



Massachusetts Gaming Commission Meeting Minutes

Date/Time: August 26, 2021, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 258 0312

The Commission conducted this public meeting remotely utilizing collaboration technology. Use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

Commissioners Present:

Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Eileen O'Brien
Commissioner Enrique Zuniga

1. [Call to Order](#) (0:00)

Chair Judd-Stein called to order the 353rd public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted and all four commissioners were present.

2. [Licensing Division](#) (0:51)

a. Encore Boston Harbor Gaming Beverage License Agreements 205 CMR 136.03(i)

IEB Director Loretta Lillios introduced recommendations regarding requests from Encore Boston Harbor for three amendments to its gaming beverage license for new establishments that will operate in the sports lounge area which has been under construction. Director Lillios noted that she had presented on the gaming aspects of the opening of the sports lounge at the last meeting and today is presenting on the non-gaming aspects of the sports lounge area, including a sports bar, Shake Shack, and Frank and Nick's pizzeria.

Director Lillios reported that the sports bar will be operated by Encore, that the manager of the area has a key standard license that is in good standing, that the gaming agents have performed inspections including the areas where alcohol will be stored and secured, and that the team has also inspected to ensure adequate surveillance camera coverage. Director Lillios recommended that this amendment be allowed.

Director Lillios reported that the license amendment for Shake Shack would be for beer and wine only; that the company is a registered vendor to Encore and as a result the company, through its General Manager of the site at Encore, is jointly responsible for the license; that the manager has been issued a registration; and that the gaming agent team has conducted security, storage, and surveillance inspections. She further noted that Licensing Division Chief Nakisha Skinner has been in communication with the company regarding its responsibilities under the license. Director Lillios recommended that this amendment be allowed.

Director Lillios reported that the license amendment for the pizzeria would be for beer and wine only, that the company is registered as a non-gaming vendor and as such would be jointly responsible for the beverage license along with Encore, and that the owner/operators and manager are all credentialed and in good standing. She further noted that an attorney has taken on the role of ensuring employee registration requirements are met and that the licensing division will continue to work with them. Director Lillios recommended that this amendment be allowed.

Director Lillios noted that it is critical that employees at all three amenities undergo TIPS training or other credentialed training to be approved by the IEB and that they become certified prior to commencing any duties. She stated that Encore has been proactive in instructing all three operations on the requirements for compliance.

Commissioner Zuniga sought clarification that the buffet that was previously in this area had alcohol service. Director Lillios confirmed and stated although the buffet did have alcohol service, the sports bar is an entirely new amenity, structural area, and method of service.

Chair Judd-Stein asked if Shake Shack is receiving any initial training around employee training requirements. Director Lillios stated that Chief Skinner has been working closely with them and they have been very responsive to the process, and that the IEB has mobilized the GEU to be able to respond to increased fingerprinting needs.

Chair Judd-Stein inquired as to whether the establishments serve food during the entirety of their hours of operation and Director Lillios confirmed that they do.

Commissioner Cameron moved that the Commission approve the Encore Boston Harbor gaming beverage license amendment 205 CMR 136.03(i) to include sports bar and lounge, Frank and Nick's, and Shake Shack. The motion was seconded by Commissioner Zuniga.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

3. [Administrative Update](#) (12:58)

- a. MGC Boston Office Re-Opening - Karen Wells, Executive Director

i. Pilot Flexible and Remote Work Arrangements Policy

Executive Director Karen Wells presented a draft policy for flexible and remote work arrangements that was prepared by the working group. She emphasized that this is a pilot program to provide a test period and see how the process works and receive feedback.

Executive Director Wells highlighted particular areas in the draft policy, including recognition that not all positions lend themselves to a hybrid work environment, clarification that the MGC will no longer be mandating that anyone work from home and that remote work option will be granted upon request, identification of core hours in which employees must be available, identification of the number of remote work days that may be requested (3 days for line level and 2 days for managers), issue surrounding equipment and supplies, and issues surrounding internet access.

Chair Judd-Stein sought clarification on core hours with respect to remote days vs. in-office days. Executive Director Wells noted that there is discretion under the policy for the Commission to make determinations with respect to how core hours are applied. She further explained that it is the intent of the policy that each manager take responsibility and work with their staff to ensure that agency needs are met, and that remote work arrangement requests must be approved by the Executive Director.

There was discussion concerning whether any particular days would be designated core days on which staff might come in en masse. Commissioners Cameron and O'Brien noted that the working group discussed this issue but felt that reaching a decision was premature.

There was also discussion surrounding equipment issues and ensuring that employees have adequate setups both at home and in the office. Chair Judd-Stein inquired as to whether the Commission would invest in dual setups and noted that we do not want to disincentivize people from coming into the office. Chief Financial and Accounting Officer Derek Lennon stated that they were working with IT on these issues. Commissioner Zuniga noted that pooling resources may get everyone the optimal setup both at home and in-office, and that perhaps low-cost high-return investments in equipment might be a good solution.

Commissioner Zuniga requested an addition to the policy regarding protecting information if an employee is working in a public place rather than at home. Chair Judd-Stein inquired as to whether the policy allows the Executive Director to call all staff into the office for training or an in-person event, and Commissioner Zuniga suggested adding explicit language to that effect.

Chair Judd-Stein raised the issue of commuting costs and Chief Financial and Accounting Officer Lennon confirmed that that Commission would not reimburse employees for commuting costs should they be required to go to the office on a day that was not scheduled to be in-office, and noted that this is because the hybrid work option is a privilege and not a requirement.

Commissioner O'Brien moved that the Commission approve the proposed pilot program for flexible and remote work arrangements as included in the Commissioners' packet and as further

discussed and amended here today subject to insertion of the start date and end date at a future time. The motion was seconded by Commissioner Zuniga.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

ii. [Massachusetts Gaming Commission Vaccination/Mask Wearing Policy](#) (1:03:36)

Executive Director Wells introduced the issue of an MGC vaccination policy, noting that the working group has been tracking vaccination policies implemented by other government agencies and through Governor Baker's executive order. She explained that the MGC has been tracking the executive branch policy regarding vaccination and has been requiring any employees not vaccinated to wear a mask while working in any MGC office space unless seated alone in an office or at a workstation. She noted that the MGC does not currently require proof of vaccination. Executive Director Wells recommended that the MGC follow the executive branch and Attorney General policies to require vaccination of employees of the MGC and recommended establishing a policy requiring proof of vaccination along with mask wearing and weekly testing for any employee with a presence in any MGC office space until all employees are vaccinated. She noted that the policy would also need to account for potential medical and religious exemptions to be addressed. Commissioner Cameron added that there was a consensus in the working group that this was the appropriate way to move forward.

Chair Judd-Stein asked what the timeframe would be for implementation. Executive Director Wells stated that the process of checking vaccination cards could begin immediately and would provide guidance on what percentage of employees are vaccinated. Chair Judd-Stein emphasized that there is a degree of urgency around this implementation. Commissioner O'Brien suggested setting a deadline for two weeks from today by which employees must have either submitted proof of vaccination, proof of an appointment, or a request for a waiver. Executive Director Wells noted that the challenging part will be establishing a policy regarding religious and medical waivers.

There was discussion regarding what the process will be if anyone has lost their vaccination card, and the Commission noted that such an issue will be addressed if it becomes a problem.

Executive Director Wells emphasized that this policy and process will be taken very seriously and there will be consequences for providing false information up to and including termination.

Commissioner O'Brien moved that the Commission 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 and, in furtherance of this objective, recommended that full vaccinations be concluded within 60 days and that documentation be submitted to Human Resources by close of

business within two weeks of today, which is September 9th, either offering proof of full vaccination, a scheduled appointment to commence vaccination, or any request to be exempt from the vaccination requirement. The motion was seconded by Commissioner Cameron.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Associate General Counsel Carrie Torrisi provided an overview of the recent order from the Boston Public Health Commission regarding mask-wearing. She explained that it requires face coverings or masks in places that are open to members of the public and identifies some examples of what those places would include. She noted that while it explicitly includes municipal buildings, it does not explicitly include state buildings or other office buildings. She explained that areas open to members of the public would apply to areas of the building to which the public has access but not to the internal office space, and that it was within the Commission's direction to decide whether to require masks within the MGC office space.

Commissioner Cameron noted that there was a strong recommendation from the City of Boston that the masks be worn in private offices. Chief Financial and Accounting Officer Lennon confirmed that the recommendation is found in language on the City's website but is not in the order itself.

Chair Judd-Stein expressed that it would be best to follow the Mayor's guidance and noted that individuals may, of course, always choose to wear a mask. There was agreement with this statement.

iii. [Boston Office Re-Opening Date](#) (1:41:49)

Commissioner Cameron presented the working group's suggestion that the MGC match its reopening date with today's decision about vaccination requirements so that the office would reopen in 60 days. Commissioner O'Brien noted that the 60-day date falls within the middle of the week and suggested November 1st as the reopening date. The Commission was comfortable with that date.

Chair Judd-Stein noted that there is a current proposal for new technology for public meetings that still needs to be worked out and that opportunities to convene and get training on the new technology would be helpful prior to the office reopening.

Commissioner Zuniga moved that the Commission determine that return to the office will be on November 1, 2021, in accordance with the discussion today. The motion was seconded by Commissioner Cameron.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

4. [Commissioner Updates](#) (1:50:32)

There were no Commissioner updates.

5. [Other business](#) (1:51:03)

Commissioner Zuniga moved to adjourn. The motion was seconded by Commissioner Cameron.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated August 26, 2021
2. [Commissioners' Packet](#) from the August 26, 2021, meeting