The Commonwealth of Massachusetts
Massachusetts Gaming Commission

NOTICE OF MEETING and AGENDA

December 4, 2012 Meeting

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

Tuesday, December 4, 2012
1:00 p.m.
Division of Insurance
1000 Washington Street
1st Floor, Meeting Room 1-E
Boston, Massachusetts

PUBLIC MEETING - #38

1. Call to order

2. Approval of minutes
   a. November 20, 2012 Meeting

3. Project Work Plan
   a. Project Management Report
   b. Scope of Licensing and RFA-1 status report
      i. Document Process and Security Protocols
   c. Key policy questions status report
      i. Process review
   d. Region C status review

4. Administration
   a. Personnel searches
   b. Stenography procurement - VOTE
   c. Employee Manual – Chapters 4 and 5 - Review

5. Racing Division
   a. Report from Director of Racing Division
      i. Transition update

6. Public Education and Information
   a. Report from Ombudsman
      i. Information requests from developers, communities or other
      ii. Other matters
   b. "Promoting Sustainability, Strengthening Communities and Achieving Design Excellence: A New Model for Massachusetts Casinos Forum"- December 12, 2012 8:00am – Noon
   c. Report from Director of Communications and Outreach

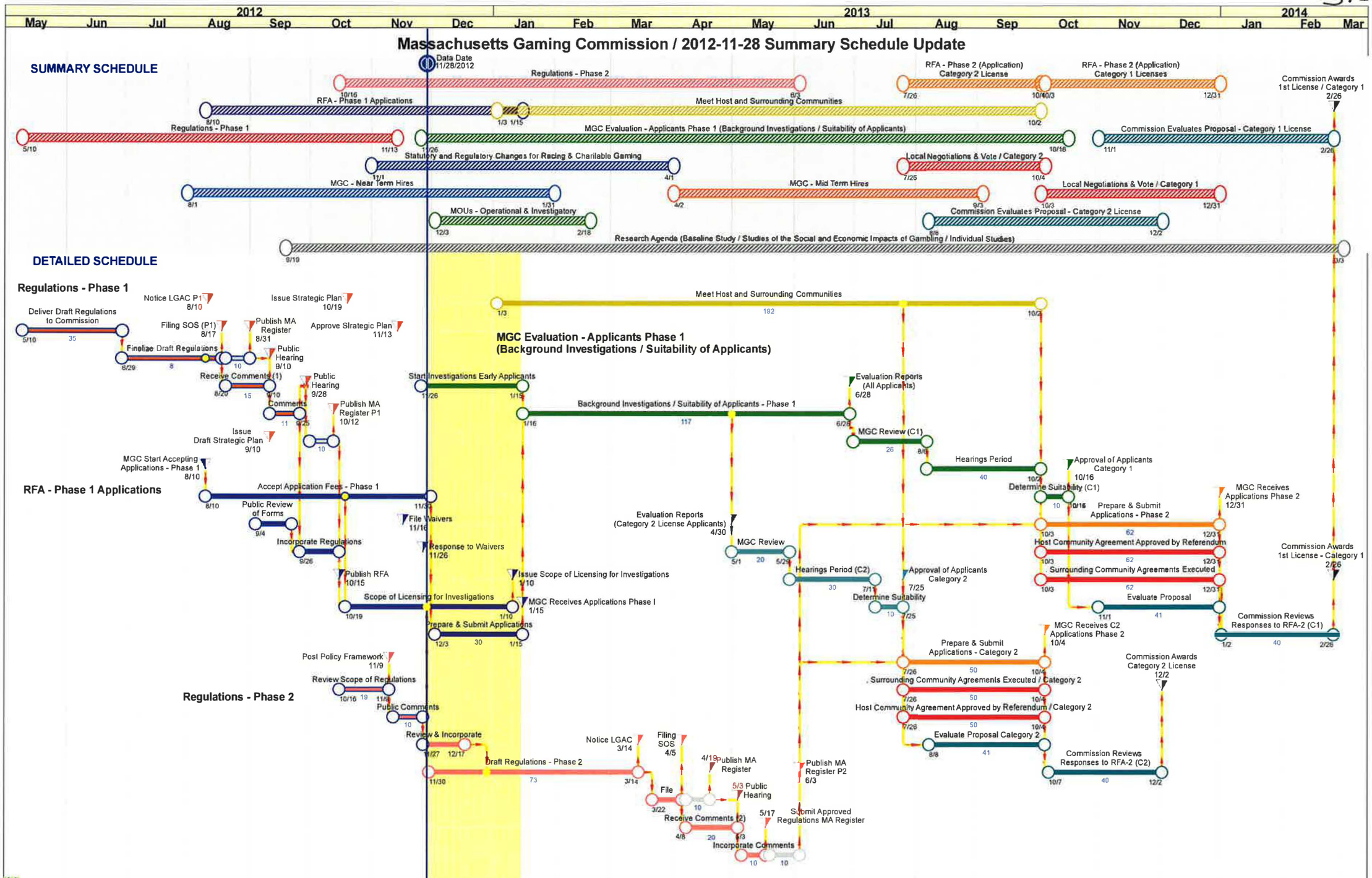
7. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting

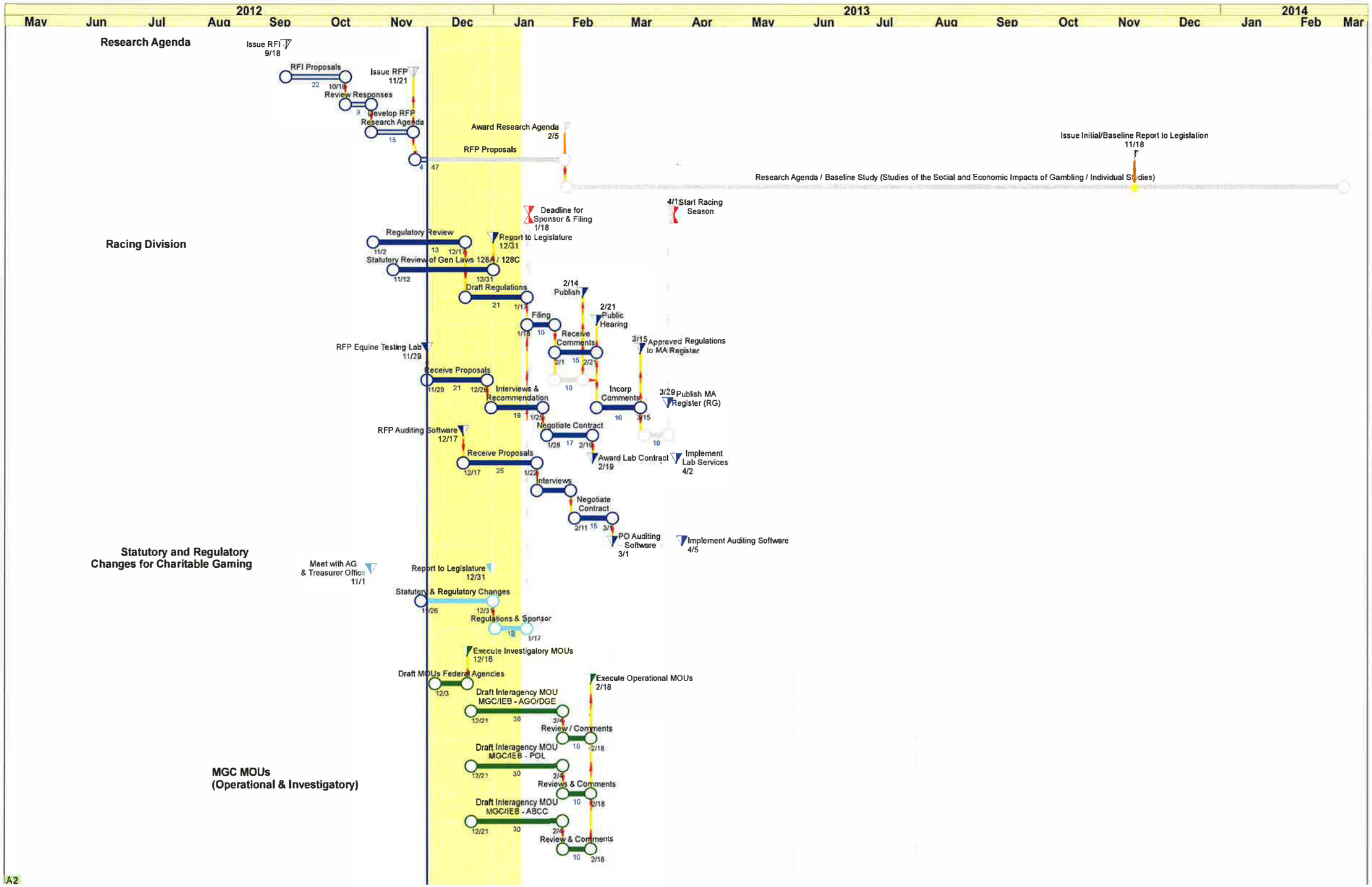
I certify that on this date, this Notice was posted as "Gaming Commission Meeting" at www.mass.gov/gaming/meetings, and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us, brian.gosselin@state.ma.us.

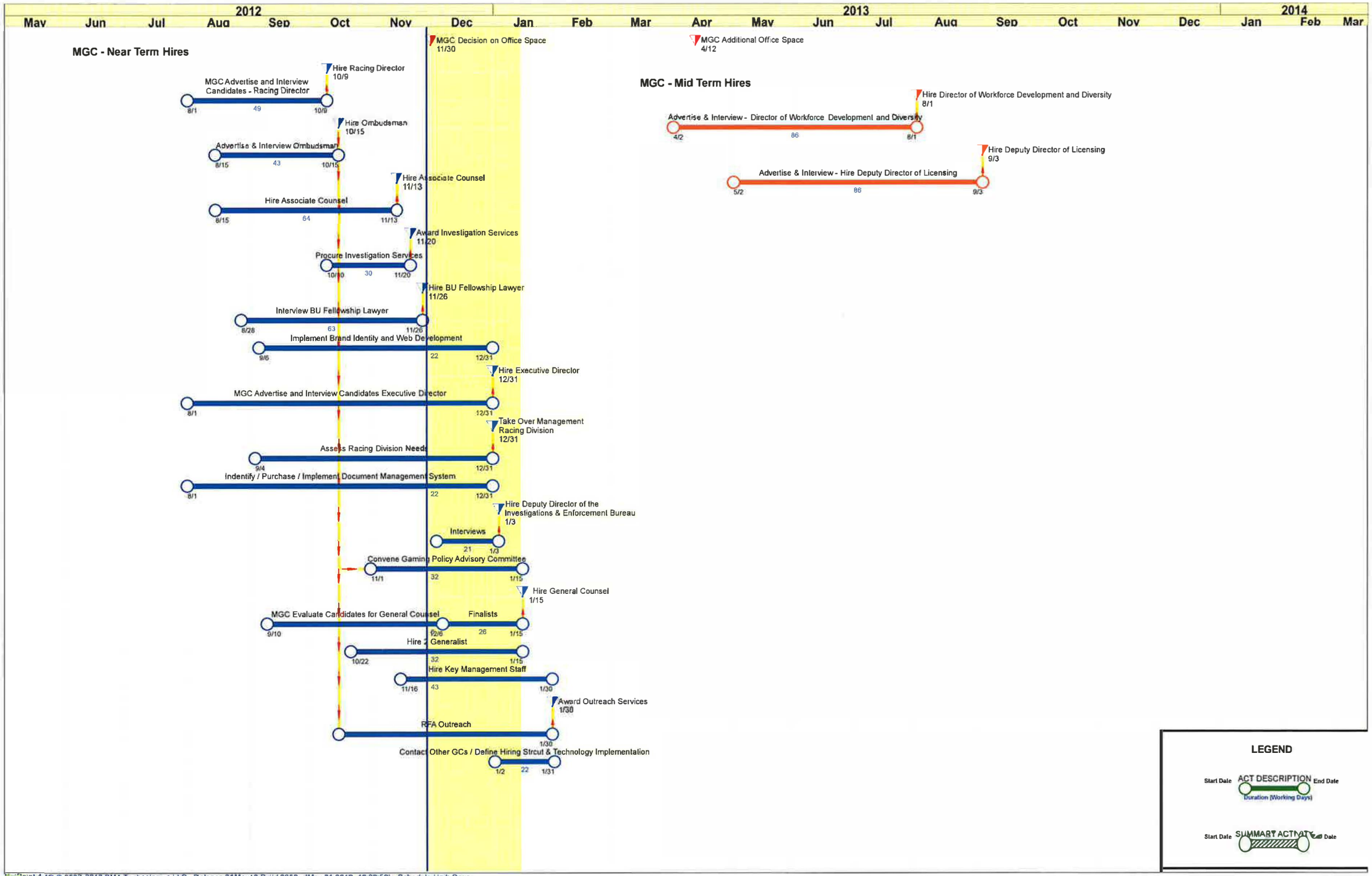
11/29/12
(date)

Stephen P. Crosby, Chairman

Date Posted to Website: November 30, 2012 at 1:00 p.m.


2012
May Jun Jul Aug Sep Oct Nov Dec
2013
Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
2014
Jan Feb Mar
Massachusetts Gaming Commission / 2012-11-28 Summary Schedule Update
SUMMARY SCHEDULE
Data Date 11/28/2012
Regulations - Phase 2
RFA - Phase 1 Applications
Meet Host and Surrounding Communities
Regulations - Phase 1
MGC Evaluation - Applicants Phase 1 (Background Investigations / Suitability of Applicants)
Statutory and Regulatory Changes for Racing & Charitable Gaming
MGC - Near Term Hires
MGC - Mid Term Hires
MOUs - Operational & Investigatory
RFA - Phase 2 (Application) Category 2 License
RFA - Phase 2 (Application) Category 1 Licenses
Local Negotiations & Vote / Category 2
Local Negotiations & Vote / Category 1
Commission Evaluates Proposal - Category 1 License
Commission Evaluates Proposal - Category 2 License
Commission Awards 1st License / Category 1
Research Agenda (Baseline Study / Studies of the Social and Economic Impacts of Gambling / Individual Studies)
DETAILED SCHEDULE
Regulations - Phase 1
Deliver Draft Regulations to Commission
Notice LGAC P1
Issue Strategic Plan
Filing SOS (P1)
Publish MA Register
Approve Strategic Plan
Finalize Draft Regulations
Public Hearing
Receive Comments (1)
Public Hearing
Comments
Publish MA Register P1
Issue Draft Strategic Plan
RFA - Phase 1 Applications
MGC Start Accepting Applications - Phase 1
Accept Application Fees - Phase 1
Public Review of Forms
File Waivers
Incorporate Regulations
Response to Waivers
Publish RFA
Issue Scope of Licensing for Investigations
Scope of Licensing for Investigations
MGC Receives Applications Phase I
Prepare & Submit Applications
Regulations - Phase 2
Post Policy Framework
Review Scope of Regulations
Public Comments
Review & Incorporate
Draft Regulations - Phase 2
Notice LGAC
Filing SOS
Publish MA Register
File
Public Hearing
Receive Comments (2)
Submit Approved Regulations MA Register
Incorporate Comments
Publish MA Register P2
MGC Evaluation - Applicants Phase 1
(Background Investigations / Suitability of Applicants)
Meet Host and Surrounding Communities
Start Investigations Early Applicants
Background Investigations / Suitability of Applicants - Phase 1
Evaluation Reports (All Applicants)
MGC Review (C1)
Hearings Period
Approval of Applicants Category 1
Determine Suitability (C1)
Prepare & Submit Applications - Phase 2
MGC Receives Applications Phase 2
Host Community Agreement Approved by Referendum
Surrounding Community Agreements Executed
Evaluate Proposal
Commission Reviews Responses to RFA-2 (C1)
Commission Awards 1st License - Category 1
Evaluation Reports (Category 2 License Applicants)
MGC Review
Hearings Period (C2)
Approval of Applicants Category 2
Determine Suitability
Prepare & Submit Applications - Category 2
MGC Receives C2 Applications Phase 2
Surrounding Community Agreements Executed / Category 2
Host Community Agreement Approved by Referendum / Category 2
Evaluate Proposal Category 2
Commission Reviews Responses to RFA-2 (C2)
Commission Awards Category 2 License
A1


2012
2013
2014
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
Jan
Feb
Mar
Research Agenda
Issue RFI 9/18
RFI Proposals
22
10/18
Issue RFP 11/21
Review Responses
9
Develop RFP Research Agenda
15
4
47
Award Research Agenda 2/5
RFP Proposals
Issue Initial/Baseline Report to Legislation 11/18
Research Agenda / Baseline Study (Studies of the Social and Economic Impacts of Gambling / Individual Studies)
4/1 Start Racing Season
Deadline for Sponsor & Filing 1/18
Racing Division
Regulatory Review
11/2
13
12/17
Report to Legislature 12/31
Statutory Review of Gen Laws 128A / 128C
11/12
12/31
Draft Regulations
21
1/17
2/14 Publish
2/21 Public Hearing
Filing
1/18
10
Receive Comments
2/1
15
2/21
10
3/15 Approved Regulations to MA Register
RFP Equine Testing Lab 11/29
Receive Proposals
11/29
21
12/28
Interviews & Recommendation
19
1/25
Incorp Comments
16
3/15
3/29 Publish MA Register (RG)
10
Negotiate Contract
1/28
17
2/19
RFP Auditing Software 12/17
Receive Proposals
12/17
25
1/22
Award Lab Contract 2/19
Implement Lab Services 4/2
Interviews
Negotiate Contract
2/11
15
3/1
PO Auditing Software 3/1
Implement Auditing Software 4/5
Statutory and Regulatory Changes for Charitable Gaming
Meet with AG & Treasurer Office 11/1
Report to Legislature 12/31
Statutory & Regulatory Changes
11/26
12/31
Regulations & Sponsor
12
1/17
Execute Investigatory MOUs 12/18
Draft MOUs Federal Agencies
12/3
Execute Operational MOUs 2/18
Draft Interagency MOU MGC/IEB - AGO/DGE
12/21
30
2/4
Review / Comments
10
2/18
Draft Interagency MOU MGC/IEB - POL
12/21
30
2/4
Reviews & Comments
10
2/18
MGC MOUs (Operational & Investigatory)
Draft Interagency MOU MGC/IEB - ABCC
12/21
30
2/4
Review & Comments
10
2/18
A2



3.d

Mashpee Wampanoag Tribe
483 Great Neck Rd. Mashpee, MA 02649
Phone (508) 477-0208 Fax (508) 477-1218

December 3, 2012

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

Dear Chairman Crosby:

Greetings to you and your fellow Commission members. I am the Chairman of the Mashpee Wampanoag Tribe. I am writing to you as I am informed that the Massachusetts Gaming Commission has put on the agenda for its meeting tomorrow the topic of the status of Region C. Having learned this, I wish to apprise the Commission that the Tribe continues to make great progress on all fronts towards having the Secretary of the Interior take land into trust for our Tribe.

As you know, the Tribe believes that our right to game on trust land under federal law is inevitable. Nevertheless, in partnership with Governor Patrick, we are continuing to work towards a revised compact which will both satisfy any concerns expressed by the Department of the Interior to date and under which the Tribe will provide the Commonwealth with a mutually acceptable and appropriate revenue share of our gaming enterprise in exchange for certain exclusivity concessions as permitted by federal law.

As we understand it, in accordance with the Massachusetts Expanded Gaming Act, Region C remains exclusively available to us for this purpose, and we are proceeding with all deliberate speed.

I would be pleased to meet with you at a future date to talk in person.

Sincerely,

Cedric Cromwell
Chairman and President
The Mashpee Wampanoag Tribe

3.d

MEMORANDUM

December 4, 2012

To: Chairman Crosby and Commissioners Cameron, Stebbins and Zuniga

From: Commissioner McHugh

Re: Region C

As we all are aware, by letter dated October 12, 2012, Kevin J. Washburn, Assistant Secretary of the Interior for Indian Affairs, rejected the July 12, 2012, compact between the Mashpee Wampanoag Tribe ("Tribe") and the Commonwealth regarding Class III gaming in the Taunton area, which is part of Region C under the Commonwealth's expanded gaming legislation. Anticipating that possibility, the compact itself requires renewed negotiations between the Commonwealth and the Tribe upon rejection of the initial effort. There is every reason to believe that those negotiations will proceed. Nevertheless, six factors combine to warrant the Commission's consideration of what would now be the most appropriate approach to gaming licensure in Region C. The six factors are (1) the content of the Secretary's rejection letter, (2) the First Circuit's decision in the K. G. Urban litigation ("the federal litigation"), (3) the possibility of state court litigation, (4) the so-called Carcieri decision, (5) the length of time it may take to resolve all of these issues and (6) the Legislative intent regarding Region C. This memorandum briefly explores each of those factors.

Dealing with the issues in the order just listed, the rejection letter focused on almost every component of the compact. The Secretary grouped what he perceived to be the compact deficiencies into four major categories. One was that the compact's revenue-sharing provisions went beyond any that were permitted by the Federal Indian Gaming Regulatory Act ("IGRA"). Another was that the compact contained agreements regarding a variety of issues unrelated to gaming "in clear contravention of IGRA's express limitation that gaming compacts may only address matters directly related to gaming." Yet another was that, in violation of IGRA, the Commonwealth sought in the compact to exercise jurisdiction over "activities not related to gaming, such as regulation of non-gaming suppliers, ancillary entertainment services and ancillary non-gaming amenities." Finally, the Secretary found that "there are numerous additional issues [in the compact] that create further problems and concerns."

Viewed individually or collectively, all of the components of the Secretary's letter raise significant impediments to a successful renegotiation and necessary legislative approval. Chief among those impediments, though, is the Secretary's treatment of the revenue-sharing provisions. In essence, the compact provided that the Tribe would pay to the Commonwealth 21.5% of gross gaming revenues. If, however, the Commission

authorized another Class III gaming operation (a Category 1 license under our expanded gaming legislation), then the Tribe's payment to the Commonwealth would drop to 15% of gross gaming revenues. In his letter, the Secretary said that, given the requirements of IGRA and the structure of the compact, the 6.5% difference was the maximum revenue share that IGRA permitted. Though some uncertainty inevitably accompanies any prediction, it appears that it could be very difficult for a new compact to produce a revenue share much greater than that 6.5%.

The second factor is the lawsuit brought by K.G. Urban ("Urban litigation"). Reduced to essentials, the First Circuit's decision in that litigation says that Urban does have a viable claim that § 91(e) of the expanded gaming legislation, if applied in a manner that prevents private developers from applying for a Category 1 license in Region C, creates a race-based preference that implicates the 14th amendment to the Constitution of the United States. The court concluded, however, that § 91(e), if applied in a manner that favors a Tribal development over a private development, may be authorized by IGRA if the section is viewed as a placing a temporary hold on non-tribal Category 1 applications so that the IGRA and land-in-trust processes can work their way through the required stages of approval. In the court's view, the longer the hold remains in place, particularly without any indication of when it will end, the less likely it is that the hold can be viewed as temporary. Put another way, the longer the Region C freeze on commercial applications for Category 1 licenses remains in place, the more likely it is that the freeze will be viewed as a racial preference unrelated to IGRA. A racial preference unrelated to IGRA would be very difficult for a court to sustain.

The third factor is related. In the Urban litigation, the First Circuit dismissed a claim based on the Massachusetts equivalent of the 14th Amendment's equal protection provisions. The dismissal, however, was without prejudice, thereby allowing Urban, or any other developers similarly situated, to challenge exclusivity provisions embedded in § 91(e) in the courts of the Commonwealth. Analysis of such a claim in the state courts would proceed in a somewhat different fashion, but the courts of the Commonwealth would not be required to reach the same result under state law that the Federal courts reached federal law.

The fourth factor is the U.S. Supreme Court's so-called Carcieri decision. That decision holds that the Federal land-in-trust statute only applies to a "recognized Indian tribe" that was "under Federal jurisdiction" when the statute was enacted in June, 1934. The federal government did not formally recognize the Mashpee Wampanoag tribe until 2007 and it was not formally under federal jurisdiction in 1934. To be sure, the dissent in Carcieri suggests that a tribe may have been under federal jurisdiction in 1934 even if the government had not formally acknowledged that jurisdiction. There is, therefore, some question as to what Carcieri really means. Cases now in progress may clarify the issue but

it is not clear when, or if, the Supreme Court will reach them. Because Carcieri simply interprets a federal statute, Congress has the power to change the future impact of the decision by amending the statute and there have been several unsuccessful efforts to do so. An active effort is now underway in the Senate to adopt an amendment by the end of the current lame-duck session but it is hard to predict whether that effort will be successful or, if it is, what the amending legislation's fate will be when it reaches the House. Thoughtful comments bearing on this issue are also contained in the November 27, 2012, letters from the law firms of Shefsky & Froelich and Goodwin Proctor that we received as part of the public comment process.

The penultimate factor is the Supreme Court's June, 2012, decision in the so-called Patchak case. In that case, the court held, for the first time, that individuals who were adversely affected by construction of a tribal casino had the right to bring suit in federal court to challenge the Secretary's decision to take lands into trust. Moreover, the challengers had the right to base their challenge on the Secretary's improper application of any criterion the statute contained or on the broader proposition that, as interpreted in Carcieri, the governing law prohibited taking the tribe's land into trust under any circumstances. The decision is significant not only because it may open the door to innumerable challengers but also because it may effectively set in place a six-year statute of limitations on bringing suit, with the statute commencing to run when the Secretary makes the decision to take the land into trust.

Finally, there is the intent the Legislature manifested when it adopted the expanded gaming legislation. You will recall that § 91(e) of the expanded gaming legislation states as follows:

> Notwithstanding any general or special law or rule or regulation to the contrary, if a mutually agreed-upon compact has not been negotiated by the governor and Indian tribe or if such compact has not been approved by the general court before July 31, 2012, the commission **shall** issue a request for applications for a category 1 license in Region C pursuant to chapter 23K of the General Laws not later than October 31, 2012; provided, however, that if, at any time on or after August 1, 2012, the commission determines that the tribe will not have land taken into trust by the United States Secretary of the Interior, the commission **shall** consider bids for a category 1 license in Region C under said chapter 23K.

The tight deadline § 91(e) contains clearly evince a Legislative intent that Region C not be left behind in the statewide pursuit of jobs and income that are the fundamental premise for the expanded gaming legislation itself.

Collectively, those factors warrant our consideration of the appropriate course to take with respect to Region C at the present time.

4. b.

Massachusetts Gaming Commission

MEMORANDUM

Date: November 27, 2012

To: Commissioners

From: Eileen Glovsky

Re: Recommendation to Pre Qualify Vendors for Stenographic Services

Recommendation: That the Gaming Commission accept the following vendors as qualified for meeting Stenographic needs:

- **Catuogno & Stentel**
- **Reporters Inc.**
- **Copley Court Reporting**

Based on their responses to the RFR # MGC – 2012-011 dated October 26, 2012 .

Description of the Procurement Process

The Commission issued a Request for Responses for Stenographic Services on October 11, 2012. The response deadline was October 26, 2012.

The Commission received 9 responses prior to the deadline.

Phase I Review: Agency staff conducted a "Phase I" review of all responses. This review was undertaken to ensure compliance with administrative provisions of the RFR, and verify the inclusion of mandatory forms and attachments. Respondents were not scored on the Phase 1 review, and all respondents proceeded to the Phase II review.

Phase II Review: This phase consisted of the review and evaluation of the technical proposal. The evaluation criteria were part of the RFR and were put forth in advance (prior to the receipt of the proposals) and it was as follows:

- 50% for their ability to meet our specified time frames
- 50 % for the quality of staff including resumes and business references.

The above accounted for 40 points of the 100 points available. The remaining 60% of the score was reserved for the cost proposal (Phase III review – see below).

Phase III Review: Firms were asked to submit a cost proposal in a separately sealed envelope. After the review of the technical proposal was completed, the procurement management team moved on to the phase III review. The Cost proposals (Phase Three) were assigned a weight of 60% of the overall score.

PMT – Evaluation of the Technical Proposal

The procurement management team (PMT) was comprised of Jamie Ennis and Ellen Cassidy, with Eileen Glovsky as recorder.

The PMT assigned scores on the criteria stipulated above on the following scale:

5 = Provides evidence of a response that far exceeds MGC's needs in most areas.

4 = Provides evidence of meeting all MGC's needs and excels in a few areas

3 = Provides adequate evidence of meeting needs of MGC but does not excel in any way

2 = Provides some evidence of meeting needs of MGC

1 = Provides no evidence of meeting MGC needs

0 = Non-responsive

Each member of the PMT scored all responses on the criteria of the technical proposal. The PMT met and discussed each of the scores to reach a consensus score on each criteria for each respondent. The PMT checked business references for all responses. These calls were divided among the PMT. The scores were then weighed according to the previously determined relative weight.

After review of the Phase II scores, the cost proposals were opened. The costs proposals were scored according to responses filled out on the template sent with the RFR. There were a number of categories for vendors to respond in (fee for meetings up to 4 hours, fee for meetings between 3 and 6 hours, transcription 24 hour turnaround, etc). The vendors with the best scores out of 60 were the ones with the lowest cost in general.

Recommendations

After the Phase II and Phase III scoring, the firms that ranked the highest were:

- **Catuogno & Stentel**
- **Reporters Inc.**
- **Copley Court Reporting**

Throughout the written proposal process these firms demonstrated they had the staff and experience to meet our needs and a fee structure that was beneficial to the agency.

SECTION 4. EMPLOYEE BENEFITS

4.1 Health Insurance

Health insurance is offered to regular employees who work at least 18 ¾ hours per week. The Commonwealth currently offers a variety of health plans through the Group Insurance Commission (GIC) for employees and their families. Contract/hourly employees are not eligible for this benefit.

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

It is the employee's responsibility to notify the Payroll and Benefits Coordinator of any change in the status of coverage resulting from factors such as marriage, birth or adoption of a child, or death of a spouse or a dependent.

Health Insurance Responsibility Disclosure

Pursuant to the Health Care Reform Act, every resident in Massachusetts must have health insurance. Employees who do not enroll in a health plan through the GIC and have coverage elsewhere are required to complete a Health Insurance Responsibility Disclosure (HIRD) Form. Employees may obtain that form from the Director of Personnel Administration and Compensation.

4.2 Long Term Disability Insurance

Long Term Disability Insurance is offered to regular employees who work at least 18 ¾ hours per week. Contract/hourly employees are not eligible for this benefit. The Long Term Disability Insurance program is an income replacement program which provides a tax-free benefit of up to 50% of gross monthly salary for eligible employees who have been unable to work for more than 90 days due to illness or injury. The Long Term Disability Insurance program is administered through the GIC. Employees may apply for this program at any time during the year, but may need to establish medical eligibility if applying outside the new hire or open enrollment periods.

4.3 Life Insurance

Life Insurance is offered to regular employees who work at least 18 ¾ hours per week. Contract/hourly employees are not eligible for this benefit. The Life Insurance program is

administered through the GIC in conjunction with the Health Insurance program. For those employees participating in the health insurance plan, Basic Term Life insurance in the amount of $5,000 is automatically included in coverage at no additional cost. For those employees choosing not to participate in health coverage, the Basic Life Insurance may be purchased by the employee for a monthly fee.

In addition to Basic Life Insurance, employees may request Optional Term Insurance coverage in an amount up to 8 times their annual wages for an additional premium..

4.4 Dental and Vision Benefit

Dental/Vision insurance is offered to regular employees who work at least 18 ¾ hours per week. Contract/hourly employees are not eligible for this benefit. Employees may obtain dental and vision insurance for themselves and their families. Presently, the Commonwealth offers two types of plans. The Value Plan is a less expensive plan, with a network encompassing almost 40% of the state's dentists who agree to accept negotiated fees for their services with no balance billing to members. The plan has lower out-of-network benefits (higher out-of-pocket costs). The Classic Plan offers access to any dentist. However, out-of-pocket costs will be less if employees use one of the participating providers. Employees should consult the Director of Human Resources and the GIC website for further information concerning the available plans. Employees who do not enroll at the time of hire or wish to change their plan must wait until the annual open enrollment period.

4.5 Dependent Care Assistance Plan (DCAP)

The Dependent Care Assistance Plan (DCAP), offered by the GIC, allows employees to pay for certain dependent care expenses, such as child care and day camp, with before-tax dollars. Employees may set aside up to $5,000 per year through the DCAP program. Participating in DCAP can significantly reduce federal and state income taxes. There is a nominal monthly pre-tax administrative fee. It is important to estimate expenses carefully, as the Internal Revenue Service requires that any unused funds in a participant's account at plan year-end be forfeited. The DCAP program is offered to regular employees who work at least 18 ¾ hours per week, including contract employees, and have employment-related expenses for a dependent child under the age of 13 and/or a disabled adult dependent. The fall open enrollment period takes place in October for the following calendar year. Employees must re-enroll each year in the plan.

4.6 Health Care Spending Account (HCSA)

The Health Care Spending Account (HCSA) program, offered by the GIC, allows employees to pay for certain non-covered health related expenses with pre-tax dollars, thus reducing their federal and state income taxes. Employees may set aside up to $5,000 per year through the HCSA program. Expenses must be medically related. Examples include physician's

office and prescription drug co-payments, medical deductibles and co-insurance, eyeglasses and contact lenses not covered by an employee's health or vision plan, orthodontia and dental benefits not covered by an employee's dental plan, and most over-the-counter drugs. Employees who participate in the HCSA will be charged a nominal monthly pre- tax administrative fee. It is important to estimate expenses carefully, as the Internal Revenue Service requires that any unused funds in a participant's account at plan year-end be forfeited. The HCSA program is offered to regular employees who work at least 18 ¾ hours per week, including contract/hourly employees. The fall open enrollment period takes place in October for the following calendar year. Employees must re-enroll each year in the Plan.

4.7 Deferred Compensation 457B Plan

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

4.8 Massachusetts Retirement System

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

Regular employees who work at least 18 ¾ hours per week are required to enroll as members of the State Employees Retirement System administered by the State Board of Retirement. Contract/hourly employees are required to enroll in the Alternate Retirement Plan (OBRA). Under Massachusetts Law, the first $2,000 of combined Retirement and Medicare withholdings is on a pre-tax basis for state tax withholding purposes.

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

- Hired before January 1, 1975 5%
- Hired on or between January 1, 1975 – December 31, 1983 7%

- Hired on or between January 1, 1984 – June 30, 1996 8%
- Hired on or after July 1, 1996 – present 9%

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

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

If the employee is a member of the State Employees Retirement System employed on a full-time basis, the employee will earn one year of creditable service for each year of service completed. If the employee is a member employed on a less than full-time basis, the employee will earn an amount of service that equals the percentage of full-time service (i.e. creditable service is pro-rated).
If the employee re-enters the system with funds on deposit or transfer from another contributory retirement system, the employee maintains his/her contribution level. Employees are vested in the state retirement system once they have accumulated the equivalent of 10 years of full-time service.

Generally, an employee will be eligible for retirement once the employee has 20 years of service or is 55 years of age or older with at least 10 years of service. If an employee meets all the eligibility requirements for retirement, the employee can retire with a retirement allowance up to 80% of the average of the employee's highest 36 months of regular compensation. Earnings such as certain differentials may have been identified as "regular compensation" for retirement purposes. Social Security benefits may be affected by the employee's state pension under federal law. More information is available at www.mass.gov/treasury.

5. Employee Leave

5.1. Vacation or Personal Time

MGC will seek to accommodate vacation requests based on the staffing needs of the organization.

If a paid holiday falls during your vacation period, you will be paid for the holiday, and will not be required to use regular time hours.

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

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

Requests: Requests for vacation leave should be submitted in writing to an employee's supervisor as far in advance as is reasonably possible. Approval of vacation requests will be made by the Executive Director or his/her designee(s).

Maximum Vacation Leave Carried Over: Employees are strongly encouraged to take their vacation leave during the calendar year in which it is earned. Employees may carry over a maximum of 30 days (225 hours) of accrued vacation leave into the next calendar year. Any vacation leave above the maximum carryover amount which is not used by December 31st of the respective year will be forfeited. Any exceptions to this policy must be approved by the Executive Director.

Leave Balances: Accrued vacation leave balances are indicated on each bi-weekly payroll advice in the form of hours accrued. Payroll advice information can be accessed through the web-based program PayInfo at www.mass.gov/payinfo or by contacting the Payroll and Benefits Coordinator. Employees may determine the number of days accrued by dividing

their leave balance by 7.5 hours. Employees are responsible for keeping apprised of their leave balance and using their time accordingly.

Compensation for accrued vacation leave: Upon separation from employment, employees are paid for any unused accumulated vacation leave.

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

5.2. Sick Leave

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

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

Where the Commission has reason to believe that sick leave is being abused, an employee may be required to submit satisfactory medical documentation. Examples of abuse of sick leave include but are not limited to the following:

- Requesting or utilizing sick leave immediately prior to or following a vacation.
- Regular absences on Mondays, Fridays or immediately before or after holidays.
- Repeated use of sick leave without documentation when requested.
- Requesting or using more sick leave time than the medical appointment or condition warrants.

Sick leave is earned at the rate of 7.5 hours (one day) for each creditable month of service, not to exceed 90 hours (12 days) per year. Part-time employees accrue sick leave on a pro-rated basis. Time on leave with pay is creditable for sick leave accrual. However, any employee who is on leave without pay for more than 50% of a month will not earn sick leave credit for that month.

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

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

Sick leave that is not taken in the year in which it is earned accumulates and may be taken in succeeding years.

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

5.3. Personal Leave

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

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

Hire Date	Amount of Personal Leave
January 1 – March 31	22.5 hours or 3 days
April 1 – June 30	15 hours or 2 days
July 1 – September 30	7.5 hours or 1 day
October 1 – December 31	0

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

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

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

5.4. Holidays

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

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

If the holiday falls on a normal working day, it will be observed on the holiday itself. If the holiday falls on Sunday, it will be observed on Monday. If the holiday falls on Saturday, it will be observed on the preceding Friday. If a holiday falls in a weekend day, the Executive Director may offer the following alternative: the Office will be kept open on the preceding Friday or the following Monday and supervisors will designate a "skeleton force" so that the Office remains open during the required workday. All other employees may observe the day as a holiday. Personnel who work on the "skeleton day" will be given a subsequent day off as a holiday. Part-time employees will receive holiday pay on a pro-rated basis.

Employees who wish to observe any other holidays not recognized by the Commonwealth of Massachusetts may apply their personal or vacation leave toward their absence. Such leave must be approved in advance by the employee's supervisor, chief of staff or Executive Director.

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

5.5. Leave Without Pay

Leaves of absences without pay may be granted at the discretion of the Executive Director. Employees desiring to take a period of unpaid leave of any length of time must fill out the Leave Request Form and submit it to their supervisor for approval prior to the

start of the leave. Employees who do not report for work promptly upon the expiration of such leave are deemed to have resigned from employment.

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

5.6. Bereavement Leave

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

5.7. Jury Duty / Witness Leave

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

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

a. Retain jury fees received for the period of jury service in lieu of pay if those fees exceed his/her regular rate of compensation; or

b. Remit the jury fees to the Director of Personnel Administration and Compensation if they are less than his/her regular rate of compensation.

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

5.8. Parental Leave

An eligible employee may take up to 20 weeks of parental leave for the birth or adoption of the employee's child. Parental Leave must conclude within 12 months of the birth or adoption of the child. Use of intermittent Parental Leave is subject to the approval of the Commission.

Eligibility: To be eligible for Parental Leave, an employee must have worked for the Commission for at least 3 continuous months prior to the commencement of the leave, and must be regularly scheduled to work at least 18 ¾ hours per week.

Notice Requirements: Employees who wish to take parental leave should fill out the Leave Request Form and submit it to the Executive Director.

Employees shall provide, when practicable, at least 30 days advance notice before the parental leave is to begin. If 30 days notice is not practicable, notice must be given as soon as practicable. For example, an employee's health condition may require leave to commence earlier than anticipated before the birth of a child. Similarly, little opportunity for notice may be given before placement for adoption. Employees should discuss their anticipated leave with their supervisor well in advance of their anticipated leave and submit their request at the earliest possible date.

Employees should notify the Director of Personnel Administration and Compensation when their child arrives, and forward proof of birth or adoption so that their child may be added to their health insurance. Employees must also complete a Data Change Form for the GIC.

Substitution of Paid Leave. Parental Leave is unpaid. However employees taking parental leave may use accrued leave time to cover some or all of the parental leave period.

Employee Benefits During Leave: The Commission will maintain an employee's group health and dental insurance while the employee is on leave under the same conditions as he/she would enjoy if not on leave. While on paid leave, the employee's share of premiums will be paid by the method normally used. During any period of unpaid leave, the employee is responsible for paying the employee's share of their insurance premiums and will be billed directly by the GIC.

If the Commission provides a new health plan or benefits, or changes health benefits or plans while an employee is on parental leave, the employee is entitled to the new or changed plan/benefits to the same extent as if the employee were not on leave. Any plan changes (e.g., in coverage, premiums, deductibles, etc.) which apply to all employees of

the workforce would also apply to an employee on parental leave. Notice of opportunities to change plans or benefits will also be given to an employee on parental leave.

An employee may choose not to retain group health plan coverage during parental leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverage, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

Sick and vacation leave will not accrue during any unpaid leave. Employees will not receive holiday pay during any unpaid leave of absence for any holiday which is observed during such leave.

Reinstatement Rights: In accordance with the Massachusetts Maternity Leave Act, on return from a Parental Leave of 8 weeks or less, an employee is entitled to be returned to the same or similar position the employee held when leave commenced. Exceptions to this provision may apply if business circumstances have changed (e.g., if the employee's position is no longer available due to a job elimination.) Employees returning from a Parental Leave of greater than 8 weeks will be returned to the same or similar position if the Commission has such a position available.

For information on reinstatement rights for employees who are eligible for FMLA leave, please refer to the Commission s Family Medical Leave Act (FMLA) policy.

5.9. Family Medical Leave Act

In accordance with the Family and Medical Leave Act (FMLA), the Commission provides to an eligible employee up to 12 weeks of unpaid, job protected leave during any 12-month period for one or more of the following reasons:

(a) For incapacity due to pregnancy, prenatal medical care or childbirth;

(b) To care for the employee's child after birth, or placement for adoption or foster care;

(c) To care for the employee's spouse, child, or parent who has a serious health condition; or

(d) To take medical leave when the employee is unable to work because of a serious health condition.

Military Family Leave Entitlement: Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain

military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Such leave is only available during a single 12-month period. During the single 12-month period, an eligible employee is entitled to a combined total of 26 workweeks of leave for any of the qualifying reasons for FMLA leave, provided that the employee is entitled to no more than 12 weeks of leave for one or more of other FMLA qualifying reasons.

Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

FMLA leave runs concurrently with the eight-week period of protected leave under the Massachusetts Maternity Leave Act.

Eligibility: To be eligible for FMLA leave, an employee must have worked for the Commission at least one year, for at least 1,250 hours over the previous 12 months, The twelve month FMLA period is considered to be the 12 months immediately following the first date FMLA leave begins.

Serious Health Condition. A serious health condition is an illness, injury, impairment or physical or mental condition that involves (a) inpatient care in a hospital, hospice, or residential medical care facility; or (b) continuing treatment by a health care provider, plus (i) a period of incapacity (i.e., inability to work, attend school, or perform regular daily activities) of more than 3 consecutive days combined with at least 2 visits to a health care provider or one visit and a regimen of continuing treatment; (ii) any period of incapacity or treatment for such incapacity due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy); (iii) a period of incapacity which is permanent or long-term due to a condition that involves continuing supervision by a health care provider (e.g., Alzheimer's, severe stroke); (iv) any period of absence to receive multiple treatments by a health care provider for restorative surgery after an accident or injury or for a condition that, if not treated, would likely result in incapacity for more than 3 consecutive days (e.g., cancer, kidney disease); or (v) any period of incapacity due to pregnancy or for prenatal care.

If the Commission believes that an employee has a serious health condition, as defined in the regulations, it will ask the employee to provide a certification of such condition from the employee's health care provider. If the health care provider determines that the employee has a serious health condition, he/she will be placed on FMLA leave.

Use of Paid Leave: Employees on FMLA leave may use their available accrued leave balances during any portion of the leave that would otherwise be unpaid.

If an injury that meets the criteria for a serious health condition occurs on the job, the Commission will count any workers' compensation leave against the employee's FMLA leave entitlement and the employee's 12 week FMLA entitlement.

Notice Requirements: Employees who wish to take FMLA leave should fill out the Leave Request Form and then submit it to the Director of Administration.

An employee must provide at least 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not foreseeable, employees must provide notice as soon as practicable. It is expected that an employee will give notice to the Commission as soon as possible upon learning of the need for leave.

When planning medical treatment, including in the case of intermittent leave or a reduced leave schedule, the employee must consult with the Commission and make a reasonable effort to schedule the leave so as not to disrupt unduly the Commission's operations, subject to the approval of the health care provider. Employees are expected to consult with their supervisors prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the Commission and the employee.

Employees must provide sufficient information for the Commission to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Commission if the requested leave is for a reason for which FMLA leave was previously taken or certified, Employees also may be required to provide a certification and periodic certification supporting the need for leave.

Certification of a Serious Health Condition: The Commission requires that an employee's leave to care for the employee's seriously-ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform the employee's job, be supported by a certification issued by the health care provider of the employee or the employee's ill family member. Employees must provide adequate and sufficient documentation to the Director of Administration, Human Resources or Executive Director as soon as practicable possible.

The Commission may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. If an employee gives unequivocal notice of intent not to return to work, the Commission's obligations under FMLA cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

Certification of a Serious Illness or Injury for Service Member Family Leave: Where an employee seeks leave to care for the serious illness or injury of a covered service member who is the employee's spouse, child, parent, or next of kin, the employee must provide certification by the service member's health care provider.

The term "serious injury or illness" means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces, including a member of the National Guard or Reserves, that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

Intermittent or Reduced Leave: Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing normal weekly or daily work schedule.

FMLA leave may be taken intermittently when medically necessary, for example to care for a seriously ill family member or because the employee is seriously ill and unable to work. FMLA leave due to the qualifying exigency may also be taken intermittently.

If FMLA leave is for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the approval of the Commission.

The Commission may require an employee who works an intermittent or reduced leave schedule to transfer temporarily, during the period of intermittent or reduced leave, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternate position will provide equivalent pay and benefits.

Designation of Leave as FMLA Leave

It is the employee's responsibility to designate leave as FMLA qualifying and to provide adequate documentation. In the case of intermittent leave or leave on a reduced schedule, only one such notice for each FMLA-qualifying reason per 12-month period is required unless the circumstances regarding the leave have changed.

Employee Benefits During Leave: The Commission will maintain an employee's group health and dental insurance while the employee is on FMLA leave under the same conditions as he/she would enjoy if not on leave. While on paid leave, the employee's share of premiums will be paid by the method normally used. During any period of unpaid leave, employees are responsible for paying the employee's share of their insurance premiums and will be billed directly by the GIC.

If the Commission provides a new health plan or benefits, or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan/benefits to the same extent as if the employee were not on leave. Any plan changes (e.g., in coverage, premiums, deductibles, etc.) which apply to all employees of the workforce would also apply to an employee on FMLA leave. Notice of opportunities to change plans or benefits will also be given to an employee on FMLA leave.

An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

Sick and vacation leave will not accrue during any unpaid leave. Employees will not receive holiday pay during any unpaid leave of absence for any holiday which is observed during such a leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Fitness for Duty: Employees on FMLA leave for their own serious health condition which made them unable to perform their job must obtain and present certification from their health care provider indicating that they are able to resume work. The Commission will seek fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The Commission may delay restoration to employment until an employee submits a required fitness-for-duty certification. Certification of fitness to return to duty is not required when the employee takes intermittent leave.

Reinstatement Rights: On the first day returning from FMLA leave, employees must contact the Director of Administration.

On return from FMLA leave of 12 weeks or less, or on return from FMLA leave of 26 weeks or less in the case of an employee caring for a covered service member, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changed (e.g., if the employee's position is no longer available due to a job elimination.)

If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the employee may be entitled to a reasonable accommodation under the Americans with Disabilities Act (ADA).

An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

If the employee has been on a workers' compensation leave that has counted against the employee's FMLA leave entitlement and after 12 weeks of leave the employee is unable to return to work, the employee no longer has the protections of FMLA and must look to the workers' compensation statute or ADA for any relief.

Unlawful Acts and Enforcement: FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

An employee may file a complaint with the US Department of Labor or may bring a private lawsuit against an employer. (DOL contact information is: 1-866-487-9243; TTY 1-877-889-5627; www.wagehour.dol.gov). FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

5.10. Small Necessities Leave Act

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

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

a) Participate in school activities directly related to the "educational advancement" of the employee's son or daughter, such as parent-teacher conferences or interviewing for a new school;

b) Accompany the employee's son or daughter to routine medical or dental appointments such as checkups or vaccinations; or

c) Accompany an "elderly relative" of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

Definitions

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

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

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

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

Procedure: Employees who wish to take SNLA leave should fill out the Leave Request Form and the SNLA Employee Certification Form NLA Employee Certification Form. Once completed, both forms should be forwarded to the Director of Personnel Administration and Compensation. If the need for SNLA leave is foreseeable, employees must request the leave in writing at least 7 days in advance. If the leave is not foreseeable, employees must provide notice as soon as practicable under the particular circumstances of the individual case and provide the certification form within 2 business days after leave is taken, or as soon thereafter as is reasonably practicable.

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