

# **MASSACHUSETTS GAMING COMMISSION MEETING**

August 21, 2014  
10:30 a.m.

**Boston Convention and Exhibition Center**  
415 Summer Street, Room 102-B  
Boston, MA



**NOTICE OF MEETING and AGENDA**  
August 21, 2014

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

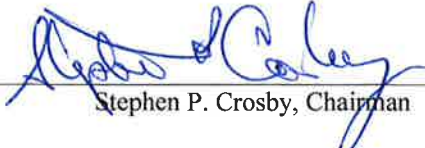
**Thursday, August 21, 2014**  
10:30 a.m.  
**Boston Convention and Exhibition Center**  
415 Summer Street, Room 102B  
Boston, MA

**PUBLIC MEETING - #132**

1. Call to order
2. Region A Discussion – R. Day, Executive Director, C. Blue, General Counsel and J. Ziemba, Ombudsman
  - a. MSM New Qualifier – K. Wells, Director – Investigations and Enforcement Bureau
  - b. Evaluation Process Review, Overview Report, Conditions and Material Errors
3. Approval of Minutes
  - a. July 15, 2014
  - b. August 7, 2014
4. Administration – Rick Day, Executive Director
  - a. General Update
  - b. Delegation and Approval of New Policies – VOTE
  - c. Delegation to attend certain meetings on behalf of the Commission - C. Blue - VOTE
5. Ombudsman Report – John Ziemba
  - a. MGM Monthly Progress Report – R. Day, Executive Director
6. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us).

8/18/14  
(date)

  
Stephen P. Crosby, Chairman

**Date Posted to Website:** August 19, 2014 at 10:30 a.m.



Massachusetts Gaming Commission



August 18, 2014

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

**RE: Qualifier:** Kevin Peter Brown

**Applicant:** Mohegan Sun Massachusetts

Dear Chairman Crosby and Commissioners,

The Investigations and Enforcement Bureau has completed a probity background investigation on Kevin Brown a qualifier for Mohegan Sun Massachusetts. The recommendation of the IEB on suitability can be found below and all findings of fact relative to the investigation are in the attached report.

Recommendation by the Investigations and Enforcement Bureau:

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

If applicable, the proposed conditions of suitability include:

- None
- Detailed below:
  1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_

Respectfully submitted,

Karen Wells  
Director  
Investigations and Enforcement Bureau  
Massachusetts Gaming Commission



Massachusetts Gaming Commission



*Investigations & Enforcement Bureau*

**INVESTIGATION REPORT – INDIVIDUAL QUALIFIER**

**Qualifier Name: Kevin Peter Brown**  
**Qualifier Position: Chairman (Mohegan Tribal Council)**  
**Qualifier Entity: Sterling Suffolk/Mohegan Sun**

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Primary Investigator(s): Trooper Gina Joyce / Michael & Carroll Investigators  
Financial Investigators: John Mangieri (M&C) and Edward Jay (IEB)

**1. Qualifier’s Name and Verified Information**

Name: Kevin Peter Brown  
Address: [REDACTED]  
Date of Birth: [REDACTED]  
Social Security Number: [REDACTED]

Kevin Peter Brown was elected to the Mohegan Tribal Council and was also selected as the Chairman on his first day on the Council, October 7, 2013.

The investigation of Mr. Brown, Chairman of the Mohegan Tribal Council, Mohegan Tribe of Indians of Connecticut and Chairman of the Management Board of the Mohegan Tribal Gaming Authority, 5 Crown Hill Road, Uncasville, CT 06382, did not reveal any derogatory information which would impact on his suitability for licensure with the Massachusetts Gaming Commission.



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Mr. Brown was interviewed in person for this investigation at the office of the Investigations and Enforcement Bureau of the Massachusetts Gaming Commission, in Boston, MA on Wednesday December 11, 2013.

At the outset of the interview, Mr. Brown was provided with copies of the Multijurisdictional Personal History Disclosure Form and the Massachusetts Supplemental Personal History Disclosure Form submitted previously to investigators as part of his application. Mr. Brown verified both documents as being filled out by him, initialed by him and also certified that he signed the Statement of Truth document located on page 66 of the MJPHD. Mr. Brown disclosed that he was married to Lisa Kathryn Chafin Dreher Brown from [REDACTED] to [REDACTED] when he was divorced in Lewis County, NY. Mr. Brown further stated he and his ex-wife have two adult children: [REDACTED], age [REDACTED], residing in [REDACTED], and [REDACTED], age [REDACTED], residing in [REDACTED]. In addition, Brown stated that his father, [REDACTED] was deceased and his mother, [REDACTED] (a retired Tribal Elder) was living in Uncasville, CT. It should be noted that subsequent to the interview, Mr. Brown's mother passed away on December 16, 2013. Additionally, Mr. Brown disclosed that he has two brothers, [REDACTED] a Tribal Council Management Board Member.

Brown also disclosed that he has an active Department of State passport, number [REDACTED], issued [REDACTED] with an expiration date of [REDACTED]. A copy of his passport was obtained which verified this information.

Research has also revealed that Mr. Brown's social security number was issued in the State of Connecticut between 1976 and 1979.

Brown has disclosed in his interview that he currently holds a valid Kansas Driver's License [REDACTED] that was issued on [REDACTED], and will expire on [REDACTED]. In addition, during Brown's interview, he stated that he was currently applying for a Connecticut Driver's License. Subsequently, a Connecticut driver's license, [REDACTED], was confirmed as active for Mr. Brown expiring on [REDACTED]. An official driving history confirmed that on June 11, 2011, Brown was cited for driving 55 mph in a 45 mph zone. This matter was adjudicated on June 28, 2011.



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## 2. Employment History

Interviews of Mr. Brown and references, as well as documents supplied, confirmed that Mr. Brown is currently employed as Chairman of the Mohegan Tribal Council, Mohegan Tribe of Indians of Connecticut, having been sworn in on October 7, 2013. Additionally, Mr. Brown indicated on his Personal History Disclosure Form that he previously held the following positions within the last ten years:

➤ Boston Minority Development Agency

100 Huntington Ave, Boston, MA

Dates of Employment: March 2013 – August 2013

Position: Business Consultant

➤ Kids Peace and Teen Central

4085 Independence Drive, Schnecksville, PA

Dates of Employment: February 2012 – August 2013

Position: Military Consultant

➤ Place Properties

3445 Peachtree Road, Atlanta GA

Dates of Employment: May 2012 – October 2012

Position: Director, Military Housing

➤ Barton County Community College

217 Custer Ave, Fort Riley KS

Dates of Employment: August 2011 – May 2012

Position: Assistant Instructor, History

➤ United States Army Garrison

500 Huebner Road, Fort Riley, KS

Dates of Employment: June 2009 – July 2011



Massachusetts Gaming Commission

**Position: Garrison Commander, Colonel**

- **1st Brigade Combat Tm**  
**10<sup>th</sup> Mountain Division, Fort Drum NY**  
**Dates of Employment: June 2004 – May 2009**  
**Position: Various**

- **Joint Readiness Training Center, Ops Group**  
**7260 Alabama Ave, Fort Polk, LA**  
**Dates of Employment: June 2001 – June 2004**  
**Position: Chief of Plans and Exercises**

**3. Criminal Record**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**4. Education**

Mr. Brown confirmed during his interview and on his PHD that he graduated from the United States Military Academy, West Point, NY with a Bachelor of Science degree in Mechanical Engineering with an Aero Space Concentration in May 1987. Mr. Brown advised that he also obtained a Master’s degree in Operations Research/Systems Analysis from Naval Postgraduate School, Monterey CA in September 1996. Brown further obtained an additional Master’s degree in Public Diplomacy (Terrorism Concentration) from Norwich University, Northfield, VT graduating in June 2009. Currently, Mr. Brown is completing his Doctoral Program in Security Studies and



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expects to graduate from Kansas State University later this year (2014). All academic degrees were independently confirmed by investigators.

## **5. Professional and Gaming Licenses**

Mr. Brown's PHD and in-person interview confirmed that at that time, he did not possess any professional gaming licenses. However, on March 13, 2014, Mr. Brown was approved for licensure [REDACTED] by the New Jersey Division of Gaming Enforcement.

## **6. Directorship and Shareholder**

Mr. Brown disclosed in his PHD that he is the chairman of the Mohegan Tribal Council and Chairman of the Management Board of the Mohegan Tribal Gaming Authority. Mr. Brown disclosed that as an enrolled member of the Mohegan Tribe of Indians of Connecticut, he has an indirect, undivided financial interest in the assets of the Tribe, including gaming. Mr. Brown's current position has been verified through interviews and investigation.

Mr. Brown further disclosed in his PHD that he, as Chairman, is the manager of the following Mohegan Tribe and Mohegan Tribal Gaming Authority (MTGA) Affiliates.

- Mohegan Tribal Affiliates:
  - Mohegan Tribal Ventures, LLC
  - MTIC Acquisitions, LLC
  - Mohegan Biometrics, LLC
  - Mohegan Properties, LLC
  - Northeast Coffee, LLC
  - Residence at Crow Hill, LLC
  - Mohegan Holding Company, LLC
  - Eagleview Child Development Center, LLC



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➤ **MTGA Affiliates:**

- Mohegan Commercial Ventures PA, LLC
- Mohegan Ventures – Northwest, LLC
- Downs Lodging, LLC
- Wisconsin Tribal Gaming, LLC
- MTGA Gaming , LLC
- Mohegan Gaming & Hospitality, LLC
- Mohegan Resorts, LLC

Brown also identified that he is the manager of Salishan – Mohegan, LLC, majority owned by Mohegan Tribe and MTGA affiliates.

**7. Civil Litigation**



**8. Bankruptcy**



**9. Property Ownership**



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**10. Financial Responsibility Evaluation**



**A. Summary of Key Income and Deductions from U.S. Tax Returns:**

	2013	2012	2011	2010
Salaries and Wages (a)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Interest and Dividends	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Business Income (Loss) (b)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Capital Gains	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
IRA/Pension Distributions (c)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other Income (d)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Self-Employment Tax Deduction	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Alimony (e)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Adjusted Gross Income	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Itemized Deductions (e)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Personal Exemptions	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Taxable Income	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Federal Income Tax (f)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**(a) Salaries and Wages**

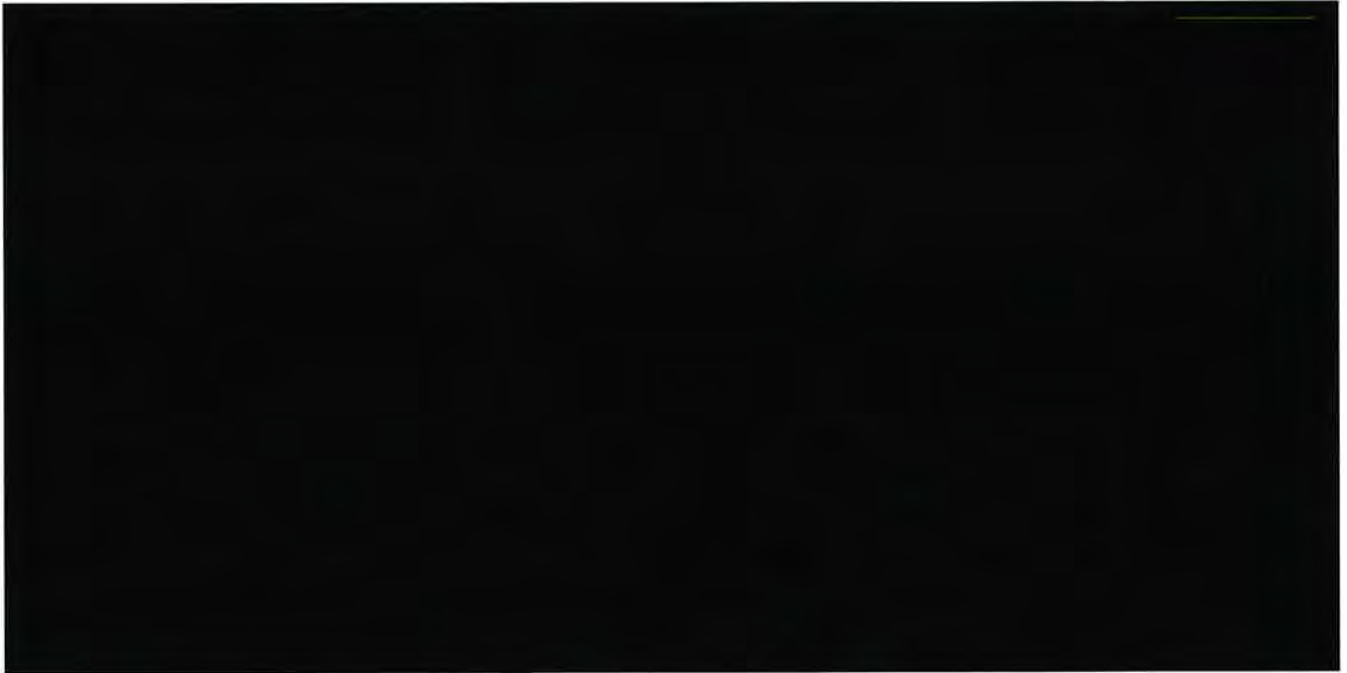


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**(b) Business Income (Loss)**



**(c) IRA/Pension Distributions**

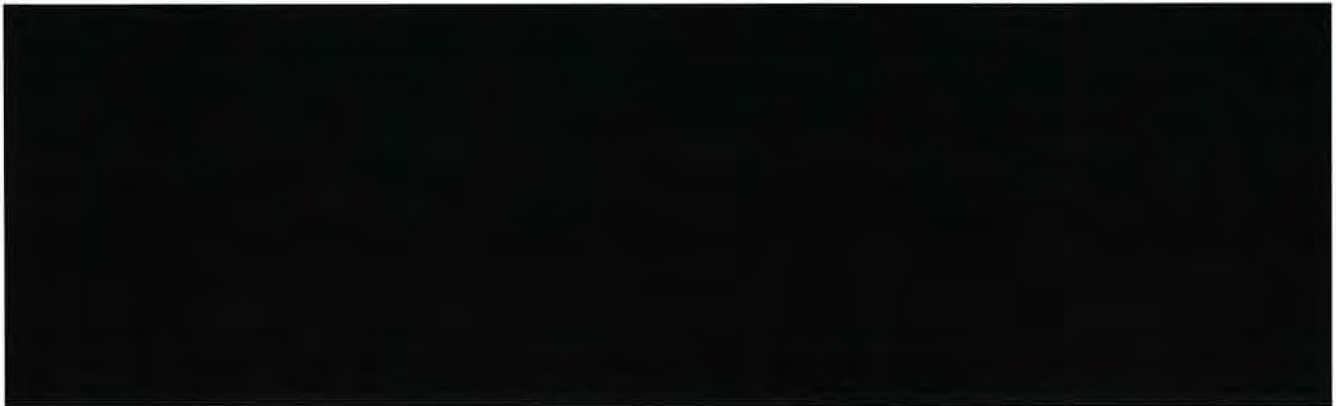
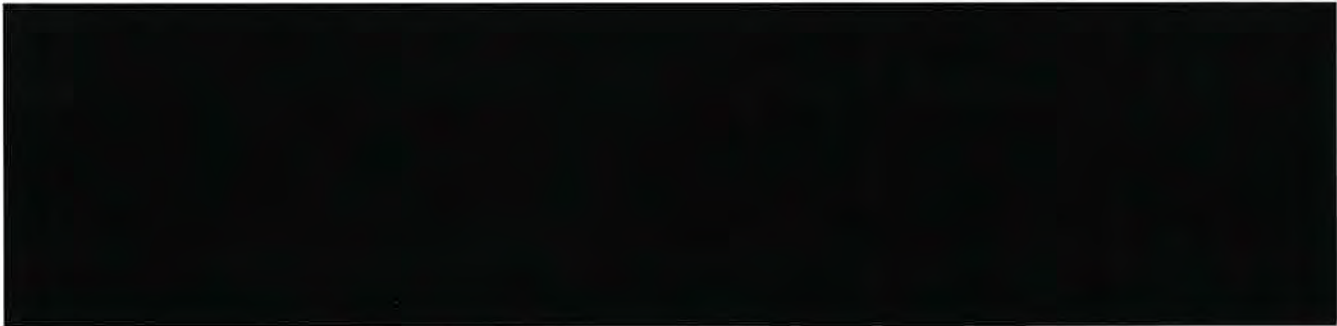


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(d) Other Income



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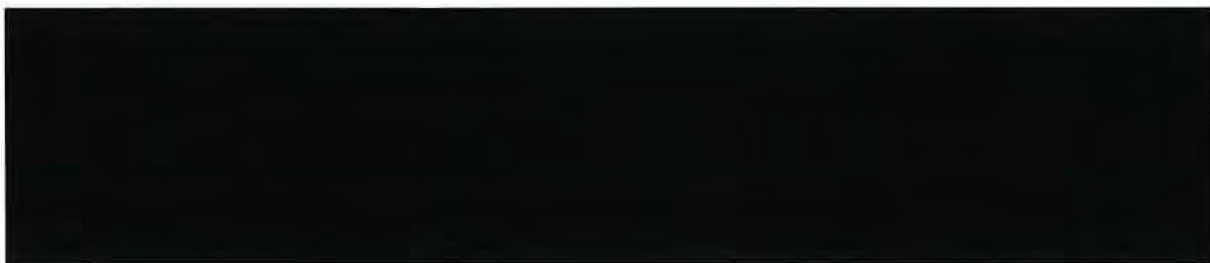


**B. Summary of Net Worth as of September 17, 2013:**

<b>Asset</b>		
Cash on hand and in bank (a)		
Loans, & Other Receivables		
Securities (b)		
Real Estate (c)		
Cash Value of Life Insurance (d)		
Pension/Retirement Funds (e)		
Furniture and Clothing (f)		
Vehicles (g)		
Other Assets		
	<b>Total Assets</b>	
<b>Liability</b>		
Notes Payable		
Loans & Other Payables (h)		
Taxes Payable		
Mortgages or Real Estate Lien (i)		
Insurance/Pension Loans		
Other Indebtedness		
	<b>Total Liabilities</b>	
	<b>Net Worth</b>	
Contingent Liabilities		

Discussion:

(a) Cash

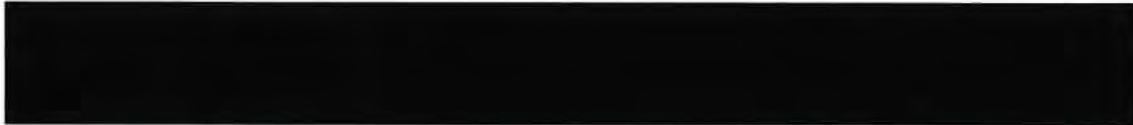


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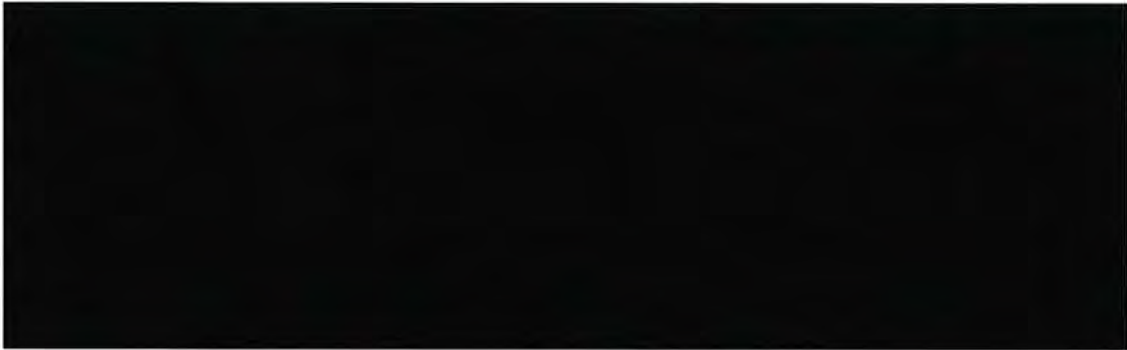
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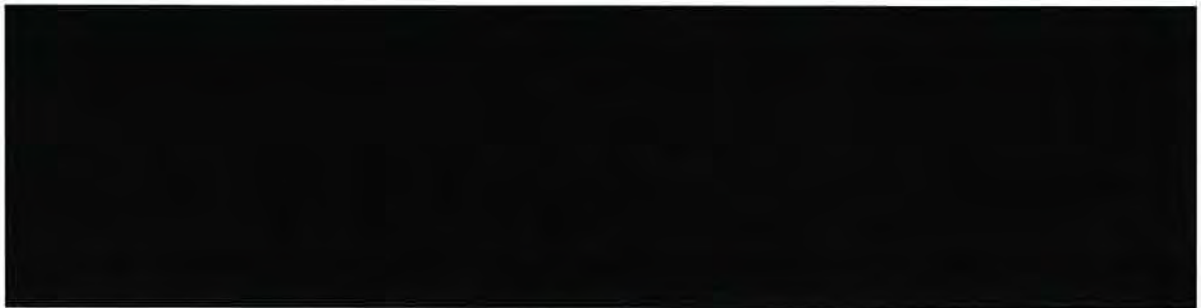
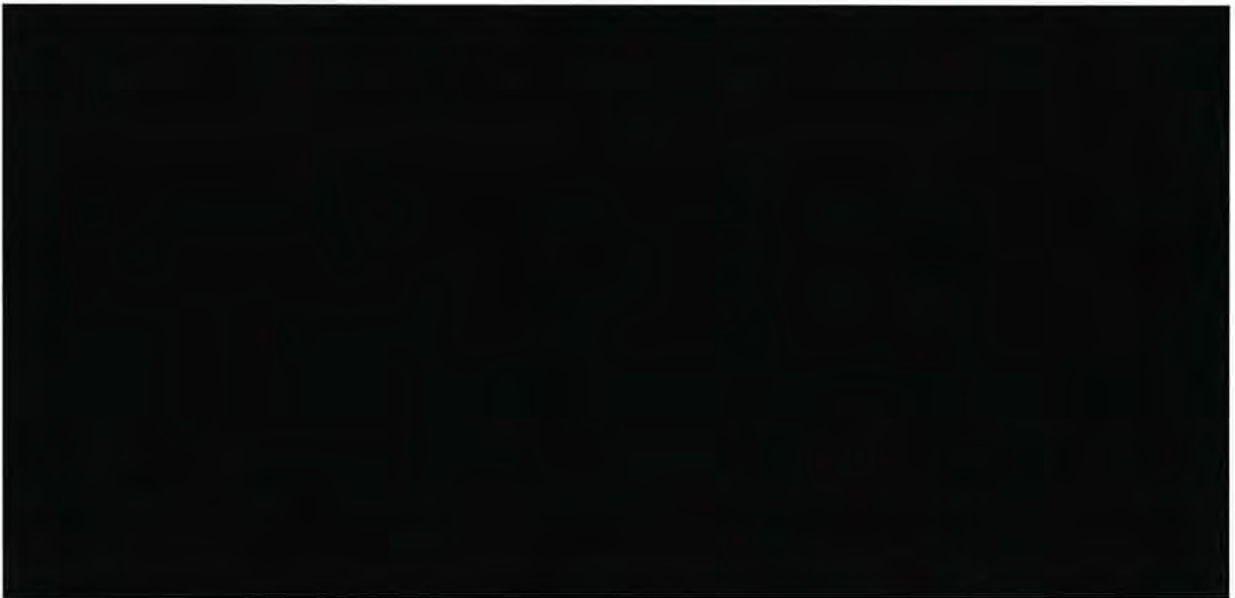




**(b) Securities**



**(c) Real Estate**

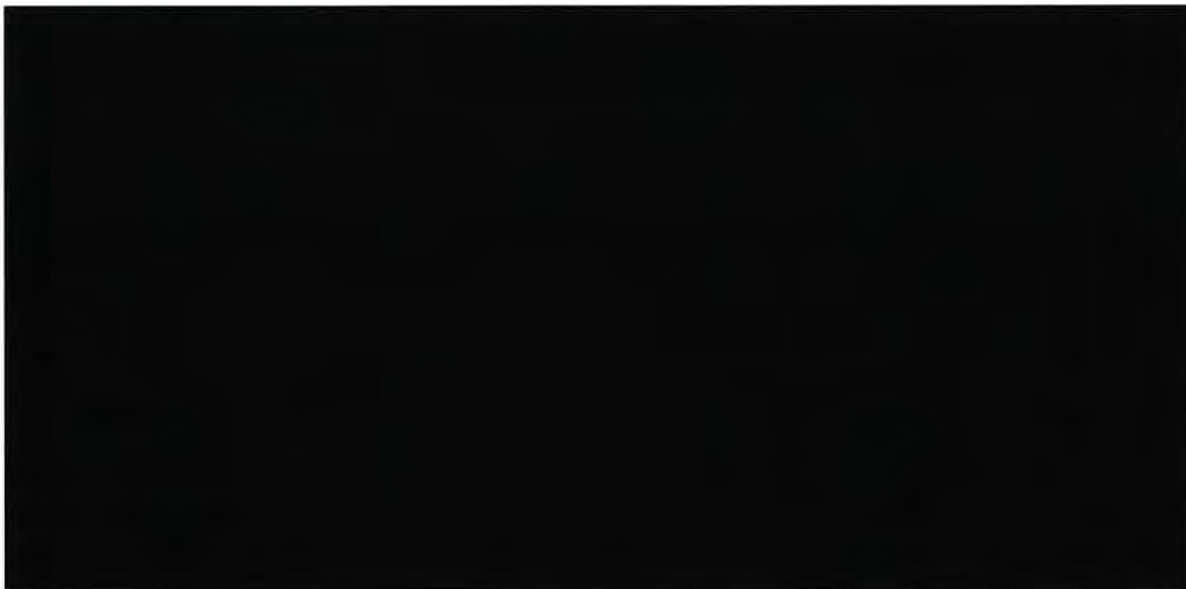


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**(d) Cash Value of Life Insurance Policies**



**(f) Furniture and Clothing**



**(g) Vehicles**



**(h) Loans & Other Payables**



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(i) Mortgages or Liens Payable on Real Estate



**C. Discussion of Kevin Brown's Financial Condition:**

Mr. Brown is currently pursuing a doctorate degree and has recently been appointed to a four-year position as Chairman of the Mohegan Tribal Counsel and Chairman of the Management Board of the Mohegan Tribal Gaming Authority. His net



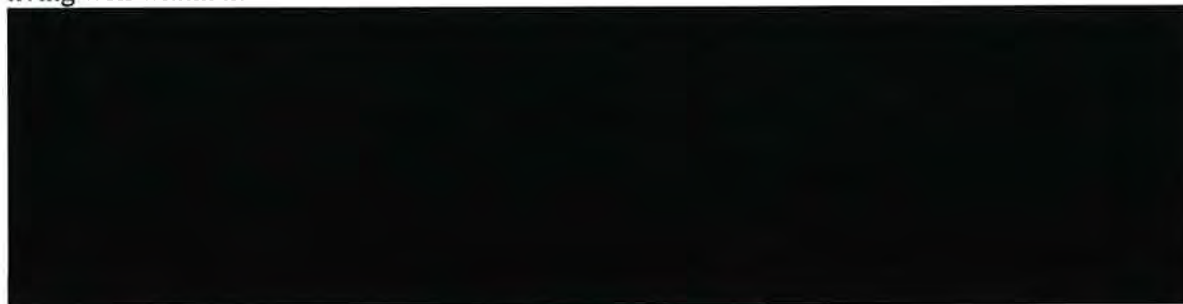
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worth is consistent with the income reported on his federal tax returns. He appears to be living well within his means.



Kevin Brown is a qualifier due to his position as the Chairman of the Mohegan Tribal Council and Chairman of the Mohegan Tribal Gaming Authority (“MTGA”). He has an indirect, undivided financial interest in the overall assets of the Mohegan Tribe which includes gaming. However, it is unlikely that he would be required to make a capital contribution to the project.

**D. Material Issues noted by Financial Investigators:**



**E. Other Issues noted by Financial Investigators:**



**F. Conclusion as to Kevin Brown's Financial Stability and Integrity:**

The financial investigation did not establish any adverse findings or information that would indicate that Kevin P. Brown does not possess the requisite financial integrity, responsibility and financial stability to be found suitable to participate in the proposed project.

**11. Political Contributions**



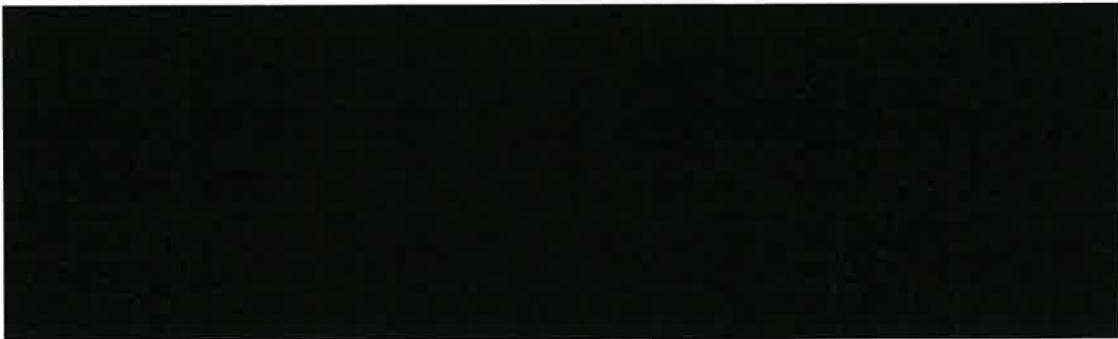
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**12. Significant Investigative Issues**

No significant issues directly related to Mr. Brown were developed during this investigation.

**13. References**



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**14. Media Coverage**



**15. Conclusion**

Our investigation into applicant Kevin P. Brown did not develop any information that would disqualify him for consideration for a gaming license based upon any of the criteria in the gaming laws or regulations in the Commonwealth of Massachusetts.



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## Issuance of Category 1 license - Region A

TIMING <sup>1</sup>	EVENT	
Step 1	<p>Commissioners call evaluation meeting to order and explain the process. IEB provides suitability report update. Legal provides update on law.</p> <p>Commissioners present the Building and Site Design and Finance evaluation reports.</p> <p>Commissioners recommend potential conditions as part of each evaluation report. Staff maintains a running list of all recommended conditions. The staff collects any material errors alleged by the applicants after each presentation.</p>	
Step 2	<p>Commissioners present the Mitigation and Economic Development evaluation reports.</p> <p>Commissioners recommend potential conditions as part of each evaluation report. Staff maintains a running list of all recommended conditions. The staff collects any material errors alleged by the applicants after each presentation.</p>	
Step 3	<p>Commissioners present the Overview report. The questions in the Overview report were allocated among the Commissioners for their review. Each Commissioner will respond to the questions and the report will be presented without a category evaluation rating. Following the individual presentations the Commission will determine a final category evaluation rating for the Overview section.</p> <p>The staff presents the alleged material errors to the Commission. The Commission determines whether additional information or review is required. If additional information is required, Commission will instruct staff to so advise the applicants.</p>	

<sup>1</sup> Number of days needed to complete the process is dependent upon length of individual presentations and extent of deliberations. Presentations and deliberations are not time restricted.

Step 4	<p>Any additional information on alleged material errors is presented to the Commission. The Commission reviews the information and determines if any changes need to be made in any of the reports.</p> <p>Staff/consultants present any conditions it deems appropriate for the Commission’s consideration.</p> <p>Staff creates a list of all conditions for each applicant.</p> <p>Commission reviews the list of proposed conditions; Commission does not vote on the conditions, but when the Commission is comfortable with the general list of conditions for each applicant, the Commission votes to authorize staff to present the conditions to each applicant. Commission reserves the right to add, delete or modify conditions during its deliberations.</p> <p>Staff delivers the list of conditions to each applicant and advises each applicant to review the conditions and prepare a response to the conditions. Applicants are advised that the response to the conditions must be in writing and must be delivered to staff by a date set by the Commission.</p>	
Step 5	<p>Evaluation meeting is recessed for period of time to allow applicants to review and draft response to proposed conditions. Staff is available to take questions from the applicants.</p>	
Step 6	<p>Staff receives written response to conditions from each applicant, reviews the response and distributes to the Commissioners and consultants. Written responses are posted to the Commission website. Commissioners advise staff if the Commission requires the applicant or any others to appear before the Commission to answer Commissioners’ questions.</p>	
Step 7	<p>Evaluation meeting reconvenes. Commission asks questions of those requested to appear before it. Commission requests information/advice from staff and consultants.</p>	
Step 8	<p>Commission begins deliberations on agreement to award a license.</p> <p>As part of the deliberations, Commission determines if conditions as agreed to, modified, or rejected by the</p>	

	applicant would be acceptable or whether conditions need to be added, amended or modified for each applicant.	
<b>Step 9</b>	Commission selects applicant for agreement to award a license and votes on final conditions. Commission instructs staff to deliver the agreement to award a license, including the final conditions, to the selected applicant. Staff and applicant meet if necessary to discuss agreement and/or conditions.	
<b>Step 10</b>	Applicant appears before Commission to indicate whether it agrees to enter into the agreement to award the license.	




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## Meeting Minutes

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**Date/Time:** July 2, 2014 – 10:30 a.m.

**Place:** Bunker Hill Community College  
250 Rutherford Avenue, Room A300  
Charlestown, Massachusetts

**Present:** Commissioner Gayle Cameron  
Commissioner James F. McHugh  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Absent:** Chairman Stephen P. Crosby (recused from Region A matters)

### Call to Order

See transcript page 2-6.

10:30 a.m. Commissioner McHugh called to order the 127th public meeting and set the procedure for the meeting. The focus on the meeting is whether the Commission should grant the City of Boston's request to stay the Commission's proceedings regarding the Region A license decision until after the November vote on the ballot initiative.

### City of Boston's Oral Presentation

See transcript pages 6-15.

10:39 a.m. Eugene L. O'Flaherty, Corporation Counsel for the City of Boston, presented for the city of Boston. The City of Boston moved for a stay of all regulatory decisions in region A in light of the pending referendum.

The City of Boston argued that the judicial requirements for obtaining a stay of the proceedings is the appropriate analysis to be used by the Commission, namely, assessing the likelihood of success on the merits, irreparable harm to the City, the balance of harm between the parties, and the public interest. The City of Boston argued that the need for a

stay of the Region A regulatory decisions satisfies the three part test and should be granted.

### **City of Everett's Oral Presentation**

See transcript pages 16-25.

- 10:50 a.m. Mayor Carlo DeMaria Jr. presented for the city of Everett. His Honor contended that knowing where the eventual site of the Region A casino will give the voters more information and will likely influence the voters and affect the polls.
- 10:53 a.m. Jonathan Silverstein from the firm Kopelman and Paige, representing the City of Everett, presented for the city of Everett. Attorney Silverstein presented that the standard presented by the City of Boston for a stay is not the appropriate standard. The appropriate standard is the Commission's variance standard set forth in the regulations. Additionally, even if the proposed standard by the City of Boston is the correct standard, the motion should still be denied as the required factors are not satisfied by the City of Boston.

### **City of Revere's Oral Presentation**

See transcript pages 26-32.

- 11:01 a.m. Brian R. Falk from Mirick, O'Connell, DeMallie & Lougee, LLP, special counsel to the city of Revere, presented for Revere. Attorney Falk presented that the City of Revere is in agreement with the written comments from Mohegan Sun, Wynn MA, and the City of Everett. Attorney Falk argued the Commission should not ignore its statutory duties and suspend its licensing process in the face of a referendum vote. Additionally, even upon applying the standard for a stay as proposed by the City of Boston, the motion should be denied as the City of Boston failed to satisfy the required factors. Furthermore, Revere believes the voters should be informed with the knowledge of the location of the casino prior to the November vote.

### **Mohegan Sun's Oral Presentation**

See transcript pages 33-47.

- 11:07 a.m. Bruce S. Barnett, from the law firm DLA Piper, representing Mohegan Sun, presented for Mohegan Sun. Attorney Barnett presented that, under Article 48 of the amendments to the Massachusetts Constitution, there is no basis for suspending existing law or anticipatory enforcement of the proposed statute in the face of an initiative petition vs. a referendum. Additionally, the motion request



from the City of Boston is seeking a variance of the Commission's regulations, in changing the dates of the scheduled licensing, and the requirements of a variance are not met.

Attorney Barnett also argued that even under the standards for a stay proposed by the City of Boston, they have failed to satisfy the requirements and the motion should be denied.

### **Wynn MA, LLC's Oral Presentation**

See transcript pages 47- 57

11:23 a.m. Tony Starr from the law firm Mintz, Levin, Cohn, Glovsky and Popeo P.C., representing Wynn MA, presented for Wynn MA. Attorney Starr stated that counsel presenting before him have all addressed why the standard proposed by the City of Boston is inappropriate. However, even if the Commission were to accept the standard as appropriate, in using that standard, the motion should still be denied as Boston has failed to satisfy the required factors.

### **City of Boston's Oral Presentation, continued**

See transcript pages 58-62.

11:53 a.m. Tom Frongillo, from the firm Fish & Richardson, P.C. presented for the remainder of the City of Boston's unused time. Attorney Frongillo presented that the other parties involved want the license issued and proceedings to continue in order to influence the outcome of the vote in November. There is no harm in waiting 120 days to see the outcome of the vote, there is no creditable reimbursement available to the City, and there is no adequate remedy at law for the harm caused to the City.

### **Commission discussion and deliberation**

See transcript pages 62-105

11:41 a.m. The Commissioners asked questions of the speakers and deliberated on the motion from the City of Boston.

The Commission discussed the notion of the voters having more information regarding the actual location of the casino versus having less information if the Commission granted the motion for a stay of the proceedings at this time. The Commission found that having more information on the Region A casino license would not adversely affect the voters.

The Commission also discussed the potential of harm to the City of Boston if the Commission did not stay its proceeding, specifically in

comparison to the other potential and actual surrounding communities that already went through the surrounding community negotiation process with a less than 30% chance of actually becoming a surrounding community, in contrast to Boston's nearly 100% chance of being a surrounding community to either applicant.

The Commission also discussed the constitutional overlay of the difference in an initiative petition and a referendum in regards to the issuance or requirement of a stay.

The Commission discussed their duties to all regions, and the effect the delay would have on Region C.

12:32 p.m. Motion made by *Commissioner Zuniga that the Commission deny the request by the City of Boston for a stay in the licensing process and continue with the process as stipulated in the regulations. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

#### **Arbitration**

See transcript pages 105-114

12:34 p.m. Ombudsman Ziemba and General Counsel Blue discussed the arbitration schedule with the Commission.

12:42 p.m. Motion made by *Commissioner Zuniga that the Commission designate the following day as the starting date for the process described in 125.01(C)(3). Motion seconded by Commissioner Cameron. Motion passed unanimously.*

12:43 p.m. *Motion made by Commissioner Cameron to adjourn. Motion seconded by Commissioner Zuniga. Meeting adjourned.*

#### **List of Documents and Other Items Used**

1. Massachusetts Gaming Commission July 2, 2014 Notice of Meeting and Agenda

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary




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## Meeting Minutes

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**Date/Time:** August 7, 2014 – 10:30 a.m.

**Place:** Boston Exhibition and Convention Center  
415 Summer Street, Room 107B  
Boston, Massachusetts

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

### Call to Order

See transcript page 2.

10:30 a.m. Chairman Crosby called to order the 130th public meeting.

### Approval of Minutes

See transcript pages 2-3.

10:30 a.m. Commissioner McHugh stated that the minutes of July 24, 2014 are in the packet for approval.

*Motion made by Commissioner McHugh to approve the July 24, 2014 minutes subject to the need to correct any mechanical or typographical errors. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

Chairman Crosby stated that the July 24, 2014 minutes stated that the minutes from the July 15, 2015 were not approved and would be brought back before the Commission at this meeting. General Counsel Blue stated that Chairman Crosby was correct; however she wanted to confer with Commissioner Zuniga to determine what changes needed to be made. General Counsel Blue said she did consult with Commissioner Zuniga and the July 15, 2014 minutes will be revised

and brought back to the Commission at the August 21, 2014 meeting for approval.

### **Administration**

See transcript pages 3-29.

- 10:32 a.m. Executive Director Day presented an update on the licensing staff's meeting with the staff at Plainridge Racecourse, licensing staff's progress on the implementation of the licensing system, progress made in filling open positions at the Commission and the identification of new office.
- 10:35 a.m. Executive Director Day introduced Jennifer Pinck from Pinck & Co., Jack Rauen and Lance George from Penn National. Mr. George gave a presentation on the gaming floor plan layout for the Plainridge Park Casino. Mr. George presented slides showing the various parts of the project and in particular explained the location of the Commission related space for responsible gaming, state police and licensing. Mr. O'Toole explained some of the changes that will be made to the backside of the paddock area to accommodate the gaming establishment.

### **Ombudsman Report**

See transcript pages 30-34

- 10:59 a.m. Mr. Ziemba presented the Ombudsman Report. Mr. Ziemba reported on the Region C schedule and stated that the deadline for submission of the RFA 1 applications is December 1, 2014 and that the deadline for submission of the RFA 2 applications is March 27, 2015. Based upon those deadlines, if there are disputes regarding surrounding community agreements, the license for Region C would be awarded in August, 2015.

Mr. Ziemba further reported on a recent meeting with representatives from a number of state agencies regarding the Commission's Region C schedule, the award of a category 2 license to Penn National and the recent decision regarding MGM in Region B. Mr. Ziemba stated that the Commission thanked the agencies for their help in the licensing process and that the Commission looks forward to working with the agencies in the future.

## **Workforce Development and Supplier Diversity**

See transcript pages 34-62

11:04 a.m. Director Griffin introduced Cori Whitacre and Karen Bailey from Penn National. Ms. Whitacre and Ms. Bailey presented Penn National's revised diversity plan. The plan was revised to reflect comments received from the Commission as part of the Commission's approval of the plan at the June 26<sup>th</sup> meeting.

*Motion made by Commissioner Stebbins that the Commission give final approval to the Plainridge Park Casino strategic plan to engage and recruit the diverse under and unemployed workforce population and the Plainridge Park Casino purchasing practices plan for local and traditionally disadvantaged and diverse businesses. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*

After the presentation by Penn National, Director Griffin updated the Commission on her recent meetings with various groups. Director Griffin stated that she helped Penn National connect with veterans' resources. Director Griffin had a conversation with MGM about meeting with the vendor team on August 25. Director Griffin stated that she is looking at best practices to ensure diversity during design and construction and met with the carpenters union and the Boston Building Trades Council to learn more about their apprenticeship program. Director Griffin also met with the policy group on tradeswomen to discuss best practices for increasing gender and racial diversity on construction sites.

11:35 p.m. Commission recessed

11:45 p.m. Meeting resumed

## **Research and Problem Gambling**

See transcript pages 62-163

11:45 p.m. Mark Vander Linden presented the report on the responsible gaming framework. Director Vander Linden explained the process by which the report was created and stated that the framework and measures contained in the report are intended to inform the gaming regulation in Massachusetts, provide an overall orientation to responsible gaming practices and policies adopted by licensees and provide the general public with a concise description of the measures taken by the Commission and its licensees designed to mitigate unwanted consequences of expanded gaming. Director Vander Linden went through each section of the report and took questions and comments from the Commissioners. Director Vander Linden will revise the

report and bring it back for further Commission review at a later meeting.

Director Vander Linden requested the Commission approve an increase in the contract with Problem Gaming Solutions. The scope of the contract will remain the same and the total amount of the contract will be increased to \$55,000.

*Motion made by Commissioner Zuniga that the Commission authorize staff to increase the contract with Problem Gaming Solutions to the amount stated in the packet of \$55,000. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

1:42 p.m. Commission recessed

2:18 p.m. Meeting resumed

### **Region A – Chairman Crosby Recused**

See transcript pages 164-196

2:18 p.m. Ombudsman Ziemba provided an update on Region A. Mr. Ziemba requested the Commission to extend the deadlines to receive comments on the Region A applicant transportation plans until the week of August 12<sup>th</sup> or August 19<sup>th</sup>. The Commission agreed to extend the comment period until August 22<sup>nd</sup>.

Mr. Ziemba advised the Commission that staff met with representatives from the MAPC and that MAPC has been preparing a memorandum for the Commission on the relative strengths and concerns of both applicants. The memorandum from the MAPC is included in the Commission packet for review by the Commission. The MAPC memorandum will be posted on the Commission's website.

Mr. Ziemba stated that staff had a productive meeting with a cross section of Charlestown residents and community organizations. Traffic mitigation in Charlestown was the predominant concern raised. Staff appreciated the comments received at the meeting and afterward. The comments received are included in the Commission packet.

Mr. Grossman presented to the Commission on the legal implications of the City of Boston's decision not to participate in the arbitration process leading to the surrounding community agreement. Mr. Grossman went through the main issues raised in the memorandum on the topic. The memorandum is included in the Commission packet.

*Motion by Commissioner Zuniga that the Commission deem the City of Boston to have waived its surrounding community status with respect to the application for a Category 1 casino license filed by Wynn MA LLC. The motion was seconded by Commissioner Cameron. The motion carried unanimously.*

2:58 p.m. *The Commission having no further business, a motion was made by Commissioner Cameron to adjourn the meeting. The motion was seconded by Commissioner Zuniga. The motion carried unanimously.*

#### **List of Documents and Other Items Used**

1. Massachusetts Gaming Commission August 7, 2014 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission July 24, 2014 Meeting Minutes
3. Plainridge Park Casino Floor Plan Review August 7, 2014
4. Plainridge Park Casino Strategic Plan to Engage and Recruit the Diverse, Under and Unemployed Workforce Population
5. Plainridge Park Casino Purchasing Practices Plan for Locally and Traditionally Disadvantaged & Diverse Businesses
6. DRAFT August 4, 2014 Massachusetts Gaming Commission Responsible Gaming Framework
7. Massachusetts Gaming Commission August 7, 2014 Memorandum Regarding Proposed Amendment to Contract with Problem Gaming Solutions, Inc.
8. Comments regarding Charlestown Community Groups and Wynn
9. Massachusetts Gaming Commission August 4, 2014 Memorandum Regarding Waiver of Surrounding Community Status

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary

## MASSACHUSETTS GAMING COMMISSION

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### MEMORANDUM

**To:** Chairman Crosby; Commissioners McHugh, Cameron, Stebbins and Zuniga  
**From:** Catherine Blue, General Counsel  
**Date:** August 21, 2014  
**Re:** Delegation of Authority to the Executive Director to Sign and Approve Changes to Previously Approved Administrative and Human Resources Policies.

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**Request:** Pursuant to 205 CMR 104.01, that the Commission delegate to the Executive Director the authority to sign approved policies, approve non-material changes to administrative and human resources policies previously approved by the Commission and to implement for 90 days interim administrative and human resources policies when necessary pending approval of formal policies by the Commission.

**Discussion:**

The Executive Director, in conjunction with Finance and Administration and Human Resources, has developed a series of policies to ensure that the Commission complies with applicable law and that the Commission functions efficiently. Those policies are being brought to the Commission for Commission approval and future policies will follow the same process. From time to time, however, non-material changes may need to be made to the policies or an interim policy may need to be put into effect pending the creation and approval of a formal policy. For example, a change in state law may require a change in a Commission policy or the implementation of an interim policy.

I am requesting that the Commission grant to the Executive Director the authority to sign approved policies, approve non-material changes to previously approved administrative or human resource policies and to implement for 90 days interim administrative or human resource policies pending review of the formal policies.





# High Performance Project

## Human Resources Policies

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### *Commission Review/Approval*

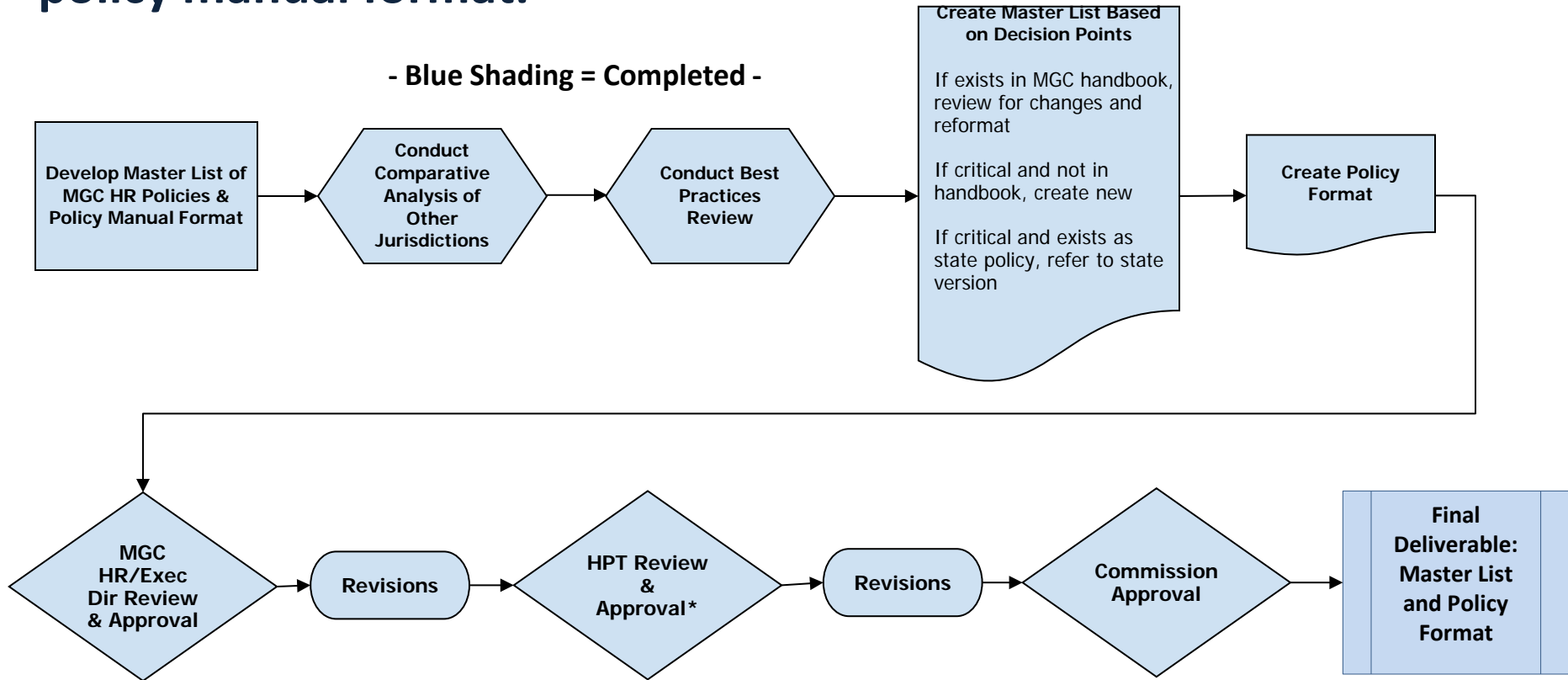
*August 21, 2014*

**This presentation provides the commission with the background and “to-date” results of the HR component of the high performance project to develop policies.**

- Workflow for completed tasks
- Workflow for pending tasks
- Executive summary of policies up for commission approval on 8/21
- Appendix: Policy Approval Checklist
- Appendix: Individual policies in full

# This workflow shows the structured process the team used in creating and approving a master list of HR policies and a MGC policy manual format.

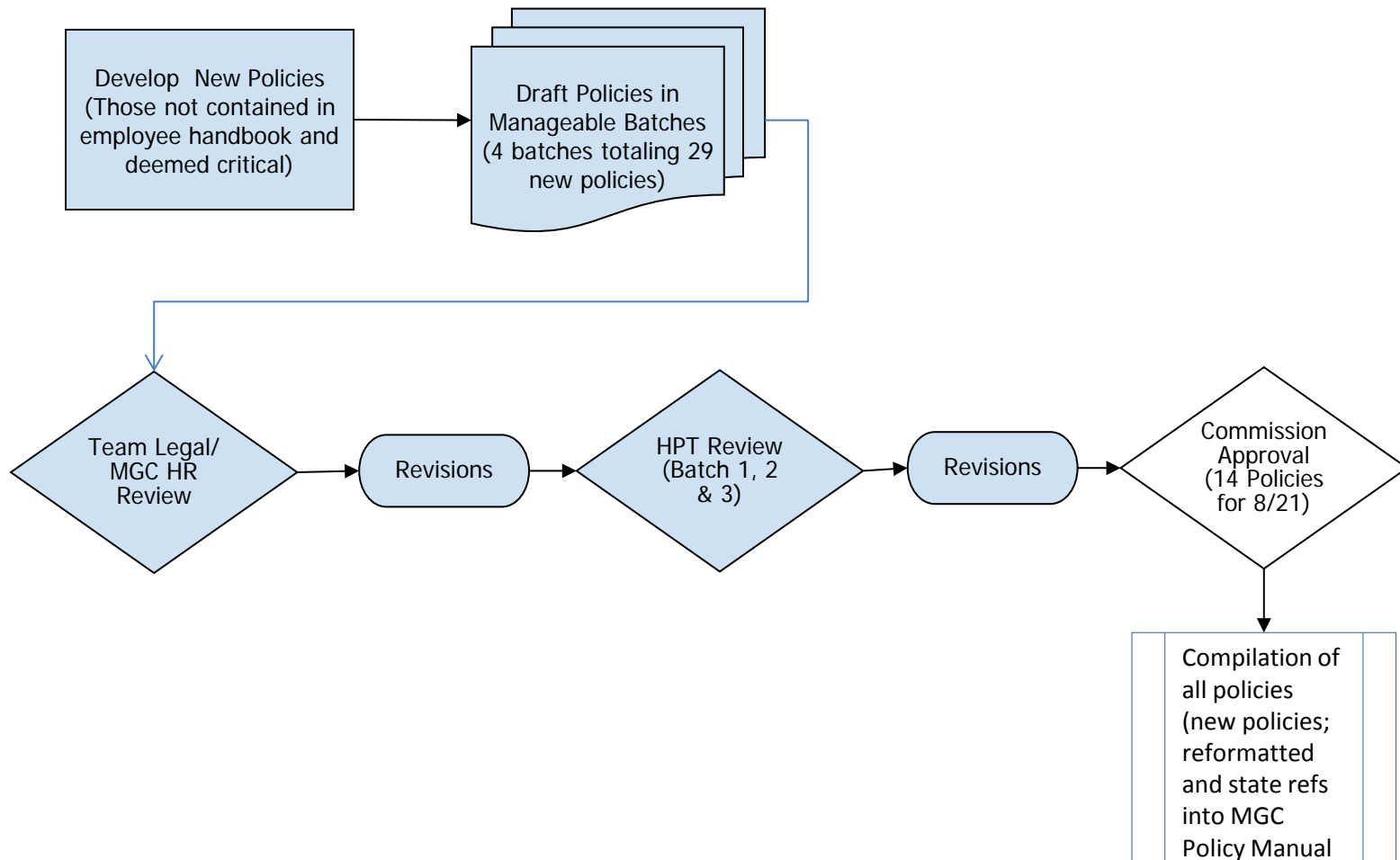
- Blue Shading = Completed -



**\*High Performance Team Members**

- Commissioner Zuniga
- Commissioner Cameron
- Executive Director Day
- General Counsel Blue
- Admin & Finance Director Lennon
- HR Manager Banda
- Maryann Dooley
- Dean Ventola

# This workflow shows the process leading to today's collection of HPT reviewed new policies up for commission approval on 8/21.



**The following slides show the full text of the “policy statements” in the set of policies up for approval. The complete policy, including procedures and other details, is shown in an appendix.**

### **Employment at Will**

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

### **Initial Review**

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

## More policy executive summaries...

### **Corrective Action**

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

### **Workplace Standards**

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

## More policy executive summaries....

### **Personnel Records**

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

### **Unemployment Insurance**

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

## More policy executive summaries...

### **Breastfeeding**

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

### **Bereavement Leave**

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



## More policy executive summaries...

### Background Check

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

### Identification Badge

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

## More policy executive summaries...

### **Employee Assistance**

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

### **Smoke Free Workplace**

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

## More policy executive summaries...

### **Sexual Harassment**

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

### **Whistleblower Protection**

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

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## Appendices.

- Policy tracking spreadsheet
- Copies of full policies up for approval today aggregated into one document



**APPENDIX:**  
**Aggregation of Policies**  
**for 08/21/2014 MGC Meeting**

**Note:** *The first policy shown (Background Check) shows fields reserved for policy history and approval sign-off. These fields were deleted from all the following policy pages to preserve space.*

## Background Check

### Policy Statement

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

### Applies to

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

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

### Definitions

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

### Procedure

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

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

### Responsibility

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

**Approved By**    Type name and title

Write signature

**Date**            Type date approved

**References to other policies**    Type if any

**Created**                            Type date

**Revised**                            “

**Reviewed**                        “

**File name**                        [Determine and use consistent naming convention]

## Bereavement Leave

### Policy Statement

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

### Applies to

All employees

### Definitions

Immediate family member: employee's spouse or named partner, child, child of spouse or named partner, parent or parent of spouse or named partner, sibling, grandparent, grandchild or a person living in the household of the employee.

Extended family members: employee's aunt, uncle, niece or nephew; or brother, sister, grandparent or grandchild of the spouse of the named partner.

Named Partner: a person living with an employee in lieu of marriage.

### Procedure

- Employees may take a paid bereavement leave of up to 4 consecutive days due to the death of an immediate family member.
- Employees may take a paid bereavement leave of 1 day to attend the funeral of an extended family member.
- Employees are expected to notify their manager as soon as they become aware that they will need bereavement leave.
- Only hours that an employee is otherwise expected to work are eligible for paid bereavement leave; scheduled days off cannot be converted to bereavement leave.
- Employees who require additional time-off must take that time using accrued vacation and/or personal time. The request for additional time must follow established department time-off procedures.
- Paid bereavement leave is not considered time worked for the purpose of determining if overtime will be paid to non-exempt employees. However, bereavement pay will be included in the calculation of the overtime pay rate.
- Employees with a documented attendance issue may be asked to provide verification of the death of their immediate or extended family member. Verification may include an obituary notice, death certificate or letter from an attending physician.
- Employees who misuse bereavement leave will be subject to corrective action up to and including termination.

**Responsibility:** Managers



## **Breastfeeding**

### **Policy Statement**

It is the policy of the Massachusetts Gaming Commission (MGC) to comply with Federal Law that provides a nursing mother with reasonable break time to express breast milk for one (1) year after the birth of her child.

### **Applies to**

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

### **Procedure**

- The employee must notify her manager that she requires a private space to express milk.
- The MGC will make every effort to provide a dedicated space for the nursing mother's use. However, it cannot guarantee such a dedicated space. If there is no dedicated space available the MGC will provide a space that is functional for expressing milk, shielded from view and free from intrusion from co-workers and the public.
- The MGC will provide reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express milk.
- Non-exempt employees shall use assigned breaks for this purpose, but it is understood that frequency and duration of the breaks may vary.

### **Responsibility**

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

## Corrective Action

### Policy Statement

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

### Applies to

All employees following the completion of their initial review period.

### Procedure

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

PIP shall state that improvement is expected to be immediate and continuing or it will lead to further corrective action, up to and including termination. The warning should be signed by the employee and she/he and the manager should retain a copy. A copy will also be sent to HR for inclusion in the employee's personnel record.

- **Termination:** This action is taken if the employee has made no improvement in the performance, conduct or policy violations that have been documented in the previous corrective action steps. MGC reserves the right to combine and skip steps, depending upon the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or corrective action.
- Suspension, whether with or without pay, is not a regular step in the corrective action process. It is utilized in limited circumstances, and only after consultation with the manager of human resources. Suspension may be appropriate as an alternative to termination in those situations where MGC determines there are extenuating circumstances and/or to allow for an investigation of a situation.
- Behavior that is illegal is not subject to progressive corrective action and may be reported to local law enforcement. Theft, intoxication at work, fighting and other acts of violence are also not subject to progressive corrective action and may be grounds for immediate termination.
- Refusal by an employee to sign any document in the corrective action step does not negate the corrective action. Managers will note on the document that the employee refused to sign it.
- For the six months following a written corrective action, an employee cannot be considered for a lateral or promotional transfer within her/his department or to another MGC department. This requirement may be waived in appropriate circumstances by the executive director at her/his sole discretion.
- This policy should not be read or construed as modifying or altering the employment-at-will relationship between MGC and its employees.

### **Responsibility**

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

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

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

## Employee Assistance Program

### Policy Statement

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

### Applies to

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

### Definition

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

### Procedure

- The services of the EAP are provided to the employee and her/his family members. The EAP counselors will make every effort to coordinate referral for ongoing treatment with in-place health insurance coverage as well as ability to pay.
- The services provided by the EAP to an employee and her/his family members are strictly confidential. Except as may otherwise be required by law, no confidential information maintained by the EAP, whether oral or written, will be disclosed without the express written permission of the employee.
- EAP records are for the counselor's use only and are not part of the employee's personnel records.
- Aggregated data may be collected to study program utilization. At no time will any data that is gathered identify employees utilizing EAP services.
- MGC management may not be granted access to names of people seeking or using the services of the EAP.
- Supervisors and managers are responsible for confronting employees about unsatisfactory as well as acceptable but deteriorating performance, and referring such employees to the EAP when appropriate. The employee may accept or refuse participation in the EAP however, there may be situations where continued employment at MGC may be contingent upon the employee calling the EAP for assistance. When an employee's continued employment is contingent upon calling the EAP, the EAP counselor will only verify whether or not the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through on the treatment.
- Employees are responsible for correcting unsatisfactory performance and maintaining acceptable performance whether or not they are accessing the services of the EAP. An employee's use of the EAP will not prevent a supervisor from implementing a corrective action process, as appropriate.

- The EAP provides the MGC with support for managers and employees following a critical incident such as an incident of workplace violence.
- The EAP provides the MGC with workplace training for managers and employees.

**Responsibility**

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

## **Employment at Will**

### **Policy Statement**

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

### **Applies to**

All employees from their first day of employment, except commissioners. The employment of commissioners is governed by MGL 23K Section 3C.

### **Procedure**

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

### **Responsibility**

All Management

## Identification Badge

### Policy Statement

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

### Applies to

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

### Procedure

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

**Responsibility:** All Managers and HR

## Initial Review Period

### Policy Statement

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

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

### Applies To

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

### Procedure

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

### Responsibility

Managers are responsible for complying with this policy.



## Personnel Records

### Policy Statement

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

### Applies to

All active employees including those on a leave; and all terminated employees for up to three (3) years following the termination of employment or after final disposition of an administrative or judicial proceeding, whichever is later.

### Definitions

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

### Procedure

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

**Responsibility**

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

## Sexual Harassment

### Policy Statement

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

### Applies to

All employees and commissioners

### Definition

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

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

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

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

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

### **Procedure**

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

### **Responsibility**

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

## Smoke Free Workplace

### Policy Statement

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

### Applies to

All employees and commissioners

### Definition

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

### Procedure

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

### Responsibility

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

## Unemployment Insurance

### Policy Statement

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

### Applies to

All employees

### Procedure

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

### Responsibility

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

## Whistleblower Protection

### Policy Statement

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

### Applies to

All employees, commissioners and consultants

### Procedure

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

### Responsibility

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

## Workplace Standards

### Policy Statement

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

### Applies to

All employees

### Procedure

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



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

	Employee Handbook Master List (items highlighted in RED not referenced in Handbook)	Reviewed by MGC HR	Reviewed by HPT	Approved by Commission
	<b>Master Policy List</b>	✓	✓	✓
	<b>Policy Format</b>	✓	✓	✓
	● <b>Employment at will</b>	✓	✓	On 8/21/2014 agenda
	● EEO	na	na	na
	● <b>Enhanced Ethics</b>		na	na
	<b>Hiring</b>	Review/reformat as necessary	na	na
	● Accommodations for Individuals with Disabilities	"	na	na
	● Immigration Law Compliance (IRCA-1986)	"	na	na
	● Employment of Relatives	"	na	na
	● Employment of Minors	"	na	na
	● Internal Candidates	"	na	na
	● Orientation	"	na	na
	● <b>Relocation</b>			
	● <b>Travel</b>	Batch 4		
	● <b>Identification Badge</b>	✓	✓	On 8/21/2014 agenda
	● <b>Background Check</b>	✓	✓	On 8/21/2014 agenda
	<b>Employment</b>			
	● Time and Attendance	Review/reformat as necessary	na	na
	● Office Closure/Weather/Other Emergencies	"	na	na
	● Customer Relations & Service	"	na	na
	● Accountability/Performance Evaluations	"	na	na
	● Outside Employment & Business Activities	"	na	na
	● Dress Code	"	na	na
	● <b>Terminations (Voluntary; involuntary)</b>	Under review by Rick		
	● <b>Initial Review Period</b>	✓	✓	On 8/21/2014 agenda
	● <b>Internal Transfers</b>	✓	✓	
	● <b>Personnel Records</b>	✓	✓	On 8/21/2014 agenda
	● HIPAA	na	na	na
	● <b>Workplace Privacy</b>	Batch 4		
	● <b>Lactation/Breast Feeding</b>	✓	✓	On 8/21/2014 agenda
	● <b>Unemployment Insurance</b>	✓	✓	On 8/21/2014 agenda
	● <b>Compensation (single policy encompassing below)</b>	✓	✓	
	Non-Exempt Employees	✓	"	
	Exempt Employees	✓	"	
	Equal Pay Act	✓	"	
	Compensatory Time	✓	"	
	On-Call Pay	✓	"	
	Fair Labor Standards Act (FLSA)	✓	"	
	Anti-Retaliation	✓	"	
	Overtime	✓	"	
	● <b>Pay Practices (single policy encompassing below)</b>	Batch 4		
	Hours of Operation & Work Schedule	"		
	Alternate Work Schedule & Telecommuting	"		
	Mandatory Payroll Deductions	"		
	Optional Payroll Deductions	"		
	Meal/Rest Periods	"		
	Temp. Assignment to higher level position	"		
	● Employment Classification	Review/reformat as necessary	na	na
	● Title VII, ADEA, ADA	na	na	na
	● <b>Performance-Reviews</b>	Batch 4		
	● <b>Military Pay Provision -</b>	na	na	na

		Employee Handbook Master List (items highlighted in RED not referenced in Handbook)	Reviewed by MGC HR	Reviewed by HPT	Approved by Commission
54		<b>Employee Relations</b>			
55	●	Workplace Standards	✓	✓	On 8/21/2014 agenda
56	●	Disclosure Requirements	Review/reformat as necessary	na	na
57	●	Corrective Action	✓	✓	On 8/21/2014 agenda
58	●	Code of Conduct	Review/reformat as necessary	na	na
59	●	Criminal Activity	"	na	na
60	●	Drug & Alcohol (Drug Free Workplace Act)	"	na	na
61	●	Smoke Free Workplace	✓	✓	On 8/21/2014 agenda
62	●	Harassment Free Workplace	✓	Batch 4	
63	●	Sexual Harassment	✓	✓	On 8/21/2014 agenda
64	●	Sexual Assault, Stalking, Domestic Violence	na	na	na
65	●	Whistleblower Policy	✓	✓	On 8/21/2014 agenda
66	●	Workplace Bullying	✓	Batch 4	
67	●	Violence Free Workplace	✓	✓	
68	●	Workplace Relationships	✓	✓	
69	●	Weapons Free Workplace	✓	Batch 4	
70		<b>Safety &amp; Security</b>	✓	"	
71	●	Workers' Compensation	Review/reformat as necessary	na	na
72	●	Workplace Emergency Policy	"	na	na
73		<b>Benefits</b>			
74	●	Health Insurance	na	na	na
75	●	Health Insurance Responsibility Disclosure	na	na	na
76	●	Dental & Vision Benefit	na	na	na
77	●	Dependent Care Assistance Plan (DCAP)	na	na	na
78	●	Healthcare Spending Account (HCSA)	na	na	na
79	●	Deferred Compensation 457b Plan	na	na	na
80	●	Qualified Transportation Benefit Plan (QTBP)	na	na	na
81	●	Tuition Remission	na	na	na
82	●	Massachusetts Retirement System	na	na	na
83	●	COBRA	na	na	na
84	●	Group Life Insurance	na	na	na
85	●	Long-term disability benefits	na	na	na
86	●	Credit Union	na	na	na
87	●	Charitable Contribution Program	na	na	na
88	●	Employee Assistance Program (EAP)	✓	✓	On 8/21/2014 agenda
89	●	Adoption Tuition Incentive	na	na	na

		Employee Handbook Master List (items highlighted in RED not referenced in Handbook)	Reviewed by MGC HR	Reviewed by HPT	Approved by Commission
90	●	<b>Leaves</b>			
91	●	Vacation Time	Review/reformat as necessary	na	na
92	●	Sick Leave	"	na	na
93	●	Personal Leave	"	na	na
94	●	Holidays	"	na	na
95	●	Leave without Pay	"	na	na
96	●	<b>Bereavement Leave</b>	✓	✓	On 8/21/2014 agenda
97	●	Jury Duty/Witness Leave	"	na	na
98	●	Family Medical Leave Act (FMLA)	na	na	na
99	●	Small Necessities Leave Act	na	na	na
100	●	Military Leave	na	na	na
101	●	Extended Illness Leave Bank	na	na	na
102	●	Blood Donation Leave	na	na	na
103	●	Bone Marrow Donation/Organ Donor Leave	na	na	na
104	●	Disaster Volunteer Leave	na	na	na
105	●	Domestic Violence, Sexual Assault & Stalking in the Workplace Leave	na	na	na
106	●	Sick Time Donation Policy	na	na	na
107	●	MA Maternity Leave Policy	na	na	na
108	●	Voting Leave	na	na	na
109	●	<b>Career Development</b>			
110	●	Training Conferences	Review/reformat as necessary	na	na
111	●	Professional Development	"	na	na
112	●	Professional Memberships & Subscriptions	"	na	na
113	●	Work Related Conferences & Seminars	"	na	na
114	●	<b>Professional Recognition</b>	Batch 4		
115	●	Tuition Remission	na	na	na
116	●	<b>Communication</b>			
117	●	Communications with the Public	Review/reformat as necessary	na	na
118	●	Press Relations	"	na	na
119	●	Social Media	"	na	na
120	●	Speaking Engagements	"	na	na
121	●	<b>Misc. Policies</b>			
122	●	Information Technology Use	Review/reformat as necessary	na	na
123	●	Solicitation & Distribution	"	na	na
124	●	Protected Information (see HIPAA)	na	na	na
125	●	Driving Personal Vehicles on MGC business	Review/reformat as necessary	na	na
126	●	Sunshine Policy (Public Records)	na	na	na
127	●	Adoption Tuition Incentives- follow state policy	na	na	na
128	●	Procurement Card	na	na	na
129					
130	●	<b>Code</b>			
131	●	Deferred			
132	●	A new policy (red); currently referenced in MGC Handbook to be reformatted without changes			
133	●	Use state, including GIC, policy			

## MASSACHUSETTS GAMING COMMISSION

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### MEMORANDUM

**To:** Chairman Crosby; Commissioners McHugh, Cameron, Stebbins and Zuniga  
**From:** Catherine Blue, General Counsel  
**Date:** August 21, 2014  
**Re:** Delegation of Authority to General Counsel to Attend Meetings Required By State or Federal Judicial Rules or Orders.

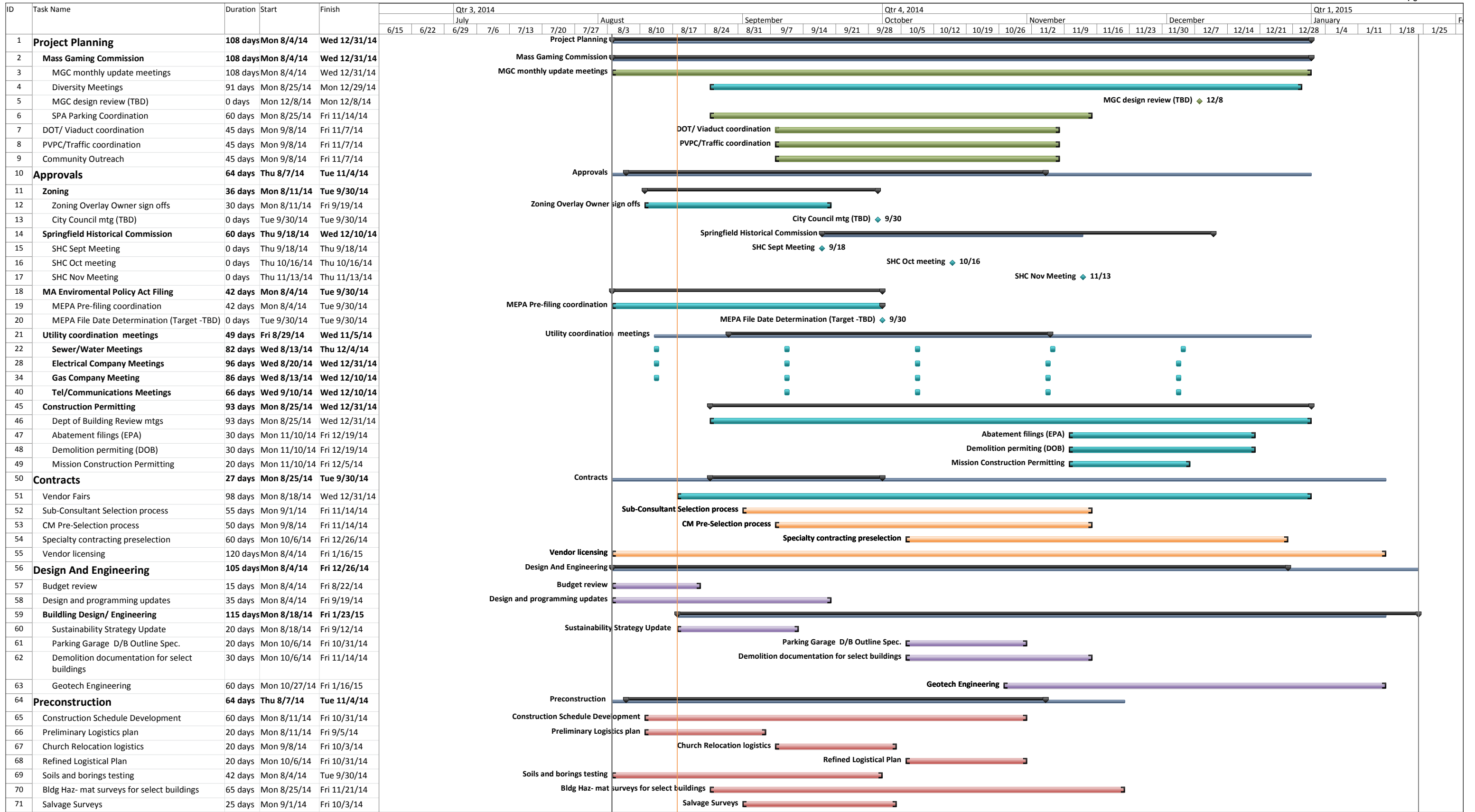
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**Request:** Pursuant to 205 CMR 104.01, that the Commission delegate to the General Counsel the authority to attend and represent the Commission at any conferences, proceedings or other meetings required or permitted by State or Federal judicial rules or orders.

**Discussion:**

From time to time the Commission is required to attend conferences, proceedings or other meetings required or permitted by State or Federal judicial rules or orders. A delegation of authority from the Commission would serve as evidence that the designated person was authorized to represent the Commission.

I am requesting that the Commission approve a delegation of authority to the General Counsel to attend conferences, proceedings or other meetings required or permitted by State or Federal judicial rules or orders as the representative of the Commission.



Project: 20140808 MGM Springfield Project coordination SN  
 Date: Mon 8/18/14

Task Split: [Icon] Milestone Summary: [Icon] Project Summary External Tasks: [Icon] External Milestone Inactive Task: [Icon] Inactive Milestone Inactive Summary: [Icon] Manual Task Duration-only: [Icon] Manual Summary Rollup Manual Summary: [Icon] Start-only Finish-only: [Icon] Deadline Progress: [Icon]

"This document is intended to be a general overview of activities being performed in connection with the Development of Blue Tarp reDevelopment, LLC's (Blue Tarp) project in Springfield, MA and to assist in compliance with section 20 (q) of the June 13, 2014 Agreement to Award A Category 1 License to Blue Tarp reDevelopment (Agreement). This document is not intended to supersede Blue Tarp's RFA 2 application or the conditions set forth in the license award Agreement. Dates contained herein are subject to change and in some cases represent tentative dates or projected dates."

# I-91 Viaduct Rehabilitation Project



## Massachusetts Gaming Commission Public Hearing Presentation

August 21, 2014



# I-91 Viaduct Rehabilitation Project



## Project Purpose

To replace the bridge deck of the I-91 Viaduct in Springfield, due to its poor condition – the result will be a more reliable and dependable





# I-91 Viaduct Rehabilitation Project



## Project Limits



# I-91 Viaduct Rehabilitation Project



## MassDOT's Project Scope

- Award the Springfield Viaduct Rehabilitation Project Dec. 2014
- Rehabilitation Project includes the following:
  - Complete deck replacement
  - Painting of structural steel, replacement of bearings, structural steel repairs
  - Improved bridge drainage and highway lighting
  - Other safety improvements, such as I-291/I-91 merge
- Comprehensive Traffic Management



# I-91 Viaduct Rehabilitation Project



## Construction

- The use of Accelerated Bridge Construction is planned.
- ABC reduces mobility impacts and improves work zone safety
- Prefabricated elements are made off-site and shipped to the jobsite
- Allows for two major construction stages
- The use of prefabricated elements will reduce the overall construction duration **(ABC will reduce construction time by 1/2 over conventional construction)**

# I-91 Viaduct Rehabilitation Project



## Traffic – Traffic Management Approach

- Numerous traffic management approaches evaluated
- Existing physical constraints (roadway width) limited options
- Limited duration of construction/impacts preferred – 2 stage approach proposed
- Two-lanes in each direction to be maintained on I-91
- Maintain access to/from I-291
- Selected ramps to be closed for operational/safety reasons and to expedite construction
- Access to downtown and local businesses will be maintained utilizing East Columbus and HOF
- Primary detours to utilize East Columbus and HOF Avenues

# I-91 Viaduct Rehabilitation Project



## Traffic Management (Stages 1 & 2)

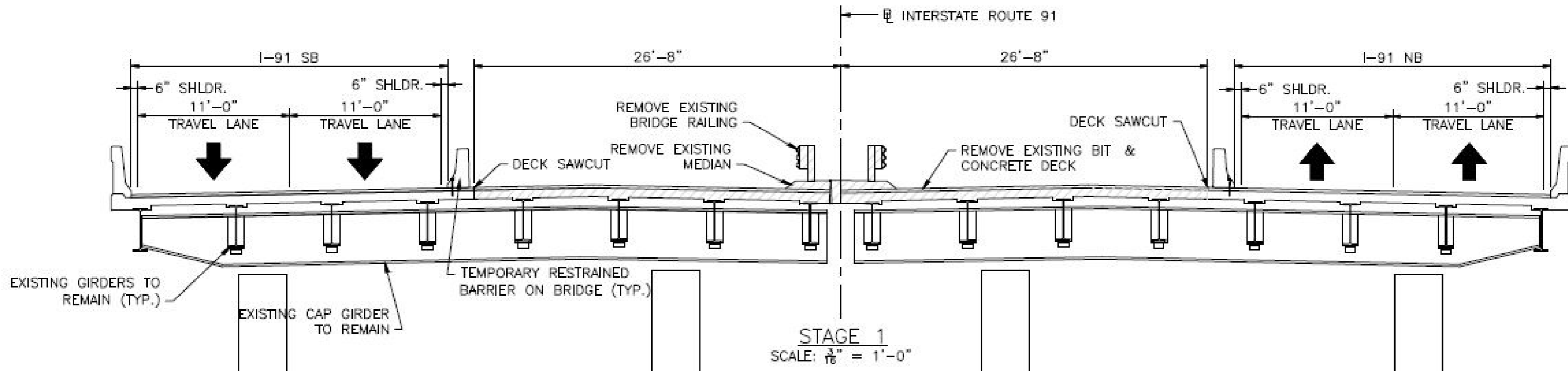
- Closed Ramp
- Temporary Ramp
- Temporary Traffic Symbol
- Width Constraints
- Existing Lane Configuration
- Deck Reconstruction Area



# I-91 Viaduct Rehabilitation Project



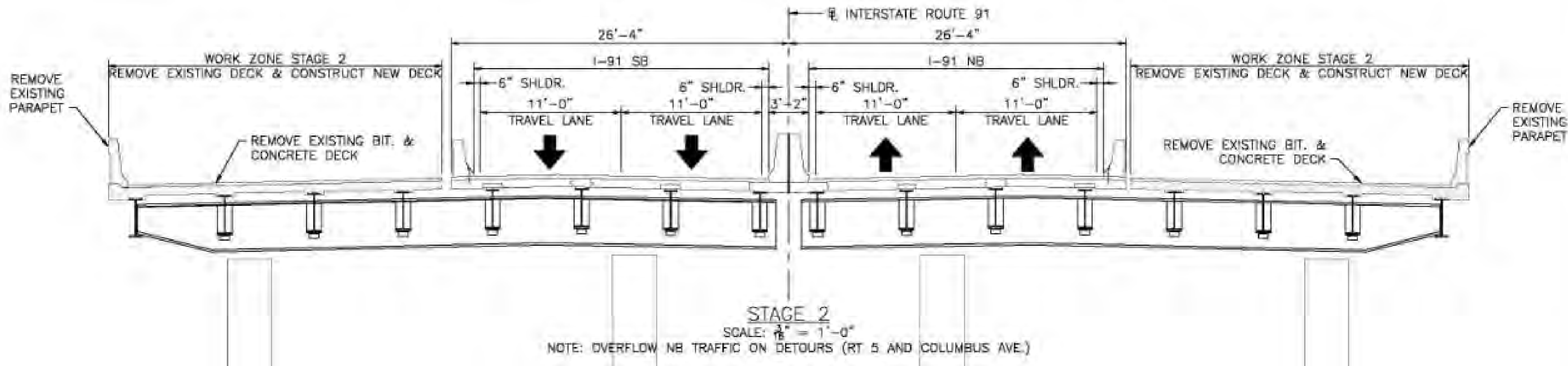
## Traffic - Traffic Management Approach (Stage 1)



# I-91 Viaduct Rehabilitation Project



## Traffic - Traffic Management Approach (Stage 2)

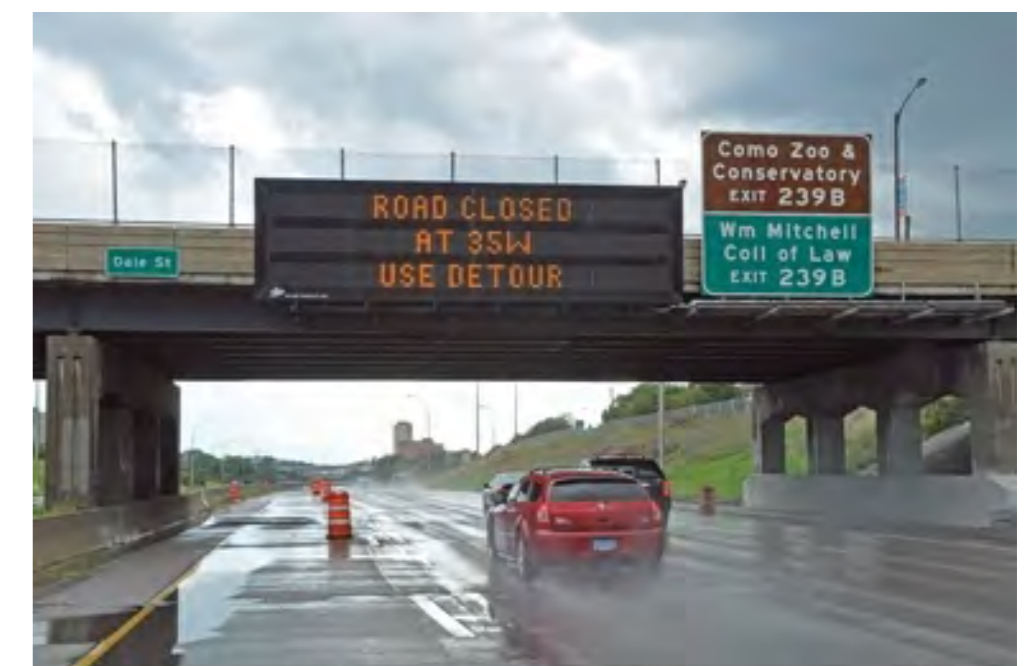


# I-91 Viaduct Rehabilitation Project



## MassDOT's Traffic Mitigation

- Police Details at critical intersections during peak periods
- Comprehensive monitoring program of key corridors/intersections
- Monitoring Cameras
- Real Time Traffic Management System (RTTM)
- Incident Response Operations (IRO)



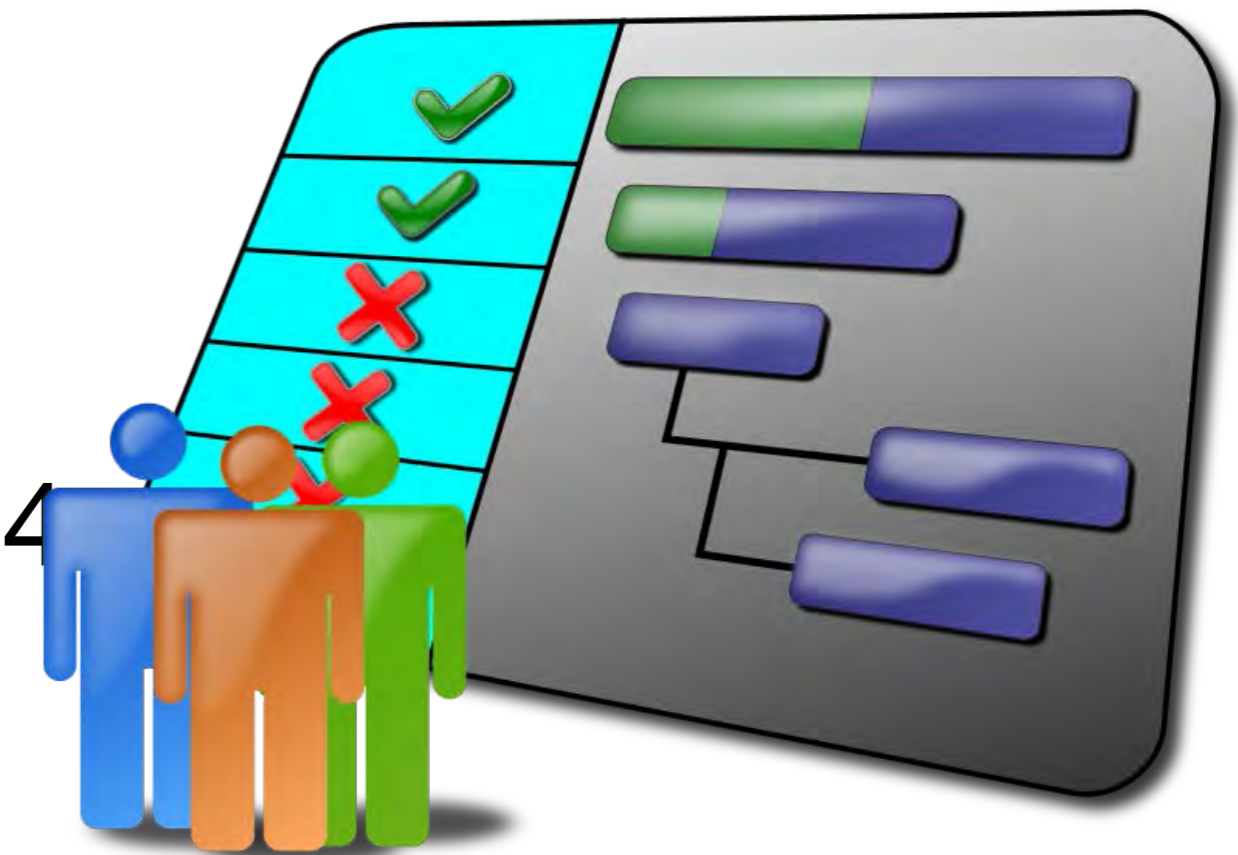


# I-91 Viaduct Rehabilitation Project



## Project Schedule

- Project Advertisement – September 2014
- Award Construction Contract – December 2014
- Begin Construction – February 2015
- Ramp and Lane Closures – June 2015
- Stage 1 and 2 Completed – Spring 2017



Project schedule is subject to change following discussions with the successful low bidder.

# I-91 Viaduct Rehabilitation Project



## MGM-MassDOT-City Coordination

- Previous Coordination Efforts
  - Regular Coordination Meetings
  - Construction Employee and Displaced Parking
  - Project Phasing, Detours, and Ramp Closures
  - Truck Routing Plans and Material Deliveries
  - Staging and Lay-Down Areas
- Future Coordination
  - Monthly coordination meetings (min.)
  - 2-week “Look Ahead” schedules

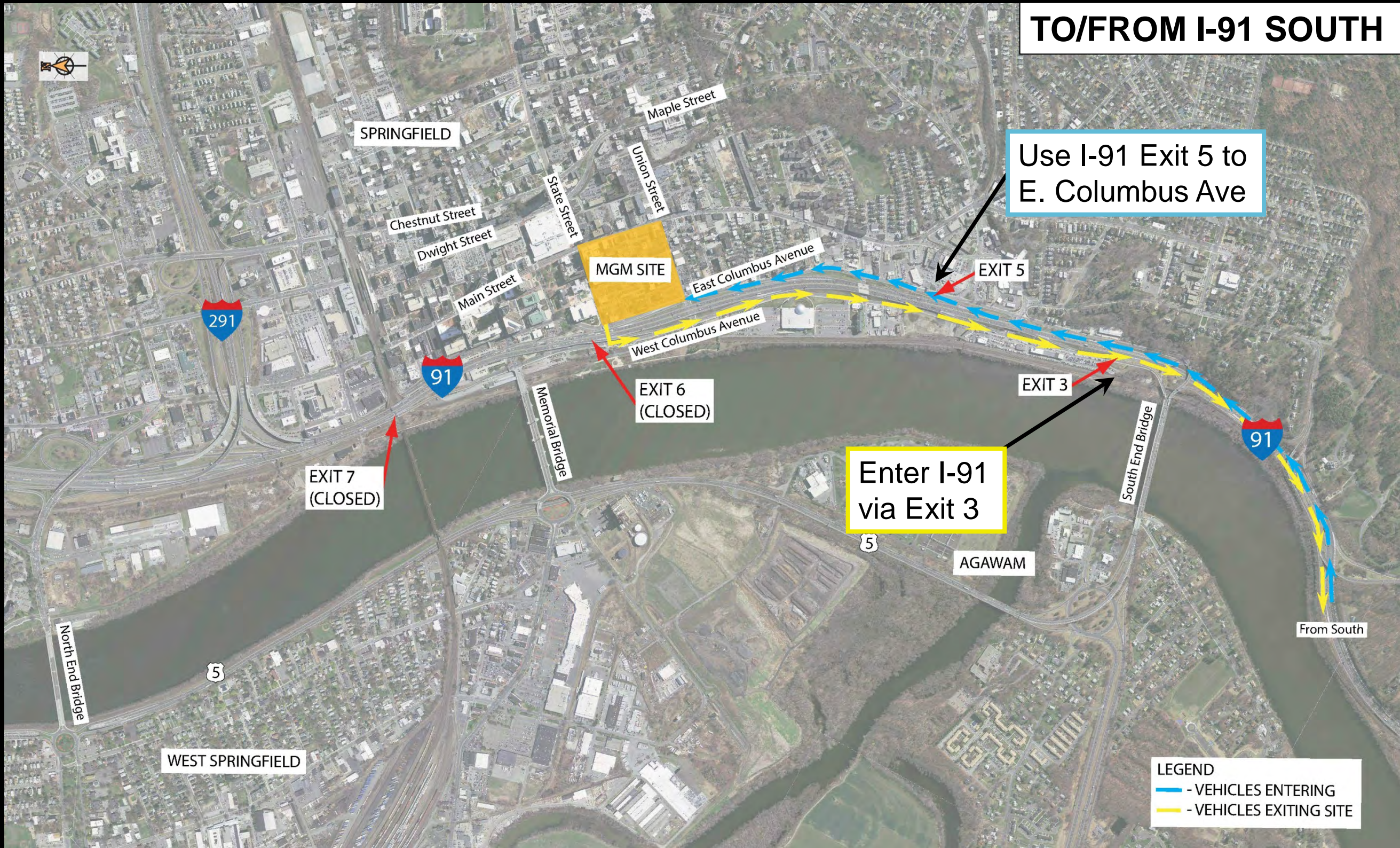


# MGM's Coordination with City of Springfield

- Trucking Routes
- Vehicle Detours
- Lay Down Areas
- Parking
  - Construction Employees
  - Displaced Existing Vehicles
- Bus Stop and Transit Routes
- Pedestrian Access – Through & Around Site



# Potential Truck Routes:



# Potential Truck Routes:

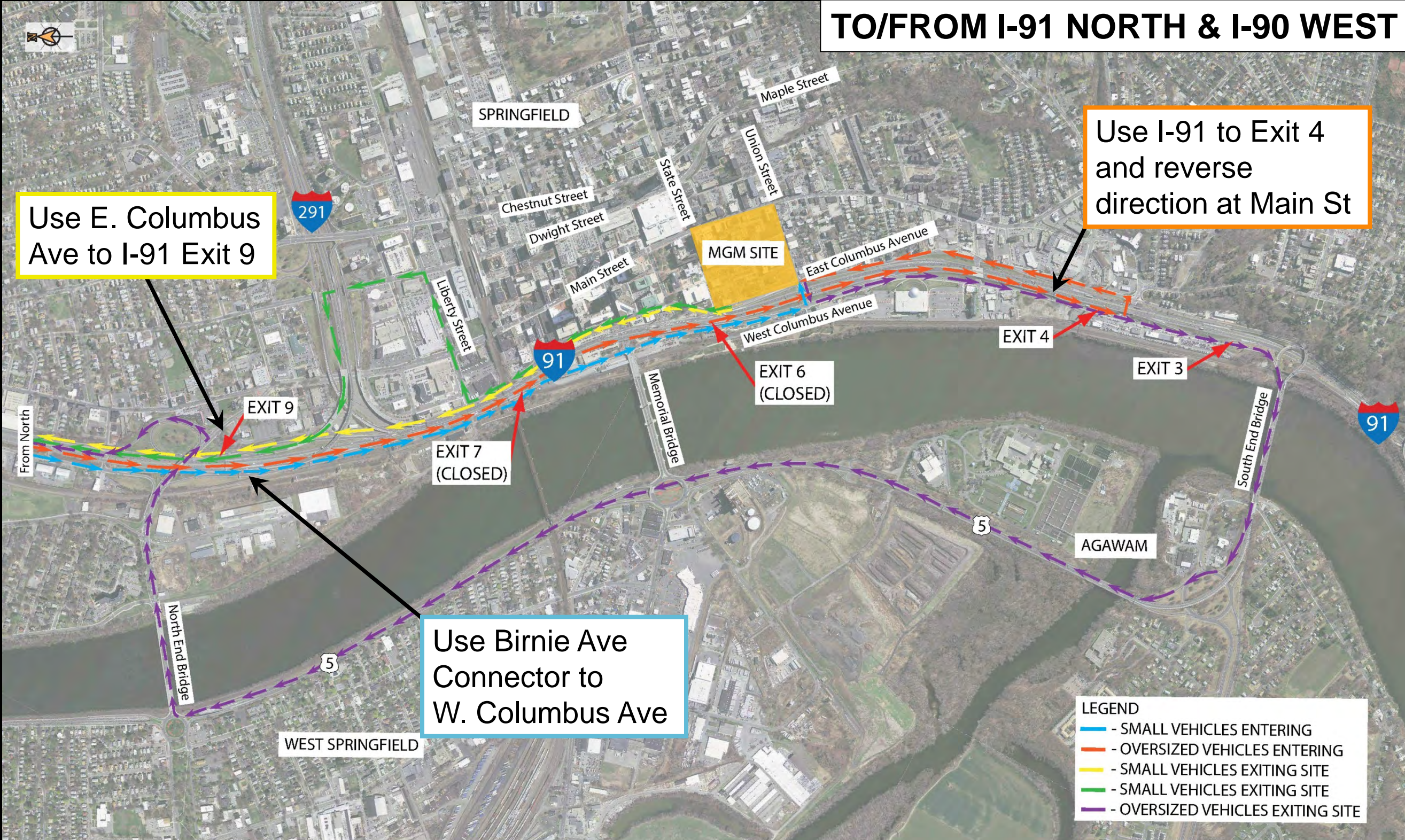
TO/FROM I-91 NORTH & I-90 WEST

Use E. Columbus Ave to I-91 Exit 9

Use I-91 to Exit 4 and reverse direction at Main St

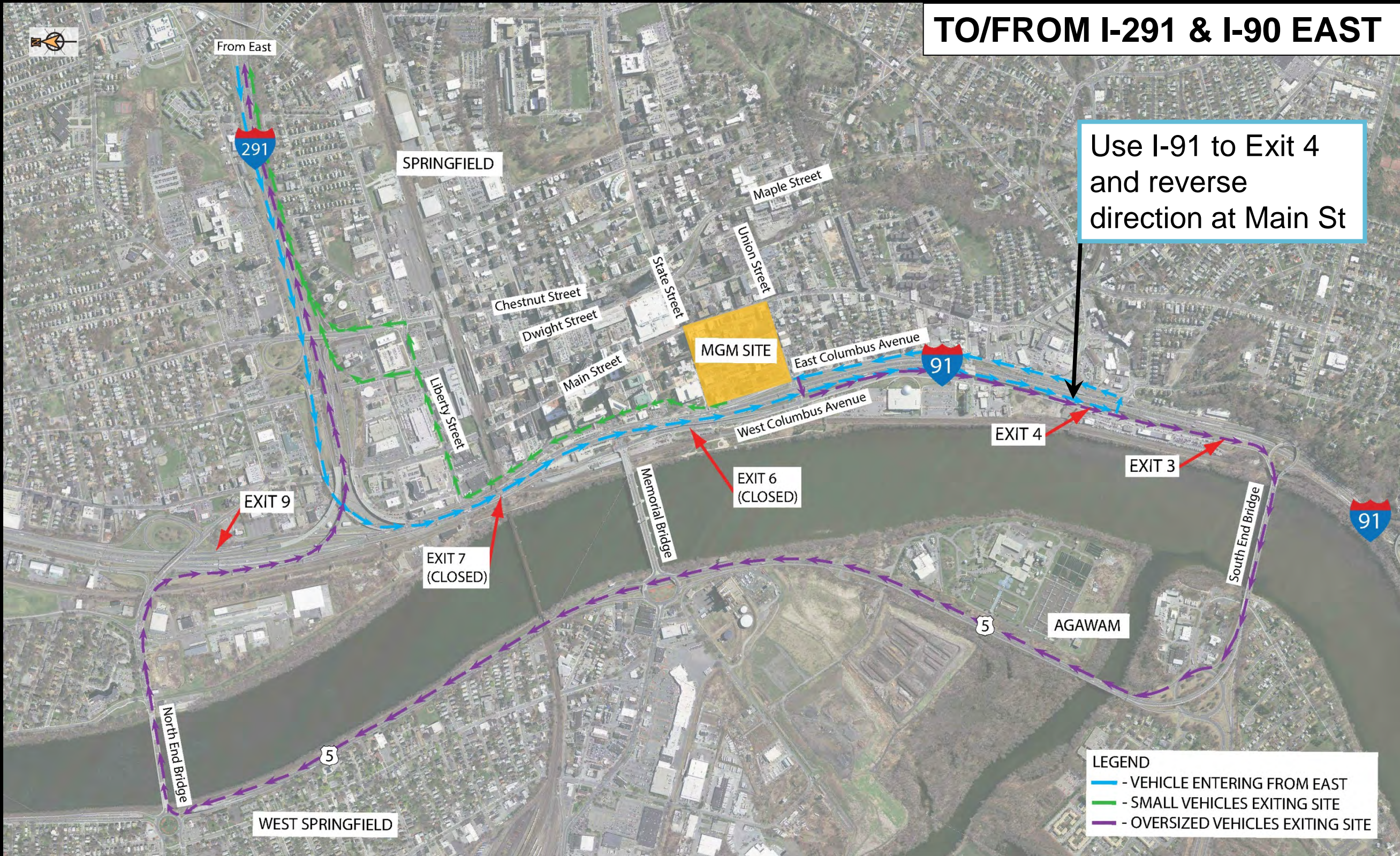
Use Birnie Ave Connector to W. Columbus Ave

- LEGEND
- SMALL VEHICLES ENTERING
  - OVERSIZED VEHICLES ENTERING
  - SMALL VEHICLES EXITING SITE
  - SMALL VEHICLES EXITING SITE
  - OVERSIZED VEHICLES EXITING SITE



# Potential Truck Routes:

TO/FROM I-291 & I-90 EAST



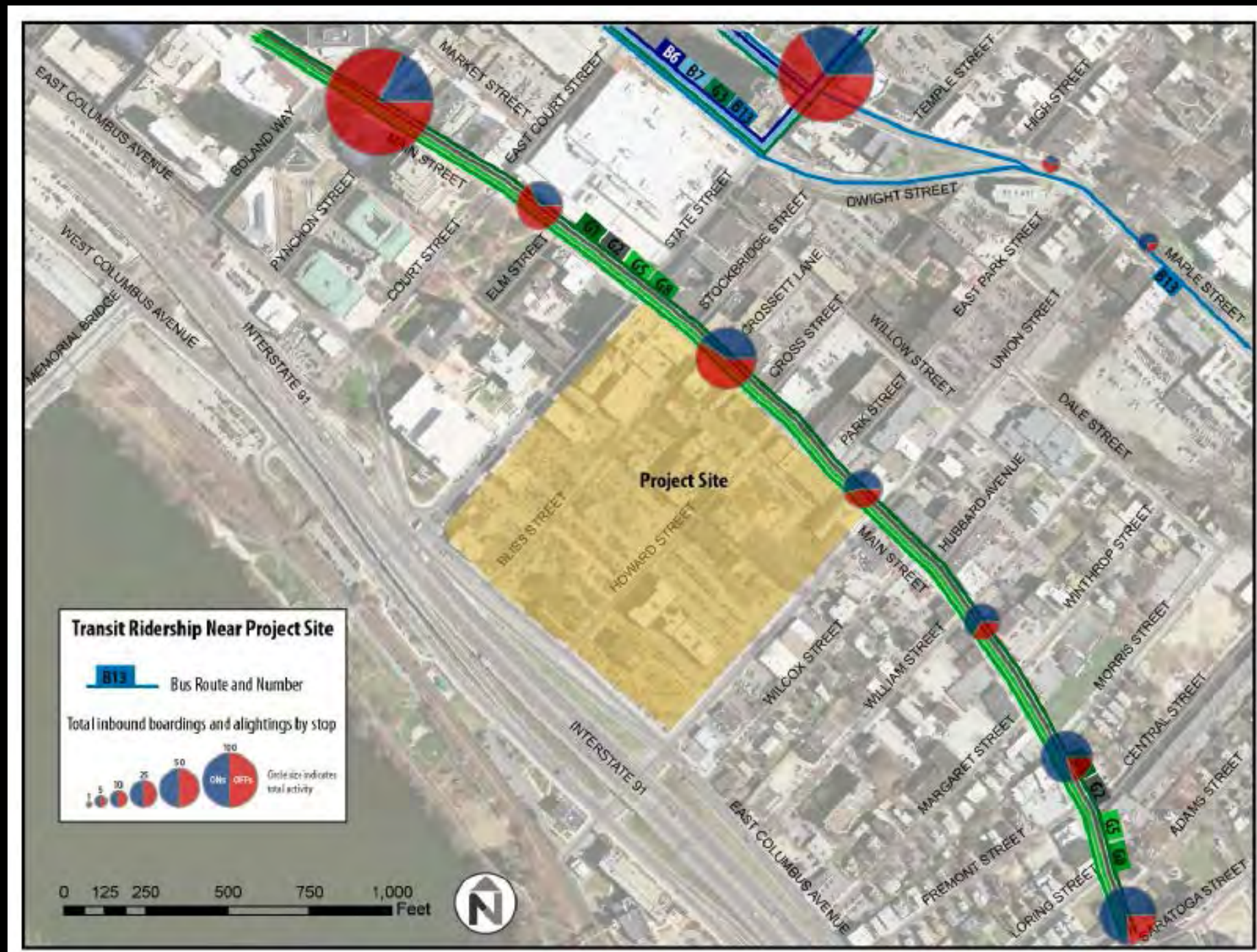
Use I-91 to Exit 4 and reverse direction at Main St

LEGEND  
- VEHICLE ENTERING FROM EAST  
- SMALL VEHICLES EXITING SITE  
- OVERSIZED VEHICLES EXITING SITE

# Available Overflow Parking:



# Public Transit – 8 bus lines accessible within one block of site





# Coordination with Other Projects

- I-91 Viaduct
- Memorial Avenue Rotary
- I-90 Open Road Tolling

