



The Commonwealth of Massachusetts

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CHILDREN, FAMILIES AND
PERSONS WITH DISABILITIES

and

JOINT COMMITTEE ON STATE ADMINISTRATION
AND REGULATORY OVERSIGHT

May 15, 2018

Mr. William F. Welch, Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Clerk Welch,

Pursuant to Senate No. 2262, adopted by the Senate on January 18, 2018, the Special Senate committee to review the sexual harassment policies and procedures respectfully submits to the Senate the following report.

Respectfully filed by the Special Senate committee to review the sexual harassment policies and procedures,

Senator Joan B. Lovely, Chair
Senator Cynthia Stone Creem
Senator Sonia Chang-Diaz
Senator Cindy F. Friedman
Senator Anne M. Gobi
Senator John F. Keenan
Senator Karen E. Spilka
Senator Donald F. Humason, Jr.
Senator Richard J. Ross

Massachusetts Senate

Report and Recommendations of the Special Senate Committee to Review the Sexual Harassment Policies and Procedures

Prepared by the Special Senate Committee to Review the Sexual Harassment Policies and Procedures pursuant to Senate No. 2262

May 15, 2018

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I. INTRODUCTION

During the past year, there has been a shift in our national culture as more individuals have felt empowered to share their stories of sexual assault and harassment in the public sphere. These stories have increased awareness and also caused sorrow and anger as we have all begun to recognize the seriousness and prevalence of such harassment. Legislatures across the country, and in Massachusetts, have recognized that changes must be made.

The Senate takes this issue, and its responsibility as a body and as an employer, very seriously. We are fortunate to have a comprehensive sexual harassment policy and trainings already in place. Even with the existing policy and training requirements in place, there is more to be done to ensure that the Senate achieves its goal of a harassment-free workplace.

To help achieve that goal, the Senate adopted an Order to create the Special Senate Committee to Review the Sexual Harassment Policies and Procedures (“the Committee”). During the past four months, the Committee has conducted a thorough review of the Senate’s existing policies and procedures. This review was aimed at fostering a supportive workplace environment where employees and everyone who conducts business with the Senate feel safe and respected. Most importantly, the Committee focused on its goal of cultivating a harassment-free workplace going forward.

The Committee’s recommendations in this report are focused on ensuring that appropriate procedures are in place to allow the Senate to investigate all allegations of sexual harassment and take corrective action when necessary. This includes addressing gaps in the existing policy and creating a positive and supportive work culture.

II. THE COMMITTEE’S PROCESS

A. Committee Purpose

On January 18, 2018, the Senate adopted Order S.2262, “Special Senate committee to review the sexual harassment policies and procedures,” sponsored by Senator Joan B. Lovely.

The language of the Order is as follows:

Ordered, That, notwithstanding any rule to the contrary, there shall be a Special Senate committee to review the sexual harassment policies and procedures of the Senate. The committee shall consist of 9 members of the Senate, 2 of whom shall be appointed by the minority leader. The senate president shall serve as ex-officio member of the committee and shall vote only if a vote of the other members is tied. The Senate president shall designate 1 appointee as the chair of the committee. The counsel to the Senate shall serve as counsel to the committee. In

conducting its review, the committee shall consult with the Senate office of human resources. The committee shall file a final report of its findings and recommendations with the clerk of the senate not later than May 15, 2018. The clerk shall make the report publicly available on the legislature's website.

The purpose of the Committee was to review, assess, and evaluate the Senate's existing sexual harassment policies and procedures. The primary goal of the Committee was to make recommendations to ensure that people who experience sexual harassment while working or conducting business with the Senate feel comfortable and supported in reporting such conduct, and that the Senate takes appropriate steps to address any such complaint.

Nine members were appointed to serve on the Committee, two of whom were appointed by the Senate Minority Leader:

Senator Joan B. Lovely, Chair
Senator Cynthia Creem
Senator Sonia Chang-Diaz
Senator Cindy Friedman
Senator Anne Gobi
Senator John Keenan
Senator Karen Spilka
Senator Richard Ross
Senator Donald Humason

B. Committee Meetings

During the last four months, the Committee held five formal meetings. Those meetings included, but were not limited to, a review of current anti-harassment policy and investigation procedures related to sexual harassment; complaint processes; issues related to interns, lobbyists, advocates, and visitors; procedures for new hires; witness protections; retaliation; employee trainings; and workplace climate surveys. In conducting this review, the Committee consulted advisors and non-Senate members of the Committee, including the Office of the Senate Counsel; the Senate Office of Human Resources; Connie McGrane¹, General Counsel at the Massachusetts Commission Against Discrimination; and Meg Bond², Ph.D., Professor of Psychology at the University of Massachusetts Lowell.

¹ See "Biography of Constance M. McGrane," which is included as Appendix C to this report.

² See "Biography of Meg A. Bond," which is included as Appendix D to this report.

III. THE SENATE’S EXISTING ANTI-HARASSMENT POLICY, PROCEDURES AND TRAINING

The Senate has had an official anti-harassment policy since at least 1996, the year Massachusetts employment law was updated to explicitly prohibit sexual harassment. The Senate’s policy has been regularly reviewed and updated since its adoption. For example, to reflect changes in state and federal law, the policy was revised in 2013 to prohibit discrimination based on gender identity and again in 2017 to prohibit discrimination based on genetic information. While the policy is designed to reflect the current state of the law, it is broader than the law and “is not designed or intended to limit the Senate’s authority to discipline or take remedial action for workplace conduct that is deemed unacceptable, regardless of whether the conduct satisfies the definition of sexual or other discriminatory harassment.”³

The most recent update of the Senate’s anti-harassment policy was undertaken by the Office of the Senate President, Senate Counsel, Senate HR, and the Senate Committee on Personnel and Administration as part of an update to the Employee Handbook in 2017. Both Senate Counsel and outside counsel reviewed the Senate’s anti-harassment and anti-discrimination policies to confirm they are up to date, reflect best practices, and reflect current law. The outside firm hired to review the policy was Morgan, Brown & Joy, a Boston-based law firm that specializes in employment law and has extensive experience in workplace discrimination, harassment and retaliation issues. The new Employee Handbook⁴ with this updated policy was issued in 2017. The Senate’s anti-harassment policy is comprehensive and includes information on the definition of harassment, how to file a complaint, the investigation process, disciplinary action, and other state and federal remedies available.

Under the Senate’s current policy, employees who feel they have been subjected to discriminatory harassment can make a report to the Director of Senate HR. In practice, such reports are also made to Senate Counsel. Upon receipt of a report of conduct that violates the anti-harassment policy, Senate Counsel and Senate HR conduct an investigation by interviewing the complainant, any potential witnesses, and the accused offender. Members in whose offices the employees work are notified of the investigation. Upon completion of the investigation, Senate Counsel drafts a report with their findings and issues a recommendation for appropriate disciplinary action to the member in whose office the offender works. The member makes the final decision as to whether or not to impose discipline.

In addition to the written policy, the Senate also currently provides training to Senate members and staff once per session. The format of this training was most recently overhauled in 2015, marking a major departure from previous lecture-style trainings. Morgan, Brown & Joy managing partner, Jaclyn Kugell, designed a training for the Senate that employs both interactive exercises and trainee assessments to ensure effective learning. The training is presented in a

³ See “Anti-Harassment Policy of the Massachusetts Senate,” which is included as Appendix A to this report.

⁴ The Senate Employee Handbook is included as Appendix B to this report.

series of smaller groups, with employees divided into teams, to encourage discussion and interaction. Staff managers and members receive separate training modules, meant to reinforce their responsibility to respond appropriately to potential issues of discriminatory harassment and to empower them to act. Attendance is mandatory for both members and staff.

IV. COMMITTEE'S RECOMMENDATIONS

It must be a hallmark of the Massachusetts Senate that no one with business before the Senate, including employees, members, advocates, or visitors, feels afraid to come into the building, or to report incidents of harassment by anyone with ties to this institution. The Committee recommends that the Senate take the following action to improve its existing policy, expand training, and enhance the overall workplace climate of the Senate.

The recommendations fall into the following broad categories:

1. Strengthen the Senate's current anti-harassment policies;
2. Enhance the Senate's anti-harassment trainings;
3. Improve policies and protections for interns;
4. Conduct an independent, anonymous workplace climate survey to inform additional changes in policy;
5. Increase independence and resources for Senate HR department;
6. Formalize and enhance certain Senate procedures; and
7. Improve workplace climate through specific changes.

A. Recommendations for changes to the Senate's anti-harassment policy language

The Senate as an institution must continually strive to create a harassment-free workplace for all who interact with it-including employees, advocates, visitors, and members. The Committee makes the following recommendations for changes to the Senate's current anti-harassment policy:

- Formalize that anyone who, in their position as having business before or interacting with the Senate, feels sexually harassed by a member or staff, has the right to file a complaint against offending members or staff .
- Formalize the current practice of Senate Counsel and Senate HR to treat interns as employees for purposes of the anti-harassment policy. To this end, language should be added to the policy that explicitly states that interns are covered by the existing policy.

- The current policy does not explicitly state that members of the Senate are subject to the policy. The policy should be updated to make clear that members are covered by the policy.
- The current Senate policy explains that retaliation against an individual who has complained or cooperated with an investigation of harassment is unlawful. The Committee recommends that additional language be added to clarify that retaliation against anyone, including bystanders, who comes forward or participates in an investigation is a violation of both the law and the policy and will be subject to disciplinary action. Further, the Committee recommends including a section specific to retaliation in the policy, including that confidentiality of witnesses will be a core principle of any process.
- The policy should explicitly state that supervisors are required to report any knowledge or awareness of an instance of harassment to either Senate HR or Senate Counsel. It should further state that supervisors who fail to make such a report may be subject to disciplinary action.
- The current Senate policy explicitly designates the Director of Senate HR as the contact person for filing a complaint. In addition, the Employee Handbook⁵ instructs employees to report complaints to their supervisor or Senate HR. The language in the policy and the Handbook should be consistent with respect to reporting. In addition, the Senate should consider adding an additional designated contact for reporting instances of harassment, possibly in the Office of the Senate Counsel.
- The current language gives a general overview of the procedure that is followed by Senate Counsel and Senate HR following the filing of a complaint. In order to ensure consistent procedures, the policy should be updated to include a more detailed explanation of the procedure that will be followed when a complaint is filed. This should include the investigation procedures, the procedures for recommending disciplinary action, and any follow-up after a recommendation has been made.
- The investigation procedures should specify that when an allegation of misconduct is made against a member, the Office of Senate Counsel will conduct a preliminary investigation. If, after that investigation, Senate Counsel has reason to believe that the member has violated the Senate Rules or engaged in other misconduct, the matter should be referred to the Committee on Ethics.
- In addition to the disciplinary measures listed in the current policy, the policy should be updated to include sufficient examples to demonstrate the full breadth of possible disciplinary action, including more proportional forms of discipline for minor offenses.

⁵ See Appendix B at 27.

Such discipline may include, but should not be limited to, instruction to stop the offending conduct, a written apology, and additional training. It should also indicate that disciplinary measures will be proportional to the offending conduct.

- Resources available to members and staff should be expressly included in the language of the policy. This should include information about the MCAD's Attorney of the Day program.

B. Recommendations for changes to the Senate's anti-harassment training

It is vital that employees and supervisors have a firm understanding of acceptable and unacceptable conduct in the workplace, and that all have a grasp of the methods for reporting harassment. The Senate's current training practices provide information on the anti-harassment policy in an interactive manner. To complement and enhance the current training, the Committee feels members and staff would benefit from training on additional topics.

- Training for both members and staff should include information on bystander intervention and civility in the workplace. Both topics would help to foster a workplace climate where harassment is unacceptable and promote positive interactions between co-workers.
- Staff who have managerial or supervisory roles should also receive training on team building and fostering a positive workplace in order to improve morale.

Currently, Senate members and staff are trained once per session on the anti-harassment policy. However, members and staff who join the Senate after the training has been conducted will not receive training until the next session. In order to ensure that all members and staff in the building are trained promptly, the Committee recommends:

- Increasing the rate of trainings from once per session to once per year.
- The Senate should develop an online training platform, similar to the state ethics training, that new members and employees can take when they are elected or hired between trainings. In addition, this training could be used for interns who will only be with the Senate for a brief period.
- In addition, the Senate should continue to have at least one person in the Office of the Senate Counsel or the Office of Human Resources who is certified by the MCAD to conduct trainings. Up until recently, the Office of the Senate Counsel had an attorney certified by the MCAD in their office. Having such a person on staff will enable the Senate to offer more in-person trainings throughout the year for new members, staff, or interns.

C. Recommendations regarding interns

In addition to explicitly including Senate interns in the language of the anti-harassment policy, the Senate should adopt a uniform policy on interns in order to ensure a safe, positive environment for them. To this end, the Committee recommends that the following steps be taken with regard to interns:

The Senate should develop a uniform policy on interns, which should, at a minimum:

- Recommend that interns be over the age of 18.
- Require that offices which choose to have interns under the age of 18:
 - Get consent for the internship and internship schedule from a parent, guardian, or sponsoring organization, if applicable;
 - In the event an intern needs to ride in a vehicle with a member or employee due to distance from a member's district or location of meeting or event, obtain consent from a parent or guardian prior to each such instance;
 - Have an adult contact on file who can respond in the event of an emergency;
 - Get consent from a parent or guardian for all events taking place after the close of business or outside the State House, district office, or other internship site.

Senate Rule 10B should be amended to:

- Require Senate offices hosting interns to fill out a 10B form provided by the Senate Office of Education and Civic Engagement for every intern in their office. Completed 10B forms should be kept on file by the Office of Education and Civic Engagement and provided to the Senate Office of Human Resources or the Office of the Senate Counsel upon request.
- Require that all interns be provided with a copy of the Senate's anti-harassment policy and sign a form acknowledging receipt. Forms should be kept on file by the Office of Education and Civic Engagement and provided to the Senate Office of Human Resources or the Office of the Senate Counsel upon request.
- Individuals who intern in a Senate office in the State House should be required to attend an orientation through the Office of Education and Civic Engagement.

The Senate should establish a working group comprised of Senate Counsel, or a designee, the Director of Senate HR, the Director of the Office of Education and Civic Engagement, and at least two intern supervisors, one of whom should be from a minority party member's office. The working group should be charged with:

- Updating the intern handbook;
- Identifying and reporting on best practices for hosting interns; and
- Updating the definition of “intern” that appears in the Senate Rules to include the length of time an internship should last for a person to be considered an “intern” for purposes of Senate Rule 10B. In doing so, the working group should consider:
 - Interns who complete the majority of their internships off-site;
 - The number of cumulative hours that interns work; and
 - The calendar weeks that interns work.

The working group should file a report with the Office of the Senate President and the Committee on Rules not later than six months after the creation of the working group.

D. Workplace climate survey

Climate surveys are emerging across the country as an important tool to determine whether employees feel that harassment exists in the workplace and is tolerated. Climate surveys can help institutions evaluate the extent to which employees encounter harassing behavior, employees' awareness of the avenues available to raise concerns, and the identification of barriers to making a report of harassment. The Committee consulted the University of Massachusetts Lowell Center for Women and Work on best practices for conducting a workplace climate survey. The Director of the Center for Women and Work, Meg Bond, was a member of the U.S. Equal Employment Opportunity Commission's Special Task Force on the Study of Harassment in the Workplace,⁶ and spoke with Committee on best practices for conducting a climate survey.

The Committee strongly recommends that the Senate develop and conduct an independent, anonymous workplace climate survey. To effectively administer the survey, the Committee recommends that the Senate take the following steps:

- Create a standing committee or task the Committee on Personnel and Administration with administering the climate survey. The committee should work with a third party to

⁶ Chai R. Feldblum & Victoria A. Lipnic, Select Task Force on the Study of Harassment in the Workplace (2016) available at https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf.

develop and administer the survey to ensure impartiality and promote confidence in the confidentiality of the results.

- The committee should receive the results of the survey in a manner that keeps the identity of the respondents confidential.
- The committee should work with the third party to evaluate the results of the survey and formulate recommendations for additional changes to the Senate's anti-harassment policy and procedures to address any concerns raised in the survey.
- Follow-up surveys should be administered on a biennial basis in order to evaluate the effects of changes to the policy and procedures. Depending on the results of the survey, the committee may make additional recommendations for changes.
- The committee should make every effort to capture the experiences of all employees and interns in the Senate.

E. Recommendations regarding the Senate Office of Human Resources

Senate HR plays a unique and important role in the Senate. The Director and other employees in that office provide support to staff, assist in investigating claims of harassment, and perform a multitude of other functions. Given the importance of the role of Director of Senate HR and the centrality of the office's role to the overall workplace climate of the Senate, the Committee recommends that the Office of Senate HR be given greater independence and additional resources to better carry out these vital functions.

- The Director of Senate HR should be appointed by the Senate President and confirmed by the Senate Committee on Personnel and Administration. The Director should only be removed for cause.
- In addition, Senate HR should consider adding an additional employee with specialized training on conducting investigations into allegations of harassment and assisting managers and staff on addressing challenging situations in the workplace.
- Finally, Senate HR should be given the authority to independently carry out certain disciplinary measures when an employee is found to have violated the anti-harassment policy. These disciplinary measures should include but not be limited to an instruction to cease the offending behavior, a written apology, a written warning, additional training, and implementation of performance improvement plans. Members in whose office the offender works would be notified of the issue and the measures to be implemented. Under the current procedure, the member in whose office the offender works would be

required to sign-off on any discipline. By allowing Senate HR to effectuate certain disciplinary measures without prior approval, we can ensure a more uniform and consistent response to harassment.

F. Recommendations regarding Senate procedures

In addition to the changes to specific reporting and investigatory procedures, the Committee makes the following recommendations in relation to the general procedures of the Senate:

- The Senate Rules should be amended to explicitly state that a violation of the Senate's anti-harassment policy by a member is considered misconduct, and shall be treated as such.
- The Senate should formalize its current practice of prohibiting the use of non-disclosure agreements.
- The Senate should formalize its current practice that findings by a court of law or administrative agency, including MCAD, against a member for conduct violating this policy will be referred to the Committee on Ethics.

G. Workplace climate improvement recommendations

The Committee understands that creating and maintaining a healthy work environment is an ongoing process. As such, the Committee recommends that the Senate take the following steps in order to foster a more civil and supportive workplace:

- The Senate President's Office should issue a statement of values at the beginning of each session regarding how members, staff, those doing business with the Senate, and visitors are to be treated.
- The Senate should work with the Secretary of the Commonwealth's Office to ensure that all lobbyists who register as such are made aware of the Senate's anti-harassment policy and who to contact in the event of an incident with a Senate member or staff.
- In order to improve the public's knowledge and safety, the Committee recommends putting notices in public areas regarding who to contact in the event of an incident of harassment.

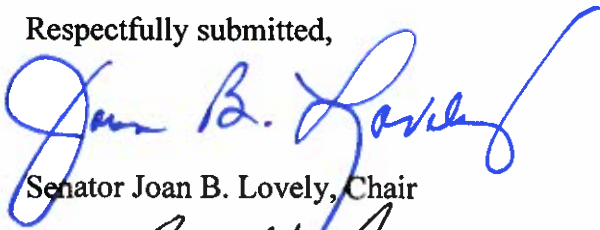
V. NEXT STEPS

The Committee recommends that the Senate take the following steps to implement these recommendations:

- Convene a working group to update the anti-harassment policy and Employee Handbook. This working group should, at a minimum, include the Office of the Senate President, the Office of the Senate Counsel, the Office of Senate HR, and the Senate Committee on Personnel and Administration.
- Convene the working group on interns as outlined above.
- The Office of the Senate President should work with Senate Committee on Rules, and any other individual or entity to implement the other recommendations contained in this report.

The Committee recommends that the Senate adopt the recommendations as submitted above.

Respectfully submitted,



Senator Joan B. Lovely, Chair



Senator Cynthia Stone Creem

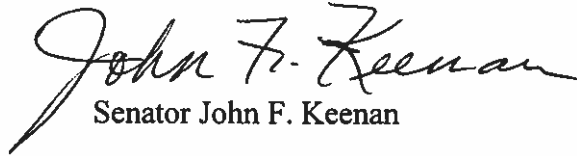


Senator Sonia Chang-Diaz

Senator Cindy F. Friedman



Senator Anne M. Gobi



Senator John F. Keenan



Senator Karen E. Spilka



Senator Donald F. Humason, Jr.



Senator Richard J. Ross

APPENDIX A

Anti-Harassment Policy Of The Massachusetts Senate

I. Introduction

It is the goal of the Massachusetts Senate to promote a workplace that is free of sexual and other forms of discriminatory harassment. Each employee has a responsibility to ensure that harassment based on an individual's gender, race, color, national origin, ancestry, religion, disability, age, gender identity, sexual orientation, genetic information, active military status, status as a veteran and any other characteristic protected by federal, state or local law, does not occur in the workplace. Discriminatory harassment of employees in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about discriminatory harassment or retaliation against individuals for cooperating with an investigation of a discriminatory harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from discriminatory harassment, the conduct that is described in this policy will not be tolerated and the Senate has provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Massachusetts Senate takes allegations of discriminatory harassment seriously, there will be a prompt response to complaints of such harassment and where it is determined that such inappropriate conduct has occurred, the Senate will act quickly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth the Senate's goals of promoting a workplace that is free of discriminatory harassment, the policy is not designed or intended to limit the Senate's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual or other discriminatory harassment.

II. Definition of Harassment

Discriminatory harassment includes behavior that is not welcomed by an individual and is considered by the individual, and would be by any reasonable individual, to be humiliating, demeaning or offensive, when such conduct has the purpose or effect of unreasonably interfering with a member's work performance or creating an intimidating, hostile or offensive working environment based on an individual's gender, race, color, national origin, ancestry, religion, disability, age, gender identity, sexual orientation, genetic information, active military status, status as a veteran or any other characteristic protected by federal, state or local law. Discriminatory harassment can be physical or verbal behavior and can include stereotypical statements, derogatory statements about protected characteristics, abusive and discriminatory remarks that are offensive or objectionable to the recipient and/or cause the recipient humiliation, and interfere with the recipient's job performance.

III. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is as follows: "sexual harassment" means unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:

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

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

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

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

- unwelcome sexual advances, whether or not that involves physical touching;
- sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies or prowess;
- displaying sexually suggestive objects, pictures or cartoons;
- viewing, transmitting or printing electronic or computer material of a sexual or sexist nature, including, but not limited, to e-mails, graphics and material from the internet;
- unwelcomed leering, whistling, brushing against the body, sexual gestures and suggestive or insulting comments;
- inquiries into one's sexual experiences; and
- discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Massachusetts Senate.

IV. Complaints of Harassment

If Senate employees believe they have been subjected to sexual or other discriminatory harassment, those employees have the right to file a complaint with the Massachusetts Senate. This may be done verbally or in writing.

If an employee would like to file a complaint, that person may do so by contacting Cathy Flewelling, Director of the Senate Office of Human Resources, in room 16 or at extension 1212. Cathy is also available to discuss any concerns an employee may have and to provide information to employees about the Senate's policy on discriminatory harassment and the complaint process.

V. Investigation

When a complaint is received, the Senate will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Senate's investigation will ordinarily include a private interview with the person filing the complaint and with witnesses. The Senate will also ordinarily interview the person alleged to have engaged in the discriminatory harassment. When the investigation is completed, the Senate will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation. Employees are required to cooperate with investigations under this section.

If it is determined that inappropriate conduct has occurred, the Senate will act promptly to eliminate the offending conduct, and where it is appropriate, will also impose disciplinary action.

VI. Disciplinary Action

If it is determined that inappropriate conduct has been committed by an employee, the Senate will take such action as is appropriate under the circumstances. That action may range from counseling to termination from employment and may include such other forms of disciplinary action as is deemed appropriate under the circumstances.

VII. State and Federal Remedies

If Senate employees believe they have been subjected to discriminatory harassment, those employees may also file a formal complaint with either or both of the government agencies set forth below. Using the Senate complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies has a 300-day period for filing a claim.

1. The United States Equal Employment Opportunity Commission ("EEOC")
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(617) 565-3200
2. The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:

One Ashburton Place, Rm. 601
Boston, MA 02108
(617) 994-6000

Springfield Office:

436 Dwight Street, Rm. 220
Springfield, MA 01103
(413) 739-2145

Worcester Office:

484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630

APPENDIX B



OFFICE OF THE PRESIDENT
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

Stanley C. Rosenberg
President

Room 332
Tel. 617-722-1500

Dear Employee:

Thank you for your dedication to serving the residents of the Commonwealth of Massachusetts. The Senate provides this handbook of guidelines to be followed by each employee of the Senate to foster a fair and professional work environment.

Each one of the men and women who serve the members of this body plays an important role. We have a common objective to provide the best possible representation and service to the people of the Commonwealth.

My warmest thanks to you as you carry out your important work for the Massachusetts Senate.

Sincerely,

A handwritten signature in cursive script that reads "Stan Rosenberg".

STAN ROSENBERG

Acknowledgements

The Senate President would like to acknowledge and thank the Senate Committee on Rules for the time and effort that has gone into drafting this handbook.

Senate Committee on Rules

Senator Mark C. Montigny, Chair
Senator Eileen M. Donoghue, Vice-Chair
Senator Harriette L. Chandler
Senator Karen E. Spilka
Senator Viriato M. deMacedo

IMPORTANT DISCLAIMER ABOUT THE MASSACHUSETTS SENATE EMPLOYEE HANDBOOK

This handbook contains guidelines approved by the Senate Committee on Rules. No provision in this handbook constitutes a contractual provision and no promises are expressed or implied by this document. Any provision of this handbook may be changed unilaterally and without notice at any time.

All employment with the Senate is at-will, meaning simply that both the employee and employer are free to terminate the employment relationship at any time, with or without notice and with or without cause. This handbook does not alter the at-will employment status. No supervisor, manager or Senator has the authority to make any contrary oral or written assurance or agreement.

The handbook provides mere guidance because personnel policies and benefits, by their nature, are constantly under review as they are affected by changes in applicable law, regulations, economic conditions and the way in which the Massachusetts Senate operates. The Massachusetts Senate, therefore, reserves the right: to change, revoke or add policies or procedures described within the handbook without notice, when it deems the changes to be in the best interest of the Senate and its personnel; to decide whether and to what extent a policy or procedure applies to any particular situation; and to interpret the policies in the handbook.

If an employee has any questions about information contained in this handbook or any other current personnel policies, please contact the Senate Office of Human Resources in room 16 or at (617) 722-1212.

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Statement of Non-Discrimination

The Massachusetts Senate is an equal opportunity employer. We comply with all state and federal laws and do not unlawfully discriminate on the basis of a person's race, color, religious creed, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, military service, marital status or disability, or any other basis prohibited by law.

An employee should make any requests for reasonable accommodations under this policy to a supervisor, the Director of the Senate Office of Human Resources or the State House ADA Coordinator. The Senate Office of Human Resources may be reached at extension 1212. The State House ADA Coordinator, Carl Richardson, may be contacted in person in room 1 or by phone at (617) 727-1100 extension 35502. Please note that the coordinator cannot be reached by dialing only the extension from a Senate phone.

DEFINITIONS

“Eligible employee” or “eligible Senate employee”: any full-time Senate employee who is regularly scheduled to work 37.5 hours per week and any part-time Senate employee who is regularly scheduled to work at least 18.75 hours per week. Unless otherwise indicated, a post-retirement employee is not an “eligible employee”.

“Post-retirement employee”: any person who has retired and is receiving a pension, disability pension or retirement allowance from the Commonwealth, or from any county, city, town or district, and is employed in the service of the Commonwealth for up to 960 hours in the aggregate in a calendar year.

“Supervisor”: the Senator in whose office the employee works, the chief of staff in that office and any other employees who regularly exercise managerial responsibilities, such as assigning tasks or supervising the work performance of other employees.

SECURITY

Each eligible employee shall be provided an identification card. Post-retirement employees will not receive an identification card. Details are available at the Senate Office of Human Resources.

The employee should keep this identification card at all times. Please immediately report any lost or stolen identification cards to the Senate Office of Human Resources. Upon leaving employment with the Senate, the identification card and any keys issued by the Senate shall be returned to the Senate Office of Human Resources.

The Senate Office of Administration and Finance will provide each office with information about emergency procedures, including emergency evacuation protocols and contact information in the case of an emergency or suspicious activity. Please become familiar with the emergency procedures packet and contact the Senate Office of Administration and Finance at extension 1511 or the Senate Office of Human Resources with questions.

HOURS OF WORK

The Senate operates on a 37.5 hour work week schedule and a normal workday is 7.5 hours, with the business day beginning at 9:00 a.m. and ending at 5:00 p.m., unless the employee is approved for a flexible work schedule or an alternative work schedule.

An employee may take a 30 minute lunch break each day. The employee’s lunch break is not compensated and is not included in any calculation of leave time.

ALTERNATIVE WORK SCHEDULES

Some employees may be eligible for or may be required to work flexible or other alternative work schedules, depending on the staffing needs of the relevant office. Such schedules may include part-time hours, job sharing, staggered work hours or a 4-day work week. Senators and supervisors are responsible for employees assigned to their offices and must approve alternative work schedules. Senators and supervisors should provide the Senate Office of Human Resources with a copy of the approved alternative work schedule for record-keeping purposes. Consult a supervisor or the Senate Office of Human Resources for more information.

REQUESTS FOR AND NOTIFICATION OF ABSENCE OR LEAVE

If an employee needs to be absent, late or leave work early for purposes that are permissible under Senate policies, the employee shall give advance notice to a supervisor, except in an emergency. Requests and notice should be given in a manner that the employee customarily uses to communicate with the supervisor for absences or requesting leave.

Except as stated under the policies for FMLA leave, parental leave and non-FMLA family leave, if the absence is foreseeable, the employee shall provide at least 7 days' advance notice. If advance notice is unreasonable due to an accident, emergency or sudden illness, notice shall be given as soon as practicable.

An employee who is absent without authorization is subject to discipline, up to and including termination. Employees may also be terminated for excessive unexcused absenteeism.

TIME REPORTING

Employees must report to their supervisor missed work time and must indicate whether they plan to use compensatory, vacation, personal or sick leave, as appropriate, for that missed work time. Each supervisor shall submit a bi-annual report to the Senate Office of Human Resources summarizing the use of leave time for each employee in that office. The report shall indicate the date of leave, the amount and type of leave time taken and the remaining vacation, personal and sick leave each employee in the office has remaining. The report should be submitted by March 1 and September 1 of every calendar year and shall be in a form acceptable to the Senate Office of Human Resources.

VACATION LEAVE

All eligible Senate employees shall be entitled to accrue and use vacation leave. The Senate will grant vacation leave to all eligible employees in a single lump sum as of the first Wednesday in January based on the number of years of state service the employee will reach during that calendar year. (e.g., if an employee reaches 4.5, 9.5 or 19.5 years

of creditable service in July, the higher lump sum/accrual rate will begin the preceding January.) Senate employees accrue vacation leave as follows:

<u>Length of Creditable State Service</u>	<u>Monthly</u>	<u>Annual Lump Sum</u>
1 year, but less than 4.5 years	0.83 day	10 days
4.5 years, but less than 9.5 years	1 1/4 days	15 days
9.5 years, but less than 19.5 years	1 2/3 days	20 days
19.5 years or more	2 1/12 days	25 days

An eligible full-time employee who has completed less than 1 year of state service is entitled to 1 day of vacation leave per month for each completed month, not to exceed 10 days. An eligible part-time Senate employee will accrue vacation days at a reduced rate in proportion to the percentage of a full-time schedule that the part-time employee works. Post-retirement employees will not accrue vacation time.

Employees are strongly encouraged to use their vacation leave and to use it in a timely way. Therefore, they may not accrue more than the equivalent of 2 years of vacation leave. For example, an employee with 10 years of service may not accrue more than 40 days of vacation leave in total. If that employee were to accrue more than 40 days of vacation leave, that employee would lose any vacation leave in excess of 40 days at the end of the calendar year.

Vacation leave requests are subject to the approval of the employee's supervisor and such approval will be based on the staffing needs of the office.

For information on the continuation of benefits during a leave, please see Employee Benefits During a Leave on page 19.

Unused Vacation Leave Upon Termination

Upon termination of employment, an employee will receive compensation for accumulated, unused vacation leave in an amount of up to 2 years' accrual, as detailed below. The maximum amount an employee will receive shall be based on the employee's years of state service less vacation time used. Although eligible employees will receive vacation leave in a lump sum in January, if an employee retires or terminates employment with the Senate before the end of the year, the vacation leave available to be paid out upon termination will be prorated based on the above accrual schedule to reflect the early departure. For example, if an employee gets 10 days of leave in January 2016 and terminates employment with the Senate in June 2016, then that employee will have accrued only 5 days for the year and may not receive compensation for more than those 5 days for that calendar year upon termination or retirement. The maximum amount of leave an employee can be compensated for upon termination are as follows:

<u>Length of Creditable State Service</u>	<u>Maximum Amount to be Paid</u>
Less than 4.5 years	20 days
4.5 years, but less than 9.5 years	30 days
9.5 years, but less than 19.5 years	40 days
19.5 years or more	50 days

To receive compensation for unused vacation leave, an employee must submit to the Senate Office of Human Resources a reliable record, approved by the employee's supervisor, showing the employee's amount of accumulated unused vacation leave. This record should be consistent with the bi-annual report that supervisors submit to the Senate Office of Human Resources.

PERSONAL LEAVE

Eligible full-time employees will receive 3 days of personal leave each year. Eligible part-time employees will receive personal leave days proportionate to the percentage of a full-time schedule that the part-time employee works. For example, an employee who works 18.75 hours per week will receive 1.5 days of personal leave in a lump sum on the first Wednesday in January. Post-retirement employees will not accrue personal leave.

The Senate will grant personal leave days to all eligible employees in a single lump sum on the first Wednesday in January. Eligible employees who begin working for the Senate after the first Wednesday in January, will be granted a prorated lump sum based on the percentage of a full-time schedule that the employee is scheduled to work for that year. Personal leave days do not accumulate from year to year and expire on the first Wednesday of January of the following year.

For information on the continuation of benefits during a leave, please see Employee Benefits During a Leave on page 19.

EARNED SICK LEAVE

Accrual of Sick Leave

All Senate employees shall be eligible to accrue and use paid sick leave. The Senate will grant paid sick leave to all employees in a single lump sum on January 1st based on the average number of hours the employee is expected to work in that calendar year. A full-time Senate employee is entitled to 15 paid sick days each year, which is calculated at an accrual rate of 0.058 hours of sick leave per hour worked. Part-time and post-retirement Senate employees will be provided paid sick leave at the same rate as a full-time

employee based on the average number of hours that employee is expected to work for the calendar year. Unused sick leave will be credited to the employee from year to year.

Use of Sick Leave

Sick leave is provided to allow Senate employees to:

1. care for the employee's own physical or mental illness, injury or other medical condition that requires home, preventative or professional care;
2. care for a child, parent, spouse or parent of a spouse who is suffering from a physical or mental illness, injury or other medical condition that requires home, preventative or professional care;
3. attend routine medical and dental appointments for the employee or the employee's child, parent, spouse or parent of a spouse;
4. address the psychological, physical or legal effects of domestic violence; or
5. travel to and from an appointment, a pharmacy or other location related to the purpose for which the leave was taken.

Use of sick leave for other purposes is not allowed and may result in an employee being disciplined.

Earned sick leave may be used for full or partial day absences. The smallest amount of sick leave that an employee may take is 1 hour.

For information on the continuation of benefits during a leave, please see Employee Benefits During a Leave on page 19.

Documentation of Use of Sick Leave

The Senate may request an employee submit a doctor's note or other documentation to support the use of sick leave if the absence:

1. exceeds 24 consecutively scheduled work hours or 3 consecutive days on which the employee is scheduled to work;
2. occurs within 2 weeks prior to an employee's final scheduled day of work (except in the case of temporary employees); or
3. occurs after 4 unforeseeable and undocumented absences within a 3 month period.

When requested, documentation shall be submitted within 7 days of the absence. Additional time may be allowed for good cause shown. If the employee fails to comply with the documentation requirements, the Senate may recoup the sick leave paid from future wages.

The Senate may require an employee to personally verify in writing that the employee has used sick leave for an allowable purpose, but the employee shall not be required to explain the nature of the illness or the details of any domestic violence. A doctor's note or other documentation will not be required.

Payout or Transfer of Sick Leave

Employees who retire directly from active employment and who have accumulated unused sick leave shall be paid an amount equal to 20% of the value of that leave as set in section 31A of chapter 29 of the General Laws. If an employee retires from employment before the end of the year, the paid sick leave given to the employee in a lump sum at the beginning of the year will be prorated to determine the amount of sick leave available, if any, to be paid out to the employee.

If an employee is terminating employment with the Senate to work for another state agency, the Senate will work with the agency to appropriately transfer the employee's sick leave.

Interaction with Other Types of Leave

If any leave covered under this policy is also covered under the Senate's FMLA, parental leave, small necessities leave or other leave of absence policies, sick leave shall run concurrently with that leave. Employees may choose and the Senate may require employees to use earned sick leave to receive pay for absences under other leave policies if those absences would otherwise be unpaid.

DOMESTIC VIOLENCE LEAVE

The Senate provides 15 days of unpaid leave per calendar year to any employee to seek relief that is directly related to domestic violence, such as medical attention, counseling or victim services, or to obtain legal assistance or attend court proceedings. To be eligible, the employee must be a paid employee who is a victim of domestic violence, sexual assault, stalking or kidnapping or who has a family member who is a victim.

To be eligible for domestic violence leave, the employee must have exhausted all sick and vacation leave. Advance notice of the need for this leave must be submitted to the Senate Office of Human Resources unless the leave is necessitated by an imminent threat to health or safety of the employee or the employee's family member. In the case of an unscheduled leave, an employee or employee's representative must notify the Senate Office of Human Resources within 3 work days that the leave was taken or is being taken pursuant to the law. The Senate will not take negative action against the employee for an unscheduled absence if within 30 days from the unauthorized absence, the employee provides sufficient documentation evidencing the need for the leave.

An employee who takes domestic violence leave is entitled to restoration of that employee's original position or an equivalent position upon returning from leave. Taking domestic violence leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave is taken.

Any employee seeking domestic violence leave must also provide documentation showing that the employee or the employee's family member was the victim of domestic violence.

All information related to the employee's domestic violence leave shall be kept confidential by the Senate and shall not be disclosed, except to the extent that disclosure is:

1. requested or consented to, in writing, by the employee;
2. ordered to be released by a court of competent jurisdiction;
3. otherwise required by applicable federal or state law;
4. required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or
5. necessary to protect the safety of the employee or others employed at the workplace.

The Senate will not coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided in this domestic violence leave policy or make leave requested or taken under this policy contingent upon whether or not the victim maintains contact with the alleged abuser. The Senate will not terminate or discriminate against an employee for domestic violence leave.

Interaction with Other Types of Leave

If any leave covered under this policy is also covered under the Senate's FMLA, sick leave, small necessities leave or other leave of absence policies, domestic violence leave shall run concurrently with that leave.

Please contact the Senate Office of Human Resources for more information.

SENATE EXTENDED ILLNESS LEAVE BANK

Purpose

The Senate's Extended Illness Leave Bank (EILB) is a voluntary program that exists to help employees of the Senate who experience extended illnesses or injuries to continue receiving pay when that employee's paid leave time is exhausted. The program is subject to eligibility criteria and other limitations as described in this policy.

Scope of the Program

This program applies to all Senate employees, except post-retirement employees, who meet the eligibility standards in this policy.

Authority

The program is administered by the Senate Office of Human Resources and the Senate President's office. The Senate President's office is authorized to amend this policy and decide all matters pertaining to the EILB.

Membership Eligibility

In order to be a member of the EILB, an eligible employee shall:

1. have been employed on a full-time or part-time basis in the Senate for at least 52 consecutive weeks as of the effective date of the enrollment period;
2. have an acceptable attendance record as certified by the employee's supervisor as of the date of the application to enroll;
3. donate not less than 1 day of paid leave – sick, personal or vacation leave only, not compensatory time – in order to join or renew the employee's membership and shall make such a donation at least once each calendar year to maintain membership in the EILB for that calendar year; and
4. have received the approval of the employee's supervisor.

Intermittent, seasonal and contract employees, including post-retirement employees, are not eligible to enroll. Upon termination, employees are no longer eligible for enrollment in the EILB; provided, however, that upon rehire within a 3-year period from the date of separation, the employee may have previous service counted toward eligibility for membership in the EILB.

Enrollment

There shall be at least 2 open enrollment periods annually, each lasting 1 week, beginning on the first Monday in January and the first Monday in July. The Senate Office of Human Resources is responsible for communicating information about an enrollment period to the supervisors in each office. The supervisors shall communicate, in writing, about the open enrollment to all employees and receive written confirmation from new employees stating that the new employee is aware of the availability of the EILB program.

Enrollment applications will not be accepted outside of an enrollment period except as approved by the Senate President's office and only when an employee:

1. meets all applicable EILB enrollment requirements as of the last date of the immediately preceding open enrollment period; and
2. provides unequivocal documentation of a qualifying circumstance or event that prohibited the employee from enrolling during the preceding enrollment period.

Exceptions shall only be granted in the most critical circumstances.

Eligibility to Withdraw Time from the Bank

In order to be eligible to withdraw time from the bank, a member shall:

1. submit medical certification demonstrating that the member has an extended illness or injury;
2. have been on paid or unpaid leave due to the extended illness or injury for at least 20 consecutive workdays beginning not earlier than the 21st day following the effective date of enrollment for new EILB members;
3. have exhausted all earned leave, including vacation leave, sick leave, personal leave, compensatory time and discretionary days; and
4. have received, at a minimum, the approval of the member's supervisor and the Senate President's office for the withdrawal request.

The Senate President's office may waive the 20 consecutive workday requirement if a member's disabling condition recurs within 6 months of the member returning to work following a period of EILB withdrawal or if the member has exhausted all leave due to the same extended illness or injury; provided, however, that in such cases, the medical certificate shall provide clear documentation of the recurrence and the direct relationship to the original illness or injury.

In extraordinary circumstances, the Senate President's office may approve EILB withdrawal for an employee who is not enrolled and who has no earned leave time to donate for enrollment; provided, however, that in such cases, the employee must donate the required leave time as soon as it is earned.

No retaliatory or discriminatory action shall be taken against members who use time from the EILB.

Limit of Benefits

Members may not withdraw more than 60 days in a 2-year period. This limit applies even if the employee withdraws time for a separate illness or injury during that 2-year period. The term "days" shall be prorated for part-time employees, as it is for other types of leave. The Senate President's office may approve withdrawal for an employee who returns to work intermittently or on a part-time basis during the period of approved EILB withdrawal as part of a time-limited rehabilitation plan specified in the medical certificate.

For information on the continuation of benefits during a leave, please see Employee Benefits During a Leave on page 19.

Medical Certification

The medical certification required to withdraw time shall be in writing using a form prescribed by the Senate Office of Human Resources. The medical certification shall be

signed by a physician or health care provider registered to practice in the Commonwealth or in the employee's state of residence. Medical information pertaining to a member's withdrawal application, including the certification, is confidential and covered by the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Coordination with Other Benefit Plans

Employees who are eligible for workers' compensation or other disability benefits are not eligible for the EILB. When employees have other short-term disability or long-term disability plans and are also members of the EILB, the employee shall demonstrate that the employee applied for benefits under those other plans before applying to withdraw from the EILB. The EILB is the payer of last resort; that is, an employee may receive time from the EILB during the waiting periods for those other plans, but shall not use additional EILB time until the employee receives a denial from other possible payers and receives an approval of the EILB withdrawal application.

Revocation of Membership or Time Borrowed

If at any time, a member is found to have violated the requirements for membership or misused or misrepresented information to obtain a withdrawal, the Senate President's office may revoke the employee's membership and require the employee to compensate the Senate for the time used.

Other Matters that Require the Review or Determination of the Senate President's Office or the Senate Office of Human Resources

Policy and procedural questions that are not expressly addressed by this policy shall be referred to the Senate Office of Human Resources and the Senate President's office for review and determination.

FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) of 1993 provides that certain employees are entitled to up to 12 weeks of job-protected, unpaid leave during a 12-month period for the following reasons:

1. the birth of a child and to care for a newborn child;
2. for the placement of a child for adoption or foster care and to care for the newly placed child;
3. to care for an immediate family member (spouse, child or parent – but not a parent "in-law") with a serious health condition;
4. for the employee's own serious health condition;
5. any qualifying exigency arising out of the fact that a spouse, child or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or

6. to care for a covered service member with a serious injury or illness incurred in the line of duty on active duty if the employee is the spouse, child, parent or next of kin of the service member.

In order to be eligible for FMLA leave, an employee must have worked for the Senate for 12 consecutive months and must have worked at least 1250 hours in the preceding 12 months. Employees who have not worked for the Senate for 12 consecutive months and at least 1250 hours but who have a FMLA qualifying cause for leave may be eligible for leave under non-FMLA family leave. Please see non-FMLA family leave on page 15.

Entitlement to leave is measured on a rolling basis, calculated back from the date of a leave request. If, for example, an employee requests leave on December 1, 2016, the Senate will calculate the maximum available number of days of leave by determining how many days of leave have been taken since December 1, 2015.

For information on the continuation of benefits during a leave, please see Employee Benefits During a Leave on page 19.

Eligible Employees Who Are Married

When an employee is eligible for leave and has a spouse who is also employed by the Senate and eligible for leave, the total amount of time those employees may be granted jointly is not more than 12 weeks of FMLA leave, if such leave is granted for: the birth and care of a child; the care and placement of a child for adoption for foster care; or to care for an employee's parent who has a serious health condition. Both employees must conclude their leave for the birth, adoption or foster placement of a child within 12 months following the birth, adoption or foster placement of the child. If the leave is requested because of the illness of a child or of the other spouse, each eligible spouse is entitled to 12 weeks of leave under the FMLA.

If an eligible employee and the employee's eligible spouse jointly use a portion of the total FMLA leave, each spouse would be entitled to any unused leave that such spouse has been granted individually for another qualifying reason, such as caring for a spouse or child with a serious health condition or because of a serious health condition that makes the employee unable to perform the functions of employment.

Notice Requirements for FMLA leave

An employee seeking to use FMLA leave shall give 30 days' advance notice of the need to take FMLA leave when the need is foreseeable and shall submit to a supervisor or the Senate Office of Human Resources a written notice of the employee's intent to take FMLA leave and the dates and expected duration of the leave. If the need to take FMLA leave is not foreseeable, the employee shall give notice as soon as practicable. The employee shall give the Senate sufficient information to understand that the employee needs leave for an FMLA-qualifying reason.

Certification of the Need for FMLA Leave

The Senate may request medical certification signed by a health care provider verifying that the employee or a covered family member suffers from a serious health condition and needs a period of time off, intermittent leave or a reduced work schedule, including information regarding the expected duration and frequency of such leave. An employee has at least 15 calendar days to obtain the medical certification.

The Senate may, at its own expense, require an employee to obtain a second medical certification from a health care provider. The Senate may choose the health care provider for the second opinion. If the opinions of the employee's and Senate's health care providers differ, the Senate may require the employee to obtain certification from a third health care provider, again at the Senate's expense. The third opinion shall be final and binding. The third health care provider must be approved jointly by the Senate and the employee.

This requirement does not apply to a birth, adoption or placement of a foster child, although the employee may be required to provide proof of the birth, adoption or foster placement.

Intermittent FMLA Leave and Modified Work Schedules

An employee may take FMLA leave on an intermittent basis or work a reduced schedule in certain circumstances. An intermittent leave or reduced schedule may be taken: when medically necessary to care for a seriously ill spouse, child or parent; because of the employee's serious health condition; or, only with the Senate's approval, to care for a newborn or newly placed adopted or foster child.

Only the amount of leave actually taken while on an intermittent leave or reduced schedule may be charged as FMLA leave. The Senate requires that FMLA leave be taken in not less than 1 hour increments. If an employee needs intermittent or reduced work schedule leave for foreseeable medical treatment, the employee must work with the Senate to schedule the leave so as not to unduly disrupt the Senate office's operations, subject to the approval of the employee's health care provider. The employer may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodates the recurring periods of leave better than the employer's regular job.

Interaction with Other Types of Leave

If any time off covered under this policy is also covered under the Senate's earned sick time, parental leave, small necessities leave or other leave of absence policies, FMLA leave shall run concurrently with that leave. The Senate may require an employee to use available paid leave, including sick, personal or vacation leave, to cover some or all of the FMLA leave taken.

Payment for Holiday during FMLA Leave

If an employee returns to work for a period of less than 2 weeks between periods of unpaid FMLA leave and if a holiday occurs during that return to work, no holiday pay or compensatory time shall be granted for that holiday.

Re-employment Rights under FMLA Leave

At the expiration of job-protected FMLA leave, the employee shall be returned to the same or equivalent position with the same status, pay and length of service credit the employee had at the beginning of the leave. If during the period of the leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the department.

PARENTAL LEAVE

An eligible employee may take up to 20 weeks of parental leave for the birth, adoption or foster placement of a child. Parental leave must conclude within 12 months of the birth, adoption or foster placement of the child. An employee on an approved parental leave shall receive 40 days paid leave at any time during the parental leave. The requested leave must be charged in increments of 7.5 hours (1 day) and conclude within 12 months of the birth, adoption or foster placement of a child. Intermittent use of parental leave, including a reduced work schedule, that is paid or unpaid, is subject to the approval of the employee's supervisor. Employees needing intermittent parental leave must work with their supervisor to schedule the leave so as not to unduly disrupt the office's operations, subject to the approval of the employee's health care provider. The employer may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodates the recurring periods of leave better than the employer's regular job.

For information on the continuation of benefits during a leave, please see Employee Benefits During a Leave on page 19.

Eligibility

To be eligible for parental leave under this policy, an employee must have worked for the Senate for 3 consecutive months prior to commencement of the leave and must be regularly scheduled to work at least 18.75 hours per week.

Eligible Employees who are Married

When an employee is eligible for parental leave and has a spouse who is also employed by the Senate and eligible for parental leave, each employee may be granted 20 weeks of approved parental leave and 40 days of paid leave at any time during the parental leave.

Both employees' leaves must conclude within 12 months following the birth, adoption, or foster placement of a child.

Notice Requirements

An employee shall submit to their supervisor a written notice of the employee's intent to take parental leave at least 30 days before the parental leave is to begin. The notice shall include a statement that the employee intends to return to their current position at the end of the parental leave and the expected dates and duration of the leave. If 30 days' notice is not practicable, notice must be given as soon as practicable.

Employees who wish to take parental leave should schedule a time to meet with the Senate Office of Human Resources and fill out a Leave Request Form and submit that form to the Senate Office Human Resources when the employee knows the approximate date the leave will begin.

Employees should notify the Senate Office of Human Resources as soon as reasonably practicable of the child's arrival. If the child is to be added to the employee's health insurance, employees should also provide proof of birth or adoption. The employee must complete the GIC Enrollment/Change Form (Form-1) and the GIC Dental/Vision Enrollment/Change Form (Form-1DV) for the GIC.

Interaction with Other Types of Leave

In addition to the 40 days of paid parental leave, employees on an approved parental leave may use accrued leave time to cover some or all of the parental leave period. Employees may use vacation, sick, compensatory and personal time.

If any time off covered under this policy is also covered under the Senate's FMLA, earned sick time, small necessities leave or other leave of absence policies, parental leave shall run concurrently with that leave.

Reinstatement Rights

Employees on an approved parental leave are entitled to be returned to the same or similar position with the same status, pay and length of service credit the employee had when the approved parental leave commenced. Exceptions to this provision may apply if circumstances have changed. If during the period of approved parental leave, employees in an equivalent position are laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the Senate.

NON-FMLA FAMILY LEAVE

The Senate Office of Human Resources may grant to an eligible full or part-time employee who has been employed by the Senate for at least 3 consecutive months, an unpaid leave of absence of up to 10 weeks in order to care for, or to make arrangements for the care of, a grandparent, a grandchild, a sister or brother living in the same household or a natural, adoptive or foster child, stepchild or child under legal guardianship of the employee. The Senate may also grant leave for a reason qualifying under the FMLA to an employee who has not met the FMLA eligibility threshold but who has worked for the Senate for 3 consecutive months and has worked at least 312 hours in the preceding 3 months.

For information on the continuation of benefits during a leave, please see Employee Benefits During a Leave on page 19.

Notice Requirement for Non-FMLA Family Leave

An employee shall give at least 2 weeks' notice of the anticipated date of departure and notice of the employee's intention to return to work at the time of making the request for non-FMLA family leave.

Intermittent Non-FMLA Family Leave

Ten days of non-FMLA family leave may be taken in not less than 1 day increments, with prior approval of the employee's supervisor.

Use of Paid Leave to Offset Unpaid Non-FMLA Family Leave

The Senate may require an employee to use available paid leave, including sick, personal or vacation leave, to cover some or all of the non-FMLA family leave taken.

Payment for Holiday during Non-FMLA Family Leave

If an employee returns to work for a period of less than 2 weeks between periods of unpaid non-FMLA family leave, and if a holiday occurs during that return to work, no holiday pay or compensatory time shall be granted for that holiday.

SMALL NECESSITIES LEAVE

The Small Necessities Leave Act, under section 52D of chapter 149 of the General Laws, provides that eligible employees shall be entitled to a total of 24 hours of unpaid leave during any 12 month period for the following purposes:

1. to participate in school activities directly related to the educational advancement of a child of the employee, such as parent-teacher conferences or interviewing for a new school;

2. to accompany a child of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
3. to 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.

This leave is separate from leave available under the Family Medical Leave Act of 1993.

Use of Paid Leave to Offset Unpaid Small Necessities Leave

The Senate may require an employee to use available paid leave, including sick, personal or vacation leave, to cover some or all of the small necessities leave taken.

Notice Requirements for Small Necessities Leave

An employee shall submit to the Senate Office of Human Resources a written notice of the employee's intent to take small necessities leave and the date and expected duration of the leave at least 7 days in advance, if the need for leave is foreseeable. If 7 days' notice is not possible, the employee shall give notice as soon as practicable.

Interaction with Other Types of Leave

If any time off covered under this policy is also covered under the sick leave policy or other leave of absence policies, small necessities leave shall run concurrently with that leave.

MILITARY LEAVE

Paid Military Leave

Members of the armed forces of the Commonwealth and members of a reserve component of the armed forces of the United States are entitled to receive regular pay while performing certain military duties.

These employees are entitled to receive regular pay, not exceeding 34 days in any state fiscal year and not exceeding 17 days in any federal fiscal year, while on an annual tour of duty or while serving the Commonwealth under sections 38, 40, 41 or 60 of chapter 33 of the General Laws. Employees shall present a signed, official military order to the Senate Office of Human Resources.

Under section 59 of chapter 33 of the General Laws, such employees shall also be entitled to the same leaves of absence and vacation with pay given to other employees.

For information on the continuation of benefits during a leave, please see Employee Benefits During a Leave on page 19.

Call to Active Duty from U.S. Armed Forces Reserves

Employees who are granted a military leave of absence because the employee is a member of the army national guard, the air national guard or a reserve component of the armed forces of the United States called to active service in the armed forces of the United States shall not lose any seniority or any accrued vacation leave, sick leave, personal leave or compensatory time. These employees may also be eligible to receive a portion of their salary as provided by chapter 137 of the acts of 2003, as most recently amended.

These employees are also entitled to all rights and benefits derived from chapter 708 of the acts of 1941, as most recently amended, chapter 805 of the acts of 1950, as most recently amended, and 38 U.S.C. 43, §§ 4302 to 4335, inclusive, as most recently amended.

Unpaid Military Leave

An employee who tenders resignation or otherwise terminates service for the purpose of serving in the military or naval forces of the United States and who does so serve or is rejected for such service, shall be considered to be on unpaid military leave, except as otherwise provided by chapter 708 of the acts of 1941, as most recently amended, or 38 U.S.C. 43, § 4311, as most recently amended.

No such employee shall be considered to have resigned from employment with the Commonwealth or to have terminated such service, until the expiration of 2 years from the termination of that employee's military or naval service.

Part-Time Employees

Regular part-time employees shall be entitled to all of the above military leave benefits.

OTHER PAID LEAVES

Paid leave shall also be available to eligible employees for the following reasons:

1. blood donations;
2. jury duty;
3. death in the immediate family, including the death of a person living in the employee's household, and shall include up to 4 days, beginning with the date of death and ending after the date of the funeral;
4. attending personnel-related hearings before a state agency or court; and
5. providing voluntary services at a public elementary or secondary school, up to 1 work day per month, at times approved by the employee's supervisor.

Paid leave allowed by this section is in addition to other leave and shall be determined at sole discretion of the employee's supervisor.

EMPLOYEE BENEFITS DURING A LEAVE

The Senate will maintain an employee's group health and dental insurance while the employee is on leave under the same conditions as the employee 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 Senate provides a new health plan or benefits or changes health benefits or plans while an employee is on leave, the employee is entitled to the new or changed plan or 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 leave. Notice of opportunities to change plans or benefits will also be given to an employee on leave.

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 the course of their leave.

PAID HOLIDAYS

The following holidays are observed by the Commonwealth:

- New Year's Day
- Martin Luther King Day
- President's Day
- Patriots' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day

On Evacuation Day and Bunker Hill Day, Senate offices must be open and appropriately staffed, as required by clause Eighteenth in section 7 of chapter 4 of the General Laws.

An employee may request unpaid leave to avoid working on other holidays as required by that employee's sincerely-held religious beliefs and the employee may apply available personal, vacation or compensatory leave to be paid for those days. A request for such religious holiday leave will not ordinarily be refused unless it constitutes an undue hardship on the Senate.

Holidays falling on a Sunday shall be observed on the following Monday. Holidays that fall on a Saturday are observed on Saturday.

TERMINATION OF EMPLOYMENT

Consistent with the at-will status of all employees, discipline up to and including termination may be imposed at the discretion of the Senate. Generally, the supervisor of an employee who retires, takes an approved leave of absence or whose service is being terminated shall, upon notice of retirement, leave approval or termination, contact the director of the Senate Office of Human Resources. The Senate Office of Human Resources will contact the employee to set up an exit meeting. This meeting will give the employee the opportunity to address any remaining personnel issues and allow for the Senate Office of Human Resources to finalize termination documents. Upon termination of employment with the Senate, employees must return their building identification card, office keys, "L" sticker and parking placard, if applicable, to the Senate Office of Human Resource.

DISCIPLINARY ACTION

The Senate may, in its sole discretion, modify or revise its practices. Likewise, the Senate may utilize whatever form of corrective action is deemed appropriate under the circumstances, up to and including termination of employment. The Senate's policies and practices of discipline in no way limit or alter the at-will employment relationship.

SALARY

An employee is paid on a bi-weekly payroll system every other Friday. For questions about salary deductions for retirement, taxes, insurance, savings and other deductions, please consult the Senate Office of Human Resources. When an employee is sick, on vacation or on some other type of leave and would like another employee to pick up a check, the employee on leave must make a written request to the Senator or the Senate Office of Human Resources. Employees are encouraged to make arrangements with the Senate Office of Human Resources to have checks deposited directly into the employee's bank account.

INSURANCE

The Commonwealth provides a program of group life and health insurance coverage, including dental and vision benefits, for employees and their dependents. Long-term disability insurance is also available. Enrollment is not automatic. An employee must sign up through the Senate Office of Human Resources. There is a waiting period before coverage begins.

There is an annual open enrollment period. Information regarding life, health and disability insurance, including health maintenance organizations (HMOs), can be obtained at the Senate Office of Human Resources.

Where any conflict exists between any statement in this handbook and the insurance plan documents, the plan documents shall control.

RETIREMENT

Membership in the Massachusetts contributory retirement system is mandatory for all eligible Senate employees whose employment commences prior to attaining the age of 65. Deferred Compensation is an optional benefit for employees who choose to set aside a portion of their earnings in a savings or investment plan while at the same time deferring federal and state taxes and supplementing retirement funds. Further information regarding employee retirement benefits and exceptions to the general rules should be directed to the Senate Office of Human Resources.

WORKER'S COMPENSATION

Senate employees are covered by the state workers' compensation law in chapter 152 of the General Laws if an employee is injured or killed on the job. When an injury occurs in the course of employment, it must be reported to the Senate Office of Human Resources immediately so that proper forms can be completed; an employee incident report must be completed within 24 hours of the injury. All questions concerning this procedure should be directed to the Senate Office of Human Resources.

UNEMPLOYMENT COMPENSATION

Complete information about applying for unemployment compensation benefits is posted at the Senate Office of Human Resources and is available from the state's department of unemployment assistance (617) 626-6800.

CONFLICT OF INTEREST

The state conflict of interest law, chapter 268A of the General Laws, applies to Senate members and employees. The Office of Senate Counsel will answer routine questions about the law and the Senate's conflict rules. Employees may also write the State Ethics Commission at One Ashburton Place, room 619 or call the Commission at (617) 371-9500 for confidential advice about how this law applies to Senate employees. The Commission distributes publications explaining various aspects of the law. The following summary is not a complete explanation of the conflict law or the Senate's conflict rules. It does, however, identify issues that may prompt an employee to seek further advice.

Gifts

To ensure that an employee does not inadvertently violate the law, Senate employees should not accept gifts, including food, drink, travel, tickets, entertainment, discounts or services, totaling \$50 or more from anyone with an interest in legislative business,

except family and close personal friends. Gifts of lesser value can also potentially violate the law, if a reasonable person would think the gift might improperly influence an employee's official acts. Senate employees can avoid this problem by making a written disclosure to their appointing authority. Some Senate offices have established policies against gifts of any value. Employees should check with their supervisor. Legislative and executive agents ("lobbyists") cannot knowingly give anything of any value to Senators or staff members who file statements of financial interest under section 43 of chapter 3 of the General Laws. An employee shall not accept or ask for anything of any value for the employee or anyone else in return for being influenced to do or not to do something related to the employee's Senate job.

Disclosure

Under section 6B of chapter 268A of the General Laws, candidates for employment with the Senate are required to disclose, in writing, the names of state employees who are related to the candidate as a spouse, parent, child or sibling or the spouse of the candidate's parent, child or sibling. All disclosures made by applicants hired by the Senate may be made available for public inspection to the extent permissible by law.

Other restrictions "on the job"

An employee shall not participate in a matter (except general legislation) if the employee or the employee's immediate family member, private employer or business partner, a private organization for which the employee is an officer or board member or anyone with whom the employee is negotiating about employment has a financial interest in the matter. Senators may participate in such legislation amending the General Laws, but must disclose in writing to the State Ethics Commission the Senator's own substantial financial interest in the matter, if the interest is greater than that of the general public.

An employee shall not misuse that person's official position, state resources or confidential information for private purposes. For example, supervisors may not solicit their subordinates for private business.

Restrictions "off the job"

An employee shall not receive compensation from or act as agent or attorney for anyone, if the state has an interest in the matter. A narrower rule applies to Senators, which states that Senators shall not contact a state agency in return for private compensation, unless the matter is "ministerial" or a "quasi-judicial" proceeding.

An employee shall not have a financial interest in a state contract. For full-time employees, this means that such an employee may not usually have a second state job, even in the employee's "off" hours; however, there is an exception for part-time teaching.

Restrictions “after this job”

An employee shall not lobby the legislature in return for compensation for 1 year after that employee leaves a Senate job.

There are other restrictions on private work in connection with matters an employee participated in or had responsibility for and important restrictions on contacting others about and negotiating for a current employee’s next job. Check with the Office of Senate Counsel or the Ethics Commission for details.

POLITICAL ACTIVITY

In addition to the state conflict of interest law, the state campaign finance law, in chapter 55 of the General Laws, restricts some political activities of Senate employees. The Office of Senate Counsel will answer routine questions about the law. An employee may also write the Office of Campaign and Political Finance at One Ashburton Place, Room 411 or call at (617) 979-8300 for complete advice about how this law applies to Senate employees. The Office of Campaign and Political Finance also distributes publications explaining various aspects of the law. The following summary is not a complete explanation of the law, but it does identify issues that may prompt an employee to seek further advice.

In general, an employee may belong to political organizations, work on political campaigns during non-business hours off of state property and contribute to any campaign committee the employee chooses. A Senate employee may run for and hold local office, if that person complies with the campaign finance and conflict of interest laws. An employee should check with the Office of Senate Counsel or the Ethics Commission about the specific restrictions in the conflict of interest law.

No one may solicit or receive political contributions in the State House or any other public building.

Appointed Senate employees may not solicit or receive political funds on behalf of a candidate, including using that employee’s residence for a fundraiser, listing the employee’s name on fundraising letterhead, serving as a campaign treasurer or suggesting potential contributors. A Senate employee may perform clerical activities, such as envelope stuffing. The campaign finance law does not apply to non-political fundraising, but the conflict of interest law regulates it in some circumstances.

Do not use state time or official resources, such as the office copier, computer, phones or fax machine, for political activities, even during non-business hours.

SOCIAL MEDIA

Purpose

The Senate supports the use of social media to enable Senators, committees, Senate staff and citizens to communicate and obtain information in the performance of legislative functions. These guidelines are intended to foster appropriate and effective use of social media. In addition to topics addressed in this policy, social media content must be in compliance with the Senate's relevant policies, including anti-harassment and discrimination policies, confidentiality policies and the General Court Policy on the Use of Information Technology Resources, ethics rules and all other pertinent laws.

Definitions

“Social media” refers to an electronic medium allowing users to create, share and view user-generated content including, but not limited to, uploading or downloading videos or still photographs, blogs, video blogs, podcasts, messages, e-mails, internet website profiles or locations, wikis, microblogging, such as Twitter, social networking sites, such as Facebook and LinkedIn, video sharing sites, such as YouTube, and bookmarking sites, such as Pinterest and Reddit.

“Mixed-content sites” refers to websites that include a mix of legislative, personal, business and campaign materials.

“Personal use of social media” refers an employee's use of social media that is outside the employee's official job functions (e.g., logging onto a personal Facebook account and providing personal updates to the Facebook page).

General Use

Senators and employees may use state resources to create, update and maintain social media sites to communicate legislative information. Each Senator is responsible for the content on the Senator's legislative social media sites.

Senators and employees shall not use state resources for the purposes of communicating campaign or personal business information, creating mixed-content sites or for personal use of social media. Personal, campaign or business material may be posted to mixed-content sites but only on the Senator's or employee's personal time and without using any state resources.

Social Media Guidelines

1. Act Responsibly. Be mindful that what an employee publishes will be available to the public and will reflect on the employee, the Senator and the Senate as a whole. Post thoughtfully and maintain a polite and professional tone. Do not use

ethnic slurs, personal insults or obscenity. Posts that fall into this category, even in personal use of social media, could result in disciplinary action up to and including termination.

2. **Protect Confidential Information.** Do not publish confidential or proprietary information. If you are unsure, please discuss the information with the relevant Senator or another appropriate supervisor before you post.
3. **Respect Copyright Law.** Social media participants must abide by the laws governing copyright and fair use of copyrighted material owned by others. When using material from another source, give that source proper credit and avoid any copyright, trademark or other intellectual property issues. If you are unsure, please discuss the information with Senate Counsel's Office before you post or with another appropriate supervisor.
4. **Use Your Best Judgment.** If you're about to publish something that makes you even the slightest bit uncomfortable, discuss the material with a supervisor before posting. When in doubt, do not publish it.

PROPERTY OF THE COMMONWEALTH

No employee may take or remove Senate property, such as furniture, typewriters, equipment, etc., without the approval of the Committee on Ethics and Rules.

OUTSIDE EMPLOYMENT

Private employment outside of working hours is allowed, as long as it does not unfavorably reflect upon the Senate. Outside employment must not interfere with employment in the Senate or violate the conflict of interest law.

CONFIDENTIALITY

Most Senate employees will have access to information of a confidential nature. This access is based upon a public trust that cannot be violated. Requests for information on present or former employees may be referred to the Senate Office of Human Resources.

LIBRARY

The George Fingold State House Library is open to all Senate employees. See the librarian for details.

CREDIT UNION

The Metro Credit Union is located at 100 City Hall Plaza, Boston. The Commonwealth Co-operative Bank is located at 2 Center Plaza #B, Boston. Both of these organizations are available to Senate employees for savings and loan programs. Deductions and information are provided at the Senate Office of Human Resources.

PARKING

Parking around the State House is limited. It is strongly recommended that employees use public transportation.

OFFICE SUPPLIES

The Senate supplies offices with a reasonable quantity of typical office supplies as needed. Forms necessary for obtaining office supplies are available in the Senate Office of Human Resources. Supplies provided by the Senate Office of Human Resources shall only be used for Senate business.

EDUCATION

Tuition remission programs are available to Senate employees who attend state or community colleges, including the University of Massachusetts. Applications and information are available at the Senate Office of Human Resources.

DRESS CODE

Appropriate dress and grooming are expected of Senate employees.

EMERGENCY CLOSINGS

The Senate's normal operations may be disrupted by emergencies such as extreme weather, fires, power failures and other local or national emergencies. Employees should call the Senate special announcement line at (617) 570-5777 to verify emergency closings.

TELEPHONES

A vast amount of Senate business is conducted on the telephone. When answering the telephone, an employee should state that employee's name and the name of the office and be polite, courteous and helpful at all times.

REPORTING ILLEGAL OR IMPROPER CONDUCT

If an employee reasonably believes that an activity, policy or practice in the Senate, or by someone with whom the Senate has a business relationship, is illegal or poses a risk

to public health, safety or the environment, that employee shall report it in writing to a supervisor or to the Office of Senate Counsel. After making the report, and in certain cases, including an emergency, even if the employee did not report the conduct, it is illegal for an employer to take retaliatory action against the employee for the report, for reporting it to another government agency or for refusing to participate in the illegal or improper conduct. For details, contact the Office of Senate Counsel and see section 185 of chapter 149 of the General Laws.

SEXUAL AND OTHER HARASSMENT

Sexual and other forms of harassment are unlawful and are prohibited by chapter 151B of the General Laws, section 1C of chapter 214 of the General Laws and by Title VII of the U.S. Civil Rights Act of 1964. It is the policy of the Massachusetts Senate that all employees have a right to work in an atmosphere free from harassment. An employee who engages in harassment is subject to disciplinary action. An employee who may be a victim of harassment is urged to report the incident to the employee's supervisor or to the Senate Office of Human Resources immediately. Appendix A contains the Senate's policy on harassment, including detailed procedures.

DISCRIMINATION

It is a violation of the Commonwealth's fair employment law, under chapter 151B of the General Laws, to discriminate on the basis of race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, age, ancestry or disability. Appendix C contains the Senate's complete policy on illegal discrimination.

LITIGATION

If an employee receives a subpoena or any other legal papers relating to Senate business of any kind, please bring them to the attention of the Office of Senate Counsel immediately. Likewise, if someone representing an outside party seeks to discuss a legal matter with an employee that relates to Senate business, please bring this to the attention of the Office of Senate Counsel. The Office of Senate Counsel is located in Room 200 and may be reached at extension 1470. The Office of Senate Counsel represents the Senate itself as an institution. Senate Counsel will not represent employees individually, and in many circumstances, Counsel does not owe Senate employees a duty of confidentiality.

WORKPLACE VIOLENCE

The Massachusetts Senate has a zero tolerance policy for violence. If an employee engages in violence in the workplace, or threatens violence in the workplace, that employee will be terminated immediately. No talk of violence or joking about violence will be tolerated.

Violence includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with the organization, including employees, visitors and clients, never feels threatened by such actions or conduct.

The Senate needs the cooperation of all Senate employees to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating or other disruptive behavior. If an employee observes or experiences such behavior by anyone on the premises, whether the person is an employee or not, report it immediately to a supervisor. Supervisors shall notify the Chief Financial Officer in the Office of Administration and Finance of any reported violence or threats of violence. **Please note: threats or assaults that require immediate attention by the police should be reported by calling 911.**

APPENDIX A

ANTI-HARASSMENT POLICY OF THE MASSACHUSETTS SENATE

It is the goal of the Massachusetts Senate to promote a workplace that is free of sexual and other forms of discriminatory harassment. Each employee has a responsibility to ensure that harassment based on an individual's gender, race, color, national origin, ancestry, religion, disability, age, gender identity, sexual orientation, genetic information, active military status, and any other characteristic protected by federal, state or local law, does not occur in the workplace. Discriminatory harassment of employees in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about discriminatory harassment or retaliation against individuals for cooperating with an investigation of a discriminatory harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from discriminatory harassment, the conduct that is described in this policy will not be tolerated and the Senate has provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Massachusetts Senate takes allegations of discriminatory harassment seriously, there will be a prompt response to complaints of such harassment and where it is determined that such inappropriate conduct has occurred, the Senate will act quickly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth the Senate's goals of promoting a workplace that is free of discriminatory harassment, the policy is not designed or intended to limit the Senate's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual or other discriminatory harassment.

Definition of Harassment

Discriminatory harassment includes behavior that is not welcomed by an individual and is considered by the individual, and would be by any reasonable individual, to be humiliating, demeaning or offensive, when such conduct has the purpose or effect of unreasonably interfering with a member's work performance or creating an intimidating, hostile or offensive working environment based on an individual's gender, race, color, national origin, ancestry, religion, disability, age, gender identity, sexual orientation, genetic information, active military status, or any other characteristic protected by federal, state or local law. Discriminatory harassment can be physical or verbal behavior and can include stereotypical statements, derogatory statements about protected characteristics, abusive and discriminatory remarks that are offensive or objectionable to the recipient and/or cause the recipient humiliation, and interfere with the recipient's job performance.

Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is as follows: "sexual harassment" means unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:

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

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

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

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

- unwelcome sexual advances, whether or not that involves physical touching;
- sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies or prowess;
- displaying sexually suggestive objects, pictures or cartoons;
- viewing, transmitting or printing electronic or computer material of a sexual or sexist nature, including, but not limited, to e-mails, graphics and material from the internet;
- unwelcomed leering, whistling, brushing against the body, sexual gestures and suggestive or insulting comments;
- inquiries into one's sexual experiences; and
- discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Massachusetts Senate.

Complaints of Harassment

If Senate employees believe they have been subjected to sexual or other discriminatory harassment, those employees have the right to file a complaint with the Massachusetts Senate. This may be done verbally or in writing.

If an employee would like to file a complaint, that person may do so by contacting Cathy Flewelling, Director of the Senate Office of Human Resources, in room 16 or at extension 1212. Cathy is also available to discuss any concerns an employee may have and to provide information to employees about the Senate's policy on discriminatory harassment and the complaint process.

Investigation

When a complaint is received, the Senate will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Senate's investigation will ordinarily include a private interview with the person filing the complaint and with witnesses. The Senate will also ordinarily interview the person alleged to have engaged in the discriminatory harassment. When the investigation is completed, the Senate will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation. Employees are required to cooperate with investigations under this section. If it is determined that inappropriate conduct has occurred, the Senate will act promptly to eliminate the offending conduct, and where it is appropriate, will also impose disciplinary action.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by an employee, the Senate will take such action as is appropriate under the circumstances. That action may range from counseling to termination from employment and may include such other forms of disciplinary action as is deemed appropriate under the circumstances.

State and Federal Remedies

If Senate employees believe they have been subjected to discriminatory harassment, those employees may also file a formal complaint with either or both of the government agencies set forth below. Using the Senate complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies has a 300-day period for filing a claim.

1. The United States Equal Employment Opportunity Commission ("EEOC")

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(617) 565-3200

2. The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:

One Ashburton Place, Rm. 601
Boston, MA 02108
(617) 994-6000

Springfield Office:

436 Dwight Street, Rm. 220
Springfield, MA 01103
(413) 739-2145

Worcester Office:

484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630

APPENDIX B

Anti-Discrimination Policy Of The Massachusetts Senate

It is a violation of the Massachusetts Senate's policy, as well as a violation of the state fair employment practices law under chapter 151B of the General Laws, to discriminate in employment on the basis of race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, age, ancestry, disability, active military status, and any other characteristic protected by federal, state or local law. Among other practices, it is unlawful to:

- in most instances print or circulate any advertisement or use any application form which directly or indirectly specifies any limitation on the basis of a protected class;
- discharge or refuse to hire, or discriminate in matters relating to compensation, terms, conditions or privileges of employment against any individual because he/she is a member of a protected class;
- require a woman to leave her job at some arbitrary stage in a pregnancy or arbitrarily refuse to allow a woman, who is otherwise medically fit to work, to return from childbirth until a specified time set by the employer;
- discharge or refuse to hire any person because of failure to furnish information concerning admission to a center for the treatment of mentally ill persons;
- discriminate against a job applicant for failure to furnish information, written or oral, concerning: (a) an arrest, detention or disposition regarding a violation of law in which no conviction resulted; (b) a first conviction for a misdemeanor, including driving under the influence, simple assault, speeding, minor traffic violations or disturbance of the peace; or (c) conviction for a misdemeanor where the date of conviction or end of period of incarceration, if any, occurred more than 5 years before the employment application and the applicant has not been convicted of any other offense within those 5 years;
- retaliate against anyone for opposing any practice forbidden by the fair employment law or for filing a complaint, testifying or assisting in enforcing the fair employment law; and
- aid, abet, incite, compel or coerce any violation of the fair employment law, or attempt to aid, abet, incite, compel or coerce any violation of the fair employment law.

If Senate employees believe they have been subjected to discrimination in their employment, they may file a complaint with the Massachusetts Senate. This may be done verbally or in writing. If an employee would like to file a complaint, that person may do so by contacting Cathy Flewelling, Director of the Senate Office of Human Resources, in room 16 or at extension 1212. Cathy is also available to discuss any concerns an employee may have and to provide information to employees about the Senate's policy against discrimination and the complaint process.

Written complaints of violations of the fair employment practices law also may be made to, and more information is available from, the Massachusetts Commission Against Discrimination, One Ashburton Place, Room 601, Boston, MA 02108, telephone 727-3990.

APPENDIX C

INFORMATION TECHNOLOGY POLICIES

The General Court of Massachusetts (“General Court”) maintains a policy on the Use of Information Technology Resources that is available on employees’ desktop computer screen or from Legislative Information Services (“LIS”). Employees are responsible for familiarizing themselves with the General Court’s policy and for reading, understanding and following its terms.

Pursuant to the General Court’s policy, the Senate has issued additional guidelines governing the use of communications made via its information technology resources. These guidelines can be found below. Please note that the use of the information technology resources shall constitute acceptance of the terms of the General Court’s policy, the Senate’s policy and any additional policies that may apply. To the extent that the General Court’s and Senate’s policies conflict, the Senate’s policy governs.

Electronic Communications

The Senate maintains electronic mail (“e-mail”), voice mail, electronic documents and applications and all internal systems and computer tools (collectively, “electronic communication systems” or “systems”). These systems are provided to employees where appropriate in order to conduct official Senate business and can be monitored by LIS IT security personnel at the request of the Senate at any time, with or without notice. Utilization of these systems shall be limited to conducting business for the Senate and shall not be used for commercial business purposes or political purposes. Devices that connect to our services using ActiveSync (for e-mail, scheduling and contacts) will be subject to security policies defined by LIS, which may include limitations on features, apps and other functions. By establishing an ActiveSync connection to our e-mail servers, the Senate and LIS are not responsible for any data loss that may occur on a user’s personal devices. Incidental personal use of electronic communication systems by employees is permitted subject to reasonable restrictions, adherence to applicable policies and legal requirements, and as long as such usage does not interfere with the employee's timely completion of work responsibilities. The Senate reserves the right to grant or restrict access to all means of electronic communications.

Although all messages sent via electronic communication systems, including e-mail and voice mail, are considered to be confidential and as such are to be read or accessed only by the addressed recipient, all data sent, stored or accessed by these systems are, and remain at all times, the property of the Senate. Unauthorized access to the electronic communication system of another employee is not permitted. The Senate reserves the right to review all electronic messages, communications and documents. The Senate and LIS are not responsible for the exfiltration of any sensitive user data by pre-authorized personnel. Each user is provided with a personal network folder which they may use to store sensitive files. Permissions to office level shared folders are determined by leadership within each particular office, not LIS. Legislative level shared folders are

available to all users and the Senate and LIS are not responsible for any sensitive data that is saved in those locations.

By using the Senate electronic communication system, all employees knowingly and voluntarily consent to their usage being monitored and acknowledge the Senate's right to conduct such monitoring. Employees should not expect that any use of Senate electronic communications is confidential or private and, therefore, should have no expectation of privacy whatsoever related to their usage of these systems. Even when a message is erased, it is still possible to recreate the message if it falls within the time scope of our current data retention policies. Therefore, privacy of messages cannot be ensured to anyone. Additionally, LIS cannot guarantee that personal pictures, videos, music and other non-work related data will be protected from data loss. Users should not use legislative information resources for storing their personal data.

LIS, on behalf of the Senate, may override any individual Senate electronic communication system passwords or codes or require an employee to disclose any Senate electronic communication system passwords or codes to facilitate access by the Senate to its system. The Senate retains the right to access the system, including e-mail or voice mail accounts at any time and for any reason whatsoever without notice to the employee. Such reasons include, but are not limited to, assuring compliance with Senate policies and rules, conducting Senate business or investigating conduct or behavior that may be illegal or adversely affect the Senate, its employees or constituents.

Any material sent or accessed by the Senate's electronic communication system must be professional in content. These communications should comply with all Senate policies and rules regarding employee conduct and the safeguarding of confidential information. Abuse of the Senate's information technology and electronic communication system will result in disciplinary action, up to and including termination.

Any communication made via the system, including the use of personal social media, that may constitute verbal abuse, slander or defamation or may be considered offensive, harassing, vulgar, obscene or threatening is strictly prohibited. Offensive content would include, but is not limited to, sexual comments or images, racial slurs, gender-specific comments or any comments that would offend someone on the basis of age, race, sex, color, religion, national origin, disability status, gender identity or any other protected class.

The Senate's electronic communication system should not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization from the employee's supervisor. The communications, dissemination or printing of any copyrighted materials in violation of copyright laws is also strictly prohibited.

Each employee will be given a user name and confidential password that allows access to the General Court's computer network, including electronic communication systems such as e-mail. Sharing of Legislative account credentials is strictly prohibited. Further,

each user is accountable for any action that takes place under their account. If account privileges need to be delegated, such as E-Mail management, then LIS is available to assist with setting that up. Account credentials should also not be written down and visible in plain view of one's desk, work environment, etc.

Voice mail requires a different password but should also be leveraged with a confidential key. Employees are not to share their confidential passwords with anyone, as all employees are given specific individual access to these systems.

Employees may not use the Senate's electronic communication system to develop or send any virus or otherwise destructive program. Employees should not open e-mails or attachments unless they are confident of the identity of the sender. Employees must not send or forward "chain letter" e-mails.

Internet Access

The Senate also provides internet access for the conduct of official Senate business. The Internet shall not be used inappropriately. Some examples of improper use of the Senate-granted Internet access are as follows:

- viewing or transferring obscene, pornographic, abusive, slanderous, defamatory, harassing, vulgar, threatening or offensive material;
- downloading or uploading (including posting) material containing any comments that would violate the Senate's standards, rules or policies or any content prohibited by law or regulation;
- unauthorized viewing or transferring of material that is confidential to the Senate;
- unauthorized posting of any material on the World Wide Web;
- communicating, disseminating or printing any copyrighted materials in violation of copyright laws;
- using, copying or downloading proprietary software when not authorized to do so;
- accessing the Internet without having current virus software; and
- using a computer system as a conduit for unauthorized access attempts on other computer systems (i.e., hacking).

Employees should be aware that access to social media sites on Senate computer hardware is for the sole purpose of conducting official Senate business. Social media sites include, but are not limited to, blogs, Facebook, YouTube, Wikipedia (or other

wikis), Twitter and LinkedIn. This policy may also apply to any comments that an employee may leave or post on other people's blogs, Facebook pages, edits to wikis, responses to tweets or comments made on message boards or forums when access to the social media site uses hardware or technology provided as part of the Senate electronic communication system. Additionally, Access to high-bandwidth, non-critical news related or non-work related sites may be restricted at the discretion of LIS. Especially if these high bandwidth sites cause network saturation that can affect business operations. Examples of such sites include, but are not limited to, Facebook, Netflix, ABC.Go, Comcast Streaming, Verizon TV and other sites that require persistent, high-bandwidth connectivity in order to stream content to the end user.

The Internet Service Provider (ISP) provided by the Senate is the only approved access to the Internet. Employees must not install other ISPs to access the Internet.

Wireless Legislative Networks

Public

Wireless access to the internet has been provided by the General Court and is available throughout the building for use by our visitors. Please also see the terms and conditions for use of the public wireless network.

Staff is discouraged from using the Public Wi-Fi. Staff is provided with a separate wireless network for internet access which is available throughout the building for their use.

Private (Employee Access Only)

Secured wireless access to the internet has been provided by the General Court and is available throughout the building for use by Senate employees. In order to access this network, your Senate employee network credentials must be provided at the time of access and will grant access for the duration of that secured session. Please also see the terms and conditions for use of the private wireless network.

In addition to secured wireless internet access, Senate employees have access to their private Legislative network data (including network shares and their content) as well as systems unavailable from outside the Legislative network (e.g. Ways & Means applications, HR systems, etc.) via this VPN connection. Not all Senate employees may have access to this remote capability provided by the Legislative VPN system and access rights are granted at the discretion of the Senate.

Remote Connectivity

VPN (Virtual Private Network)

The Senate provides its employees the ability to remotely access the Legislative network

when necessary via our Legislative VPN.

Personal computing devices (e.g. personal home PC, tablet or laptop) connecting to the legislative VPN must adhere to security standards defined by LIS. Connected users must abide by the same terms and conditions as if they were physically working at the Senate. In addition, no alternate VPN or remote connection solution shall be used to connect to legislative workstations other than what is provided by LIS.

Software

Users are not permitted to install software, or make unauthorized changes to legislative workstations that have not been pre-approved by LIS. All software is managed and installed by LIS staff.

Hardware

Any peripherals including mice, keyboards, cameras, microphones, printers, scanners and others must be approved by LIS before being connected to LIS workstations.

Rogue Devices

Users are prohibited from connecting laptops, routers, Apple TV, Roku and any other device to the LEGIS network. Users should be advised that LIS has implemented a NAC (Network Access Control) process to determine rogue devices as they attach to our Legislative network.

Password Reset Policy

Introduction

Username and passwords are the primary means by which Legislative users are able to access Information Technology resources. To protect user accounts from unauthorized access, it is imperative that users follow the authentication policies defined by LIS. Initially, some of these policies may seem to pose an inconvenience, but they serve a critical role in the overall security of the legislative network. Although these policies only apply to Legislative Information Systems, we recommend that our users apply these same concepts to personal accounts as well (E-Mail, social media accounts, personal computers, etc.)

Construction

Account passwords must be a minimum of seven characters long and must include at least two of the following elements: Capital letter, number or special character (e.g. #, \$, %, &, etc.)

LIS requires that passwords must be changed every 42 days or the current password will expire and will need to be unlocked by LIS. Please avoid re-using any words or patterns that you have used in previous passwords. For example, if your password is 'RedSox1', you will want to avoid using 'RedSox2', 'RedSox2015', etc.

Recommendations

Passphrases like 'Correct Horse 45 Staple' are far easier to remember and more secure than traditional complex passwords like 'Tr0ub4dor&3'. Passphrases offer increased security, with the added benefit of being easier to remember. LIS encourages users to include spaces within their passphrases, as they greatly reduce the effectiveness of traditional password attacks.

LIS also recommends that users do not use the same password across multiple accounts. For example, if a user's Facebook or Gmail account credentials become compromised, then all other accounts which use the same credentials would also be compromised as well.

When unable to access your account, please contact the LIS Customer Service Department to request an account credential reset. Although it is preferable that these requests are made in person, it is possible to make such a request remotely over the telephone. If such a request is made, certain conditions are required to be met in order to verify the identity of the caller. First, a user may be asked for some general information with regard to their identity. This may include, which office number they work in, names of co-workers, length of employment, etc. Second, LIS Customer Service staff may ask that someone within your office forward your request for an account credential reset to LIS. Lastly, in some circumstances, users may be asked to contact the Senate Office of Human Resources in order to verify their identity using personally identifiable information that is unavailable to LIS staff.

Failure to comply with this policy may result in disciplinary action, up to and including termination.

Directory

Senate Offices	Room	Telephone	Fax
Senate Office of Administration and Finance and Chief Financial Officer	74	722-1511	722-1390
Clerk's Office	335	722-1276	367-8658
Office of Senate Counsel	200	722-1470	722-1070
Senate Chamber Lobby		722-1455	
Senate Office of Human Resources	16	722-1212	722-1016
President's Office	332	722-1500	248-3840
Senate Committee on Ways and Means	212	722-1481	722-1022
Senate Committee on Post Audit and Oversight	312A	722-1440	722-2238
Senate Office of Education & Civic Engagement	70	722-1380	722-1341
Other Offices			
Governor's Legislative Office	160	725-4090	725-4088
Executive Office for Administration & Finance	373	727-2040	727-2779
House Clerk	145	722-2356	722-2798
House Counsel	139	722-2360	722-2644
House Lobby		722-2000	
Legislative Engrossing	427	722-2716	722-1021
Legislative Information Services	15	722-2411	
DCR Rangers	5	722-1188	973-9034
Sergeant-at-Arms	10	722-2340	722-2894
State Bookstore	116	727-2834	973-4858
State House Tours	Doric Hall	727-3676	742-4722
State Library	341	727-2590	727-9730
State Police	Plaza 09	727-2917	
U.S. Post Office	2	742-7277	

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APPENDIX C

Biography of Constance M. McGrane

CONSTANCE M. McGRANE is General Counsel of the Massachusetts Commission Against Discrimination. She is the chief legal advisor to the Commissioners and agency on all matters concerning the agency and the cases before it. Prior to her joining the Commission in 2013, she was a partner at Conn Kavanaugh where she specialized in employment and business litigation matters and provided counsel to individuals and corporations. Before joining the law firm she was an Assistant Attorney General and the Deputy Bureau Chief of the Business and Labor Protection Bureau of the Massachusetts Attorney General's Office. In this role she was responsible for the internal management of the Fair Labor Division, Insurance Fraud Division and Medicaid Fraud Control Unit, development of policy and the prosecution of select criminal and civil cases. Her professional experience also includes work as in-house counsel and litigation manager for a multi-national high technology company where she was responsible for employment litigation, commercial litigation, intellectual property matters and investigations. Before her in-house position, she was a Junior Partner at Nutter McClennen & Fish and associate in the Business Litigation section of Burns & Levinson. Ms. McGrane received her Bachelor of Science and Juris Doctorate from Northeastern University.

APPENDIX D

Biography of Meg A. Bond

MEG A. BOND, Ph.D., is the Director of the Center for Women & Work and a Professor of Psychology at the University of Massachusetts Lowell. Dr. Bond is a community psychologist by training, specializing in the dynamics of workforce diversity and sexual harassment. She served on the U.S. EEOC's Special Task Force on the Prevention of Harassment in the Workplace that released a comprehensive report on the issue in June 2016. She is also the Director of UML's NSF-funded \$3.5 million ADVANCE Institutional Transformation (IT) Initiative, called *Making WAVES* (women academics valued and engaged in STEM). The primary focus of the IT initiative is to address subtle biases through bystander interventions. Her work adopts a social ecological framework, and her book entitled "Workplace Chemistry: Promoting Diversity through Organizational Change" (University Press of New England) chronicles a long term organizational change project focused on issues of gender and race/ethnicity. She has received career awards for her mentoring of ethnically and racially diverse professionals and for her contributions to understanding diversity in community psychology. She has also served in national leadership roles with the Society for Community Research and Action, the Society for the Psychological Study of Social Issues, and the American Psychological Association.