Technology (IT) Cabling	\$18,000.00	\$0.00	\$18,000.00
			U07 Information Technology (IT) Equipment	\$740,127.00	\$2,000.00	\$742,127.00
			U10 Information Tech (IT) Equipment Maintenance & Repair	\$1,000.00	\$0.00	\$1,000.00
		Object Class Totals		\$2,054,893.89	(\$33,289.60)	\$2,021,604.29
	Appropriation Totals:			\$24,428,960.29	(\$712,208.18)	\$23,716,752.11

MASSACHUSETTS GAMING COMMISSION EMPLOYEE HANDBOOK

Massachusetts Gaming Commission
84 State Street
Boston, MA 02109

The Massachusetts Gaming Commission Employee Handbook

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Mission Statement

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

The Gaming Commission

The Massachusetts Gaming Commission is the agency charged with licensing and overseeing casino gambling and horseracing throughout the Commonwealth of Massachusetts. Created by legislation passed in November, 2011, the Commission began its operations in April, 2012.

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

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

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Core Values

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

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

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Preface

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

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

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

The policies, statements, and information contained in this Employee Handbook are provided to inform and guide you. While this Handbook reflects current personnel policies and practices, it is not a contract or part of a contract between you and the Commission. The Commission reserves the right to revise or rescind unilaterally any of the provisions of this Handbook at any time to reflect changes in the Commission’s practices and procedures or changes in the law. The Commission has complete discretion to depart from these policies and practices when reasonable or necessary to do so.

Employment at the Commission is **AT WILL**. In other words, either you or the Commission may terminate your employment at any time, for any reason, with or without cause or notice. Nothing in this employee handbook or in any document or statement, written or oral, shall limit the right to terminate employment at will.

You should contact your manager, the Commission’s Human Resources Department or the General Counsel to the Commission if you have questions about a procedure or benefit. Specific information regarding benefit plans can be found in the applicable summary plan description

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(SPD), plan document, or insurance policy. These documents are on file at the Commission and in the Human Resources Division. In the event of a conflict or perceived conflict between the specific provisions of a plan and any interpretation of information contained in the Employee Handbook, the specific provisions of the plan shall apply. These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Massachusetts Gaming Commission.

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

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SECTION 1. Employment Practices

1.1. Employment At-Will and MGL chapter 150E

Employment with the Commission is AT-WILL. This means that an employee's employment can be terminated with or without cause, and with or without notice, at the option of either the Commission or the employee, except as otherwise prohibited by law. Nothing in this Handbook or in any document or statement limits the right of the Commission or the employee to terminate employment-at-will.

No manager or employee of the Commission may enter into any agreement for employment for any specified period of time or make any agreement, implied or expressed, for employment other than on an at-will basis. Only the Commission and/or its designee has the authority to enter into any employment agreement and then such agreement must be in writing and ratified by the full Commission.

The Commission consists of 5 commissioners appointed as provided in M.G.L. c 23K. Pursuant to c.23K, the commissioners appoint the Executive Director. The Executive Director is authorized to hire all other employees by delegation of the Commission. The Commission may hire employees and/or delegate the hiring authority to another individual in the absence of an Executive Director.

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

1.2. Employment Classification

The Massachusetts Gaming Commission has defined Employment Categories so employees understand their employment status and benefit eligibility. The exemption status for positions at the Commission, as it pertains to eligibility for overtime, is determined according to regulations issued under the Fair Labor Standards Act (FLSA). The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in federal, state, and local governments.

1.3. Fair Labor Standards Act (FLSA) Status

Non-Exempt

Non-exempt employees are those employees who, based on duties performed and manner of compensation, are be subject to all FLSA provisions. There are occasions when the regular work hours are not sufficient to complete the workload. On such occasions, employees may be required to work additional hours. Non-exempt employees are required to account for time worked on an hourly and fractional hourly basis. For non-exempt employees, additional overtime compensation is paid at time and one-half for all time worked over 40 hours in any week. Regular paid holidays will not be included to calculate 40 hours during the same week as the holiday.

Exempt

Exempt employees are those whose job assignments and responsibilities and manner of compensation meet federal and state requirements for exemption from the overtime requirement. Exempt employees are compensated on a salary basis and are not eligible for overtime pay. Exempt employees will be paid an established bi-weekly salary and are expected to fulfill the duties of their positions and work a minimum 37.5 hours per week. Executive, administrative and professional employees, certain outside sales employees, and motor carriers, as defined under the federal Fair Labor Standards Act, are generally considered exempt.

Overtime

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

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

All instances of overtime work by non-exempt employees must be approved in writing in advance by the employee's manager or Department Head. Employees may not be given "blanket approval" to work overtime at their own discretion. Non-exempt employees who work overtime without prior manager or Department Head authorization may be sent home before the end of the day or work week to limit worked hours to 40.

Anti-Retaliation

It is a violation for *any person* to "discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to the Fair Labor Standards Act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee." 29 U.S.C. § 215(a) (3). Retaliation in violation of the Fair Labor Standards Act will not be

tolerated. A report of retaliation will be handled in the same manner as a report of sexual harassment or other unlawful discriminatory harassment or discrimination. Any acts of retaliation will be subject to appropriate disciplinary action, which may range from counseling to termination from employment, and may include such other forms of disciplinary action, as the Commission deems appropriate.

If an employee believes he/she has been subjected to retaliation, he/she may file a written or verbal complaint with the Human Resources Department, General Counsel, and/or the following agencies:

US Dept. of Labor: Boston District Office, Wage & Hour Division
John F. Kennedy Federal Building, Room 525, Boston, MA 02203
Phone: (617) 624-6700 or 1-866-4-USWAGE (1-866-487-9243)

Office of the Massachusetts Attorney General, Fair Labor Division,
One Ashburton Place, Boston, MA 02108. Phone: (617) 727-3465.

Payroll Deductions

The Commission is required to make standard deductions from your earnings on your behalf. Amounts vary according to how much you earn, your marital status, government employment regulations, and other factors. These mandatory deductions are made until the maximum amount is reached. Mandated withholdings include:

- Federal Income tax
- State and Local Income Tax

We may also be required by law to recognize certain court orders, liens, and wage garnishments. Other deductions may be withheld from your paycheck with your permission

Deductions from Pay (Exempt Employees)

Exempt employees are paid on a fixed salary basis. It is the Commission's policy to make deductions from the pay of salaried employees only where such deductions are permitted by the Fair Labor Standards Act or Department of Labor regulations issued pursuant to that law.

Employment Categories

All employees are employees AT WILL regardless of their category or classification.

Regular Full-Time

Regular full-time employees are those who are hired into a position designated with no pre-determined end date or with an end date that is more than twelve (12) months from the commencement of employment but is terminable at will. A regular, full time employee works either a minimum 37.5 hours per week work schedule during the Commission's regular business hours of operation. Regular, full-time employees are eligible for all employee benefits outlined in this Handbook.

Regular Part-Time

Regular part-time employees are those who are hired into a part time position designated with no pre-determined end date or with an end date that is more than twelve (12) months from the commencement of employment but is terminable at-will. Regular, part time employees work at least 18.75, but less than 37.5 hours per week work schedule during the Commission's regular business hours of operation or work for 37.5 hours per week or less and for a period of 9 months or less in any calendar year. Regular, part-time employees are eligible for all employee benefits outlined in this Handbook. Annual vacation, sick, and personal hours are pro-rated based on the number of hours worked.

Co-op

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

Intern

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

Contract

A contract employee is an employee who is hired to temporarily supplement the work force, to assist in the completion of a specified project or for any other reason the Commissioners deem appropriate. A contract employee's terms and conditions of employment are governed by a written agreement. Employment assignments in this category are of a limited duration. The Executive Director, or in the absence of the Executive Director, the Commission has the authority to enter into any such written agreement. Contract employees are eligible for Workers' Compensation and may be eligible for certain other statutory benefits, but generally are not eligible for Commission benefits. Contract employees are required to participate in the Massachusetts Deferred Compensation SMART Plan (SMART Plan) and must contribute at least 7.5% of their gross compensation per pay period. The SMART Plan is an alternative to Social Security as permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA). Contract employees should speak with the Human Resources Department to determine the benefits, if any, for which they are eligible.

Direct Deposit

If an employee wishes to have their paycheck deposited directly into their bank account, please contact the Human Resources Department for the appropriate form, and such arrangements will be made. Employees may also make direct deposit changes by utilizing the self-service features in the Commonwealth's on-line time and attendance system. It may take one or two payroll periods for the change to become effective. Employees using direct deposit will not receive a written payroll advice, but will be able to access payroll information through the on-line time and attendance system.

Personnel Records

Personnel records are maintained for each employee. To ensure their accuracy, please notify the Human Resources Department of any changes in name, address, telephone number, and marital status, number of dependents or changes in your next of kin and/or beneficiaries. If there is a disagreement about the information contained in an employee's personnel record, the employee and the Commission may mutually agree about a correction or removal of the information. If an agreement cannot be reached, the employee may submit a written statement explaining his/her position, which will become part of the personnel record for that employee, along with the original information. The Commission complies with state law requirements regarding employee notice when certain types of negative information are placed in a personnel file.

Employees who submit a written request to review their personnel files will receive an opportunity to view their files within five business days in the Commission's office and during normal business hours. In accordance with state law, employees may request to review their personnel files twice per calendar year. Employees who submit a written request for a copy of their personnel files will receive a copy of their files within five business days.

Orientation

Each new employee will receive a new employee packet. Orientation will be conducted as needed. The new employee packet should be used to become familiar with the Commission and its standards, policies, procedures, and benefits. New employees are encouraged to ask any questions they may have during this time so that they will understand all the guidelines that affect and cover their employment.

Performance Evaluations

Managers will complete annual performance evaluations of their employees. The performance evaluations will be an objective assessment of each employee's performance as compared to the stated goals and tasks articulated in his or her job descriptions.

The purpose of a performance evaluation meeting between the evaluating manager and the employee will be to discuss performance during the prior year and to establish expectations, performance standards, and objectives for the coming year. The performance evaluation process will also be an opportunity to further refine expectations and goals articulated in the job descriptions. Managers and employees are strongly encouraged to discuss job performance and expectations on a regular basis outside of the performance management process.

All employees will be asked to submit a self-evaluation prior to the performance evaluation. These evaluations will become part of employee's personnel records. Employees are entitled to see any written evaluation made of their performance, encouraged to make written comments, and required to sign all evaluations.

Professional Development

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

Professional Membership and Subscriptions

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

Work Related Conferences and Seminars

The Commission encourages employees to engage in professional development by attending work-related conferences or seminars that may provide professional or technical skill development.

Employees should discuss opportunities with their manager. Employees must obtain approval from their manager prior to enrolling in a conference or seminar. Overnight stays and out-of-state travel require prior approval from the Executive Director and must comply with the provisions of c. 268A, c. 268B and the Commission's enhanced ethics code

Dress Code

The Commission has instituted a "business casual" dress code and provides general guidelines to establish what it considers appropriate and professional attire. All employees should look neat and professional and dress in a manner that is appropriate for their job and not distracting to other employees or visitors. All employees should remember that they represent the commission and should present themselves professionally at all times.

Business Casual Attire

Regular attire for employees during normal work hours is business casual

General definition of business attire for women: A reasonable length skirt or trousers of a non-jeans material combined with a top (such as a dress shirt, or sweater set) is considered acceptable. Address with appropriate skirt length is also acceptable.

General definition of business attire for men: A combination of collared shirt (such as a dress shirt or polo shirt), cotton trousers (such as khakis or blue, green, brown, or black trousers) with a belt. Jeans are not acceptable business casual attire. A blazer or business jacket can optionally be added.

The following is a partial list of examples that do not constitute business attire: jeans, shorts, tank tops, tee-shirts, cargo pants, mini-skirts, rumpled or ripped clothing, underwear as outerwear, inappropriately revealing attire such as bare midriffs, and flip-flops.

Business Formal Attire

It is recommended that employees dress in standard business attire when at an official meeting or when representing the Commission in an official capacity. Employees may be expected to dress in standard business attire when notified that visitors to the premises are expected or when involved in meetings with guests or members of the public on or off Commission premises.

General definition of standard business attire: Jacket and tie and/or suits for men and pantsuits, skirt suits or dresses for women.

Casual Days

Each Friday is designated a Casual Day for dress code purposes. Other days, as determined by the Executive Director, may also be designated as Casual Days for dress code purposes. The Executive Director may also revoke Casual Day privileges for individual employees or the entire office if guidelines are not adhered to. If an employee is representing the Commission in an official capacity or at an official meeting, that employee should dress in business casual or business formal attire, as the situation requires, regardless of whether the day is designated as a Casual Day.

The following attire is acceptable during a Casual Day but not during other days: Slacks, jeans, casual dresses and skirts, casual shirts and blouses, tee-shirts, golf shirts, athletic shoes and other casual shoes except as described in section 2.1.4.

Inappropriate Attire

The following is a partial list of examples that do not constitute appropriate attire at any time while on duty: sweat pants, exercise clothing, shorts, tank tops, mini-skirts, ruffled or ripped clothing, underwear as outerwear, inappropriately revealing attire such as bare midriffs, flip-flops, bib overalls, spandex or other form-fitting clothing, attire with offensive messages or images.

Hats are not appropriate in the office. With the exception of headgear for religious purposes, as part of a required uniform or to honor cultural or racial traditions, all staff should remove hats, caps, or other headgear while on duty indoors.

SECTION 2. Workplace Policies

2.1. Work Standards for Employee Conduct

Discipline

The Commission expects employees to have a respectful demeanor at all times. An employee's conduct that, in the opinion of the Commission, interferes with or adversely affects the Commission's business is sufficient grounds for disciplinary action. Disciplinary action may include, but is not limited to, a verbal or written warning or other action up to and including immediate termination.

The Commission reserves the right to alter the order described above, to skip disciplinary steps, to eliminate disciplinary steps, or to create new and/or additional disciplinary steps. With that flexibility in mind, the Commission reminds you that this Handbook (and, specifically, this

Discipline Policy) is not an employment contract and is not intended to create contractual obligations of any kind.

While not an exhaustive list, here are some examples of conduct that may result in immediate termination:

- bullying of co-workers, managers, or persons interacting with the Commission
- use of profanity at work
- failing to maintain confidential information of the Commission
- smoking on Commission property
- theft of Commission property
- unexcused, habitual or excessive tardiness or absenteeism from work
- arguing or fighting with co-workers, managers, or persons interacting with the Commission
- bringing, and/or brandishing, a weapon at work, except for State Police assigned to the Commission
- threatening the physical safety of coworkers, managers, or persons interacting with the Commission
- physically or verbally assaulting someone at work
- using threatening or vulgar language at work
- any illegal conduct at work
- possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace while on duty
- working under the influence of alcohol or illegal drugs
- failing to carry out reasonable job assignments
- insubordination
- sleeping on the job
- making false statements on a job application or other Commission documents
- use of Commission property, equipment or facilities while on work time in violation of chapter 268A or the Commission's Enhanced Code of Ethics or Commission's Information Technology Policy and Procedures
- falsification of timekeeping records
- violating the Commission's rules and regulations
- retaliating against another employee who has complained about unlawful harassment or discrimination or participated in an investigation of the same;
- Violating the Commission's discrimination and harassment policies.
- It is impossible to compile an exhaustive list of the types of conduct that will result in immediate termination. The ones listed above are merely illustrations; other behavior, misconduct, or violations of policy may also result in immediate termination.

Code of Conduct

Conduct of employees shall at all times adhere to the highest standards of professional conduct and accountability and reflect favorably upon the Commission. 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 as a whole. Employees are expected to perform their duties in a fair and impartial manner and to avoid any conduct which gives the reasonable basis for an impression that they are acting otherwise. In no case should they abuse the integrity of the Commission or improperly use their official title.

Employees must review and comply with M.G.L. c. 268A (the Conflict of Interest Law) and the Commission's Enhanced Code of Ethics as well as other applicable state and federal laws governing the conduct of public employees. All attorneys shall strictly adhere to all ethics standards established by the Massachusetts Supreme Judicial Court. In addition, within thirty days of being hired and then every two years thereafter, all employees must complete the State Ethics Commission's online training, which is available at the Ethics Commission's web site www.mass.gov/ethics. Upon completing the program, employees should print or save the completion certificate and keep a copy for themselves and forward a copy to the Human Resources Department. You are encouraged to call the Massachusetts State Ethics Commission Attorney of the Day hot line if you have any questions about the application of M.G.L. c. 268A or c. 268B. If you have any questions about the Commission's Enhanced Code of Ethics, you may consult with the Commission General Counsel.

Criminal Activity

All Commission employees shall at all times adhere to the highest standards of conduct. If an employee engages in criminal activity, he or she may be subject to discipline, up to and including termination. Examples of criminal activity include: theft, misappropriation or unauthorized use of Commission funds, falsification of time or other Commission records, possession or sale of drugs or possession of unauthorized firearms or other dangerous weapons on Commission property, acceptance or solicitation of gifts, money, or other things of value intended as inducement to perform or refrain from performing an official act, and other violations of laws of the United States or the Commonwealth of Massachusetts.

As required by chapter 23K 3 (1) (iv), any employee who is arrested, charged, or convicted of a misdemeanor or felony while employed by the Commission must immediately notify the Commission. 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 a criminal matter. Any employee who is convicted of a misdemeanor or a felony may be subject to discharge.

2.2. Drug and Alcohol Policy

The Commission seeks to ensure a safe, healthy, and productive work environment for all employees. As part of its compliance with Federal Drug-Free Workplace Act of 1988, the Commission through this statement to employees hereby re-emphasizes its policy against the use of illegal drugs and alcohol on Commission premises.

The Commission has taken steps to combat the dangers posed by substance abuse. Some resources available to you to help find out about treatment options and resources include the Governor's Alliance Against Drugs, which provides drug and alcohol education materials and is active in local schools and communities and the 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 Commission's Drug and Alcohol Policy Statement is as follows:

No Commission 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. "Controlled substances" shall mean a drug, substance, or immediate precursor in any schedule or class referred to in M.G.L. Chapter 94C.

The illegal manufacture, distribution, dispensing, possession, consumption, or other use of alcohol or a controlled substance while on the job, while on Commission premises, while attending business-related activities, or while operating a vehicle or machine leased or owned by the Commission is an offense for which the Commission will take such corrective action as is appropriate, including disciplinary action 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 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 discharge. Also, as required by chapter 23K 3(1)(iv), any employee who is arrested, charged, or convicted of a misdemeanor or felony will employed by the commission must immediately notify the Commission. Pursuant to chapter 23K 3 (1) (iv), and employee may be subject to suspension without pay and/or loss of other employee benefits, pending resolution of a criminal matter. Any employee who is convicted of a misdemeanor or a felony may be subject to termination.

The Commission expects employees to report for work at all times in 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 Commission, or Commission property or equipment, may be proper cause for the imposition of disciplinary action, up to and including termination.

Managers are to be alert for any infraction of this policy and are responsible for notifying the Human Resources Department of any apparent violations. This Statement is intended to clarify the Commission's drug-free workplace policy. If you have any further questions, please contact the Human Resources Department.

Smoking Policy

Pursuant to the Massachusetts Clean Indoor Air Act (Massachusetts General Laws Chapter 270, Section 22) no smoking is permitted in any space of the Commission. Smoking is permitted outside only, and in accordance with the guidelines of the building manager and/or property manager. Urns or other appropriate receptacles may be available in various outdoor locations for disposal purposes.

Freedom from Discriminatory Harassment Policy

The Commission is committed to a work environment in which all individuals are treated with dignity and respect. Each individual has the right to work in an atmosphere that promotes equal employment opportunities and prohibits discriminatory practice including unlawful discriminatory harassment.

It is the Commission's policy to maintain a work environment that is free of sexual harassment and all other forms of unlawful discriminatory harassment, i.e., harassment based on 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 basis covered by federal, state or local law.

To achieve the goal of providing a workplace free from sexual and other unlawful discriminatory harassment, the conduct that is described in this policy will not be tolerated and the Commission has provided a procedure by which inappropriate conduct will be dealt with if encountered by employees.

Definition of Sexual Harassment

The legal definition for sexual harassment is as follows:

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) *submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,*
- (b) *such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.*

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment may constitute sexual harassment.

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

- Unwelcome sexual advances regardless of whether they involve physical touching;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

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.

Unlawful Discrimination

Employees may not be discriminated against in the terms and conditions of their employment on the basis of their 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 basis covered by federal, state or local law.

Additional Conduct that May Constitute Unlawful Discriminatory Harassment

Depending upon the circumstances, examples of unlawful discriminatory harassment could also include harassment and/or other conduct based on or related to a person's protected status (e.g., 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 basis covered by federal, state or local law). Some examples may include the following:

- an open display of offensive objects or pictures about or directed to your protected status;
- use of derogatory words or epithets to describe your protected status.

Again, the above list is not exhaustive, but simply provides some examples of conduct that could constitute unlawful harassment, depending upon the circumstances.

Complaints of Unlawful Discrimination or Harassment

If a Commission employee believes that he or she has been subjected to unlawful discrimination or harassment, he or she has the right to file a complaint with the Commission. This may be done in writing or orally.

Employees who would like to file a complaint may do so by contacting the Human Resources Department or the General Counsel. Both also are available to discuss any concerns and to provide information about the Commission's policy on unlawful harassment and its complaint process.

If for any reason an employee feels he or she cannot file a complaint with either the Human Resources Department or the General Counsel, the employee should notify the Executive Director or a Commissioner. It is very difficult to react to or remedy unlawful harassment complaints unless the matter is brought to the attention of the Commission.

Unlawful Discrimination or Harassment Investigation

When the Commission receives a complaint of unlawful discrimination or discriminatory harassment, the Commission will promptly investigate the complaint in a fair and expeditious manner. The Commission will conduct the investigation in such a way as to maintain confidentiality to the extent practicable under the circumstances, but without compromising the thoroughness and fairness of the investigation. All persons involved are to treat the situation with respect. To conduct a thorough investigation, the investigators may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions.

If it is determined that inappropriate conduct has occurred, the Commission will act promptly to eliminate the offending conduct, and where it is appropriate, the Commission will also impose discipline up to and including termination.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by an employee (regardless of whether the conduct meets the legal definition of unlawful discriminatory harassment or discrimination), the Commission will implement appropriate action under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action, as the Commission deems appropriate.

No Retaliation for Complaining or Assisting in an Investigation

Retaliation against any individual for making a complaint of sexual harassment or other unlawful discriminatory harassment or discrimination, or assisting in the investigation of such a complaint, is illegal and will not be tolerated. A report of retaliation will be handled in the same manner as a report of sexual harassment or other unlawful discriminatory harassment or discrimination. Any acts of retaliation will be subject to appropriate disciplinary action.

State and Federal Remedies

In addition to the above, if an employee believes he/she has been subjected to sexual harassment or other unlawful discriminatory harassment or discrimination, he/she may file a formal complaint with either or both of the government agencies set forth below. Using the Commission's complaint process does not prohibit the employee from filing a complaint with these agencies. Each of the agencies has specific guidelines and time limits for filing claims.

State: The Massachusetts Commission Against Discrimination has offices in Boston (One Ashburton Place, Boston, MA 02109; 617-727-3990); Worcester (Worcester City Hall, 455 Main Street, Room 101, Worcester, MA 01608; 508-799-8010); New Bedford (800 Purchase St., Room 501, New Bedford, MA 02740; 508-990-2390); and Springfield (436 Dwight Street, Second Floor, Room 220, Springfield, MA 01103; 413-739-2145). Complaints must be filed within 300 days of the adverse action.

Federal: Equal Employment Opportunity Commission, John F. Kennedy Federal Building, Government Center, 4th Floor, Room 475, Boston, MA 02203, (617) 565-3200 (voice), (617) 565-3204 (TTY). Complaints must be filed within 300 days of the adverse action.

Third-Party Discrimination or Sexual Harassment

Employees should also utilize this reporting procedure to promptly report instances of discriminatory or sexually harassing behavior by customers, suppliers, vendors or any other person with whom an employee must deal or has dealt with as part of their employment with the Commission.

Upon receipt of a report, the Commission will promptly investigate the matter and will report to the employee upon conclusion of the investigation.

Corrective Action Process

Our hope is always that employees will correct problems with performance and conduct when they occur. However, Commission may impose such corrective action as is necessary, including disciplinary action where appropriate.

Violation of policies contained in this handbook may result in disciplinary actions including termination of employment. The Commission may terminate employment upon violation of policies and/or impose a progressive disciplinary action on the employee.

Progressive disciplinary action may include the following:

1. The manager may issue a verbal warning to an employee for unsatisfactory conduct or performance;
2. The manager may issue a written warning for continued or repeated unsatisfactory conduct or performance, or failure to satisfactorily improve following a verbal warning; and
3. Discharge.

Each incident requiring discipline is reviewed and handled on an individual basis. Although progressive discipline often is used to address performance issues, the decision whether to use progressive discipline and the appropriate type of discipline to apply in any particular case remains in the Commission's sole discretion.

Workplace Safety

Employees should contact their manager, the nearest manager, and/or call 911 in the event of an accident or emergency. If an employee is injured on the job, the Commission provides coverage and protection in accordance with the Massachusetts Workers' Compensation Law. As soon as an injury is sustained while at work, it must be reported immediately to the employee's manager and the Human Resources Department whether or not the employee seeks medical treatment or misses time from work. Failure to report injuries is a serious matter as it may preclude an employee's coverage under Worker's Compensation Insurance.

The most important safety tool is prevention. If you see a dangerous or hazardous situation, report it immediately to your manager or any administrative staff.

Accident Reporting Procedures

Employees must report all work-related accidents, injuries, and illnesses immediately to their manager and complete a written accident report, regardless how slight, whether the employee seeks medical treatment or whether or not the employee misses time at work. The 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.

General Safety Guidelines

These general safety guidelines apply to all employees in all job classifications. Failure to follow these safety guidelines may be cause for disciplinary action up to and including termination.

1. Know and be prepared to carry out facility emergency procedures.
2. Use proper body mechanics when performing your job tasks. Know your own limits and get help when a task is more than you can safely handle alone.
3. Immediate cleanup of foreign material and small liquid spills is the responsibility of the first employee on the scene.
4. Immediately report any hazards or broken/faulty equipment such as loose floor tiles or carpeting, loose or broken handrails, leaks, etc.
5. Keep all halls and emergency exits clear.
6. Horseplay and practical jokes often lead to accidents and people getting hurt. They are strictly prohibited.
7. The Commission is a non-smoking facility. Smoking is allowed for employees only in an area specifically designated for such. If you are a smoker, please use proper receptacles provided in this area, and never leave a cigarette unattended.
8. Stay alert! Watch where you are going and carry out your job safely.
9. Use proper infection control procedures. Immediately report any inappropriate infection control practices to your manager.
10. Drive safely and drive slowly at all times and follow all laws regarding the use of wireless devices while driving when on Commission business. This is vitally important to prevent accidents.

In summary, employees must take personal responsibility and work as a team to keep the work environment safe.

Workers' Compensation

The Commission maintains the appropriate insurance coverage in accordance with the Massachusetts Workers' Compensation Law at no cost to its employees. All employees are covered by Workers' Compensation Insurance beginning on their first day of employment.

The Commission does not control eligibility for receipt of workers' compensation benefits. Eligibility is determined by the insurance provider and/or an administrative tribunal. Failure to report a work-related injury on a timely basis may result in denial of workers' compensation benefits.

Neither the Commission nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during your voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Commission.

In the event an employee is absent from work due to an injury covered by workers' compensation, paid sick time will not be available.

Supplemental Employment and Business Activities

General Statement

Pursuant to chapter 23K section 3 (o) "No employee of the commission shall pursue any other business or occupation or other gainful employment outside of the commission without the prior written approval of the commission that such employment will not interfere or be in conflict with the employee's duties to the commission."

General Guidelines

While the Commission 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 procedural guidelines apply to supplemental employment or business activities of Commission employees:

1. The employee's commitment during normal working hours is to the employee's full-time position at the Commission. Supplemental employment or business activities may not reduce the time spent or the quality of your work at the Commission;
2. The supplemental employment or business activity may not influence the employee or create the appearance of influencing the employee in the performance of the employee's Commission employment;
3. The employee may not use Commission sensitive information to secure or to support such supplemental employment or business activity;
4. The employee may not use Commission 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;
5. The employee may not be paid by a non-State or private party if the Commonwealth or MGC has a direct and substantial interest in the supplemental employment or business activity;

6. 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 MGC or that employee's relationship therewith; and
7. The supplemental employment or business activity must be in conformance with the Massachusetts Conflict of Interest statute, M.G.L. 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:

1. Any supplemental employment or business activity during your scheduled working hours (including, but not limited to, real estate, retail sales, insurance, law and accounting);
2. Any supplemental employment or business activity that involves particular matters in which you have participated as a Commission employee or which are the subject of your official responsibility;
3. 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 or Commission.
4. Any advocacy activity (paid or un-paid) for or against the presence of a casino in a local jurisdiction (within or outside of the Commonwealth)
5. 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:

1. Unpaid work for civic, scout, religious, educational, fraternal, social, community, veterans, or charitable organizations (However, you may not engage in fundraising activities for those organizations by soliciting funds from any person or organization that does business with the Commission. The Commonwealth's Conflict of Interest Law (M.G.L. c. 268A and c. 268B) and the Commission's enhanced ethics code has strict

guidelines on what you may participate in if any matters involves the Commission or another state agency;

2. Serving as a notary public or justice of the peace;
3. Serving as a trustee, guardian, conservator, executor, administrator, or act as resident agent for your immediate family;
4. Renting property (However, you may not rent property to 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);
5. 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);
6. Personal involvement in state or local politics, as long as:
7. Such involvement does not interfere with your work at the Commission
8. Such involvement is not done within the premises of the Commission
9. Such involvement does not involve the employee's use of his or her affiliation with the Commission; and
10. 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 carpools involving payment for transportation.

Notwithstanding the above, however, if any of these activities involves the Commission, Commission's consultants, any person or organization that does business with the Commission, 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:

1. The company or organization involved

2. Number of days (including dates)
3. Type of activity
4. Compensation (if requested)
5. Other information deemed necessary or appropriate by the employee of MGC

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

Open Meeting Law

As a public instrumentality, the Commission is subject to State law governing the posting of meeting times and locations, and accessibility of meetings to the public. It is the responsibility of the Commission staff person convening the meeting to ensure compliance with the Open Meeting Law. Commissioners generally schedule a public meeting once a week. Employees should confer with the Executive Director if they wish to include items for discussion on the Commission's agenda.

"Customer Relations" and Service

As a public instrumentality, our "customers" are made up of every citizen of the Commonwealth of Massachusetts. Our 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. Building positive working relationships with all these groups is an integral part of the important work performed by the Commission.

Employees should remember that they are at all times a representative of Commission whenever they speak, correspond or meet with anyone in the course of their work. All employees are required to adhere to the highest standards of courtesy and politeness in their dealings with these individuals and groups. The Commission takes pride in its effort to provide the highest level of performance to those served by the Commission, 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 State Legislature.

Resignations and Termination of Employment

Employment with the Commission is **AT WILL**. Nothing in this handbook creates an expressed or implied contract.

By Employee

Employees considering leaving the Commission's employ should discuss the situation with their manager. With a better understanding of the concerns it may be possible to make an adjustment that will satisfy the employee. If, after due consideration, the employee decides to resign, the employee should submit a resignation in writing to his/her manager at least two weeks prior to the employee's last day or work.

By Employer

The Commission maintains the right to terminate any employee of the Commission without cause or notice in its discretion.

Procedure

All employees who leave the Commission's employ will be interviewed by the Human Resources Department prior to the final separation and will complete necessary termination forms and procedures. Employees will be required to return the Commission's property, including company-owned keys, electronic equipment, and any other property. Employees will be paid promptly for all outstanding wages due.

SECTION 3. Compensation

Time and Attendance

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

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

Employees are expected to report to work during inclement weather conditions unless the Commission or the Governor of the Commonwealth declares an emergency closing or that non-essential personnel should not report to work. In accordance with M.G.L. c 23K, a Commission employee assigned to a gaming establishment is considered an essential employee and must report to work unless the Governor declares that essential employees are excused because of an emergency (weather related or other). The Executive Director may advise employees to suspend work due to inclement weather, by notifying all employees in an appropriate manner.

The Commission may consider an absence of three consecutive workdays without notification as a voluntary resignation. The Commission may request medical documentation of illness after five consecutive days of absence due to illness. Employees who are absent excessively or demonstrate patterns of unexcused absences may be subject to disciplinary action up to and including termination. It is the responsibility of a manager to notify the Human Resources

Manager of an employee's absence from work for more than five consecutive work days (excluding scheduled vacations).

Hours of Operation and Work Schedule

Alternate Work Schedule and Telecommuting

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

An employee's manager may allow certain employees a flextime work schedule and/or utilize telecommuting. A telecommuting arrangement may be extended to exempt employees that are not deemed essential state employees to the extent that such arrangement does not conflict with or diminish the ability of the employee to be effective and provide a similar level of customer service. A telecommuting arrangement is meant to be used on a limited basis. All flextime schedules or telecommuting arrangements require approval of the employee's manager and the Human Resources Department. Any and all employees assigned to a gaming establishment are considered essential state employees, and are not eligible for an alternate work schedule or telecommuting. The Commission will not reimburse employees for any costs incurred telecommuting or in a flextime schedule (utilities, rent, etc.).

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

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

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

SECTION 4. Employee Benefits

Health Insurance

Health insurance is offered to regular employees who work at least 18 ³/₄ hours per week. The Commonwealth currently offers a variety of health plans through the Group Insurance Commission (GIC) for employees and their families. Contract/hourly employees are not eligible for this benefit.

Upon hire, employees have 10 business days to choose a health plan. Coverage begins on the first day of the month following 60 calendar days or 2 calendar months from the date of employment, whichever comes first. Employees should note that all eligibility requirements are established by the GIC. Employees who do not enroll at the time of hire or wish to change their plan must wait until the annual open enrollment period which occurs in April for coverage effective July 1st.

In the instance of a qualifying life event, employees may make changes outside open enrollment provided that they notify the Human Resources Department within 30 days of the event. For example, if an employee becomes married and wishes to add their spouse to the plan, they must complete the enrollment process within 30 days of the marriage date. It is the employee's responsibility to notify the Human Resources Department of any change in the status of coverage resulting from factors such as marriage, birth or adoption of a child, or death of a spouse or a dependent.

Health Insurance Responsibility Disclosure

Dental and Vision Benefit

Dental/Vision insurance is offered to regular employees who work at least 18.75 hours per week. Contract employees are not eligible for this benefit. Employees may obtain dental and vision insurance for themselves and their families. Presently, the Commonwealth offers two types of plans. The Value Plan is a less expensive plan, with a network encompassing almost 40% of the state's dentists who agree to accept negotiated fees for their services with no balance billing to members. The plan has lower out-of-network benefits (higher out-of-pocket costs). The Classic Plan offers access to any dentist. However, out-of-pocket costs will be less if employees use one of the participating providers. Employees should consult with the Human Resources Department and the GIC website for further information concerning the available plans. Employees who do not enroll at the time of hire or wish to change their plan must wait until the annual open enrollment period.

Dependent Care Assistance Plan (DCAP)

The Dependent Care Assistance Plan (DCAP), offered by the GIC, allows employees to pay for certain dependent care expenses, such as child care and day camp, with before-tax dollars. Employees may set aside up to \$5,000 per year through the DCAP program. Participating in DCAP can significantly reduce federal and state income taxes. There is a nominal monthly pre-tax administrative fee. It is important to estimate expenses carefully, as the Internal Revenue Service requires that any unused funds in a participant's account at plan year-end be forfeited. The DCAP program is offered to regular employees who work at least 18.75 hours per week, including contract employees, and have employment-related expenses for a dependent child under the age of 13 and/or a disabled adult dependent. New employees may make an election within their first 10 business days of employment. The effective date is the employee's first day of employment. The fall open enrollment period takes place in October for the following calendar year. Employees must re-enroll each year in the plan. In the instance of a qualifying

life event, employees may be able to make changes outside open enrollment provided that they notify human resources within 30 days of the event.

Health Care Spending Account (HCSA)

The Health Care Spending Account (HCSA) program, offered by the GIC, allows employees to pay for certain non-covered health related expenses with pre-tax dollars, thus reducing their federal and state income taxes. Employees may set aside up to \$2,500 per year through the HCSA program. Expenses must be medically related. Examples include physician's office and prescription drug co-payments, medical deductibles and co-insurance, eyeglasses and contact lenses not covered by an employee's health or vision plan, orthodontia and dental benefits not covered by an employee's dental plan, and most over-the-counter drugs. Employees who participate in the HCSA will be charged a nominal monthly pre-tax administrative fee. It is important to estimate expenses carefully, as the Internal Revenue Service requires that any unused funds in a participant's account at plan year-end be forfeited. If funds remain in the plan at the conclusion of the plan year, the employee has an additional 2.5 months to incur an eligible expense. At the conclusion of the 2.5 month period, the employee has an additional 30 days to submit a claim. Per Internal Revenue Service regulations, any plan year funds that are not claimed by that time must be forfeited. The HCSA program is offered to regular employees who work at least 18.75 hours per week, including contract employees. New employees may make an election within their first 10 business days of employment. The effective date is the first day of the month following 60 calendar days or 2 calendar months from the date of employment, whichever comes first. Employees are not required to participate in our medical plan in order to participate in the HCSA program. The fall open enrollment period takes place in October for the following calendar year. Employees must re-enroll each year in the Plan. In the instance of a qualifying life event, employees may be able to make changes outside open enrollment provided that they notify human resources within 30 days of the event.

Deferred Compensation 457B Plan

Deferred Compensation is offered to regular employees. Co-ops and interns are required to participate in this plan. The Massachusetts Deferred Compensation "SMART" Plan is a supplemental retirement savings program offered by the State Treasurer and administered by a private financial services provider. SMART stands for "Save Money and Retire Tomorrow." Authorized under Section 457B of the Internal Revenue Code, the SMART Plan allows employees to save and invest before-tax dollars for retirement through voluntary salary deferrals. Employees decide, within IRS legal limits, how much of their income they want to defer as this account is solely funded by their own contributions. An employee's paycheck will be reduced by that amount before income taxes and contributions will be invested, per the employee's instructions, to one or more of the investment options offered under the Plan. A nominal monthly administrative fee will be charged to the employee's account. Contributions and any earnings that accumulate over the years are not taxed until an employee receives them. Distributions are allowed upon separation of service, death or incurring of any unforeseeable emergency as defined by the IRS. Participating in the SMART Plan will not replace or reduce any pension or Social Security benefits.

Qualified Transportation Benefit Plan (QTBP)

The QTBP is a pre-tax benefit that consists of 2 distinct categories: Parking and Transit. If you pay to park in a garage or lot at or near your work or commuter rail station, that monthly expense can be tax exempt up to the IRS maximum limit. If you ride the T, Commuter Rail, bus, ferry and or other public transit to work, that monthly expense can also be tax exempt up to the IRS maximum limit.

Active state employees are eligible to participate in the QTBP program. Claims incurred after your effective date are eligible for reimbursement. Employees must work at least 18.75 hours in a 37.5 hour workweek. This is an employee (including contracted employees) benefit only. For more information go to www.benstrat.com website and click on the Commonwealth Transportation Benefits Logo or contact a member of human resources.

Tuition Assistance

The Commonwealth of Massachusetts's primary educational offering is a Tuition Remission Program available to eligible state employees and their spouses. There are guidelines for the administration of Tuition Remission Program that the Human Resources Division (HRD) has delegated to Executive Branch agencies in accordance with the rules and regulations of the State board of Higher Education at the University of Massachusetts.

Tuition Remission is available to full-time state employees and their spouses. At the time of application, an employee must have six months of full-time equivalent part-time service with the Commonwealth and be paid from the AA subsidiary. Retired employees of the Commonwealth and contract employees are not eligible.

For more information go to <http://www.mass.gov/anf/employment-equal-access-disability/employee-prog-and-training/tuition-remission/tuition-remission-guide.html>

Massachusetts Retirement System

Employees of the Commission are employees of the Commonwealth and as such, participate in the Commonwealth's Retirement System.

Regular employees who work at least 18.75 hours per week are required to enroll as members of the State Employees Retirement System administered by the State Board of Retirement. Contract employees are required to enroll in the Alternate Retirement Plan (OBRA). Under Massachusetts Law, the first \$2,000 of combined Retirement and Medicare withholdings is on a pre-tax basis for state tax withholding purposes.

*The date of hire and rate of pay determine the percentage of bi-weekly retirement deduction.

- Hired before January 1, 1975 5%
- Hired on or between January 1, 1975 – December 31, 1983 7%
- Hired on or between January 1, 1984 – June 30, 1996 8%
- Hired on or after July 1, 1996 – present 9%

If the employee was hired on or after January 1, 1979, an additional 2% is deducted for retirement on the amount of salary that exceeds \$30,000.

Deductions for the retirement system begin with the employee’s first payroll advice. The Commonwealth does not contribute a specific percentage per employee towards this program; however, the Commonwealth contributes an overall amount annually to the fund needed to cover any funded liability.

If the employee is a member of the State Employees Retirement System employed on a full-time basis, the employee will earn one year of creditable service for each year of service completed. If the employee is a member employed on a less than full-time basis, the employee will earn an amount of service that equals the percentage of full-time service (i.e. creditable service is pro-rated).

If the employee re-enters the system with funds on deposit or transfer from another contributory retirement system, the employee maintains his/her contribution level. Employees are vested in the state retirement system once they have accumulated the equivalent of 10 years of full-time service.

SECTION 5. Employee Leave

Vacation Time

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 regular time hours.

Full time regular employees accumulate vacation time on a monthly basis as follows:

<u>Years of Service</u>	<u>Accrual Rate</u>	<u>Annual Accrual</u>
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

Requests: 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 manager, Executive Director, or his/her 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 on each bi-weekly payroll advice in the form of hours accrued. Payroll advice information can be accessed through the online time and attendance program. Employees may determine the number of days accrued by dividing their leave by 7.5 hours. Employees are responsible for keeping apprised of their leave balance and using their time accordingly.

Creditable service, for the purpose of vacation status only, may also include experience comparable to the duties of the job for which the person is being hired. To be recognized for this purpose, such comparable experience must be in excess of that which meets the minimum entrance requirements for the position, and shall include experience in all employment sectors, including work for all private and public employers. Such experience must be full-time and will be credited on the basis of one year of experience for one year of creditable service. This policy is intended to be used as a recruitment tool at the time of hire. All such requests, and decisions concerning the application of this paragraph, are subject to the approval of the Commission or the Executive Director.

Sick Leave

Sick leave is a benefit available to eligible employees to protect them from economic loss due to illness. Sick leave is time taken off work when an employee cannot perform his/her duties because of illness, accident, other medical condition, and medical appointments or to care for a sick dependent, immediate family member, or other member of the employee's household.

If the employee is going to be absent due to illness, the employee must contact his or her immediate manager prior to the employee's normal start time. If no notice or justification is given, such absence may be deemed unauthorized and treated as leave without pay. Employees are also expected to arrange for appropriate coverage for meetings, interviews, or other matters scheduled on the date of absence. Upon return to work following a sick leave in excess of five (5) consecutive work days, an employee may be required to submit satisfactory medical evidence from his/her medical provider.

Where the Commission 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 (5) consecutive work days. Misuse or abuse of paid sick leave benefits will lead to discipline, up to and including termination. Examples of abuse of sick leave include but are not limited to the following:

- 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.

Sick leave 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 leave accrues on a monthly basis and begins to accrue after one full month of service. Employees may only take the amount of sick leave actually earned and accumulated, or appropriately transferred from other state service. Vacation and personal time may be used to extend sick leave.

Employees must maintain a positive sick leave balance in order to charge and be paid for sick leave. Employees will not be permitted to anticipate and utilize paid sick leave that would be earned at the end of the month.

Sick leave 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 Commission and who have accumulated unused sick leave time will be paid 20% of the value of any unused sick leave upon departure from State service. Calculation of the payment for accrued sick leave is based upon the last full month in which an employee worked. No other employees are entitled to payment for unused sick leave upon termination or resignation.

Personal Leave

Eligible employees who are on the payroll on a full-time basis as of January 1st are awarded 3 days of paid personal leave per year. Part-time employees are awarded personal leave on a pro-rated basis. Requests for personal leave must be approved as far in advance as possible by an employee's manager or Executive Director.

Employees who are hired on a full-time basis on or after January 1st will be awarded personal leave on a pro-rated basis in the following manner based on the hire date and the applicable quarter of the calendar year.

<u>Hire Date</u>	<u>Amount of Personal Leave</u>
January 1 – March 31	22.5 hours or 3 days
April 1 – June 30	15 hours or 2 days

July 1 – September 30	7.5 hours or 1 day
October 1 – December 31	0

Personal leave may be used for holidays not observed by the Commonwealth of Massachusetts or for any other personal reasons.

Personal leave awarded but not taken during the calendar year does not carry over to the next calendar year; therefore, personal leave not used by December 31st will be forfeited.

No compensation for any portion of unused personal leave will be paid to an employee upon resignation or termination.

Holidays

Paid holiday leave is available to eligible employees. The Commission observes the following paid holidays designated by the Commonwealth of Massachusetts:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Patriots' Day	3rd Monday in April
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	3rd Monday in October
Veterans' Day	November 11
Thanksgiving	4th Thursday in November
Christmas	December 25

If the holiday falls on a normal working day, it will be observed on the holiday itself. If the holiday falls on Sunday, it will be observed on Monday. If the holiday falls on Saturday, it will be observed on the preceding Friday. If a holiday falls in a weekend day, the Executive Director may offer the following alternative: the Office will be kept open on the preceding Friday or the following Monday and 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. Personnel 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 Executive Director.

Employees who are on unpaid leave are not eligible for holiday pay if the holiday is observed during their leave.

Leave Without Pay

Leaves of absences without pay may be granted at the discretion of the Executive Director. Employees desiring to take a period of unpaid leave of any length of time must fill out the Leave Request Form and submit it to their manager for approval prior to the start of the leave. Employees who do not report for work promptly upon the expiration of such leave are deemed to have resigned from employment.

Vacation and sick leave time do not accrue during any unpaid leave of absence. Employees will not receive holiday pay during any unpaid leave of absence for any holiday which is observed during such leave. Insurance benefits may be maintained during authorized unpaid leave. However employees are responsible for paying the employee's share of insurance premiums during this period. Depending on the reason for the leave, employees may be responsible for the full-cost of insurance premiums during unpaid leave.

Bereavement Leave

Employees may take a leave of up to 4 days with pay in the case of a death in their families (spouse or named partner, child or child of spouse or named partner, parent or parent of spouse or named partner, sibling, grandparent, grandchild) or a person living in the employee's household. Employees may take one day of paid bereavement leave to attend funeral services of the employee's aunt, uncle, niece, or nephew or of the brother, sister, grandparent or grandchild of the employee's spouse or named partner. Employees in need of bereavement leave should notify their manager at the earliest opportunity.

Jury Duty / Witness Leave

Employees are entitled to leave with pay when called for jury service or when summoned as a witness on behalf of any city, town, county of the Commonwealth, or the state or federal government upon presentation of the appropriate summons to their supervisor. Upon completion of jury duty, the jury summons notice should be forwarded to the Human Resources Department. Time used for jury duty should be noted on the employee's time log with the code "JDP."

If an employee receives jury fees for jury service and presents the appropriate court certificate of service, the employee must either:

- a. Retain jury fees received for the period of jury service in lieu of pay if those fees exceed his/her regular rate of compensation; or
- b. Remit the jury fees to the Human Resources Department if they are less than his/her regular rate of compensation.

No paid court leave is allowed for employees engaged in personal litigation.

Family Medical Leave Act (FMLA) – To Adopt Enhanced Family and Medical Leave

Small Necessities Leave Act

Employees in Massachusetts who are eligible for leave under the Family and Medical Leave Act (FMLA) are also entitled to the benefits of the Small Necessities Leave Act (SNLA). To be eligible for the benefits of the SNLA, an employee must have been employed by the Commission at least one year, for at least 1,250 hours over the previous 12 months.

Benefits: Under the SNLA, an eligible employee is entitled to up to 24 hours of unpaid leave during any 12-month period, in addition to leave under the FMLA, to:

- a) Participate in school activities directly related to the “educational advancement” of the employee’s son or daughter, such as parent-teacher conferences or interviewing for a new school;
- b) Accompany the employee’s son or daughter to routine medical or dental appointments such as checkups or vaccinations; or
- c) Accompany an “elderly relative” of the employee to routine medical or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes.

Definitions

The term “elderly relative” is defined as an individual at least 60 years of age who is related by blood or marriage to the employee, including a parent.

The term “school” is defined as a public or private elementary or secondary school, a Head Start program assisted under the Head Start Act, or a state-licensed children’s daycare facility. Thus, an unlicensed home daycare arrangement or babysitting service does not qualify. Likewise, accompanying an older child to visit colleges is not covered.

The term “son or daughter” is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. The son or daughter must either be under 18 years of age or 18 years of age or older and incapable of self-care because of mental or physical disability.

Calculating Leave: The 12-month period used to calculate leave is considered to be the 12-month period immediately following the first date SNLA eligibility begins. SNLA leave may be taken intermittently or on a reduced leave schedule. Increments of leave may be no less than an hour. However, an employee cannot be forced to take more SNLA leave than the employee requires. Employees may elect to use leave with pay for any portion of their approved leave for which they have accrued leave time.

Procedure: Employees who wish to take SNLA leave should fill out the Leave Request Form and the SNLA Employee Certification Form NLA Employee Certification Form. Once completed, both forms should be forwarded to the Human Resources Department. If the need for SNLA leave is foreseeable, employees must request the leave in writing at least 7 days in advance. If the leave is not foreseeable, employees must provide notice as soon as practicable under the particular circumstances of the individual case and provide the

certification form within 2 business days after leave is taken, or as soon thereafter as is reasonably practicable.

The Commission reserves the right to request additional information concerning the requested leave.

Military Leave

The Uniformed Services Employment and Reemployment Rights Act protects the job rights of any employee who voluntarily or involuntarily leaves his/her position to undertake military service. Any employee eligible to be reemployed will be reemployed to the job and benefits they would have attained if they had not been absent due to military service, or in some cases, a comparable job. Generally, military leave may not exceed 5 years.

Eligibility for Military Leave

Any employee who leaves their job to serve in the uniformed services will be eligible for reemployment provided that:

- The Commission receives advance written or verbal notice of the employee's service;
- The employee has five years or less of cumulative service in the uniformed services while employed by the Commission (with certain limited exceptions, military leave from employment may not exceed five (5) years);
- The employee returns to work or apply for reemployment in a timely manner after the conclusion of your military service; and
- The employee has not been separated from military service with a disqualifying discharge or under other than honorable conditions.

Notice and Reporting Obligations

Employees on a leave for 30 days or less of military or reserve service or for taking an examination to determine fitness for service must report to the Commission for work upon the first calendar workday following completion of service and the expiration of eight hours for safe travel home, unless otherwise impossible or unreasonable because of circumstances outside the employee's control.

Those employees, who are on leave for 31 days or more, but for less than 181 days, must provide the Human Resources Department with written notification of their intent to return to work within 14 days following completion of the service. For service over 180 days, the employee must submit such written notification not later than 90 days after completion of service. The employee's supervisor will then notify the employee of the date and time that the employee should report back to work.

An employee on Military Leave who fails to return to work or provide the notifications called for above will be considered to have voluntarily terminated their employment with the Commission.

Medical Insurance Benefits

The Commission will continue to pay its portion of the premium for the employee's medical and dental insurance coverage for employees who are called away for duty that is expected to last a maximum of 30 days. Employees are expected to make timely payment of their contribution portion for the medical and dental coverage. If the employee's duty unexpectedly extends beyond 30 days, the employee may continue their medical and dental insurance coverage at their own cost for up to 24 months in accordance with COBRA.

SECTION 6. Communication & Outreach

Communications

Ongoing communication is crucial to our success. Employees are encouraged to raise reasonable issues that they feel merit discussion. Employees also have the right to express complaints or concerns constructively and without fear of reprisal. The following guidelines will help employees in properly communicating at the Commission.

- 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, report the problem to the Human Resources Department. Involve the Executive Director as necessary. Do not let the complaint 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 Commission, or concerning its activities, applicants or licensees, must be cleared in advance by the Commission's Executive Director and Director of Communications. In speeches and statements not made on behalf of Commission, proper care should be taken to avoid any implication that the Commission endorses the views 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) should be directed to the Director of Communications, and in his/her absence to the Chair of the Commission

Social Media

Please see the Commission's Social Media Policy for more 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 Commission), unless expressly stipulated and clarified prior to the event. An employee invited to participate in a speaking engagement should ascertain the following information prior to seeking approval from the Director of Communications:

- Sponsoring organization 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 Commission 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 speaking engagement. Employees should seek the advice of the State Ethics Commission and/or the General Counsel when evaluating potential conflicts of interest.

Solicitation and Distribution

No soliciting or distribution

The Commission has established a non-solicitation and non-distribution policy to maintain and promote efficient operations and security. The following rules apply to solicitation, distribution of literature and fund raising on Commission property:

Non-employees

Non-employees of the Commission are not permitted to solicit or distribute literature on Commission property or in the facility at any time.

Employees:

Solicitation by employees should not interfere with working time of either the employee making the solicitation, or other employees. The term "working time" is defined as 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 time when the employee is not required to be working, including before and after working time.

Distribution of literature by employees is not permitted in working areas at any time. Employees may distribute literature in non-work areas, such as the lunch room or parking lot during non-working time.

MASSACHUSETTS GAMING COMMISSION ENHANCED ETHICS CODE



04/08/2014

MASSACHUSETTS GAMING COMMISSION ENHANCED CODE OF ETHICS

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:

- (1) 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
- (2) an employee of the Alcoholic Beverages Control Commission who is assigned to the Investigations and Enforcement Bureau under G.L. c.10, §72A; or
- (3) 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.

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:

- (1) a spouse, domestic partner, or life partner;
- (2) a relative within the third degree of consanguinity of a person's spouse, domestic partner, or life partner, i.e., affinity;
- (3) a former spouse, domestic partner, or life partner; or
- (4) 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. 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.

18. 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.

19. 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 Code or the ethics laws.

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:

(1) 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

(2) is protected from disclosure by a legally recognized privilege.

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.

MASSACHUSETTS GAMING COMMISSION INFORMATION TECHNOLOGY USER POLICY



04/08/2014



MGC Information Technology Resources Policy

Effective March 1, 2014 Last revision:

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.

6.6 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. Users authorized for remote access to e-mail and other applications are required to read, sign and comply with the terms and conditions explained in the Remote Access User Certification Agreement, which is Attachment B to this policy.

All users of the Commission's Information Technology Resources are required to read and comply with this policy. Additionally, all users are required to sign (along with the responsible Massachusetts Gaming Commission manager) and submit Attachment A to this policy, the ITR Policy Acknowledgement Form.

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, which is Attachment B to this policy.

ATTACHMENT "A"



INFORMATION TECHNOLOGY RESOURCES POLICY

ACKNOWLEDGMENT FORM FOR EMPLOYEES & NON-EMPLOYEES

Section 1: to be completed by employee or non-employee

I hereby acknowledge receipt of the Policy concerning the use of Massachusetts Gaming Commission (MGC) Information Technology Resources. I understand that as:

Check One: an employee a non-employee

using ITRs of the Commission, it is my responsibility to read and comply with the requirements of this Policy.

PRINT NAME
(non-employees)

ORGANIZATION / COMPANY

SIGNATURE

____/____/____
DATE

Section 2: to be completed by Manager responsible for employee or non-employee

As the MGC Manager responsible for the above named individual, I understand that it is my responsibility to monitor the above named individual's compliance with the ITR Policy and to notify the MGC Information Technology Division of any violations. I also understand that I must notify ICS when the above named individual's services conclude so that his/her access is promptly terminated.

PRINT NAME

SIGNATURE

____/____/____
DATE

Please return completed original Acknowledgement Form to:

Massachusetts Gaming Commission
Information Technology Division
84 State Street 10th Floor
Boston, MA 02109

ATTACHMENT "B"



MGC INFORMATION TECHNOLOGY RESOURCES POLICY

REMOTE ACCESS USER CERTIFICATION AGREEMENT

Section 1: to be completed by employee or non-employee

I hereby acknowledge receipt of the Policy concerning the use of Massachusetts Gaming Commission Information Technology Resources (ITR). Further, I understand that as:

Check One: an employee a non-employee

working for or with MGC, otherwise referred to as “the Commission,” I am being granted the privilege of Remote Access because management has determined that I

have a job-related need for remote access to Commission ITR. I also understand that it is my responsibility to read the provisions of this Agreement and comply with its requirements. By engaging in remote access of ITR, I will adhere to the following provisions:

1. Use Remote Access only for official Commission business.
2. Comply with the terms and conditions of the Commission Confidentiality Agreement and agree not to store any confidential information on any system used to gain Remote Access.
3. Not access or disseminate confidential data unless such access or dissemination is required by my job. The user is responsible for ensuring that his or her Remote Access use of the ITR systems does not inappropriately expose the data in the remote environment or compromise security of the systems or applications.
4. Protect and not share with anyone my password or the Universal Resource Locator (URL) provided to me for Remote Access. Should a user have reason to believe that his or her password has been compromised; the user must immediately report this event to the Office of Internal Control & Security (ICS) to ensure that the password can be reset or the code can be revoked or inactivated.
5. Acknowledge that the user is responsible for maintaining all end user remote access systems that are the property of the user, which includes handling technical problems, providing the hardware, software and Internet provider connections necessary for remote access, and ensuring that anti-virus software is installed, running and updated regularly.
6. Have no expectation of privacy in the use of Information Technology Resources.
7. Allow the Commission to monitor and/or inspect any data that the user sends or receives, any information that the user sends or receives, and any sites with which the user may exchange information.
8. Allow the Commission to exercise the right to inspect any user's computer, any data contained in it, and any data sent or received by that computer when reasonable and in pursuit of legitimate Commission needs.

Terms and Conditions of Work

This agreement to acknowledgement of the Remote Access provision of the ITR policy does not modify any existing term and/or condition of employment between the employee and the employer, including the hours of work. Overtime must be authorized in advance by the appropriate manager or supervisor.

Violations of Policy

Violations of the policies and provisions specified above may result in termination of access to Information Technology Resources, including Remote Access, and may also result, where applicable, in disciplinary action up to and including termination of employment.

_____	_____
PRINT NAME (non-employees)	ORGANIZATION / COMPANY

_____	_____
TITLE	TELEPHONE
_____	____/____/____
SIGNATURE	DATE

Section 2: to be completed by Manager responsible for employee or non-employee

I certify that I am the MGC manager of the above named individual and that Remote Access is needed by this individual for official Commission business only. I understand that it is my responsibility 1) to review Remote Access accounts annually to ensure that there is a continuing need for the remote access resources and privileges; and 2) to monitor the above named individual’s compliance with the ITR policy and 3) to notify MGC Information Technology staff at (617) 979-8457 of any violations. I also understand that I must notify MGC Information Technology when the above named individual’s services conclude so that his or her access is promptly terminated.

_____	_____
PRINT NAME	OFFICE LOCATION

TITLE **TELEPHONE**

_____ / ____ / ____

SIGNATURE **DATE**

Please return completed original Agreement to:

Massachusetts Gaming Commission
Information Technology Division
84 State Street 10th Floor
Boston, MA 02109

Rev. 2/28/14

ATTACHMENT "C"



MASSACHUSETTS GAMING COMMISSION
INFORMATION TECHNOLOGY DIVISION
WIRELESS MOBILE DEVICE AGREEMENT

Definitions

Scope

This agreement applies both to (a) individuals who own wireless mobile devices (tablet, smartphone, etc.) connected to the Commonwealth's network and (b) individuals who use MGC/Commonwealth-issued devices connected to the Commonwealth's network.

Agreement

The individual noted on this form acknowledges and understands the following:

1. The Commission retains, and when reasonable and in pursuit of legitimate needs for supervision, control, securing the environment, and criminal investigations will exercise, the right to inspect any user-owned or MGC / Commonwealth-owned computer or device (tablet, smartphone, etc.) that is connected to Commonwealth information technology resources (ITRS), any data contained therein, and any data sent or received by the device. With respect to user-owned devices, the Commonwealth will exercise this right only insofar as such data is related to the user's work with respect to the Commonwealth or the security of Commonwealth ITRs.
2. Use of MGC / Commonwealth ITRS (including without limitation network and systems) constitutes the user's express consent for the Commission / Commonwealth to monitor and/or inspect any data that he or she creates or receives, any messages they send or receive, and any web sites that they access, insofar as such data, messages, or access relate to the user's work with respect to the Commission / Commonwealth or the security of Commission / Commonwealth ITRs.
3. Commission / Commonwealth-owned devices are authorized for use only by the individual to whom they are issued. Unauthorized users are not permitted to use MGC / Commonwealth-owned devices.
4. Users may not tamper with or alter any security controls configured for a MGC / Commonwealth-owned device including but not limited to:
 - a. Authentication (Logon)

- b. Authorization
 - c. Cryptographic techniques
 - d. Back-ups
 - e. Malware protection
 - f. Mobile device management
5. Users must not store Commonwealth data classified as having high sensitivity on user-owned or Commonwealth-owned devices connected to the Commonwealth's network or unless such data is encrypted and explicitly allowed by the MGC CIO.
 6. Users must report a lost or stolen user- owned or Commonwealth-owned device that was connected to the Commonwealth's network immediately upon realization that the device is missing, by contacting the Information Technology Division's helpdesk, CommonHelp, at (866) 888-2808 or (CommonHelp@state.ma.us). **If a user loses such a device, or it is stolen, ITD reserves the right, at its discretion, to remotely delete ("wipe") all data contained in the device, in order to secure state data and information technology resources.**
 7. Users of personally-owned or Commission / Commonwealth-owned devices connected to the Commonwealth's network are required to comply with the Acceptable Use Policy (www.mass.gov/ITD) (or any alternative acceptable use policy adopted by my employer) at all times.

The undersigned will be using, to connect to the Commonwealth's network (please check one):

- a. ___ Commonwealth-owned device
- b. ___ Personally owned device
- c. ___ Both Commonwealth-owned and personally owned device.

User Signature & Date
& Date

MGC CIO Approval (or designee)

Printed Name & Title

Printed Name & Title

MASSACHUSETTS GAMING COMMISSION

PUBLIC RECORDS POLICY



04/08/2014

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.

* 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.

5. 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.

MASSACHUSETTS GAMING COMMISSION

HIRING POLICY



04/08/2014

6. 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.

7. Hiring Process

6. 7.1 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 his/her 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.

7. 7.2 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 of and fit within the organization. The job description shall include minimum qualifications, level of experience being sought and both general descriptions of the typical tasks and detailed examples of those tasks.

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

8. 7.3 Selection

Based on the application materials and the written interview assessment, the Commissioners or the Executive Director, or his/her designee, will choose a final candidate or a short list of final candidates. The final candidate or candidates must provide references and permission for a background/CORI/SORI/credit check in accordance with the Commission's Background Check Policy. In coordination with the Human Resources Department, the Hiring Manager may cause to conduct 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, he/she shall clearly notify the applicant that the offer is conditioned on successful completion of the investigation background check.

9. 7.4 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 must 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.

10. 7.5 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.

8. 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.

9. 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 his/her 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 his/her position. The Commission generally will engage the employee in a dialogue to better understand his/her 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 his/her 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.

10. 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 his or her 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 his/her identity and legal authorization to work in the United States.

11. 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 he/she 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.

12. 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.

13. 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:

- (a) submit a resume to the Human Resources Department specifying the position he/she is applying for and how his/her current experience with the Commission and prior work experience and education qualifies him/her for the position.
- (b) be in his/her current position for at least 1 year and be performing competently in his/her 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.

MASSACHUSETTS GAMING COMMISSION

SOCIAL MEDIA POLICY



04/18/2014

Section 14. 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 15. 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 16. 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.

16.1 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.

16.2 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.

16.3 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.

16.4 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.

16.5 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.

16.6 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.

16.7 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.

16.8 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.

16.9 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.

16.10 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
- iii. Acknowledging that it is possible to hold different points of view

16.11 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.

16.12 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.

16.13 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.

16.14 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.

16.15 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.

16.16 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.

16.17 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.

16.18 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 17. Personal Use of Social Media at Work

17.19 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.

17.20 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.

17.21 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.

17.22 Must not be excessive.

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

Section 18. Personal Use of Social Media outside of Work

18.23 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.

18.24 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.

MASSACHUSETTS GAMING COMMISSION

OFFICE CLOSURE/INCLEMENT WEATHER/ OTHER EMERGENCY POLICY



04/08/2014

OFFICE CLOSURE/INCLEMENT WEATHER/OTHER EMERGENCY POLICY

Resource Contact: Human Resource Manager

References: M.G.L. c.23K section 3

Types of Leave: Office Closure/Inclement Weather/Other Emergency Policy

Applies to: This policy applies to all Massachusetts Gaming Commission (MGC) employees.

PURPOSE:

This policy establishes guidelines for directing employees to leave early, not come in to work and/or suspending operations during inclement weather/other emergency.

POLICY:

Employee safety and well-being are primary concerns of the Massachusetts Gaming Commission (MGC). In the event of dangerous conditions resulting from inclement weather/other emergency, the agency will make every effort to ensure employee safety and well-being.

A. If Offices are Operational:

1. An employee who is unable to report to work or continue scheduled work due to inclement weather/other emergency; leave will be charged in any of the following categories at the employee's option:
 - a. Earned compensatory or exchange time;
 - b. Accrued vacation leave or personal leave;
 - c. Authorized leave without pay;
 - d. Modified schedule for the remainder of the week.
2. 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.

3. Employees who are scheduled to be or are already on leave for some other reasons (e.g. vacation leave, sick leave, military leave, or leave without pay) will not have their leave changed as a result of inclement weather/other emergency.

B. Office Closures:

1. In the event the Executive Director determines 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 emergency, the Executive Director may release employees at no loss in pay.
2. Employees who work their normal hours during any disruption will not receive extra pay, compensatory or exchange time.

RESPONSIBILITIES:

A. Executive Director:

1. May suspend office operations if public safety, health or property is jeopardized due to emergency conditions and/or in response to a Governor's directive.
2. May reduce the length of the work day.
3. May authorize leave with pay as conditions and circumstances warrant.
4. May appoint a designee to assist and/or act in her/his behalf.

B. Employees:

1. In the event of inclement weather/other emergency, an employee may call the agency hotline or their immediate supervisor to determine if an office is closed. Information will be posted by 6:30 a.m. The agency hotline numbers are located on the agency phone list and other postings such as those on the agency website. The hotline number is **617-979-8484**. In addition, the information will be sent to all employees via email.
2. When applicable, consult the Emergency Management web site for information and updates <http://www.mass.gov/eopss/agencies/mema/>

- 3. 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.

- 4. An employee must report leave as appropriate and as soon as circumstance allow.

Approved: _____

Date: _____

*Rick Day, Executive Director
Massachusetts Gaming Commission*



MASSACHUSETTS GAMING COMMISSION

MEMORANDUM

To: Massachusetts Gaming Commission
From: Bruce Stebbins, Commissioner
Jill Griffin, Director of Workforce, Supplier and Diversity Development

Re: Proposed Legislative Changes regarding 10 Year Disqualification Period (Chapter 23K, Section 16) for Gaming Service Employees

Date: April 10, 2014

A number of groups have expressed concern that the “Automatic Disqualifiers” identified in the Expanded Gaming Law G.L. c.23K, sec. 16 will prevent a person who wants to assume employment in a gaming service employee position. The job classification is for the least sensitive jobs in a casino, including dishwashers, wait staff, and food service positions. Persons who have a felony or theft or fraud convictions within 10 years from the date of application cannot be found suitable for licensure or registration. Registration candidates who had a conviction more than 10 years ago can pursue employment if they can prove rehabilitation to the Commission.

It is our view that mandatory disqualifications of gaming service employees who have convictions of the type mentioned, works at cross purposes with the legislature’s policy declaration at Section 1 (5) “*the commonwealth must provide for new employment opportunities in all sectors of the economy, particularly opportunities for the unemployed.* Given the nature of the non-gaming functions of gaming service employees and goal of creating job opportunities for the unemployed and underemployed, there is likelihood that such positions could be opportunities for men and women who have a criminal record but have served their sentence.

We reviewed the memorandum and recommendation provided by our consultants Michael and Carroll. They compared other gaming jurisdictions and recommended legislative changes to provide the commission with greater discretion in determining the qualification of applicants for gaming service employee registration. It was noted that a few states have the mandatory disqualification language similar to Massachusetts but the time span is at 5 years. The opposite end of the regulatory landscape involves no



Massachusetts Gaming Commission

registration at all of gaming service employees. Keeping registration as a requirement for gaming service employees would allow the commission to know who is working within the footprint of the property and retains the commission's authority to remove an employee from the property. It is also important to note that it is standard practice within the gaming industry for casinos to conduct background checks and possibly drug tests prior to consideration for employment and prior to submitting a name for licensing or registration to our Division of Licensing and Division of Investigations and Enforcement.

With respect to pursuing a legislative change to provide a remedy to this section of the statute, we would recommend that the commission consider:

- Ask that the legislature amend Section 16 to eliminate the automatic disqualifier language for a gaming service employee registration candidate to allow any candidate for a gaming service employee registration who has committed a crime and served their sentence be allowed to demonstrate rehabilitation to the commission regardless of the timing of their conviction of a felony or theft or fraud conviction.

Please note that the commission retains authority to reject a license or registration application based on other factors identified in Section 16. However, it appears overly burdensome to automatically disqualify potential job candidates based on a felony or theft and embezzlement charge committed within that 10 year window prior to application.



Massachusetts Gaming Commission



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April 16, 2014

By E-mail and United States Mail

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

Re: Proposed Legislative Changes

Dear Chairman Crosby:

Mohegan Sun Massachusetts, LLC (“Mohegan Sun”) would like to thank you for the opportunity to provide comments on the Massachusetts Gaming Commission’s (the “Commission”) memorandum regarding “Proposed Legislative Changes.” Mohegan Sun continues to welcome the opportunity to share its thoughts on the Commission’s implementation of expanded gaming in the Commonwealth.

The Expanded Gaming Act (the “Act”) has been praised since its passage and regarded as the most comprehensive gaming legislation in United States history. As Mohegan Sun stated in its RFA-2 response 1-09-01, Mohegan Sun does not think that the Act requires any major legislative changes to be successful, and its RFA-2 response is not conditional on legislative or regulatory changes. We continue to encourage the Commission to continue its regulatory processes to implement the Act.

Our view is that those who chose to participate in the Commonwealth’s commercial casino selection process were well aware of the statutory framework and should have reasonably anticipated they should be expected to abide by its parameters. While any statute can be improved, we do not believe the Commission needs to bend over to appease specific commercial interests to make the statute work effectively.

By this letter Mohegan Sun will comment on the topics addressed in the Proposed Legislative Changes in the order each topic appeared in the memorandum.

1. Pending Repeal Referendum.

Mohegan Sun would like to comment on sub-paragraph A, which is titled “Costs under the control of the Gaming Commission.” As Chairman Crosby stated at the April 3, 2014

Commission meeting, the pending repeal referendum affects applicants as well as the Commission. Mohegan Sun is supporting the Attorney General's efforts to prevent the repeal question from being placed on next November's ballot as an unconstitutional taking.

2. Chapter 23K, Section 18: On-site child daycare program.

Mohegan Sun supports this provision of the Act and has incorporated plans for an on-site child daycare program in its RFA-2 application in accordance with G.L. c. 23K, § 18(9). (See Mohegan Sun RFA-2 Application at p. 80; See also Mohegan Sun RFA-2 Application at p. 122). Mohegan Sun has had tremendous success operating a similar program at its Connecticut facility. (See Mohegan Sun RFA-2 Response 3-09-01; See also Mohegan Sun RFA-2 Response 3-09-04; See also Mohegan Sun RFA-2 Response 4-18-01). Mohegan Sun believes that the operation of an on-site child daycare program provides employees with a great deal of flexibility and convenient access to child care in proximity to their workplace. Mohegan Sun is also very pleased to have partnered, through the Casino Careers Training Institute, with member Community Colleges near Revere which themselves provide on-site day care for students which will allow for additional on-site day-care during the critical training and pre-opening phase of the gaming establishment.

The primary driving force of the Act was to create jobs in the Commonwealth. The Legislature intentionally drafted G.L. c. 23K, § 18(9) to assist with the job creation goals of the Act by providing an added benefit to gaming employees in the Commonwealth. Mohegan Sun believes that this section supports the job creation goals of the Act and creates employment opportunities to individuals who may have been precluded from applying for these jobs if convenient child care was not available. Mohegan Sun encourages the Commission to carefully evaluate and place a premium on this important criterion. Applicants who have included plans for an on-site day care system should receive a positive inference in this evaluation category.

This aspect of a proposed development is a mandatory evaluative criterion that must be given meaning by the Commission.

3. Chapter 23K, Section 21(A)(4): Capital Expenditures.

Mohegan Sun agrees with the Commission's interpretation of G.L. c. 23K, § 21(a)(4) that the Act does not require annual investment of 3.5% of net gaming revenues. The Act grants licensees the power to expend less than 3.5% of net gaming revenue if the expenditures are made as part of a Commission approved multi-year capital expenditure plan. This provision ensures that licensees will continue to invest in the gaming establishment and maintain high quality gaming establishments. Maintaining a high quality gaming establishment will ensure that customers remain attracted to the gaming product in the Commonwealth for years to come, which will in turn drive revenue to the gaming establishments and the Commonwealth.

Additionally, as referenced above, the Act was drafted primarily as a jobs bill and this provision was also drafted to assist with job creation. Continued investment in the gaming establishments has the ancillary benefit of providing jobs to the construction trades and construction related industries beyond the initial construction of the gaming establishment.

Mohegan Sun believes that this provision is essential to main the purposes behind the adoption of the Act. Maintaining high quality gaming establishments will drive revenue to the Commonwealth for years to come and continue to provide important jobs to those who need them the most. Mohegan Sun agrees also with the points expressed by Commissioner Zuniga in the discussion of this item at the April 3, 2014 Commission meeting that “net gaming revenues” is not defined by the Act which affords the Commission with ample flexibility to establish appropriate measures and safeguards in its regulations and approval of any multi-year plan.

4. Chapter 23K, Sections 9(A)(8) and 21(A)(16): On-site space for mental health treatments.

The Massachusetts Legislature demonstrated an unprecedented commitment to the mitigation of the potential negative health consequences related to expanded gaming when drafting and adopting the Act. The Act’s commitment to this mitigation is one of the many reasons why the Act has been so highly regarded since its adoption and has fostered meaningful dialogue and protections in Mohegan Sun’s host and surrounding community discussions and agreements.

The Act ensures that the Commission and licensees work together to provide services to those individuals who need help. In accordance with G.L. c. 23K, § 9(a)(8) and as required by the Commission in the RFA-2 Application, Mohegan Sun unconditionally agreed to provide complementary on-site space for independent substance abuse and mental health counseling. (See Mohegan Sun RFA-2 Application at p. 225). Mohegan Sun believes that these services will be instrumental in combating any negative effects associated with expanded gaming. We believe that this service can be provided in such a discreet manner to allow individuals who are seeking help to avoid embarrassment, while at the same time promoting visibility so as to ensure that individuals know that help is available. (See Mohegan Sun RFA-2 Response 5-23-01).

On-site mental health and substance abuse facilities advance the Legislature’s goal of mitigating any negative health consequences associated with the advent of expanded gaming in the Commonwealth. Mohegan Sun encourages the Commission to carefully weigh this criterion in its evaluative process.

This aspect of a proposed development is a mandatory evaluative criterion that must be given meaning by the Commission.

5. Chapter 23K, Section 25(G): Gratuities.

Mohegan Sun believes that the Commission should not request any changes to G.L. c. 23K, § 25(g). The Legislature crafted Section 25(g) in such a way so as to provide protection to dealers by ensuring that the Commission plays a role in determining how certain tips and gratuities are set aside and distributed. Additionally, the Legislature drafted Section 25(g) so that it would be in conformity with the existing Massachusetts tip laws found in G.L. c. 149, § 152A.

Both the Act and Chapter 149 afford protections to employees by limiting access to tip pools by supervisory or management level employees. Mohegan Sun believes that it is important

for the Commission to retain authority over tip pooling and the manner that tips are distributed so as to protect dealers and other employees from improper interference from management. Any change to this Section 25(g) of the Act would appear to put the Act in conflict with the Commonwealth's tip laws, which in turn would require additional legislative action to bring those laws into conformity.

This aspect of a proposed development is a mandatory evaluative criterion that must be given meaning by the Commission.

6. Chapter 23K, Section 29: Cashless Wagering.

As discussed in the Commission's last meeting, Mohegan Sun agrees that it is notable that G.L. c. 23K, § 29 does not require licensees to offer a cashless wagering system. This section regulates those licensees that choose to offer a cashless wagering system. Mohegan Sun currently does not offer a cashless wagering system at any of its properties and is unaware of the existence of such a system at other casino properties.

7. Chapter 23K, Section 51: Past-due child support or tax liability constraint on disbursement of cash in excess of \$600; Chapter 23K, Section 52: Reports of winnings in excess of \$600.

Mohegan Sun understands the Commission's concerns regarding the feasibility of reviewing the child support records and tax liability records of every customer who wins in excess of \$600 (as the statute is currently written). Mohegan Sun believes that licensees may be able to offer the Commission assistance in furthering the spirit of this section of the Act.

Licensees' rewards programs and the information that customers provide to licensees in order to partake in these programs could be cross referenced with the existing tax liability and child support databases. Licensees could in turn flag any individuals in their systems who have an unpaid tax liability or unpaid child support and pre-qualify others to game without interruption for the duration of their stay. Mohegan Sun believes that these "know your customer" policies would be beneficial to the Commission and in the Commonwealth in enforcing this section of the Act.

Similarly, Mohegan Sun understands the Commission's concerns regarding the enforcement of G.L. c. 23K, § 52 and the reporting of winnings in excess of \$600 (as the statute is currently written). Mohegan Sun believes that licensees' rewards programs could provide insight into a particular gamer's tendencies and thus prequalify the individual for tax withholding. Once again, "know your customer" policies could serve to lighten the administrative burden in complying with G.L. c. 23K, § 52 and can be enhanced by incentives for patrons to participate in the loyalty reward programs offered by each licensee. Additional participation and data from loyalty programs will also enable the Commission's benchmark study and other problem gambling efforts to be more effective.

8. Parity of Tax Rate

Mohegan Sun believes all the potential commercial casino applicants were aware of the federal-recognition of the Mashpee Wampanoag Tribe as a landless tribe and its original and amended Compact with the Commonwealth. As a landless Tribe, the Mashpee Wampanoags have a full and fair expectation that they will ultimately have the benefits of a restored homeland and the right to gaming under the Indian Gaming Regulatory Act of 1988 and its approved Compact with the Commonwealth. We do not believe the Commonwealth's recognizing this right and empowering the Mashpee Wampanoag Tribe to pursue economic development at a lower tax or contribution rate than commercial casino operators in the Commonwealth is unfair or precludes the Commonwealth's or potential operators expectations for successful commercial casinos.

9. CORI modifications

Mohegan Sun knows that the Commission continues to review the statutory requirements regarding "automatic disqualifiers" in the Act, and we look forward to working with the Commission on this important issue.

Mohegan Sun would like to once again take the opportunity to thank the Commission for allowing us to comment on the Proposed Legislative Changes memorandum. If you have any questions please do not hesitate to contact me.

Sincerely,



Kevin C. Conroy

cc: Catherine Blue, Esq.
Ms. Jill Lacey Griffin
David Rome, Esq.
Mr. Gary Luderitz

From: Nastasia, Martin T. [<mailto:MNastasia@brownrudnick.com>]
Sent: Tuesday, April 15, 2014 3:02 PM
To: Griffin, Jill (MGC)
Subject: RE: Request for a Response re Gaming Service Employee

Hi Jill,

Thank you for the opportunity to contribute to this ongoing dialogue on background checks. MGM would like add their position on the topic of Gaming Service Employee. MGM views local hiring as a foundation of their development philosophy and business plan – their workforce must reflect the communities in which they operate; MGM is dedicated to that proposition and their success in other markets has proven that our customers expect it.

MGM feels it may be beneficial two look at other jurisdictions and how they have successfully worked through this issue. Access, responsibility and accountability are the criteria used in Nevada and New Jersey to determine the level of detail and requirements of background checks. The depth of the investigation depends on the position title which reflects the position function. In Nevada, non-gaming employees are not submitted nor required to pass the same stringent check as those employees who handle cash, issue credit or have access to confidential or sensitive operational or customer information. For example, a felony conviction of a candidate for a warehouse attendant would be viewed very differently from a casino accountant. Corporate Security checks include criminal history review of 7 years with convictions considered for disqualification of the candidate.

In New Jersey, hotel and other non-gaming employees no longer have to be licensed or registered. Casino employees must be registered and are subject to having their registration revoked if they committed specific offenses, but if they demonstrate rehabilitation, they will retain their registration.

MGM is committed to working collaboratively with the MGC to formulate licensing and registration policies that would balance the need of the MGC (a) to protect the reputation and ensure and maintain the trust of the public in how gaming is conducted and (b) the policy goal of the Massachusetts Gaming Act to maximize employment, particularly in those communities in which the facility is located. We believe when it comes to evaluating gaming service employees that the nature of the position being filled should be taken into consideration and the factual circumstances of the individuals being reviewed should be the metrics for employment.

We would be happy to discuss this issue with you in greater detail at your convenience.

Thank you,
Marty



January 26, 2014

Stephen Crosby, Chair
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

Dear Chairman Crosby,

We are writing on behalf of Action for Regional Equity and our local coalition, One Everett. One Everett focuses on good jobs and public education and involving the diverse communities of Everett in taking action on these issues.

Massachusetts made the choice to expand casino gambling in the Commonwealth in part to gain the benefits of good jobs for those in need. At the same time, we are in the midst of a movement to reinvent the justice system to reduce recidivism, which we know requires that people returning from prison be able to work. Without a simple change to the legislation, we will not be able to achieve these goals.

We must make the maximum number of **non-gaming, service jobs** in new casino developments available to those with past convictions. It is very important to us that there be no pre-emptive disqualification based on CORI history for those applying to work in service jobs. We urge you to separate the standard for the dishwasher in a restaurant from the standard for the head of the counting room. We also urge you to allow the Gaming Commission to consider rehabilitation for all service workers and so find the appropriate standard that does not paint everyone with a broad brush—that separates unrelated, minor, long past, or misdemeanor convictions from truly relevant CORI history.

We also urge the Gaming Commission to make effective plans for their role in hiring. During the intense start-up period of hiring, it will be critical that the Commission have the staff capacity to carry out their applicant assessments in a timely manner to meet employer needs.

We believe that the following changes to the legislation will allow you to take these important steps:

Current Statute:

Section 16: Grounds for denial of application for license or registration
[Text of section added by 2011, 194, Sec. 16 effective November 22, 2011.]

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Boston, MA, 02124
Tel (617) 620-9904
www.action4equity.org

Alternatives for Community and Environment
Asian Community Development Corporation
Boston Tenant Coalition
City Life/Vida Urbana
Fair Housing Center of Greater Boston

Greater Four Corners Action Coalition
SEIU 32BJ District 615
Somerville Community Corporation
Tri-City Community Action Program
United for a Fair Economy

Section 16. (a) The commission shall deny an application for a gaming license or a license for a key gaming employee issued under this chapter, if the applicant: (i) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; (ii) submitted an application for a license under this chapter that contains false or misleading information; (iii) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable for a license under this chapter; or (iv) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.

(b) The commission shall deny an application for a license or registration, other than a gaming license or a license for a key gaming employee, under this chapter if the applicant: (i) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; provided, however, that for convictions which occurred before the 10-year period immediately preceding application for licensure, an applicant may demonstrate, and the commission shall consider, the applicant's rehabilitation and whether such conviction should not be an automatic disqualification under this section; (ii) submitted an application for a license under this chapter that contains false or misleading information; (iii) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable for a license under this chapter; or (iv) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.

Proposed Change in bold:

Section 16: Grounds for denial of application for license or registration

[Text of section added by 2011, 194, Sec. 16 effective November 22, 2011.]

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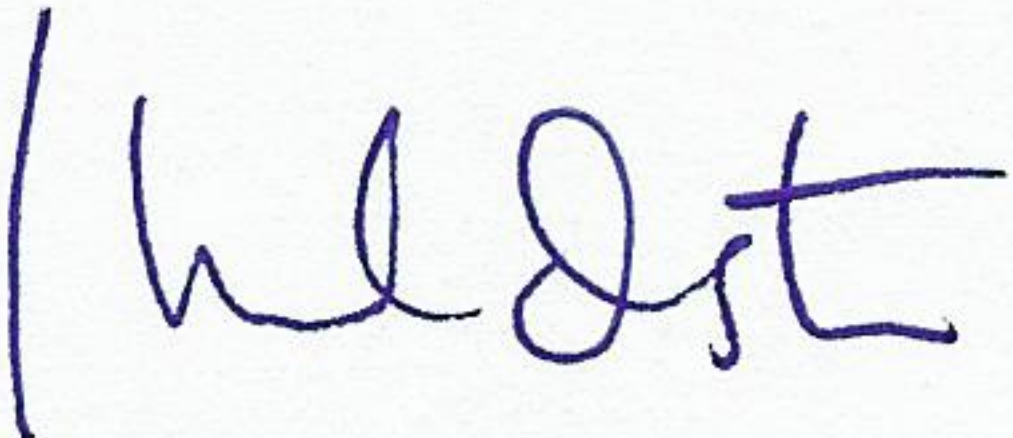
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provided, however an applicant may demonstrate, and the commission shall consider, the applicant's rehabilitation and whether such conviction

should not be an automatic disqualification under this section, taking into account both the nature of the crime and the type of job the applicant is seeking (ii) submitted an application for a license under this chapter that contains false or misleading information; (iii) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable for a license under this chapter; or (iv) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.

We are looking forward to hearing how you decide to proceed. Thank you.

Sincerely,



Bob Marra
Cambridge Health Alliance
rmarra@challiance.org

Weezy Waldstein
Coordinator, Jobs Equity Initiative
weezy.waldstein@gmail.com

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UNITE **HERE!**

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January 24, 2014

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Maria Semedo
Jean Soulouque
Henrique Fernandes
Latifa Bekhechi
Jody Ho
Rhode Howe

Stephen Crosby, Chair
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

Dear Chairman Crosby,

Massachusetts made the choice to bring casino gambling to the Commonwealth, in part to gain the benefits of good jobs for those in need. At the same time, we are in the midst of a movement to reinvent the justice system to reduce recidivism. This requires that people returning from prison be able to work. We need a simple change in legislation in order to achieve these goals.

There should be no pre-emptive disqualification based on CORI history for those applying to work in service jobs. The standard for a dishwasher in a restaurant should be different from the standard for the head of the counting room. We need legislation that allows the Gaming Commission to consider rehabilitation for all service workers and to find the appropriate standard that does not paint everyone with a broad brush—that separates unrelated, minor, long past, or misdemeanor convictions from truly relevant CORI history.

To that end we offer the following change to the current law.

Current Statute:

Section 16: Grounds for denial of application for license or registration

[Text of section added by 2011, 194, Sec. 16 effective November 22, 2011.]

Section 16. (a) The commission shall deny an application for a gaming license or a license for a key gaming employee issued under this chapter, if the applicant: (i) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; (ii) submitted an application for a license under this chapter that contains false or misleading information; (iii) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable for a license under this chapter; or (iv) has affiliates or close associates that would not qualify for a license or

whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.

(b) The commission shall deny an application for a license or registration, other than a gaming license or a license for a key gaming employee, under this chapter if the applicant: (i) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; provided, however, that for convictions which occurred before the 10-year period immediately preceding application for licensure, an applicant may demonstrate, and the commission shall consider, the applicant's rehabilitation and whether such conviction should not be an automatic disqualification under this section; (ii) submitted an application for a license under this chapter that contains false or misleading information; (iii) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable for a license under this chapter; or (iv) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.

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Please let us know how you decide to proceed. Thank you.

Sincerely,



Brian Lang
President, UNITE HERE Local 26