



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING# 353**

August 26, 2021
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 258 0312**



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA
August 26, 2021**

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Section 20 of Chapter 20 of the Acts of 2021, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Thursday, August 26, 2021
10:00 a.m.**

**Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 258 0312**

Please note that the Commission will conduct this public meeting remotely utilizing remote collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on www.MassGaming.com. All documents and presentations related to this agenda will be available for your review on the morning of August 26, 2021 by [clicking here](#).

PUBLIC MEETING - #353

1. Call to order
2. Licensing Division – Nakisha Skinner, Licensing Division Chief
 - a. Encore Boston Harbor Gaming Beverage License Agreements 205 CMR
136.03(i) – Loretta Lillios, Director of Investigations and Enforcement Bureau
VOTE
3. Administrative Update – Karen Wells, Executive Director
 - a. MGC Boston Office Re-Opening - Karen Wells, Executive Director
 - i. Pilot Flexible and Remote Work Arrangements Policy **VOTE**
 - ii. Massachusetts Gaming Commission Vaccination/Mask Wearing Policy
VOTE
 - iii. Boston Office Re-Opening Date **VOTE**
4. Commissioner Updates



Massachusetts Gaming Commission

5. 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 “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

August 24, 2021

Cathy Judd-Stein, Chair

Date Posted to Website: August 24, 2021 at 10:00 a.m.



Massachusetts Gaming Commission



GAMING BEVERAGE LICENSE AMENDMENT APPLICATION FORM

REASON FOR FILING AMENDMENT REQUEST

NAME OF GAMING LICENSEE

Wynn MA, LLC dba Encore Boston Harbor

ADDRESS OF GAMING ESTABLISHMENT

One Broadway, Everett, MA 02149

NAME OF CONTACT INDIVIDUAL FOR PURPOSES OF THE PROCESS

Jacqui Krum

CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

(857) 770-7802; jacqui.krum@encorebostonharbor.com

NAME AND LICENSE NUMBER OF LICENSED AREA YOU ARE REQUESTING TO AMEND

Wynn MA, LLC dba Encore Boston Harbor, License No. MGCGBL3

REASON FOR FILING AMENDMENT REQUEST (PLEASE CHECK THE APPLICABLE BOX)

- | | |
|--|--|
| <input checked="" type="checkbox"/> NEW LICENSED AREA | <input type="checkbox"/> DESCRIPTION OF LICENSED AREA |
| <input type="checkbox"/> CHANGE IN CAPACITY | <input type="checkbox"/> ALCOHOL STORAGE |
| <input type="checkbox"/> JOINTLY RESPONSIBLE PERSON | <input type="checkbox"/> CHANGE OF HOURS |

FEE

The fee for an application to amend a gaming beverage license is **\$100.00**

LICENSED AREAS

A licensed area is a specific, limited, and defined space within a gaming establishment wherein the sale, distribution, or storage of alcoholic beverages to be drunk on the premises is permitted pursuant to a gaming beverage license. A licensed area amendment application must be submitted for each area of the gaming establishment that the gaming licensee desires to have designated as a licensed area and/or storage area.

A floor plan of the gaming establishment indicating the location of each licensed area identified below, and a diagram of each licensed area, must accompany the submission of this amendment application. If alcoholic beverages will be stored outside of a licensed area, storage areas must be identified on the floor plan.

IMPORTANT INFORMATION

The Massachusetts Public Records Law (Law), <http://www.sec.state.ma.us/pre/preidx.htm> found in Chapter 66, Section 10 of the Massachusetts General Laws, applies to records made or received by a Massachusetts governmental entity. Unless the requested records fall under an exemption to the Law, the responsive documents must be made available to the requester. A list of exemptions may be found in Chapter 4, Section 7(26) of the Massachusetts General Laws.

LICENSED AREA

NAME OF LICENSED AREA

Sports Bar/Lounge

DESCRIPTION OF AMENDED LICENSED AREA

DESCRIPTION OF THE AMENDED LICENSED AREA INCLUDING BUT NOT LIMITED TO: BUSINESS CONCEPT, DESCRIPTION OF AREA INCLUDING WHETHER THE AREA IS CLOSED OR OPEN SPACE, NUMBER AND LOCATION OF ALCOHOLIC BEVERAGE DISPENSING AREAS, AND PLACEMENT OF EXITS.

(NOTE: A FLOOR PLAN OF THE LICENSED AREA DEPICTING THESE INDIVIDUAL ELEMENTS SHALL BE ATTACHED).

NUMBER AND/OR COLOR OF AREA ON FLOOR PLAN: Please see attached Appendix.

HOURS OF OPERATION

8:00 a.m. to 2 a.m.

CAPACITY OF LICENSE AREA

631

WILL YOU PROVIDE BOTTLE SERVICE? YES NO IF YES, PLEASE ELABORATE

ALCOHOL STORAGE

DESCRIBE THE MANNER IN WHICH ALCOHOLIC BEVERAGES WILL BE STORED AND SECURED WHEN LICENSED AREA IS NOT IN USE. (IF STORAGE AREA IS OUTSIDE OLF LICENSED AREA, THIS STORAGE AREA SHALL BE DEPICTED ON THE FLOOR PLAN).

Please see attached Appendix.

NAME AND EMPLOYEE LICENSE/REGISTRATION NUMBER OF MANAGER OF LICENSED AREA

Joseph Leibowitz (MGC License No. LGKS20-0057)

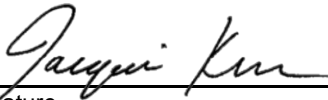
JOINTLY RESPONSIBLE PERSON

IDENTIFY THE JOINTLY RESPONSIBLE PERSON (IF ANY) FOR THE LICENSED AREA BY NAME, CONTACT INFORMATION, VENDOR LICENSE OR REGISTRATION NUMBER, AND ATTACH EVIDENCE THAT THE LICENSEE MAINTAINS AUTHORITY OVER THE JOINTLY RESPONSIBLE PERSON.

Not applicable.

ATTESTATION

I Jacqui Krum, hereby affirm under the pains and penalties of perjury that the information contained in this application, including all attachments, is true and accurate to the best of my knowledge and understanding.



Signature

Jacqui Krum

Print Name

SVP and General Counsel

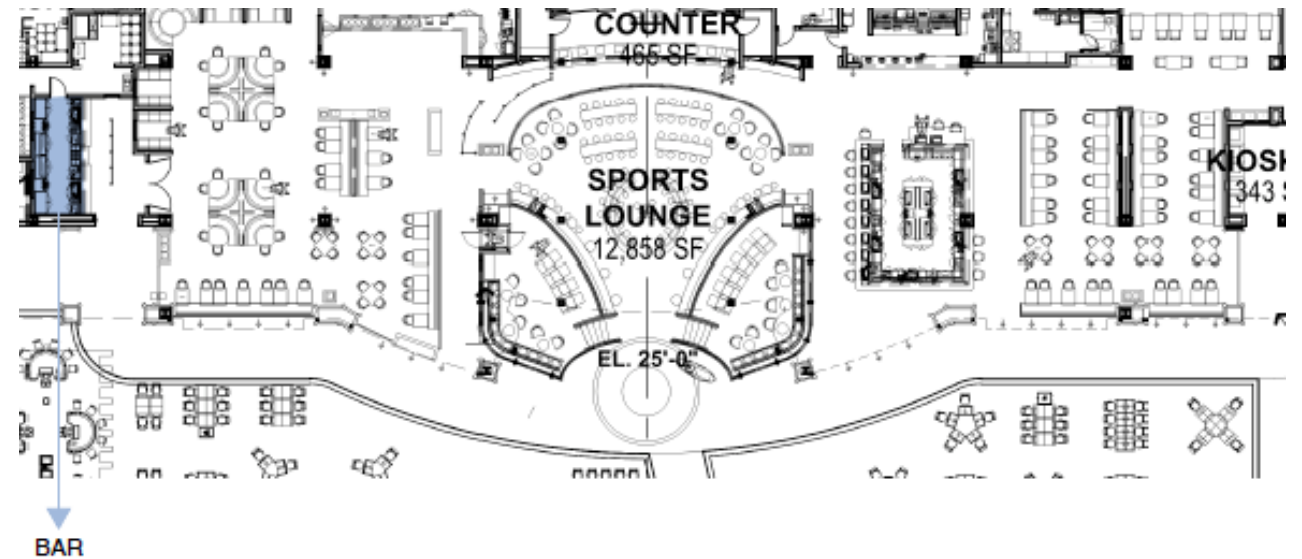
Title

August 19, 2021

Date

SPORTS BAR/LOUNGE

- **BUSINESS CONCEPT:** Sports bar.
- **DESCRIPTION:** Sports bar located adjacent to the casino floor.
- **NORMAL HOURS OF OPERATION:** 10:00 a.m. – 2:00 a.m. daily.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** 631 (including Shake Shack and Frank & Nick's).
- **ALCOHOL DISPENSING AREA:** Distributed at the service bar by employees; and distributed from the bar by servers to guests.
- **BOTTLE SERVICE:** Not applicable.
- **STORAGE and SECURITY:** All beer and wine will be locked in back-of-house behind the service bar. Tap locks will be deployed for draft towers. The point-of-sale system automatically disables alcoholic beverage buttons at 2:00 a.m. All areas are under 24-hour camera surveillance and are enclosed.
- **MANAGER OF LICENSED AREA:** Joseph Leibowitz, Executive Director of Food and Beverage and Culinary Operations (Employee ID Number: LGKS20-0057)





GAMING BEVERAGE LICENSE AMENDMENT APPLICATION FORM

REASON FOR FILING AMENDMENT REQUEST

NAME OF GAMING LICENSEE

Wynn MA, LLC dba Encore Boston Harbor

ADDRESS OF GAMING ESTABLISHMENT

One Broadway, Everett, MA 02149

NAME OF CONTACT INDIVIDUAL FOR PURPOSES OF THE PROCESS

Jacqui Krum

CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

(857) 770-7802; jacqui.krum@encorebostonharbor.com

NAME AND LICENSE NUMBER OF LICENSED AREA YOU ARE REQUESTING TO AMEND

Wynn MA, LLC dba Encore Boston Harbor, License No. MGCGBL3

REASON FOR FILING AMENDMENT REQUEST (PLEASE CHECK THE APPLICABLE BOX)

- | | |
|--|--|
| <input checked="" type="checkbox"/> NEW LICENSED AREA | <input type="checkbox"/> DESCRIPTION OF LICENSED AREA |
| <input type="checkbox"/> CHANGE IN CAPACITY | <input type="checkbox"/> ALCOHOL STORAGE |
| <input type="checkbox"/> JOINTLY RESPONSIBLE PERSON | <input type="checkbox"/> CHANGE OF HOURS |

FEE

The fee for an application to amend a gaming beverage license is **\$100.00**

LICENSED AREAS

A licensed area is a specific, limited, and defined space within a gaming establishment wherein the sale, distribution, or storage of alcoholic beverages to be drunk on the premises is permitted pursuant to a gaming beverage license. A licensed area amendment application must be submitted for each area of the gaming establishment that the gaming licensee desires to have designated as a licensed area and/or storage area.

A floor plan of the gaming establishment indicating the location of each licensed area identified below, and a diagram of each licensed area, must accompany the submission of this amendment application. If alcoholic beverages will be stored outside of a licensed area, storage areas must be identified on the floor plan.

IMPORTANT INFORMATION

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LICENSED AREA

NAME OF LICENSED AREA

Shake Shack

DESCRIPTION OF AMENDED LICENSED AREA

DESCRIPTION OF THE AMENDED LICENSED AREA INCLUDING BUT NOT LIMITED TO: BUSINESS CONCEPT, DESCRIPTION OF AREA INCLUDING WHETHER THE AREA IS CLOSED OR OPEN SPACE, NUMBER AND LOCATION OF ALCOHOLIC BEVERAGE DISPENSING AREAS, AND PLACEMENT OF EXITS.

(NOTE: A FLOOR PLAN OF THE LICENSED AREA DEPICTING THESE INDIVIDUAL ELEMENTS SHALL BE ATTACHED).

NUMBER AND/OR COLOR OF AREA ON FLOOR PLAN: Please see attached Appendix.

HOURS OF OPERATION

8:00 a.m. to 2 a.m.

CAPACITY OF LICENSE AREA

N/A

WILL YOU PROVIDE BOTTLE SERVICE? YES NO IF YES, PLEASE ELABORATE

ALCOHOL STORAGE

DESCRIBE THE MANNER IN WHICH ALCOHOLIC BEVERAGES WILL BE STORED AND SECURED WHEN LICENSED AREA IS NOT IN USE. (IF STORAGE AREA IS OUTSIDE OLF LICENSED AREA, THIS STORAGE AREA SHALL BE DEPICTED ON THE FLOOR PLAN).

Please see attached Appendix.

NAME AND EMPLOYEE LICENSE/REGISTRATION NUMBER OF MANAGER OF LICENSED AREA

Amanda Robbins (License Pending)

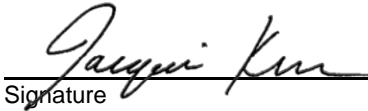
JOINTLY RESPONSIBLE PERSON

IDENTIFY THE JOINTLY RESPONSIBLE PERSON (IF ANY) FOR THE LICENSED AREA BY NAME, CONTACT INFORMATION, VENDOR LICENSE OR REGISTRATION NUMBER, AND ATTACH EVIDENCE THAT THE LICENSEE MAINTAINS AUTHORITY OVER THE JOINTLY RESPONSIBLE PERSON.

Shake Shack Massachusetts, LLC, NGV003017, 225 Varick Street, Suite 301, New York, NY 10014.

ATTESTATION

I Jacqui Krum, hereby affirm under the pains and penalties of perjury that the information contained in this application, including all attachments, is true and accurate to the best of my knowledge and understanding.


Signature

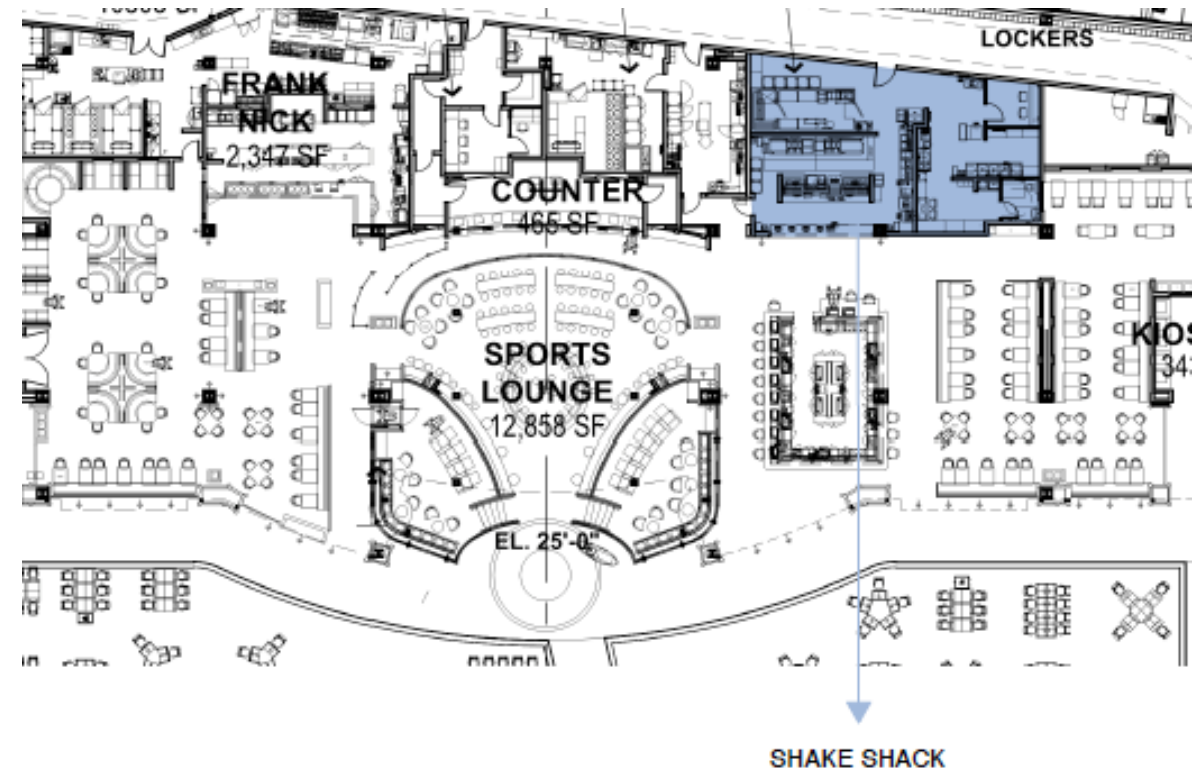
Jacqui Krum
Print Name

SVP and General Counsel
Title

August 19, 2021
Date

SHAKE SHACK – LEASED OUTLET

- **BUSINESS CONCEPT:** Fast Casual Dining Restaurant.
- **DESCRIPTION:** Fast casual restaurant serving burgers, fries, hot dogs, custards, beer and wine, located adjacent to the casino floor.
- **NORMAL HOURS OF OPERATION:** 11:00 a.m. - 2:00 a.m. daily.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Included as part of Sports Bar/Lounge.
- **ALCOHOL DISPENSING AREA:** Distributed at the service bar by employees; and distributed from the bar by servers to guests.
- **BOTTLE SERVICE:** Not applicable.
- **STORAGE and SECURITY:** All beer and wine will be locked in back-of-house behind the service bar. Tap locks will be deployed for draft towers. The point-of-sale system automatically disables alcoholic beverage buttons at 2:00 a.m. All areas are under 24-hour camera surveillance and are enclosed.
- **MANAGER OF LICENSED AREA:** Amanda Robbins (License Number TBD)





GAMING BEVERAGE LICENSE AMENDMENT APPLICATION FORM

REASON FOR FILING AMENDMENT REQUEST

NAME OF GAMING LICENSEE

Wynn MA, LLC dba Encore Boston Harbor

ADDRESS OF GAMING ESTABLISHMENT

One Broadway, Everett, MA 02149

NAME OF CONTACT INDIVIDUAL FOR PURPOSES OF THE PROCESS

Jacqui Krum

CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

(857) 770-7802; jacqui.krum@encorebostonharbor.com

NAME AND LICENSE NUMBER OF LICENSED AREA YOU ARE REQUESTING TO AMEND

Wynn MA, LLC dba Encore Boston Harbor, License No. MGCGBL3

REASON FOR FILING AMENDMENT REQUEST (PLEASE CHECK THE APPLICABLE BOX)

- | | |
|--|--|
| <input checked="" type="checkbox"/> NEW LICENSED AREA | <input type="checkbox"/> DESCRIPTION OF LICENSED AREA |
| <input type="checkbox"/> CHANGE IN CAPACITY | <input type="checkbox"/> ALCOHOL STORAGE |
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FEE

The fee for an application to amend a gaming beverage license is **\$100.00**

LICENSED AREAS

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LICENSED AREA

NAME OF LICENSED AREA

Frank and Nick's

DESCRIPTION OF AMENDED LICENSED AREA

DESCRIPTION OF THE AMENDED LICENSED AREA INCLUDING BUT NOT LIMITED TO: BUSINESS CONCEPT, DESCRIPTION OF AREA INCLUDING WHETHER THE AREA IS CLOSED OR OPEN SPACE, NUMBER AND LOCATION OF ALCOHOLIC BEVERAGE DISPENSING AREAS, AND PLACEMENT OF EXITS.

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NUMBER AND/OR COLOR OF AREA ON FLOOR PLAN: Please see attached Appendix.

HOURS OF OPERATION

8:00 a.m. to 2 a.m.

CAPACITY OF LICENSE AREA

N/A

WILL YOU PROVIDE BOTTLE SERVICE? YES NO IF YES, PLEASE ELABORATE

ALCOHOL STORAGE

DESCRIBE THE MANNER IN WHICH ALCOHOLIC BEVERAGES WILL BE STORED AND SECURED WHEN LICENSED AREA IS NOT IN USE. (IF STORAGE AREA IS OUTSIDE OLF LICENSED AREA, THIS STORAGE AREA SHALL BE DEPICTED ON THE FLOOR PLAN).

Please see attached Appendix.

NAME AND EMPLOYEE LICENSE/REGISTRATION NUMBER OF MANAGER OF LICENSED AREA

Jay Austin, RSER19-0056

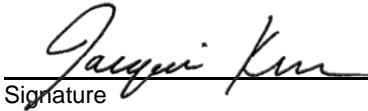
JOINTLY RESPONSIBLE PERSON

IDENTIFY THE JOINTLY RESPONSIBLE PERSON (IF ANY) FOR THE LICENSED AREA BY NAME, CONTACT INFORMATION, VENDOR LICENSE OR REGISTRATION NUMBER, AND ATTACH EVIDENCE THAT THE LICENSEE MAINTAINS AUTHORITY OVER THE JOINTLY RESPONSIBLE PERSON.

Frank & Nick's Pizzeria Corp., 44 Prince Street, Unit 100, Boston, MA 02133, Attn: Frank DePasquale

ATTESTATION

I Jacqui Krum, hereby affirm under the pains and penalties of perjury that the information contained in this application, including all attachments, is true and accurate to the best of my knowledge and understanding.


Signature

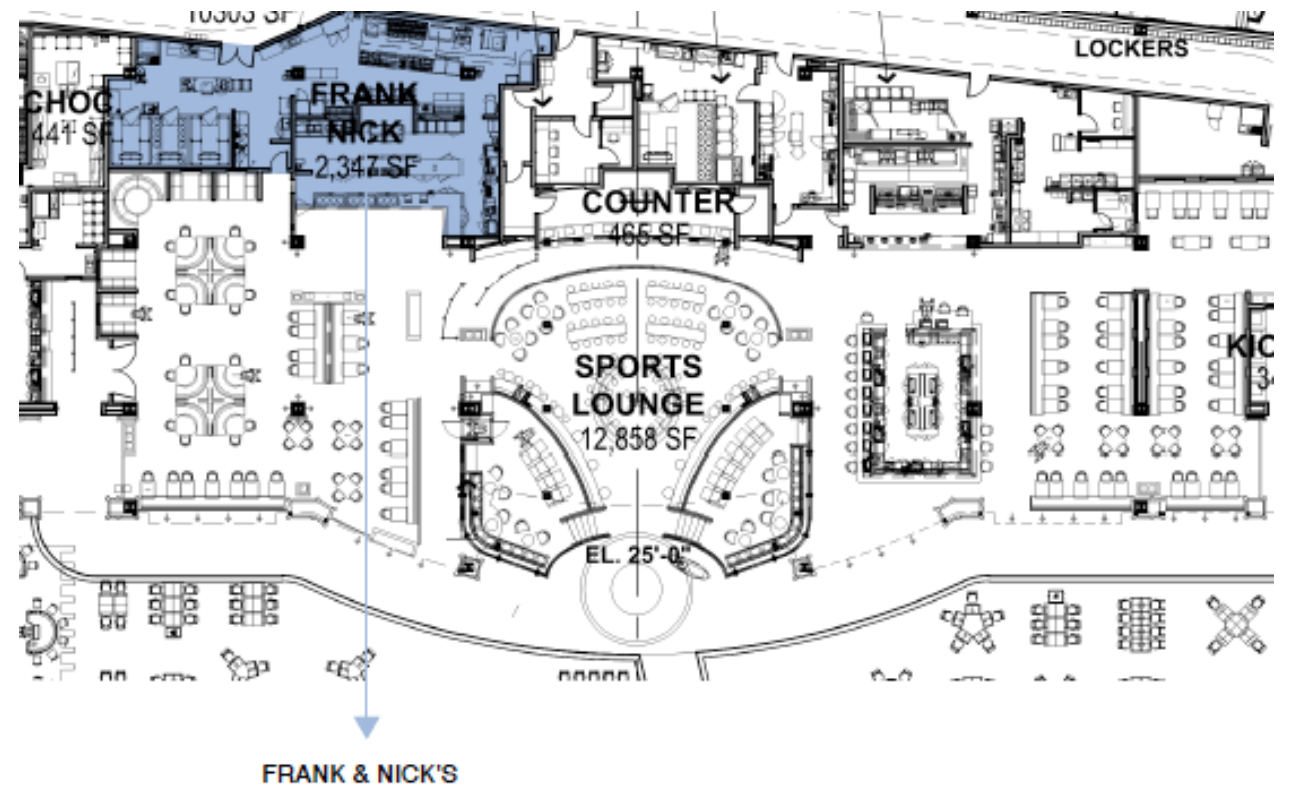
Jacqui Krum
Print Name

SVP and General Counsel
Title

August 19, 2021
Date

FRANK & NICK'S – LEASED OUTLET

- **BUSINESS CONCEPT:** Casual Fast Dining Restaurant.
- **DESCRIPTION:** Fast casual restaurant serving pizza, calzones, beer and wine, located adjacent to the casino floor.
- **NORMAL HOURS OF OPERATION:** 11:00 a.m. – 3:00 a.m. daily.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Included as part of Sports Bar/Lounge.
- **ALCOHOL DISPENSING AREA:** Distributed at the service bar by employees; and distributed from the bar by servers to guests.
- **BOTTLE SERVICE:** Not applicable.
- **STORAGE and SECURITY:** All beer and wine will be locked in back-of-house behind the service bar. Tap locks will be deployed for draft towers. The point-of-sale system automatically disables alcoholic beverage buttons at 2:00 a.m. All areas are under 24-hour camera surveillance and are enclosed.
- **MANAGER OF LICENSED AREA:** Jay Austin, Manager (Employee ID Number: RSER19-0056)





DRAFT

Flexible and Remote Work Arrangements

(Pilot Program for _____ 2021 through December 2021)

I. Pilot Policy Statement

The Massachusetts Gaming Commission (MGC) is committed to providing a working environment that ensures the agency's needs are met while encouraging retention by affording employees the best possible opportunity to achieve a positive work/life balance. The MGC also recognizes the many benefits to the agency and to employees by having in-person interaction in an office setting. With this goal in mind, the MGC has created a pilot program allowing employees to request flexible schedules and/or hybrid work arrangements. Noting, however, that not all positions lend themselves to a hybrid work option.

Definitions:

Employees' working arrangements may be comprised of one or more of the following components:

- **Flextime:** Flextime allows employees to work Monday – Friday but vary their start or end times on all or some days of the week.
- **Compressed Workweek:** A compressed work week allows the employee to work longer hours on fewer days each week. Full time employees will be expected to work at least 4 days per week.
- **Hybrid Work:** A hybrid work arrangement allows the employee to do all or part of their workday or workweek at home, or another location away from the MGC's offices.
- **Core Hours:** The hours in which employees must be available during their 8-hour workday. (including a .5 hour lunch break)

II. Parameters for Remote/Hybrid and/or Flexible work schedules:

The following will apply to all employees working under a flextime, compressed workweek, or hybrid arrangement:

- Full time employees must work a minimum of 37.5 hours per week
- The MGC's offices are open to the public from 9:00 a.m. – 5:00 p.m., Monday through Friday. All full-time employees core hours should be worked between the hours of 7



Massachusetts Gaming Commission

a.m. and 7 p.m. All employees must be available for MGC work from the hours of 10 a.m. to 3 p.m.

- Employees must take a minimum of 30 minutes meal break during their workday. This meal period may not be used at the beginning or end of the workday for a late arrival or early departure.
- For this pilot program, line-level employees may request on average up to three days of remote working per week and managers may request on average up to two days of remote working per week.
- These flexible arrangements may be suspended or cancelled at any time by the MGC or the employee. If the MGC needs to suspend or cancel a flexible arrangement, every effort will be made to notify the employee at least 30 days in advance.
- Employees must enter their time accurately in self-service time and attendance. Failure to record weekly hours appropriately may result in corrective action up to and including termination.
- Any employee found to be engaging in any sort of abuse of their flexible, compressed or hybrid work arrangements may be subject to disciplinary action up to and including termination.

For employees who are working a schedule that includes remote work, the following provisions will apply:

- Remote work is not intended to be a replacement for childcare, eldercare, vacation or sick time, family and medical or other types of leave, however, currently the MGC recognizes the need for enhanced flexibility due to the Covid pandemic. Although an employee's schedule may be modified to accommodate family care needs in accordance with other MGC policies, the focus of the work arrangement must remain on job performance and meeting business demands.
- Technical Requirements
 - o It is the responsibility of the employee to ensure that they meet the following minimal technical requirements:
 - Sufficient bandwidth via their internet provider.
 - 50 Mbps download and 10 Mbps upload is recommended and sufficient for a single user.
 - Wireless router that supports 802.11AC (minimum); cannot be more than 100 ft from router in most cases.
 - VPN is required for access to MGC's internal resources
 - VPN establishes an encrypted connection
 - All MGC issued devices should be encrypted

- Do not use random flash drives to store data
 - Create strong passwords (reference password policy for details)
 - Never write or list passwords easily accessible by other parties in the household
 - Avoid Public Wi-Fi
 - If needed, you must be on MGC's VPN
 - Maintain a "compliant" laptop
 - All firewall settings are turned-on
 - Patches and Updates should be performed as soon as notified, and not delayed for more than a day.
- Equipment supplied by the agency will be maintained by the agency. Equipment supplied by the MGC is to be used for business purposes only.
- The employee must sign an equipment sign-out form of all MGC property received and agreed to take appropriate action to protect agency equipment from damage or theft. The MGC accepts no responsibility for equipment supplied by the employee or for damage or repairs to such employee-owned equipment. Employees are responsible for coordinating with their managers to ensure that they have adequate equipment to perform their job functions properly during remote work. In some cases, the MGC may assist the employee with recommendations for specific equipment related to their work (e.g. monitors with specific connections, keyboard/mouse recommendation, docking station etc.) or provide limited equipment to the employee on a discretionary basis.
- The employee is expected to establish an appropriate work environment within their home for work purposes. The MGC will not be responsible for any costs associated with the setup of the employee's home office, including the setup or maintenance of appropriate internet access.
- Security: Consistent with the agency's expectations of information security for employees working at the office, all employees will be expected to ensure the protection of the proprietary or sensitive information accessible from their home office.
 - Employees working remotely are expected to utilize agency technology to ensure the security of digital records and information related to their work.
 - Employees working remotely are expected to protect and securely store any paper documents or notes related to their work by, for example, maintaining such documentation in a locked room or cabinet to sufficiently prevent access by non-employees.
 - If a temporary loss of internet/utility connection causes an employee to be unable to perform their duties remotely, that employee shall inform their immediate supervisor of the issue as promptly as possible. The supervisor should develop a plan for continuous operations which may include going into the assigned work location or using vacation or personal time for the period of such interruption.

- Safety: Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Depending on the circumstances, an injury sustained by the employee in a home/remote office location that arises out of, and is suffered in the course of, the performance of their regular work duties may be covered by workers' compensation. Employees who work remotely are responsible for notifying the employer of such injuries as soon as practicable. The MGC will not be liable for injuries sustained by visitors to the employee's worksite, or for damage cause to the employee's home/remote worksite by visitors.
- Employees must return MGC-owned equipment, records, materials no later than the last day of employment.
- Employees will not leave devices or laptops in vehicles.

Procedures:

When working to create an arrangement, the employee, and the manager (with the assistance of HR, if necessary) will be expected to carefully consider and outline the following expectations in writing for submission to HR:

- What is expected of the employee: the manager and employee must develop a clear outline addressing the needs of the team, and the manager's expectations related to the employee's job responsibilities and workload, accountability, and communication.
- Scheduling: the employee will be expected to adhere to an agreed upon schedule that suits the needs of the department. Employees who need to deviate from this schedule at any point are required to notify their supervisor in a timely manner. At times, a manager may need to ask an employee to deviate from their schedule to meet the department or agency's needs on a given project or objective; in those cases, managers will provide as much notice as possible. Non-exempt employees will be paid overtime for any time worked in excess of 40 hours in a given week.

The proposed plan, as outlined in the written submission, shall be initially approved by the manager and/or division head and is subject to approval by the Executive Director.

Responsibility

Management, Executive Director, Human Resources



MEMORANDUM

TO: Chair Judd-Stein and Commissioners Cameron, O'Brien, and Zuniga
FROM: Karen Wells, Executive Director
RE: Massachusetts Gaming Commission Vaccination Policy
DATE: August 26, 2021

Government agencies in Massachusetts and across the country are currently evaluating and implementing policies regarding COVID-19 vaccinations. The MGC has been tracking developments in this area and monitoring guidance from public health experts.

On July 29, 2021, Massachusetts State Treasurer Goldberg and Massachusetts State Auditor Bump both announced that their employees will be required to show proof of vaccination against COVID-19 or submit to weekly testing for the coronavirus upon their return to the office from remote working. Additionally, unvaccinated employees will be required to wear masks.

On August 4, 2021, Attorney General Healy announced that she would require that all staff in her office be vaccinated against COVID-19, except for medical or religious exemptions.

On August 19, 2021, Governor Baker issued an Executive Order requiring all Executive Department employees to provide proof of vaccination against the COVID-19 virus on or before October 17, 2021. In addition, as new guidance regarding vaccine recommendations are updated by the CDC to include booster doses in the future, Executive Department employees will be required to provide proof they have received such doses by a deadline to be established. Similar to Attorney General Healey's policy, employees for whom vaccination is medically contraindicated or who object to vaccination on the grounds of sincerely held religious beliefs may be entitled to an exemption.

Current Policy: The current policy at the MGC regarding COVID-19 vaccinations is that we require anyone who is not fully vaccinated to wear a mask while at work at any MGC office location unless they are seated (alone) in an office or at a workstation. We currently do not require proof of vaccination status from employees, consistent with prior Executive Branch policy.

Recommendation: Given the established safety of the COVID-19 vaccine and the need to provide the safest workplace for our employees, it is my recommendation that the MGC follow the approach at the Executive Branch and the Attorney General's office and establish a policy requiring proof of vaccination against the virus. There may be a required lead-time for unvaccinated employees to become vaccinated. In the interim it is my recommendation that the MGC establish a policy requiring proof of vaccination against COVID-19 and require mask wearing and weekly testing for any employee with a presence in any MGC office space until such time as all employees are able to be vaccinated. I also recommend that the MGC policy allow for potential medical or religious exemptions to be addressed on a case-by-case basis.



Massachusetts Gaming Commission