

# **EXHIBIT 11**

5/12/16, 9:56 AM

Meeting with Joe tomorrow morning at 8 am

Good to hear.

5/12/16, 1:38 PM

Do I need to get a lawyer too? I completely understand EHE wanting more info through an objective professional, but people don't typically tell all in a one-on-one meeting with someone else's lawyer, right?

that's a big question. have you talked to your folks?

Not until tonight - another busy day. I'll ask my mom. The more I think about it the more this makes me uncomfortable.

Talking to Joe is helping Elizabeth rather than help myself though, right?

On a call but will respond shortly.

It's helping Elizabeth understand scope and how to move forward in her office.

There are two different processes at play. (1) the criminal process you have undertaken that is completely independent of Elizabeth and her office and (2) her employment practices.

I don't believe talking to Joe impacts the first process but it is worth asking if what you say to Joe could be subpoenaed if criminal charges are brought against him.

To the second process, this happens independent of you and should not impact you as you are no longer employed by the office.

Right, I get that. I want to help Elizabeth, but I'm neither part of or under any obligation to help her office/her decision on this. All I wanted was to feel safe. The fact that Joe is Elizabeth's attorney and is looking out for her has been on my mind. There would be no privilege with me, and it's his job to think about liabilities for her

regardless of what my intentions are or I think they'll be. I'm sure he'll be thinking of how to protect her in X, Y, Z scenarios including me trying to sue for whatever reason, etc. I'm also worried about any legal action Tony could pursue against me re: his reputation, etc. Just a lot I don't know and while my default is an inclination to trust Elizabeth, I really have no fucking idea what to do. And the meeting is at 8 am. 👍👍👍👍

Would Elizabeth have thought of all that and just have chosen not to mention to me that it could put me in a tricky position?

I really don't know but I doubt that she is trying to manipulate the situation so as to protect herself from liability here. Can't say the same for Joe though. I think you can preface the conversation with all of these questions though. And if you don't feel comfortable, you can end the call.

The main question is how can your conversation with Joe be used against you by Elizabeth or by Tony?

Second question is what can you do to protect yourself if it can?

Yes

Would you meet with Joe tomorrow morning and tell him everything you know, think, have experienced, etc.?

I just don't know enough. And I trust Elizabeth and trust you more, but that's not always enough...

I hear you and appreciate these doubts. You're right to have concerns.

If it were me, I would meet with him tomorrow because the possible benefit of protecting others outweighs the unlikely outcome that it will be used against you.

It is uncomfortable, scary, and all the unknowns are terrifying.

And that is me weighing my risks from where I sit. It's different for you and that's why it has to be your decision.

Why are you the one who would reach out to [REDACTED] and [REDACTED] and other former colleagues rather than Joe, but I have to talk to Joe? You have a prior relationship with everyone involved too.

thinking is they'd be more likely to talk to me.

I've already talked to you...

Yes but right now it is second and third hand information which is hard to make determinations on. If I talk to folks, it will be with the understanding that if necessary, someone else would have another conversation.

I'm telling you all of this so that you know what expectations are, not because I want to advocate one way or the other.

Nor should you since you're not part of the office.

Thing is she knows, she has a responsibility to do something to protect the staff, she is not an expert in evaluating this stuff, so she needs to bring in someone who is. That's why she has you talking to Joe. You've told me and Sam so by the same reasoning what you've told us can be used against you by Tony. Keep in mind, whether it's from Joe or from Sam and I, it's hearsay because we didn't witness what's happened.

I don't disagree with any of that. Just trying to figure out how this whole plan of fact finding makes sense.

Upset and confused and now feel like I'm a huge part of this larger investigation in an office I'm no longer a part of and left for a reason.

you and me both kid.

Kind of feel like I'd rather have just kept this to myself because now everybody's involved.

not saying kid in a pejorative sense...

This is going to come off harsh over text message.

If you want to walk away, walk away. It has started and will continue with you or without because Elizabeth has a responsibility to the office and staff. You can be helpful in that process or not. Choice is up to you but second guessing doesn't resolve it or make it go away.

You did not cause this, you are the victim, not the perpetrator, and you have the ability to take action to stop it from happening to anyone else. But this is not happening to you and you are still in control. Either own

the process or walk away, but don't let yourself be victimized by this process by going along because you feel like you have to.

or second guessing yourself.

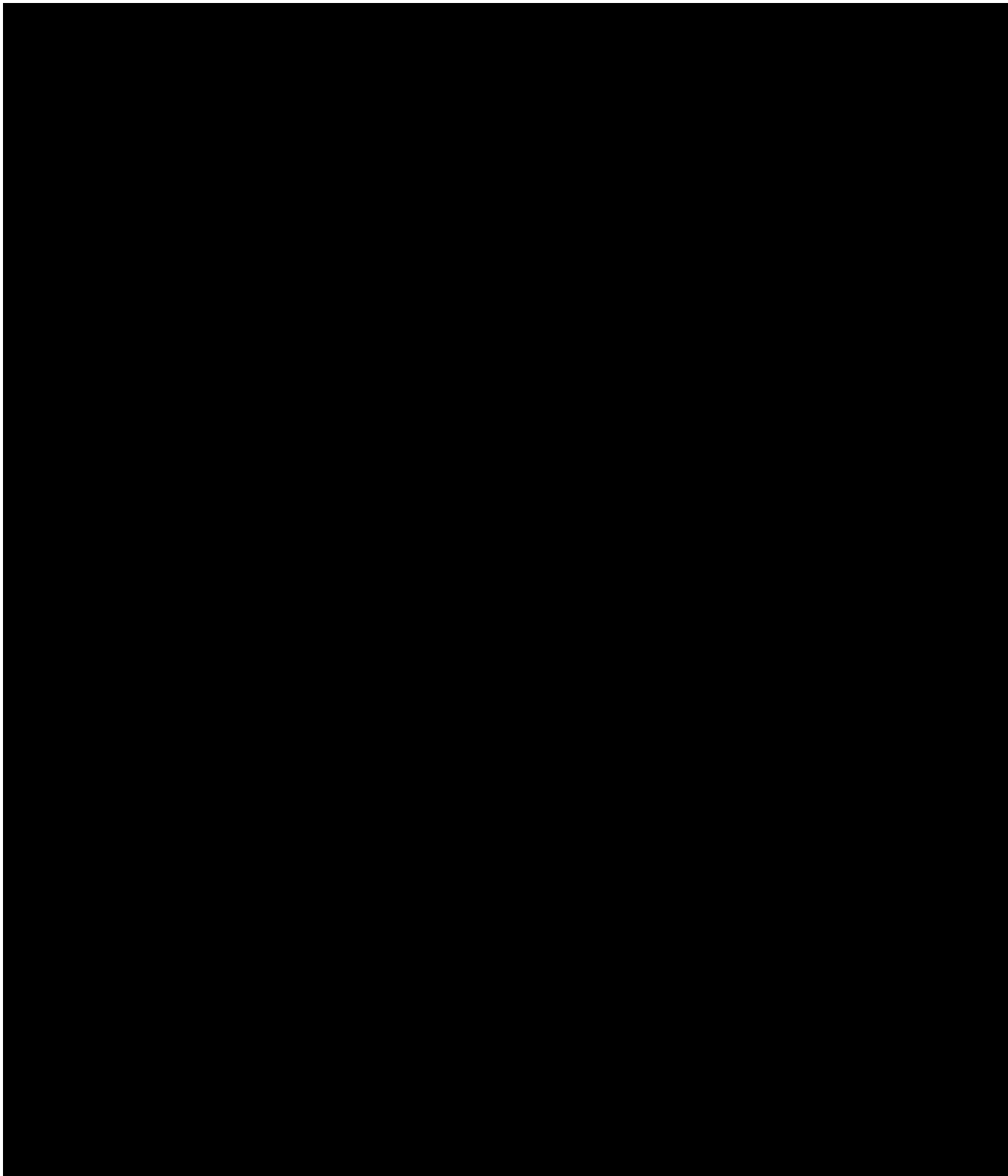
Really didn't mean to take out any frustrations on you. Sorry. Talking to you as a friend and someone whose opinion in general and of me matters a lot.

no need to apologize... this is not easy.

5/12/16, 6:08 PM

Telling you in part because EHE also will, but had a formal convo with an attny who very, very strongly insisted I not meet with Joe for my own legal protection. Cancelled and emailed her.

ok.



5/16/16, 9:43 PM

FYI - EHE talked w/ TB today.

Does EHE know I know she talked to TB today?

I did not tell her I would call you.

What the fuck. I specifically asked her to keep me updated about that for my safety and she promised she would.

She knew I'd fill you in.

A lot riding on that assumption.

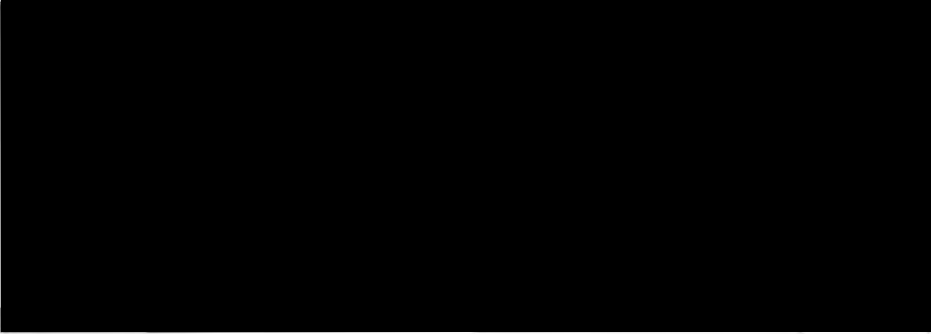
Why was I asked to speak only to her lawyer but she's talking to [REDACTED] and [REDACTED] directly and then they get to talk to you? I just don't understand her thinking on this. ([REDACTED] also plans to talk about how great TB is since he's her boss/a professional contact and she doesn't feel comfortable with him knowing she's involved in any way.)

Wasn't going to text you again but you're the lead investigator on this so seemed fine.

Thanks for letting me know on [REDACTED]. I don't know why on your question. We're all figuring it out as we go.

# **EXHIBIT 12**





**Resent-From:** [redacted]

**From:** Julie Sweet [redacted]

**Date:** May 13, 2016 at 6:41:52 PM EDT

**To:** "Esty, Elizabeth" [redacted]

**Subject:** Re: Update on things

Thanks for keeping me in the loop and glad that schedules worked out so as to not makes thing too uncomfortable this week.

I'll keep standing by. An update on my schedule, I'm on the road Monday, Tuesday, Thursday and Friday next week, then again Monday and Tuesday the following week. Ridiculous I know but will make myself available to meet with folks as much as I can.

On May 13, 2016, at 6:31 PM, Esty, Elizabeth [redacted] wrote:

Not much of an update, since things got crazy on my end today so I did not get a chance to talk with Joe, which I will do tomorrow.

Tony is going out of town tonight for his niece's first communion , so I think that means he won't be there for [redacted] party.

Had long management / professional development talk with [redacted], which could also help ease the way for conversations about office climate and practices.

Hope to call you this weekend after I have talked with Joe.

Again, thanks for your help.

# **EXHIBIT 13**

#### INTERVIEW 1 (7/6/16) – meeting requested

- Something is/was wrong
  - o Chief of staff exhibited inappropriate and aggressive behavior towards women in other offices, particularly when alcohol is involved
  - o Knew something was not right in the office
  - o Should have pushed harder to expose inappropriate behavior
- Did not have the tools to address behavior
  - o Open door policy is not sufficient, unclear how to create a safe space
  - o Fear of retribution, no action will result from reports, protect the office and the member
  - o Unclear about how or when to escalate – where are then lines and what does crossing those lines look like?
- Effect
  - o Member is isolated from the staff
  - o Staff is siloed
  - o No clear common objectives
  - o Office culture is unbending and inflexible
  - o A lack of respect is shown to staff
  - o Staff is routinely undermined w/ other staff and the member
  - o Staff member is looking to leave the office
- Solutions
  - o Develop a common culture of expectations and benchmarks
  - o Member driven office balanced with clear objectives and staff ownership of strategy
  - o Give everyone time with the Member on a regular basis

#### INTERVIEW 2 (7/12/16) – meeting requested

- Solicited junior staff for sex in the office after junior staff pitched Chief of Staff for a promotion
- Chief of Staff engaged in verbal and emotional abuse of junior staff member
  - o On seven to eight different occasions the Chief of Staff called the junior staff member into the member's office. The Chief of Staff screamed at and personally insulted the junior staff member. Junior staff routinely suffered from panic attacks during the meetings.
  - o The last occasion that the Chief of Staff demanded the junior staff member to go into the member's office, the junior staff refused. The Chief of Staff hit her.
  - o The junior staff member subsequently resigned.
- The junior staff member threatened to report the Chief of Staff to the Ethics Committee
  - o Chief of Staff threatened junior staff member's professional career
    - Reporting would ruin member's re-elect chances
    - Reporting would run junior staff member's career and be known as a tattle-tale
    - Chief of Staff had blacklisted staff in previous offices and kept them from advancing in that office or finding employment in other offices
  - o Chief of Staff is the HR Department – no safe means to have grievances addressed
  - o Ethics is a public and political body; junior staff does not want to put office or member at risk
  - o No information provided as to other external services available to staff for grievances – only have access to Google and the House Handbook
  - o Job of staff is to keep things from filtering up to the member; protect time and attention
  - o Other members of senior staff would make shallow inquiries after blow-ups but no action was taken; screaming was witnessed and could be heard by other staff

- Sought counsel in junior staff in other offices; only solution that could be identified was for junior staff member to resign
- Behavior
  - Criticism was public; other staff members would be solicited by Chief of Staff to validate criticism
  - Chief of Staff picks favorites and makes it clearly known
  - Need for personal friendship and validation is manipulative and makes staff uncomfortable; have to be "friends" with Chief of Staff in order to stay on the favorites list
    - Inappropriate jokes – Nazis, racist, shootings
    - Bullying – wore a wig to make fun of a junior staff member
  - Sexual relationships with junior staff – 3 different occasions; well-known among junior and senior staff
  - Staff is concerned about LD returning to the district for an extended period of time
- Solutions
  - AA and counseling is not sufficient
  - Now that the door is opened the solution must match the seriousness and severity of the totality of the actions
  - A surrogate inquiry is not sufficient – the member should
    - Increase regular and on-going personal contact with individual staff members
    - Disclose information to staff
    - Disclose what actions are being taken on the part of the member to address behavior now and in the future

### **INTERVIEW 3 (7/13/16) – meeting requested**

- The Chief of Staff was fifty-percent of staff member's reason for leaving
  - Appropriate ideas and strategic guidance
  - Chief of Staff increasingly diminished the staff member's role and direct reporting to the member – member was sidelined with no opportunity for professional development
  - Grievances felt insignificant in relation to other office priorities
  - Salary Negotiation
    - Underbid staff's value to the organization and was not commensurate with salaries offered by other organizations
    - Took two weeks to respond to request to stay on and salary increase
    - Did not conduct a staff review preceding salary negotiation
    - Negotiation was combative and confrontational
      - Suggested that staff member was taking advantage of the member
      - Exploited staff member's lack of experience with salary negotiations
    - Subjected staff member to a job interview to keep her job
    - Chief of Staff does not have the experience to adequately evaluate the performance of campaign staff
- Chief of Staff increasingly isolated the member with all information the member was receiving being directed and filtered by Chief of Staff
  - Member and Chief of Staff rule the world, staff is just there to execute
  - Staff member began withholding information from Chief of Staff so Chief of Staff was not in a position to appropriate staff member's role
  - A noticeable change in behavior by the Chief of Staff occurred when staff member began to go around Chief of Staff and report directly to the member

- Lack of professional development
  - o Opportunities were not provided or engaged for professional development
  - o Staff felt capped out with no opportunity for advancement
  - o No recognition of improvements in job performance
  - o Strong undercurrent of resentment by staff for the work put in
- Inequitable treatment of male and female staffers
  - o Gave women staff a "stern" talking to
  - o Did not reprimand male staffers
- No Review Process
  - o Campaign did not have a formal review process
  - o Campaign did not have a system for professional development or advancement
  - o Did not feel comfortable discussing with the member:
    - No opportunities were provided to meet with the member one-on-one; expectation was that the Chief of Staff would always be involved
    - Do not break the chain of command
    - Reporting to the member
    - Felt member would be open to the discussion but fear the Chief of Staff would give staff member a "stern talking to"
- Fear of retribution
  - o Reporting would ruffle feathers, would further damage relationship with the Chief of Staff, and no action would be taken to address grievances
  - o Member would take Chief of Staff's side because expected length of professional relationship, everyone else is just passing through
  - o Member has a priority of advancing women in the office but the Chief of Staff rewards "masculine" behavior and exploits "feminine" behavior (see salary negotiations)
  - o Does not believe the Chief of Staff's behavior will change as a result of discussing behavior with Chief of Staff
- Unclear expectations
  - o Post campaign vacuum
  - o Member's motivations and goals not clearly communicated for off year
  - o No one-on-ones with Chief of Staff or member
    - Junior staff is not comfortable with speaking to Chief of Staff
- Solutions
  - o Third Party HR reviews
    - Junior staff not comfortable reviewing Chief of Staff because of behavior exhibited toward other staff
    - Needs third party to validate that their concerns are real both for junior staff and for Chief of Staff
    - Member is not expected to play that role nor is it seen as appropriate for her to play that role
    - Should be conducted annually and presented to senior staff with discussion and action plan
    - Evidence must be provided to staff that information solicited by third party review has been engaged and acted upon
  - o One-on-one time with the member
    - Prioritize opportunities for staff members to interact with member – staffing, driving, etc.
    - Lunch and/or coffee meetings with staff at regular intervals

- Build relationships with individual staff members

#### INTERVIEW 4 (7/14/16; 7/15/16) – meeting requested

- Senior Staff is Human Resources
- Does not know who to go to for help
  - House services are for personnel concerns but not interoffice management concerns
  - Unfamiliar with what services are provided/available
  - Unclear what is confidential
  - Unclear what is normal and acceptable behavior and what is not
  - Fear that reporting behavior will be made public
  - Expected that problems are accepted rather than addressed – expectation is to “suck it up”
- Interactions with the member
  - Comfortable with the member but unclear when it is appropriate to go to the member
  - Small grievances are not worth taking up the member’s time or attention
- Management
  - Staff are expected to stay on Chief of Staff’s good side
    - Obligated to laugh at his jokes
    - Obligated to be friends with him
    - Obligated to engage in personal conversations with him that are inappropriate
  - Chief of Staff’s management is inconsistent
    - Intern was sent home after a constituent call – quoted \$17T debt number
    - New scheduler treated more respectfully than previous scheduler
    - Does not give credit to certain staff members for their work or gives credit to another staff member
    - Retaliates against staff for taking credit
  - Legislative Director poorly manages staff
    - Guidance is given in a condescending manner
    - Tension pervades the office. Legislative Director uses charm rather than conflict resolution to address it.
    - Glossing over tension or confrontation leads to further frustrations on the part of staff and more tension.
  - Personal relationship with senior staff impacts professional standing
    - Senior staff are junior staffs’ advocate or will stand in staffs’ way of getting ahead based on the personal relationship
    - There is no formal mechanism for getting time with senior staff; merely at their prerogative
    - Requesting time with senior staff is treated as an inconvenience.
  - Witnessed inappropriate behavior
    - Knowledge of three intimate relationships with female staff members at senior, junior, and entry levels
    - After hours – checking out and making sexual comments about other women staffers
    - Verbally abusive behavior exhibited toward female staff members in front other staff
    - Bullying of a junior staff member – both Chief of Staff and Legislative Director put on wigs – making fun of junior staff member in front of other staff members

- Staff member is concerned that behavior could be subjected to the same treatment
- Staff member does not feel comfortable alone in the office with Chief of Staff
- No visible change in behavior exhibited by Chief of Staff
- Staying Silent
  - Does not believe behavior will change
  - Staff member will become vulnerable to treatment experienced by other staff members
  - Member will take the senior managements' word over junior staff
  - Staff member will get fired if complain
  - Fear of retaliation and lack of action rooted in experience in the office and paranoia exhibited by Chief of Staff
- Staff reviews
  - Current reviews do not allow for anonymous feedback of management
  - Not conducted on a consistent basis
  - No evaluation made up the chain, only management down
- Solutions
  - All staff training on services available to staff
    - Professional Counseling
    - Confidential services
  - Structured one-on-ones
    - Made a priority and only cancelled in exceptional circumstances
    - Cancellations relegate to low priority status
  - Staff retreat
    - Training on conflict resolution
  - Member disclose what has happened to staff and explanation of next steps

#### **INTERVIEW 5 (7/15/16) – meeting requested**

- Chief of Staff has a well-known list of winners and losers in the office
  - Staff does not know why they are on particular lists
  - Understood by junior staff and senior staff that it is okay to mistreat people on the losers list
- Engaged in predatory behavior after hours
  - Female staff members travel in groups to social gatherings
  - Do not feel safe or comfortable working alone in the office with the Chief of Staff
  - Reputation amongst other offices for predatory behavior, particularly when drinking
    - Attempted to break into the hotel room of a female staff member in a delegation office during a wedding with the professional contacts
- Engaged in abusive behavior towards the staff member
  - Abusive behavior cause: stress that has physically effected the staff member diminishing the staff member's health and mental well-being
  - Does not give feedback or ask questions of the Chief of Staff or LD for fear of being fired
  - Chief of Staff has the ear of the member and will manipulate situations to suit his needs
  - No other member of the staff beyond the COS and LD have access or relationships with the member
  - Chief of Staff withholds information from the member based on his assessment of staff
  - Publicly ridicules staff and sets up staff for failure
  - Bullies staff member with inappropriate jokes about appearance

- Jokes made about staff member's mental health and likelihood to commit suicide in front of other staff on regular occasions.
- Staff feels subjected to verbal abuse and harassment
- Happens regularly and office is aware of behavior
- Professional advancement and standing with the member has been effected by the Chief of Staff's behavior toward the staff member
- Chief of Staff has intentionally stood in the way of professional opportunities without articulating why
  - Does not invite staff member to attend NOA events and networking opportunities
    - Chief of Staff goes out of his way to make clear that other staff are invited
- Halloween
  - Chief of Staff and Legislative Director wore wigs of disheveled hair; made clear they were dressed up as a staff member in front of other staff
  - Staff member made clear that the joke was offensive and not comfortable with it
  - Legislative Director quickly removed the wig and later apologized
  - Chief of Staff refused to remove the wig and continued to make jokes about the staff member and the staff member's hair in front of other staff
  - Staff member insulted the Chief of Staff back and left the office
- Dunkin Donuts
  - Chief of Staff gave staff member a warning not to be late; staff member ignored the warning and went to Dunkin Donuts after 9:00 am start time
  - Chief of Staff had staff member read aloud from the office handbook in the member's office
- Office Reception
  - Staff member mentioned missing the Canon veranda.
  - Chief of Staff said in response "for your sake, good we no longer have one" implying the staff member would commit suicide by jumping off it.
- Witnessed reports
  - Interns
    - Sent an intern home in the middle of the day for a minor mistake
    - Made an intern order business cards for the person hired for the position she had interviewed for the day before without being given notice she was not hired
    - The only reported lows for an intern were interactions with the Chief of Staff
    - An attractive female intern received preferential treatment from the Chief of Staff
  - Professional Advancement
    - A staff assistant refused a promotion to Scheduler because the staff member did not want to work directly for and in proximity to the Chief of Staff; had witnessed the way the Chief of Staff had treated the previous Scheduler.
    - Reporting manager requested a raise for a junior staff member that was not fulfilled for seven months
    - Staff member's compensation is not commensurate with other offices or work load.
  - Gender disparity
    - Male staff member is treated preferentially to his female colleagues.
- Legislative Director



- Well intentioned but poor manager – improvements can be made
- Engages in bad behavior with the Chief of Staff out of self-preservation
  - Different Chief of Staff would result in different behavior by LD
- Only conducted one annual review – recommended a style guide and to practice writing
- Provides notices of CRS trainings and sometimes engages staff member when requested

#### **INTERVIEW 6 (7/15/16) – meeting requested**

- Consolidation of information and power on the part of the Chief of Staff creates distrust of staff on the part of the member
  - “It’s the little things” – a pattern of behavior rather than one or two tangible experiences
  - Pushes down staff both personally and professionally
  - Routine threats of firing and being blacklisted from working on the Hill
  - Does not give credit to appropriate staff
  - The Chief of Staff operates with little oversight and acts with impunity
  - Impacts staff member’s quality of life; for others it impacts the quality of their work
- Mistreatment of Interns
  - Chief of Staff yells at interns
  - Chief of Staff sent an intern home mid-day for a non-event
  - Chief of Staff exhibits inconsistent behavior towards different interns
  - An intern was hired after modeling pictures looked up
- Mistreatment of female staff members
  - Screaming at former Scheduler behind closed doors occurred when others in the office and could still be heard
  - Chief of Staff and Legislative Director wore wigs to make fun of a junior staff member
  - Micro-aggressions are not directed at male members of the staff
  - Chief of Staff does not scream at male members of the staff
  - Female staff members do not get to ask questions
    - Responses are coupled with ridicule
    - Told to figure it out for themselves
- Winners and Losers
  - Get put on a list from the beginning
  - Unclear why particular staff members are on a given list – staff members know where they fall but not why
  - The list sets the frame for the narrative that is told to the member about each staff member
  - No information or understanding of how to get off a list
  - Treatment is not applied evenly as losers are manipulated to remain weak; takes steps to make losers feel weak and powerless
  - Instills fear of being fired creating a lack of stability in the office, member’s confidence in the staff does not trickle down, and staff feel that the member believes the narrative she is told by senior staff
- Hostile environment
  - Chief of Staff engages in a pattern of micro-aggressions toward junior staff
  - When the senior staff is out of the office, staff moral improves and office productivity improves
  - Legislative Director is not even tempered; unclear to staff what will set off his temper creating an environment where people walk on eggshells

- Unclear to junior staff how or why tensions may escalate creating too much of a roller coaster
- Senior staff fails to protect junior staff, pushing frustrations and anger to junior staff
- This not an office where grievances can be brought to the member
- The environment is not sustainable
- In the DC office, male senior staff and female junior staff has dynamic of gender bias
- Lack of professional development in the form of teaching and access to the member
- Staff member was promoted and behavior improved but unclear why
- Does not exhibit appropriate discretion for how to treat employees or co-workers; blurs the lines between professional and personal relationships
- Makes inappropriate jokes and forces staff member to “referee” sexist and racist remarks
- Threats of blacklisting when unable to meet unrealistic and unfair job expectations
  - If you are fired, comes with the expectation that staffer will never work in another Hill office
  - Parting of ways will not be amicable
- Inconsistent treatment of staff
  - Legislative Correspondent
    - Three different people have held the position
    - No noticeable difference in work product or turn around time
    - Three very different treatments applied to each staffer despite consistency of work
- Reports to managing staff are acknowledged but no noticeable changes are made
- Behavior is amorphous and stays just on the right side of the line so as to appear:
  - Insignificant
  - Expected in a Hill office
  - Warranted
- After Hours
  - Does not gain enjoyment for spending social time with staff members
  - Some women are uncomfortable being left alone in the office with the Chief of Staff
  - Will not allow an intern to be in the office alone with the Chief of Staff
  - Attempted to break into the hotel room of a staff member in another delegation office at a wedding where Chief of Staff was invited based on professional relationship
- Solutions
  - The Chief of Staff is a big piece of the problem
    - Minimize role of Chief of Staff as keeper of information
    - Allow for information to more freely flow back and forth with the member independent of Chief of Staff
    - Transparency of information related to staff being shared between member and Chief of Staff
    - Clarity on individual and office goals
    - Develop a two year narrative arc to help break down issue silos
    - Behavior is not symptomatic of junior staff; will not change if another junior staff member leaves the office – it will be transferred to another member of the junior staff (likely a young, attractive, female member of the staff)
  - Member needs to be more involved in the day to day operations of the office

- Member needs to show staff that the member cares and will act
- Currently one-on-ones with the member are not sufficient for bringing issues to light and member should not expect staff to go to the member directly
  - There is not currently a relationship of trust between the member and individual staff
  - The Chief of Staff's interpretation and assessments of behavior will be privileged over individual staff
  - Lack of trust that the member will act on reports of abuse and that the member will not protect staff from Chief of Staff taking out retribution against staff members
- Clear expectations of basic work environment – "classroom rules"
  - Treat people with respect
  - Treat all members of the staff fairly
- Trainings
  - Sensitivity trainings and trainings on acceptable behavior in a work environment
  - Management training on staff development
  - De-escalation training and conflict resolution
  - Stress management
  - Clear guidelines for office policies
    - Leave is given at will and ad hoc – too much discretion is given to management and it is used to punish staff – i.e. one staff member was only given four days notice that a request for time off was granted

#### INTERVIEW 7 (7/18/16) – meeting requested

- Reporting structure and approval process is unclear.
- Has managed reporting staff through a review process w/ a performance improvement plan
  - Seen marked improved and will do a follow-up in the next month
- Expects a performance review every six month
  - Existing review process is narrative rather than numerical system
  - Management is good at receiving feedback
  - Management engages with staff during disagreements
  - Staff member feels comfortable discussing roadblocks with managements
  - Not sure the existing system works for everyone else in the office
- Current office structure is hierarchical and top down
  - Ex. Opioid funding bill
    - Approval given by COS to sign on to a letter and to do press on it
    - Member was unaware and impacted her policy position
    - Member came down on staff who received approval from COS but not the COS and COS did not mention that the COS gave approval
    - Did not speak with COS about failure of approval system
    - Will go around the COS going forward for approvals
- Staff member is fine with existing structure but others not
  - Ex. Intern sent home
    - Staff was concerned about the discipline level but was unsure who could take it to the COS directly
    - Other Staff members did not feel the COS would respond constructively to the feedback
    - Staff felt he could b/c he is invited to give feedback

- Staff believes other staff may be misreading COS
- Staff member lost temper and COS responded understandingly
  - Has not experienced serious reprimand or raising of the voice
  - Empowered by COS to come up w/ ideas and present them
- Staff member has not reported any activity
  - Would have to be extreme behavior
  - Has not been trained on where the line is
  - Has not been confronted with a situation that he would need to make a judgment.
- Would seek guidance outside the office
  - A chief from another office
  - House services but would prefer to meet with someone he knows and trusts
  - Could go to COS
  - Could go to member
- Comfortable with the level of professional development
  - Relies on personal relationships for prof. dev
  - Staff retreat has a discussion of prof dev resources on the Hill
- Feedback
  - COS and LD are good at giving credit for wins
  - Member could afford to give more 30,000 foot feedback rather than accolades for a well written press release
  - District Office could have more information about decision making and how to be involved in press strategy
- Salary
  - Informal interview
  - Offered \$60k, accepted
  - Did not receive a formal document with benefits
- Access
  - Has a texting relationship with the member
  - Comms has access but Leg has expressed interest in having a relationship
- Solutions
  - Clear guidance on when thing should go to the member
    - Who has authority to make the call and who will take responsibility for making the call
    - What's the default if the COS is not available
    - When news is being made, how does the member get looped in that the staff can have confidence in it
  - Clear guidance on campaign reporting structure
    - Who makes the calls – COS or CM?
  - Genuine respect for the member
    - Feedback could be broader in scope
    - Has a genuine appreciation for staff that member regularly expresses

#### **INTERVIEW 8 – 7/19/16**

- New to the office but is taking on more responsibilities in his area of interest
- Had a performance review after 6 months with the office
  - Part of the larger office review schedule
  - Very organized and transparent
  - Felt there was appropriate opportunity for feedback to management

- Professional development
  - o Offered help to manager so as to accrue additional responsibilities
  - o Current system is informal
  - o Asks for additional responsibilities and receives a positive response
  - o A lot of it is knowing when is the appropriate time to go to management
    - Be a self-started
  - o Has not felt neglected by management
  - o But driven to much by informality
    - Can afford a better process for seeking redress
    - Ex. Sent Intern home for the day
      - Did not consult with intern's manager
      - Made the situation worse b/c unfamiliar with intern
      - Punishment did not fit the crime and did not give direct manager opportunity to address concern
- Solutions
  - o Ongoing conversations with managers about how to hire, what to look for, etc.
  - o Conversations w/ clear expectations and guidelines
  - o Doesn't feel there is a need for a formal process as his concerns are heard and responded to
  - o Intern management
    - Update intern handbook and training materials
    - Training and role playing exercises with interns on the phone
    - House trainings are too impersonal, needs one on one feedback from office management
- Member
  - o Member values the work of staff
  - o Higher ups in management are engaging; comfortable with decision making; transparent process

#### INTERVIEW 9 – 7/19/16

- Turn over is good at a certain point
  - o Consistent with other offices
  - o Left for good opportunities
  - o More people from the district in the office is better
- It's clear the member engages in the work of staff; it's meaningful at the end of the day.
- Work is not always feasible, but appreciates the ideas and the enthusiasm for the job
- Professional development
  - o Receives support from management to pursue prof. dev. Opportunities
  - o Not everyone takes advantage of the opportunities that are provided
    - COS gives good points of interest beyond the usual check-list
- Access to management
  - o Catch as catch can – staff members' job to observe and seek out opportunities; right time
  - o Have to weigh management's time with staff member priorities
  - o Staff should seek out, do it themselves
  - o If something is needed, can get attention
  - o The struggle is balancing the volume
  - o On staff to follow-up and gauge what is pressing/a priority

- More information about what is coming down the pike – what is the member thinking about and given more time to prepare
- Access to member
  - Could all benefit from more access but the member's time is precious/valuable
  - Staff could have more discretion in advocating for priorities
  - Staff could use more direction on how and when to get member sign off
  - Member's expectation for information
    - Minor inquiries turn in to several hours of work for staff
    - Inquiries are not regularly followed up on
    - Not enough guidance on where inquiries fall in larger scope of office priorities; time commitment on inquiry vs. other responsibilities
- Staff
  - Set a good example – work hard, show up, do a good job
  - Some staff may be uncomfortable w/ lack of direction
    - Campaign background gives staff member confidence in unspoken decision making
    - Unclear how to build political sophistication in the official office
- Current review process
  - On schedule every 6 months; could be annual be receives regular encouragement
  - No After Action Reviews are conducted
  - Comfortable with the current process for reviewing up; managers are receptive to feedback and appreciative
- Workload
  - Structural; issue is always workload
- Areas of concern
  - Has not witnessed anything concerning
  - Access to resources for evaluating
  - Sees things bubble up as a result of lack of responsiveness or frustrations
  - Comfortable w/ management personnel but not necessarily responsiveness of system
    - Ex. Facebook post would not reflect well on the office. Took to COS and it was addressed.
  - Would feel comfortable going to member – particularly behavior that puts her at risk
  - No clear guidelines for reporting and unsure if there is a process for reporting behavior
  - Feels can go to member directly
  - Confidence in Ethics Committee – will keep it confidential
- Salary and benefits
  - Leave is generous and encouraged
  - Management is responsive to requests for leave
  - Salary is lower than other office
    - Assumes salary requests part of review process but no formalized process for requesting bump in pay
- Solutions
  - Annual memo outlining House resources

# **EXHIBIT 14**



---

**Lunch?**

11 messages

---

[Redacted] Mon, Jun 27, 2016 at 6:22 PM  
To: Julie Sweet [Redacted]

Hey Julie,

Have any time this week to grab coffee/lunch or catch up after work? Had a good talk with Elizabeth and Tony about my interest in managing the campaign. Would love to pick your brain.

Sent from my iPhone

---

**Julie Sweet** [Redacted] Mon, Jun 27, 2016 at 6:41 PM  
To: [Redacted]

Hey there! I'm on the road all this week but happy to meet up next week. What do you have planned for recess?

[Quoted text hidden]

---

[Redacted] Mon, Jun 27, 2016 at 8:46 PM  
To: Julie Sweet [Redacted]

I've got a phone call w/ [Redacted] tomorrow. Trying to set up a few other coffees/phone calls, but no firm plans beyond getting ready for the GVP protest plans when we're back in session.

[Quoted text hidden]

---

**Julie Sweet** [Redacted] Tue, Jun 28, 2016 at 1:39 PM  
To: [Redacted]

Can you do the morning of 7/6?

[Quoted text hidden]

---

[Redacted] Tue, Jun 28, 2016 at 2:08 PM  
To: Julie Sweet [Redacted]

Yep. Where & when works best for you?

[Quoted text hidden]

---

**Julie Sweet** [Redacted] Tue, Jun 28, 2016 at 3:09 PM  
To: [Redacted]

I can meet you on the Hill - we could do Firehook @ 9:30 if that works.

[Quoted text hidden]

---

[Redacted] Tue, Jun 28, 2016 at 3:37 PM  
To: Julie Sweet [Redacted]

Firehook @ 9:30am next Wednesday works well for me. Thanks Julie. Enjoy your travel this week, and look forward to seeing you soon.

[Quoted text hidden]

---

**Julie Sweet** [Redacted] Tue, Jun 28, 2016 at 3:45 PM  
To: [Redacted]

Looking forward to it!

[Quoted text hidden]



Wed, Jul 6, 2016 at 9:29 AM

To: Julie Sweet [REDACTED]

Running about 5 minutes late. Walking there now.

Sent from my iPhone

[Quoted text hidden]

---

**Julie Sweet** [REDACTED]

Wed, Jul 6, 2016 at 9:30 AM

To: [REDACTED]

NP - sitting in the back

[Quoted text hidden]

---

**Julie Sweet** [REDACTED]

Wed, Jul 6, 2016 at 1:07 PM

To: [REDACTED]

[REDACTED] - Thanks for giving me so much of your time today and patiently waiting to respond to your 39 text messages! Like I said, don't hesitate to reach out, ask questions, or simply kvetch. What you're taking on is not easy, can get lonely, and sometimes you just need someone to bounce ideas off of or to sound off too. Been there and understand. I'm grateful to you for taking it on! thank you!!

Thanks also for your time to talk about office policy. It was incredibly helpful and I hope I do you justice. When you get a chance, please send me contact info for staff.

Thanks again!

- J

[Quoted text hidden]

# **EXHIBIT 15**

Monday, August 8, 2016 — 11:02 AM

esty announced at a staff meeting this morning that tony resigned  
told me she got a calendar invite yesterday for it (she's on vacation this week), then told me just now she said he's going to work for hillary in ohio...

hey I was actually just on the phone with  
gald she did! I guess there's a NDA so she legally can't tell staff  
so I don't blame her for that  
btw us, apparently said after reading the report form Julie she was really mad at herself for not moving quicker

wait how is there an NDA?

per House EEmployment office  
apparently it's in place to protect members bad behavior with staff  
but goes both ways

interesting  
is it in place whenever someone resigns? or was he actually fired

I'm not sure  
I'm really glad he is though

me too  
hopefully a fresh start for her office  
i wonder if he really has a job with hillary in ohio. i guess ehe just said "he's leaving to make sure hillary wins in ohio"

Open Hangout

hoping a fresh start for her office

i wonder if he really has a job with hillary in ohio. i guess ehe just said "he's leaving to make sure hillary wins in ohio"

From my understanding of [REDACTED], he doesn't. She told him to go home and get out of DC.

jesus

okay, faith in her being restored...

i'm talking to [REDACTED] after work today

Oh good

I told [REDACTED] that I was having a real hard time with the delay. And he said, she realizes that she messed that up

That's reassuring in many ways

yeah, very much so

still a tad confused about why he still staffed her for a week at the convention

don't tell [REDACTED] I told you about the NDA

no i won't

yeah, you should ask [REDACTED] that

[REDACTED] had already reached out about talking

apparently she told [REDACTED] that she was going to fire him the day after she read the report, and then was on the phone with lawyers and house employment counsel a lot

Open Hangout

# **EXHIBIT 16**

Elizabeth Esty



Jul 29, 2016 9:04 AM

Tony, please let [REDACTED]  
[REDACTED] know that you're  
taking vacation this week  
and that [REDACTED] is in  
charge in DC.

Aug 1, 2016 9:56 AM

Will do. I let [REDACTED]  
[REDACTED]  
[REDACTED] know that I'm on  
vacation on Friday.

Aug 1, 2016 10:02 AM

Thanks. Just wanted to  
check

Aug 1, 2016 10:03 AM

Enter message



Send



# **EXHIBIT 17**

**From:** Baker, Tony  
**Importance:** Normal  
**Subject:** tb - vacation time  
**Start Date/Time:** Mon 7/25/2016 4:00:00 AM  
**End Date/Time:** Mon 8/8/2016 4:00:00 AM

Please call my cell [REDACTED] if you need anything

Please direct interns to tell people to send me emails and not leave a voice mail.

They can give out my cell [REDACTED] as well.



# **EXHIBIT 18**



---

**Fwd: Sexual Harassment Investigation**

2 messages

**Julie Sweet**

To:

----- Forwarded message -----

From: Jolly, Lisa

Date: Fri, Jul 29, 2016 at 9:54 AM

Subject: Sexual Harassment Investigation

To:


Cc: "Lett, Gloria"

Hi, Julie

Gloria asked that I email you the attached document. Please let us know if you have any questions or if further assistance is needed.

Best regards,  
Lisa

---

 [Untitled].pdf  
2901K

---

**Julie Sweet**

To:

**Forwarded conversation**

Subject: Sexual Harassment Investigation

From: Jolly, Lisa

Date: Fri, Jul 29, 2016 at 9:54 AM

To: "juliecsweet@gmail.com"

Cc: "Lett, Gloria"

Hi, Julie

Gloria asked that I email you the attached document. Please let us know if you have any questions or if further assistance is needed.

Best regards,  
Lisa

---

From: Julie Sweet



Date: Fri, Jul 29, 2016 at 10:47 AM  
To: "Jolly, Lisa" [REDACTED]  
Cc: "Lett, Gloria" [REDACTED]

Thank you Lisa and Gloria. I'll review and follow up with Gloria.  
<[Untitled].pdf>

---

From: Lett, Gloria [REDACTED]  
Date: Sat, Jul 30, 2016 at 8:25 AM  
To: Julie Sweet [REDACTED]

Julie my cell number is [REDACTED] Give me a call if you have any questions.

Sent from my iPhone

---

From: Julie Sweet [REDACTED]  
Date: Sat, Jul 30, 2016 at 9:24 AM  
To: "Lett, Gloria" [REDACTED]

Thank you Gloria. We are scheduled to meet Monday morning.

---

From: Julie Sweet [REDACTED]  
Date: Thu, Aug 4, 2016 at 10:19 PM  
To: [REDACTED]

Begin forwarded message:

**From:** "Jolly, Lisa" [REDACTED]  
**Date:** July 29, 2016 at 9:54:17 AM EDT  
**To:** [REDACTED]  
**Cc:** "Lett, Gloria" [REDACTED]  
**Subject:** Sexual Harassment Investigation

---


From: Julie Sweet [REDACTED]  
Date: Mon, May 28, 2018 at 6:30 PM  
To: [REDACTED]


----- Forwarded message -----  
From: Jolly, Lisa [REDACTED]  
Date: Fri, Jul 29, 2016 at 9:54 AM  
Subject: Sexual Harassment Investigation  
To: [REDACTED]  
Cc: "Lett, Gloria" [REDACTED]





**2 attachments**

 [Untitled].pdf  
2901K

 [Untitled].pdf  
2901K



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SEXUAL HARASSMENT INVESTIGATIONS

*Before Commencing the Investigation, What Matters Should the Investigator Consider?*

- ▶ Discuss the parameters of the investigation with the appropriate management representative(s) and counsel.
  - ▶ Why is investigation required?
  - ▶ Should all or part of the investigation be protected under the attorney-client privilege and/or attorney work-product doctrine?
  - ▶ What are the potential objectives of the investigation?
  - ▶ Who should be part of the investigation team?
  - ▶ Through whom and how should contacts with interviewees be made?
- ▶ Determine the appropriate deadline for completing the investigation.
- ▶ Identify documents to be reviewed.
  - ▶ Complaint and notes regarding it.
  - ▶ Relevant rules, policies, procedures and instructions.
  - ▶ Memoranda, notes, e-mails or other documents about the incident(s).
  - ▶ Managers' notes and files.
  - ▶ Prior investigation files.
  - ▶ Records of prior complaints against the alleged perpetrator.
  - ▶ Records of prior complaints by the complainant.
  - ▶ Personnel files of individuals involved.

- ▶ Statements written by or obtained from witnesses.
- ▶ Relevant business records, such as time cards, calendars, diaries, tape recordings, photographs, logs, etc.
- ▶ Identify potential interviewees and their relationship to the matter under investigation.
  - ▶ Person(s) who raised the issue(s).
  - ▶ Persons identified by person(s) who raised the issue(s).
  - ▶ Persons identified by person(s) being investigated.
  - ▶ Supervisors of persons involved.
  - ▶ Observers of the incident(s).
  - ▶ Others with relevant information.
  - ▶ Authors of relevant documents (including e-mails).
  - ▶ Co-workers of persons involved.
  - ▶ If appropriate, other persons who reportedly have been subjected to similar activity.
- ▶ Decide order of interviews.
  - ▶ Is there any reason not to interview the complainant(s) first?
  - ▶ Should the alleged wrongdoer(s) be interviewed second, last or in some other order?
- ▶ Determine the format for recording information from witnesses.
  - ▶ Contemporaneous handwritten notes of key points obtained from each witness.

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- ▶ Dictated, typed write-up of key points obtained from each witness, prepared based upon the contemporaneous handwritten notes referenced above.
- ▶ Signed declaration under penalty of perjury.
- ▶ Statement written out by witness in his/her own words.
- ▶ Contemporaneous shorthand/virtually verbatim notes of words spoken by each witness.
- ▶ Transcript of interview prepared by a court reporter.
- ▶ Tape-recorded interview.
- ▶ Videotaped interview.
  
- ▶ Establish a system for organizing and maintaining files.
- ▶ Determine the format for and matters to be addressed in the investigator's report, if any.
- ▶ Identify other investigatory steps.
- ▶ Review the investigation plan periodically to ensure that it is comprehensive.

#### *What Are Some of the Techniques Investigators Find Helpful for Recording Information Obtained During Witness Interviews?*

- ▶ Start a new page for each interview.
- ▶ At the top, place the names of those present at an interview, the date, time and place of the interview. Sign and date the notes.
- ▶ Typically it is appropriate to take detailed notes, as close to verbatim as possible, during each interview.
- ▶ Report matters asked of the interviewee as well as words spoken and facts provided by the interviewee.

- ▶ Do not include your interpretations, beliefs, assumptions, conclusions, etc., about the facts stated. Rather than guess at reasons or intentions, ask the interviewee the reason and record the response.
- ▶ In some investigations, the investigator may need to resolve conflicts in information by making determinations about the credibility of witnesses. Be careful. If you note things during an interview that impact a credibility determination, record these observations on a separate document pursuant to instructions you receive from counsel. Consider factors such as evasiveness, contradictions in statements, blushing, other facial expressions, potential signs of anxiety such as shaking or perspiration, defensiveness and other demeanor.
- ▶ At the conclusion of an interview, review with the witness the points contained in your notes to confirm their accuracy and determine whether the interviewee has anything to add.
- ▶ Review and finalize the notes immediately upon completion of the interview or other communication. The notes should be legible and provide enough information to understand, when reviewed later, what was asked and what information was provided. Although it is not necessary to write in complete sentences, the notes should be free from misspellings or grammatical errors so that the interviewer is not discredited in the course of litigation.
- ▶ Generally, tape recording of interviews is not advisable. Tape recorders often frighten interviewees and make them hesitant to share the facts they have. The recordings arguably will not constitute work product and the interviewer's voice, tone and failure to ask specific questions will be easier to criticize.
- ▶ If an interview is to be recorded, check applicable laws for restrictions. Place the recorder in plain view on the table in front of the witness and obtain the witness's consent to turn it on. As soon as the recorder is turned on, indicate the date, time, place and participants, and have the witness affirm on tape his/her knowledge of and consent to the recording.



*What General Interview Techniques May Be Useful?*

- ▶ Prepare thoroughly in advance of the interview.
  - ▶ Determine the issues that should be explored with the witness.
  - ▶ Have a full understanding of the office's policies, guidelines, and/or actual practices (if different than the policies and guidelines) that will be critical in reaching a resolution of the issue when the facts are ascertained.
  - ▶ Understand what facts are necessary to reach a conclusion.
  - ▶ Determine what written documents will assist in reaching a conclusion or in determining certain facts and have copies available to review with the witness.
- ▶ Prepare a detailed outline of key questions.
  - ▶ All incident(s) or matters the witness should be asked about and all details regarding each.
  - ▶ Information the witness is believed to have.
  - ▶ Information from others the witness may be able to corroborate or refute.
- ▶ Make appropriate disclosures at the commencement of the interview and perhaps retain a written record indicating they were made.
  - ▶ State what is being investigated, *i.e.*, why the interview is taking place.
  - ▶ Advise what role the interviewee may play in the investigation.
  - ▶ Tell how the information received may be used.
  - ▶ Explain that information obtained during the interview will be reported to those within and possibly outside the organization who have a "need to know" of it.
  - ▶ Explain the seriousness of the investigation.
  - ▶ Explain the importance of accurate information and the individual's

obligation to provide truthful, thorough information.

- ▶ If the interviewee refuses to participate in the interview or answer questions, explain the consequences.
  - ▶ Indicate to the "accused" that the interview is designed to give the individual an opportunity to relate his/her version of the events and to advise management of any information it should consider before it finalizes its investigation. If the accused refuses to participate, management should tell the interviewee that the organization will base its decision on the other information gathered during the investigation, the inferences drawn from that evidence and the accused's unwillingness to cooperate in the interview.
  - ▶ In investigations regarding specific events, cover all events which occurred during the relevant time frame in chronological blocks of time. Do not leave the time block until all details necessary to recreate the scene have been established. For each block of time cover:
    - ▶ Exactly what occurred?
    - ▶ When did it happen?
    - ▶ Where did it happen?
    - ▶ Who was involved or otherwise present?
    - ▶ Who else may know of relevant information?
    - ▶ How did it happen?
    - ▶ Who did or said what?
    - ▶ In what order?
    - ▶ Why did it happen?
    - ▶ Who is to blame?
    - ▶ Could it have been avoided?

- ▶ Was this an isolated event or part of a pattern? If there has been a pattern, cover each prior incident.
  - ▶ What impact, if any, has the event had?
  - ▶ With whom has the event been discussed?
  - ▶ Are there any notes, recordings, photographs, physical evidence or other documentation?
- ▶ Pin the witness down to facts: specifically what the witness saw, heard, did, smelled or felt (if physical contact was made with or by the witness). Distinguish matters of which the witness has personal knowledge from hearsay. Avoid conclusions (*e.g.*, he hurt her); focus on detailed facts (*e.g.*, when I was looking directly at George and standing three feet in front of George, I saw him raise his right arm above his head, clench his fist, and punch Betty in the stomach with his right fist; Betty screamed, "Don't," and then she fell backwards, landing with her bottom on the floor.").
- ▶ Follow up on answers given with appropriate additional questions.
  - ▶ Develop questions to corroborate or refute information provided by other witnesses or evidence, typically without disclosing the source.
  - ▶ If appropriate, develop questions such as: "If your position is accurate, then how can you explain \_\_\_\_\_?"
- ▶ Ask the witness to list all individuals who may have knowledge of any of the events.
  - ▶ What knowledge does the witness believe the individual possesses?
  - ▶ From what source?
  - ▶ Does the witness believe the individual was present when the incident took place? Heard about it from someone else?
- ▶ Use appropriate question formats.
  - ▶ Typically start with open-ended questions. Move to more narrow, focused and even leading questions after the

witness has sketched the limits of the events as he/she recalls them.

- ▶ Do not ask compound questions; ask one question at a time
  - ▶ Typically ask questions which force the person to relate events chronologically to ensure thorough coverage. Comparing different witnesses' chronological versions will help assess credibility.
  - ▶ Try to save unfriendly or embarrassing questions until the end; beginning with hostile or tough questions usually causes the interviewee to be defensive.
  - ▶ Do not conclude the interview without asking the tough questions, even if the interviewee is uncomfortable.
  - ▶ Neither give the impression that you disbelieve any witness nor express an opinion as to whether something inappropriate occurred during this fact-gathering process.
  - ▶ Ask additional questions based on the answers to the preplanned questions.
- ▶ Obtain confirmation that the interviewer has a complete and accurate understanding of the interviewee's factual knowledge. Before excusing the interviewee, repeat to the interviewee the significant points obtained and ask him/her to confirm that the information is accurate and complete. Indicate that confirmation in the notes. If any information is not based on personal information, appropriately label it as rumor or conjecture.
- ▶ Review all significant information received with the person being questioned.
  - ▶ Ask for all corrections the witness has.
  - ▶ Ask if the witness has any other information which may be relevant.
  - ▶ Ask if there are any questions which were not asked that the witness feels should have been asked.
  - ▶ Let the witness know that if he/she has forgotten and later

recalls any information or documents, the witness should call you immediately when additional information comes to mind.

- ▶ Confirm the interviewee's understanding that no threats or promises have been made.
- ▶ Stress the importance of not disclosing the questions asked, information given or other information about the interview to others to facilitate a thorough, impartial investigation.
- ▶ If appropriate, make a general comment about the process of the investigation from that point on.
- ▶ Listen to any questions the person may have and answer if appropriate.
- ▶ Be cautious in making statements to the witness because they could be discovered. Avoid discussing theories, strategy, assessment or other evidence with the witness.

*What Additional Strategies May Be Appropriate in Interviewing Complainants or Purported Victims?*

- ▶ Explain the objective of the meeting.
  - ▶ The organization is committed to compliance with the law and its policies.
  - ▶ The organization will conduct a prompt and thorough investigation to determine whether inappropriate action has occurred.
  - ▶ If so, it will be stopped and appropriate corrective action will be taken.
  - ▶ There will be no retaliation against an individual for making an honestly believed complaint.
  - ▶ The interviewee is expected to provide a thorough, truthful accounting of what has occurred, and to identify all evidence and all individuals who may have knowledge.
- ▶ Do not promise confidentiality. Confirm that information will be shared with those who have a need to know.

- Make sure the employee feels comfortable with you as the investigator.
  - Have the employee articulate the comfort level to you by asking the employee if there is any reason she/he feels you cannot be fair and objective.
  - In sexual harassment investigations, consider the desirability of a female investigator for a female alleged victim because disclosure of information about sexual matters may be embarrassing.
- Consider asking the complainant/victim to write down, either before or at the start of the interview, all incidents of improper conduct and all facts and witnesses which establish that they occurred. (A handwritten statement by the complainant/victim is desirable at this early stage before he/she has counsel who may recast the events in a more negative light).
- In sexual harassment investigations, obtain a complete list of each act and each statement that the individual construed as sexual harassment, offensive or constituting a hostile environment.
- For each act and for each statement determine:
  - When did this occur?
  - Where did this occur?
  - Who was present when this occurred?
  - Exactly what happened or exactly what was said? (Get a description of the scene, from the first word or gesture up through the end of the incident or conversation).
  - What conversation occurred with the harasser before the incident occurred or the offensive statement was made?
  - What acts between you and the harasser occurred before the incident occurred or the offensive statement was made?
  - What response did you make to the harasser when the offensive act was occurring and when it ended?
  - What response did you make to the harasser when the offensive statement was concluded?

- ▶ What did you say to the harasser the next time you met him or her?
- ▶ Was anyone else present during any of these incidents or conversations? If so, who was present for each of them?
- ▶ Did you ever indicate that you were offended or somehow displeased by the act or offensive statement?
- ▶ What did you say to show your displeasure? What did you do to show your displeasure? What was the harasser's response to your act or statement? When did you indicate your displeasure? Did you ever specifically tell the harasser to stop? Did you ever specifically say that you found the conduct to be offensive or to constitute sexual harassment?
- ▶ Did you speak with anyone else about the offensive behavior or statement? With whom did you speak? When did this conversation take place? What did you and he/she say?
- ▶ Did you ever make any notes or record of the incident? Did you tape record it? When? What do your notes or recordings say? Where is a copy? Can we obtain one?
- ▶ What did you do after the offensive incident or statement? (Find out whether the individual was able to continue with normal activities.)
- ▶ Did you ever seek any medical treatment or counseling as a result of the incident or offensive statement?
- ▶ Further ask:
  - ▶ When did you first learn of our sexual harassment policy and complaint procedure? To whom did you first report the offensive incident or statement? If the individual did not use the complaint procedure promptly: why did you wait so long to use the complaint procedure to report the incident or statement?
  - ▶ Did you ever do anything which you believe may have caused the harasser to believe you would welcome or at least not be offended by the incident or statement you have found to be offensive? (Although this may be a very sensitive issue, in some cases, you may need to ask about gifts or cards the individual has given to the

harasser; social interaction, dating or sexual relations the individual has had with the harasser; any dirty jokes or profane language the individual has uttered in the presence of the harasser; and any invitations the individual has extended to the harasser.)

- ▶ What action do you want the organization to take? Why have you identified this particular action?
- ▶ Do you believe you can work with the harasser? If so, is there anything we can do to assist you in resuming a positive working relationship with the harasser? If not, why do you believe you cannot work with the harasser? Are you willing to try to work with the harasser if I meet jointly with the two of you to discuss the situation and your future working relationship? Do you have any other suggestions which may allow you and the harasser to work together successfully?
- ▶ Review important points before concluding the interview.
  - ▶ Thank the employee for raising the issue.
  - ▶ Reaffirm to the employee that the organization does not permit retaliation or reprisal for making an honestly believed complaint.
  - ▶ Tell the employee that you may be in contact from time to time subsequent to the interview and that the employee's continued cooperation is essential.
  - ▶ Ask the employee for suggestions on how the issue can best be resolved. Also ask what the employee wants the organization to do, but make no promises.
  - ▶ Express the organization's commitment to conclude the matter in a timely manner.
  - ▶ Confirm that all facts, evidence and persons with potential information have been disclosed to the best of the individual's ability.

*What Other Matters Should Be Covered with Alleged Wrongdoers?*

- ▶ Identify and give the individual an opportunity to respond to each alleged improper statement or action.



- ▶ You need not disclose the source of your information.
  - ▶ You should disclose the incidents/statements in full detail so that the accused has a full opportunity to refute and disprove them. If complicated, state them in writing to facilitate understanding by the accused.
- ▶ Ascertain the extent and nature of the interactions the accused has had with the alleged victim(s).
  - ▶ Have gifts, cards or notes been exchanged?
  - ▶ Has there been a dating, sexual, social or working relationship?
  - ▶ Has the alleged victim initiated or participated in any sexual discussions, jokes, gestures, etc.?
  - ▶ Has the alleged victim ever indicated any displeasure with anything the accused has said or done, or ever asked the accused to stop?
- ▶ Ask the accused for any facts which show anyone else may have a motive to fabricate the allegations against the accused.
- ▶ If the accused denies wrongdoing and claims that the person raising the issue is lying, explore possible reasons.
  - ▶ Ask why the accuser would make the claim.
  - ▶ Ask if anything has happened between the two individuals which would explain why one would make a meritless complaint.
- ▶ Give the accused an opportunity to provide any alibis or mitigating circumstances.
- ▶ Ask the accused to identify all persons he/she believes should be interviewed as part of the investigation and what relevant information each is likely to have.
- ▶ Request that the accused provide to you all relevant documents and other evidence.
- ▶ Ask the accused what steps he/she believes should be taken to ensure a thorough investigation.

### *What Documentation May Be Appropriate?*

Each investigation should have a separate file. Because the investigator's file may not be protected by the attorney-client privilege or the organization may choose to waive the privilege, accurate documentation should be carefully created and maintained.

Typical components of an investigation file include:

- ▶ Log of investigator's actions and calls by date.
- ▶ Contemporaneous and final interview notes for each witness.
- ▶ All communications to and from witnesses, including complainants.
- ▶ All draft and final witness statements.
- ▶ All complaints.
- ▶ All documents which establish or refute the issues investigated.
- ▶ Relevant physical evidence, such as tape recordings, product samples, etc.
- ▶ Investigator's report, if any.
- ▶ Documents reflecting notification of investigation results and any remedial action.

In creating notes, remember:

- ▶ Think before writing. Only place facts received on paper. Avoid investigator's opinions or conclusions (unless requested in a final report or required to assess credibility), doodles and notes on extraneous matters.
- ▶ Review all notes promptly after creation for factual, spelling and grammar errors. Correct errors to avoid embarrassment to the investigator and organization.
- ▶ Documents, other than working drafts, should not be destroyed once an investigation has commenced.

- ▶ Working drafts (of documents other than statements sent to witnesses) should be destroyed when the next version is prepared in accordance with the organization's document retention policy.
- ▶ Inform persons who may have relevant documents to maintain them.

*Is a Summary Report of the Investigation Required?*

Some investigators require no written summary because the managers responsible for employment decisions interview the percipient witnesses and/or read the investigation file which is easy to follow.

In more complicated cases, a summary report is a useful introduction for the decision makers. Such reports may include:

- ▶ Complaint or event that prompted the investigation, including name(s) and department(s) of any complainant(s) or victim(s).
- ▶ Issue(s) investigated.
- ▶ Factual findings on each issue.
  - ▶ If conflicting factual information is obtained, identify the conflict and factors which may help resolve the conflict and seek advice from counsel before commenting on credibility.
  - ▶ Key facts supporting findings made.
- ▶ Investigation timetable from inception, by date, including interviews conducted and other investigatory steps taken.
- ▶ Summary of critical information contained in each witness interview, relevant policy and other evidence.
- ▶ Identification of any injury apparently sustained.
- ▶ Any action taken.
- ▶ Recommendations, if the investigator has been asked to make them.

The investigator's objective is to be neutral, objective, precise and thorough.  
Avoid mention of the content of any communication with counsel.

# **EXHIBIT 19**

## Interview Questions

This interview is being conducted as a means of fact finding, resulting from the member's desire to evaluate policies and management procedures in the DC office. This interview is part of a series of conversations I've had with current and former staff in the DC office. This is for fact-finding purposes only.

We'll cover management philosophy, review processes, hiring and salary negotiations, and how the staff interacts with the member.

### Management

Who is on staff in the DC office and what are their positions?

What are your priorities for managing staff?

How do you feel that matches up with the member's priorities?

Do you believe you manage the office according to the member's values and priorities?

Do you feel you are fair and equal in your treatment of staff?

### MEMBER ACCESS

What's your policy for managing staff's access to the member?

- Who currently gets access to her via meetings and staffing events?
- How do you decide?

### REVIEW PROCESS

What's the review process in the office?

- Do you feel the review schedule is sufficient?
- Do you keep to that schedule for all staff?
- Does the review process provide adequate space for staff to review senior staff?
- Does the member have a review process for you?
- When was the last time you were reviewed?
- Did you put it on the member's schedule?

How do you handle staff questions about procedure, policy issues, or personnel issues?

- What goes into your decision-making about how you treat individual staff member's questions?
- Have you noticed a discrepancy between men and women in the office?

How do you address low performing staff?

- How do you address low performing staff?
- Is there a formal performance improvement process?
  - o What staff have you put on this process?
  - o How did it work out?
- You recently sent an intern home in the middle of the day. What were the circumstances?
  - o Is sending people home a regular form of discipline?
  - o Did any staff discuss the severity of the punishment with you?
  - o If staff did not speak to you, did you take that as agreement with your discipline?

If low performing staff does not improve do you fire them or create an environment where they quit?

- What are some examples?

Have you used mocking or ridicule to discipline a staff member?

- Tell me about wearing the wig during GOTV
- Were you aware that she was uncomfortable?

How do you manage disagreements between you and staff?

- Have you ever raised your voice at staff?
  - With Who?
  - What were the circumstances?
  - Have you raised your voice at male members of the staff?

Have you asked other members of the staff to validate your criticism of another staff member or invited other staff to engage in mocking a staff member?

- Do you recall asking [REDACTED] over during a conversation with [REDACTED] to tell her work product was of poor quality?

How do you address grievances with managers?

- Do you feel staff can bring concerns to you?
- Has staff brought concerns to you?
  - o What was the result?

### Hiring and Salary Negotiations

What are the qualities you look for in a new hire?

What's your process for determining salary levels?

- Do you look at salaries for other offices?
- Do you look at their previous salary?
- Do you look at their years of service to the office?
- [REDACTED] (first promoted)?
  - o Did you take into account recommendations made by other staff?
  - o Did you conduct a review prior to salary negotiations?
  - o Was she underperforming?
  - o How did you evaluate her performance?
  - o Did you discuss your reasoning with anyone prior to making the offer?
- [REDACTED] [REDACTED] ?
  - o Did you conduct a review prior to salary negotiations?
  - o Was she underperforming?
  - o How did you evaluate her performance?
  - o Did you discuss your reasoning with anyone prior to making the offer?
- [REDACTED] ?
  - o What experience did [REDACTED] bring the job that [REDACTED] didn't?
  - o What was the reasoning for offering [REDACTED] a started salary at the level that [REDACTED] was making when she left the office?

Do you think your hiring decisions are fair?

- Are there examples where factors other than job qualifications were used in the decision-making?
- Intern applicant's modeling photos?

How do you evaluate leave requests?

- How quickly do you try to respond to leave requests?
- Were there circumstances where you were not able to quickly respond to a request and staff had to wait until the last minutes? Explain.

### Approval Process

What's the policy for what the member signs off on and what you approve?

Is there a set policy, decisions made at your discretion, or decisions made at the member's discretion?

- Do you recall the Opioid legislation and letter?
- Did you approve signing on to the letter?
- Did you approve the press release before it went out?
- Why was the member not made aware that you signed off on both the letter and the press release?

### Behavior

Have you made inappropriate remarks or jokes in the office?

- Jokes or remarks others might find offensive? (Nazis, guns)
- Did staff tell you the jokes were inappropriate or that it made them uncomfortable?
- Did you stop?

Did you ask a female junior member of the staff, after seeing her leave at the same time as a male member of the staff, if she was sleeping with the male staff member?

- Did you feel that was an appropriate question?
- Did you ask the male staff member the same question?

Did you call the former Scheduler into the member's office for private discussions?

- Did those discussions get heated?
- Was the former Scheduler brought to tears?
- Did the former Scheduler appear to have a panic attack on more than one occasion?
- Were you aware that other staff could hear you?

Did you hit the former Scheduler in the office after she refused to go into the member's office with you?

Did you proposition the former Scheduler after she met with you regarding a promotion?

Have you had sexual relationships with members of the staff – campaign or official?

- Who?
- Was one of the relationships started before an employee was offered a job?

Do you recall a staff member threatening to go to the Ethics Committee after she expressed discomfort with your behavior?

- Did you tell her that you have kept people in [REDACTED]'s office from advancing? That you got them fired?



# **EXHIBIT 20**

[REDACTED]

**Resent-From:** [REDACTED]  
**From:** "Lett, Gloria" [REDACTED]  
**Date:** August 4, 2016 at 9:56:51 AM EDT  
**To:** "Esty, Elizabeth" [REDACTED]  
**Subject:** RE: Termination Meeting Bullet Points and Sample Severance Agreement and Release

Yes, of course. Please call me when your schedule permits. You can reach me on [REDACTED]

-Gloria

---

**From:** Esty, Elizabeth [REDACTED]  
**Sent:** Wednesday, August 03, 2016 5:31 PM  
**To:** Lett, Gloria  
**Subject:** Re: Termination Meeting Bullet Points and Sample Severance Agreement and Release

Gloria,  
I am coming to DC on Friday for an in person meeting. Trying to get some clarification about the rules on lump sum at point someone is no longer on payroll.  
Is there a good time for us to talk for a few minutes?

Elizabeth

[REDACTED]  
On Aug 2, 2016, at 3:38 PM, Lett, Gloria [REDACTED] wrote:

*Privileged and Confidential  
Attorney-Client Communication*

**Termination Meeting Bullet Points**

- Witnesses at the Meeting. It is best to have two members of management present during the meeting. One of the managers typically does most of the talking, while the other acts as a note-taker and witness.
  - As we discussed, if you decide to talk with Tony without another manager present, please take notes of what was said at the meeting as soon as possible so that you will have a record of the discussion.
- Communicating the Termination Decision.
  - I suggest scheduling the meeting at the end of the workday when not too many employees are still in the office (or otherwise in as private a setting as possible). This will give Tony an opportunity to absorb the information. Although he has offered to resign, he may still react emotionally once he is told that you are accepting his resignation.

- During the meeting, you should briefly explain the reason for your decision. As you expressed, you no longer believe that Tony can be effective as your Chief of Staff given the complaints about his management of the office that you have learned from Julie's investigation. Although Tony has offered some explanations and context for some of the complaints, you are convinced that it is best for him to move on and he himself has recognized that it would be better for him to move on.
- Your points should be conveyed relatively quickly, in a matter-of-fact fashion, and without a lot of discussion.
- As we discussed over the phone, beware of being drawn into a debate over the reasons for your decision. If Tony tries to engage you in a back and forth discussion about the decision, you can say that you understand that he may disagree, but that the decision has been made and is final.
- You may then emphasize that, for the remainder of the meeting, you will discuss the logistics of the transition--- and that your goal is to plan these logistics in a way that could assist him in having a smooth transition out of the office.
- Severance, Payout of Accrued Annual Leave, & Benefits.

Let Tony know that he will need to sign a severance agreement and release and, in accordance with the rules of the House and the needs of my office, you have decided to structure his severance package as follows:

**Option A:** He will remain on the payroll as paid severance for \_\_\_\_ month(s) without reporting to work or performing any services, and at the end of that time period he will be kept on the payroll for an additional \_\_\_\_ days to pay for his \_\_\_\_ days of unused accrued annual leave. Under this scenario, he will remain on the office's payroll without reporting to work through [DATE].

**-OR-**

**Option B:** He will remain on the payroll as paid severance for \_\_\_\_ month(s) without reporting to work or performing any services, and at the end of his employment the office will pay him a lump sum payment [of one month salary, which includes a cash reimbursement for his \_\_\_\_ days of unused accrued annual leave. Any payment of a lump sum cannot exceed 1/12<sup>th</sup> of the Speaker's Pay Order. Seek guidance from Payroll and Benefits to ensure full compliance with this rule.

**-OR-**

**Option C:** He will receive a single lump sum payment for his severance and unused annual leave combined that cannot exceed 1/12 of the Speaker's Pay Order. This is the least generous option.

Assuming that you participate in a House health insurance plan, this means that your health care coverage will continue through the end of \_\_\_\_\_ 2016.

- Tony will know this but you can remind him that if he has questions about his benefits, he should contact the Office of Payroll and Benefits directly at ext. 5-1435.
- *Unemployment:* If he asks, inform Tony that the office will not contest any unemployment claim he may make.
- Expectations Prior to His Final Day on the Payroll.

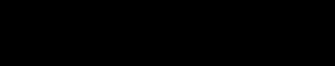
- Depending on what you decide, inform Tony that the office will not require him to be in the office or to continue working prior to his final day on the payroll.
- *Optional:* Let Tony know that, if he desires, he can send an email to staff, with your prior approval of the language, informing them of his departure.
- *Optional:* If it would be helpful you can request that Tony draft an exit memo summarizing any outstanding matters he may be working on. He should be given a date certain to complete this assignment.
- Exchange of Property.
  - Tell Tony that he must return all House property in his possession to the office on or before a date certain (ID, Blackberry, laptop, parking sticker, etc.). For items that may be at his home, he may bring them to work if he plans to come into the office, or you can otherwise arrange for them to be picked up at a mutually agreeable time and location.
  - If he intends to leave the office immediately after your meeting, explain that he is free to gather any personal items either today or during office hours when the office is open.
- References.
  - *Optional:* Inform him that you will draft a letter of reference or provide other job placement assistance.
  - He may ask what you will say in a verbal or written reference, so think through your answer. When acting as a reference, it is important that you do not say – or offer to say – anything that is inconsistent with what you would have to say about his performance if litigation ensues.

Try to end the meeting on a positive note by saying something along the lines of “I value your service to the office and trust that I can work with you to make this a smooth and amicable transition.” Also, please call me if you have any questions. I will cross my fingers and hope that things go as well as possible under the circumstances.

-Gloria

\*\*\*\*\*

Gloria Lett  
 Counsel  
 Office of House Employment Counsel  
 U.S. House of Representatives  
 4300 O’Neill Federal Office Building  
 Washington, D.C. 20515



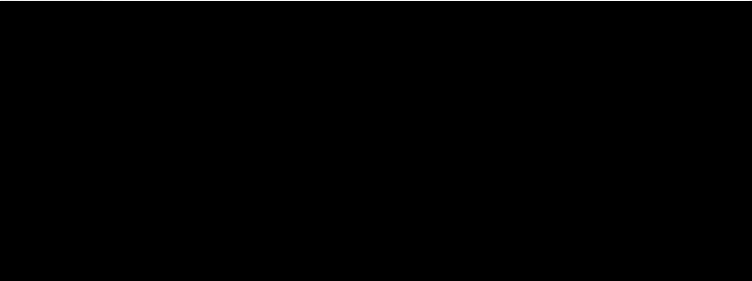
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<Sample Severance Agreement and Release.docx>

# **EXHIBIT 21**



> Resent-From: [REDACTED]  
 > From: "Lett, Gloria" [REDACTED]  
 > Date: August 5, 2016 at 5:59:29 PM EDT  
 > To: "Esty, Elizabeth" [REDACTED]  
 > Cc: "Rogers, Ann" [REDACTED]  
 > Subject: Confidential Settlement Agreement

>  
 > Privileged and Confidential Attorney Client Communication

> Hi Congresswoman.

> The attached is the settlement document which includes the agreed upon provisions/terms discussed. I am copying Ann Rogers of my office because, as you know, I will be out of the office next week. I am available at [REDACTED] (cell number) if you have any questions. I also regularly check my emails.

> Ann can assist you with putting the final touches on the document, once all of the terms are completely ironed out. But again I am available to talk about any concerns.

> Don't hesitate to call.

> -Gloria

> \*\*\*\*\*

> Gloria Lett  
 > Counsel  
 > Office of House Employment Counsel  
 > U.S. House of Representatives  
 > 4300 O'Neill Federal Office Building  
 > Washington, D.C. 20515



> \*\*\*\*\*

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>  
 >

[REDACTED]

**Resent-From:** [REDACTED]  
**From:** "Lett, Gloria" [REDACTED]  
**Date:** August 5, 2016 at 5:59:29 PM EDT  
**To:** "Esty, Elizabeth" [REDACTED]  
**Cc:** "Rogers, Ann" [REDACTED]  
**Subject:** Confidential Settlement Agreement

***Privileged and Confidential Attorney Client Communication***

Hi Congresswoman.

The attached is the settlement document which includes the agreed upon provisions/terms discussed. I am copying Ann Rogers of my office because, as you know, I will be out of the office next week. I am available at [REDACTED] (cell number) if you have any questions. I also regularly check my emails.

Ann can assist you with putting the final touches on the document, once all of the terms are completely ironed out. But again I am available to talk about any concerns.

Don't hesitate to call.

-Gloria

\*\*\*\*\*

Gloria Lett  
Counsel  
Office of House Employment Counsel  
U.S. House of Representatives  
4300 O'Neill Federal Office Building  
Washington, D.C. 20515

[REDACTED]

\*\*\*\*\*

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## CONFIDENTIAL SEVERANCE AND RELEASE AGREEMENT

This Confidential Severance and Release Agreement (“Agreement”) is made by and between Tony Baker (“Employee”) and the Office of Representative Elizabeth H. Esty (“Office”), collectively referred to as the “parties.”

For good and valuable consideration, the adequacy of which is hereby acknowledged, the parties agree as follows:

### **Part I** **(Mutual Terms)**

1. Employee’s employment with the Office is ending and this Agreement describes the terms and conditions of Employee’s departure from the Office.
2. This Agreement constitutes the waiver and release of all claims and disputes of any kind. Neither the offering or execution of this Agreement, nor the performance of any obligation hereunder, is intended or shall be understood as an acknowledgment of responsibility, admission of liability, or other expression reflecting upon the merits of any dispute or claims between the parties, and any such responsibility or liability is expressly denied.
3. This Agreement constitutes the sole and entire agreement between the parties, and supersedes and extinguishes any and all prior agreements, whether written or oral, between the parties. This Agreement may be modified, waived or terminated only by subsequent written agreement signed by both parties.
4. The waiver by any party of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other provision, nor shall any failure to enforce any provision herein operate as a waiver at such time, or any further time, of such provision or any other provision herein.
5. This Agreement is executed voluntarily and without coercion, undue influence, threat, or intimidation. In executing this Agreement, the parties do not rely and have not relied on any document or statement, whether written or oral, other than those specifically set forth in this Agreement. The parties warrant that the undersigned are competent to execute this Agreement on behalf of themselves and/or their principals.
6. Any and all information relating to any disputes between the parties covered by this Agreement is confidential. Except as required by law, the parties may not disclose to any third party (including the media), other than their attorneys, tax accountants, the Internal Revenue Service, or any state or local tax authorities, any statements under this Agreement, the terms or payments contained in this Agreement, and any and all discussions, negotiations between the parties, except to state that any and all claims have been satisfactorily resolved. Nonetheless, nothing in this Agreement shall be interpreted to prohibit the Office from communicating about this Agreement to those within the Office with a need to know.
7. If any term or provision of this Agreement becomes inoperative or unenforceable by operation of law, that provision shall sever and the remainder of the Agreement shall remain enforceable.



8. This Agreement may be executed in any number of counterparts, each of which shall be treated as an original, but all of which, collectively, shall constitute a single instrument.

9. Notices required under this Agreement, including the exchange of executed copies of this Agreement, shall be provided to Employee by e-mail to *insert [redacted]'s personal e-mail address here, unless he states a specific preferred method*, and to the Office by email to *e-mail address for Rep. Esty that is not accessible by non-management staff*. The parties agree to promptly acknowledge the receipt of any e-mail notice sent to them pursuant to this Agreement.

10. This Agreement shall in all respects be interpreted, enforced, and governed under applicable laws of the District of Columbia and the Congressional Accountability Act, 2 U.S.C. §§ 1301-1438.

**Part II**  
**(Employee's Consideration)**

11. Employee, for Employee and on behalf of Employee's agents, attorneys, heirs, assigns, successors, executors, administrators, and/or anyone claiming through or under them, hereby irrevocably, finally, and forever waives, releases and discharges the Office and its employees, attorneys, assigns, successors, and agents from any and all debts, liabilities, claims, obligations, demands, costs, losses, damages, liens, back pay, front pay, and/or expenses and attorney's fees arising under any local, state or federal law, including the Congressional Accountability Act (2 U.S.C. §§ 1301-1438), which incorporates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Fair Labor Standards Act of 1938, the Family and Medical Leave Act of 1993, the Employee Polygraph Protection Act of 1988, the Worker Adjustment Retraining and Notification Act, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Veterans Employment Opportunity Act of 1998, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the Occupational Safety and Health Act of 1970, the Genetic Information Nondiscrimination Act of 2008, and the Federal Service Labor-Management Relations Statute, for any acts or conduct whatsoever, whether known or unknown, whether connected with the employment of Employee by the Office, the termination of that employment, or otherwise, which may have existed prior to or contemporaneously with the effective date of this Agreement. **It is expressly agreed and understood that the provisions of this paragraph are and shall be construed as a full and complete GENERAL RELEASE of all claims by Employee that existed prior to, and that exist as of, the date Employee signs this Agreement.**

12. Employee promises that Employee has not filed or caused to be filed any lawsuits, complaints, demands, actions, disputes, proceedings, claims or charges against the Office, or any affiliate or representative of the Office, for any alleged acts, omissions and/or events, whether now known or unknown, that have or may have occurred prior to, or arising contemporaneously with the effective date of this Agreement. Employee hereby represents and warrants that Employee has not contractually assigned or otherwise transferred to any other person or entity (other than Employee's attorney, if any) any interest in any claim, demand, action/and or cause of action that Employee has, or may have, or may claim to have against the Office and/or the other persons and entities released herein. Employee agrees that the Agreement serves as a bar to recovery by Employee for any damages claims waived in this Agreement.

13. Employee shall not reveal in any way to any individual or entity any sensitive and/or confidential information learned or obtained while employed by the Office. Examples of sensitive or confidential information include, but are not limited to, information designated as classified or secret by the government, matters involving the personal or professional lives of the Office's employees, information regarding the internal operation of the Office, and/or any information regarding the Office's constituents/clients obtained through Employee's employment with the Office.

14. Employee expressly agrees that he will not voluntarily disseminate or publish, or cause anyone else to disseminate or publish, in any manner, disparaging, defamatory or negative remarks or comments adverse to the interests of the Office or any of the Office's present employees, designees, agents or representatives, including, but not limited to, any statements that disparage any person's capability, or any other aspect of the operations of the Office. Nothing herein, however, shall prohibit Employee from honestly responding to legal process compelling statements of facts or opinions with regard to the Office. In such case, however, Employee shall notify the Office of the request for compelled disclosure in advance of such disclosure in a manner so as to permit the Office a reasonable opportunity to challenge the subpoena or other request for compelled disclosure. In the event that Employee breaches the terms of this paragraph, monetary damages would not be sufficient to remedy the harm to the Office caused by such a breach. Therefore, the Office shall be entitled to obtain injunctive or other relief that may be deemed proper by a court of competent jurisdiction. The Office's pursuit or receipt of such relief shall not, however, waive, any other rights or remedies the Office may otherwise have against Employee for breach of the terms of this paragraph.

15. Employee acknowledges and agrees that Employee has been paid by the Office any and all compensation and other sums to which Employee is entitled, and that the payments Employee will receive, pursuant to paragraphs 20 and 21, is additional to and independent of the compensation, if any, that Employee is otherwise entitled to receive from the Office (including compensation for unused annual leave).

16. Employee's last day in the Office was July 24, 2016. Employee shall prepare an exit memorandum due on or before August 12, 2016, but will work from home in preparing this document. Employee's last day performing any work for or behalf of the Office will be August 12, 2016.

17. On or before August 8, 2016, Employee shall provide the Office with an approved letter of resignation.

18. On or before August 12, 2016, Employee shall provide the Office all passwords necessary to gain access to Office's property including but not limited to computer equipment, email accounts and Blackberry; and shall return all property of the Office, including but not limited to keys, Blackberry, security identification badge, as well as originals and/or copies, electronic or otherwise, of any files, documents, letters, memoranda, notes, and/or other property belonging to Respondent.

19. Employee acknowledges that Employee has read and fully reviewed the terms of this Agreement, and that Employee understands its terms, conditions and effects; in agreeing to and executing this Agreement, Employee does not rely and has not relied upon any warranties or representations by the Office, or by any employee, attorney, or agent of any of the parties, or by

anyone else, other than as expressly stated in this Agreement; and Employee has had the opportunity to confer with an attorney regarding this Agreement before signing it.

**Part III**  
**(Office's Consideration)**

20. In the event that Employee signs this Agreement, prepares an exit memorandum as stated in paragraph 16, and submits the approved letter of resignation as described in paragraph 17, returns all items as stated in paragraph 18, the Office will then submit the appropriate paperwork to the House Office of Payroll and Benefits for Employee to receive a lump sum payment in the amount equal to twelve and a half (12.5) days of unused annual leave, based on Employee's current annual salary of \$132,000.

21. In addition, the Office agrees to request in the paperwork submitted to the Office of Payroll and Benefits that the lump sum described in paragraph 20 (or in any manner consistent with the payment procedures of the Office of Payroll and Benefits) an amount equal to the difference in Employee's monthly salary (based on an annual rate of pay of \$132,000) and the maximum monthly amount provided by the Speaker's Pay Order (based on an annual rate of pay of \$168,411). In other words, Employee's will receive additional consideration of approximately \$3,024.25. The parties agree that this amount and or the method of delivery (either included in, or as an additional lump sum to that described in paragraph 20) may vary depending on the payment procedures of the Office of Payroll and Benefits.

22. Payments made pursuant to this Agreement will be deposited directly into Employee's bank account pursuant to the payment procedures for the Office of Payroll and Benefits. All payments under this Agreement shall be subject to all customary withholdings for payroll or other taxes, and other withholdings required by law.

23. The Office agrees that Rep. Esty will use the language of Employee's approved letter of resignation described in paragraph 17 as the basis for conveying to staff that Employee is resigning his position from the Office.

24. The Office agrees that within seven (7) business days after the parties have signed this Agreement, the Office will provide Employee with a signed letter of reference attached at Tab 1.

25. The Office agrees that Employee may allow non-Washington, D.C. based potential employers to contact Rep. Esty for a verbal job referral. The parties agree that Rep. Esty will use the letter of reference attached at Tab 1 as the basis for these verbal referrals

26. During the time Employee remains on paid status as described in paragraph 21, Employee shall remain eligible, pursuant to the terms of the applicable benefit plans, policies and procedures, to receive the group health and other group benefits for which employees of the United States House of Representatives are eligible, and in which Employee is enrolled on August 12, 2016, provided that Employee pays the Employee's portion of the premium for said benefits.

27. The Office agrees to remove any negative information regarding Employee's job performance or behavior from its personnel records.

28. The Office agrees to waive Employee's obligation to repay any monies received by Employee under the House's Student Loan Repayment Program.

29. The Office agrees that it will not contest any application for unemployment insurance benefits filed by Employee following Employee's termination from employment and removal from the Office's payroll.

30. The Office expressly agrees that no individual acting with the express permission and on behalf of the Office will voluntarily disseminate or publish, or cause anyone else to disseminate or publish, in any manner, disparaging, defamatory or negative remarks or comments adverse to the interests of Employee, including, but not limited to, any statements that disparage Employee's capability. Nothing herein, however, shall prohibit the Office from honestly responding to legal process compelling statements of facts or opinions with regard to Employee. In such case, however, the Office shall notify Employee of the request for compelled disclosure in advance of such disclosure in a manner so as to permit the Employee a reasonable opportunity to challenge the subpoena or other request for compelled disclosure.

\_\_\_\_\_  
Tony Baker,  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
The Honorable Elizabeth H. Esty,  
On behalf of the Office\_\_

\_\_\_\_\_  
Date

# **EXHIBIT 22**

Elizabeth Esty |  

Hi Elizabeth, I drafted a letter of resignation over the weekend and would like to talk to you about the end date and filing for unemployment.

Aug 4, 2016 7:18 AM

That's what I want to talk with you about tomorrow. It will be helpful if you can bring with you your salary and benefits information and accumulated leave, etc, for our meeting. I have been in touch with the House Employment Council to get guidance

Enter message



Send



Elizabeth Esty



etc, for our meeting. I have been in touch with the House Employment Counsel to get guidance and answers about what is permitted. And I really appreciate your professionalism and thoughtfulness in this process. I'm confirming flights but tentatively let's plan on 2 pm. I'll reconfirm with location this afternoon.

Aug 4, 2016 9:10 AM

Can you please meet me at 1742 Longworth at 2

Enter message



Send



Elizabeth Esty



Can you please meet me  
at 1742 Longworth at 2  
pm? I've arranged for a  
conference room for us  
there

Aug 4, 2016 8:15 PM

Yes, I will see you there

Aug 4, 2016 8:30 PM

Made it up by 509 with  
the letterhead

Aug 5, 2016 4:06 PM

In elevator now

Aug 5, 2016 4:07 PM

Wanted to check in and  
see how you're doing and

Enter message



Send





Elizabeth Esty | 

Wanted to check in and see how you're doing and make sure we're set to move forward tomorrow

Aug 7, 2016 7:38 PM

I am doing well and hope you are too. Terrific appearance on Real Story this morning and great way you led with RIMPAC as they may have used up all of your time with gvp

Aug 7, 2016 8:08 PM

I am sending a new copy with a revised reason for moving on - getting to

Enter message



Send



Elizabeth Esty | 

I am sending a new copy with a revised reason for moving on - getting to Ohio in time for the election

Aug 7, 2016 8:09 PM

Yes, set to move forward tomorrow

Aug 7, 2016 8:11 PM

Sounds good. Planning to take afternoon flight on Wednesday so we can finalize paperwork and continue transition at the office.

Aug 7, 2016 9:24 PM

Enter message



Send



Elizabeth Esty |  

TOMORROW

Aug 7, 2016 8:11 PM

Sounds good. Planning to take afternoon flight on Wednesday so we can finalize paperwork and continue transition at the office.

Aug 7, 2016 9:24 PM

Will you have a letter to me so I can announce at 10:30 staff meeting?

Aug 7, 2016 9:25 PM

Sorry - just saw that you had already sent...

Aug 7, 2016 9:25 PM

Enter message



Send



# **EXHIBIT 23**

## CONFIDENTIAL SEVERANCE AND RELEASE AGREEMENT

This Confidential Severance and Release Agreement ("Agreement") is made by and between Anthony R. Baker ("Employee") and the Office of Representative Elizabeth H. Esty ("Office"), collectively referred to as the "parties."

For good and valuable consideration, the adequacy of which is hereby acknowledged, the parties agree as follows:

### **Part I** **(Mutual Terms)**

1. Employee's employment with the Office is ending and this Agreement describes the terms and conditions of Employee's departure from the Office.
2. This Agreement constitutes the waiver and release of all claims and disputes of any kind. Neither the offering or execution of this Agreement, nor the performance of any obligation hereunder, is intended or shall be understood as an acknowledgment of responsibility, admission of liability, or other expression reflecting upon the merits of any dispute or claims between the parties, and any such responsibility or liability is expressly denied.
3. This Agreement constitutes the sole and entire agreement between the parties, and supersedes and extinguishes any and all prior agreements, whether written or oral, between the parties. This Agreement may be modified, waived or terminated only by subsequent written agreement signed by both parties.
4. The waiver by any party of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other provision, nor shall any failure to enforce any provision herein operate as a waiver at such time, or any further time, of such provision or any other provision herein.
5. This Agreement is executed voluntarily and without coercion, undue influence, threat, or intimidation. In executing this Agreement, the parties do not rely and have not relied on any document or statement, whether written or oral, other than those specifically set forth in this Agreement. The parties warrant that the undersigned are competent to execute this Agreement on behalf of themselves and/or their principals.
6. Any and all information relating to any disputes between the parties covered by this Agreement is confidential. Except as required by law, the parties may not disclose to any third party (including the media), other than their attorneys, tax accountants, the Internal Revenue Service, or any state or local tax authorities, any statements under this Agreement, the terms or payments contained in this Agreement, and any and all discussions, negotiations between the parties, except to state that any and all claims have been satisfactorily resolved. Nonetheless, nothing in this Agreement shall be interpreted to prohibit the Office from communicating about this Agreement to those within the Office with a need to know.
7. If any term or provision of this Agreement becomes inoperative or unenforceable by operation of law, that provision shall sever and the remainder of the Agreement shall remain enforceable.

8. This Agreement may be executed in any number of counterparts, each of which shall be treated as an original, but all of which, collectively, shall constitute a single instrument.
9. Notices required under this Agreement, including the exchange of executed copies of this Agreement, shall be provided to Employee by e-mail to [REDACTED] and to the Office by email to [REDACTED]. The parties agree to promptly acknowledge the receipt of any e-mail notice sent to them pursuant to this Agreement.
10. This Agreement shall in all respects be interpreted, enforced, and governed under applicable laws of the District of Columbia and the Congressional Accountability Act, 2 U.S.C. §§ 1301-1438.

**Part II**  
**(Employee's Consideration)**

11. Employee, for Employee and on behalf of Employee's agents, attorneys, heirs, assigns, successors, executors, administrators, and/or anyone claiming through or under them, hereby irrevocably, finally, and forever waives, releases and discharges the Office and its employees, attorneys, assigns, successors, and agents from any and all debts, liabilities, claims, obligations, demands, costs, losses, damages, liens, back pay, front pay, and/or expenses and attorney's fees arising under any local, state or federal law, including the Congressional Accountability Act (2 U.S.C. §§ 1301-1438), which incorporates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Fair Labor Standards Act of 1938, the Family and Medical Leave Act of 1993, the Employee Polygraph Protection Act of 1988, the Worker Adjustment Retraining and Notification Act, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Veterans Employment Opportunity Act of 1998, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the Occupational Safety and Health Act of 1970, the Genetic Information Nondiscrimination Act of 2008, and the Federal Service Labor-Management Relations Statute, for any acts or conduct whatsoever, whether known or unknown, whether connected with the employment of Employee by the Office, the termination of that employment, or otherwise, which may have existed prior to or contemporaneously with the effective date of this Agreement. **It is expressly agreed and understood that the provisions of this paragraph are and shall be construed as a full and complete GENERAL RELEASE of all claims by Employee that existed prior to, and that exist as of, the date Employee signs this Agreement.**
12. Employee promises that Employee has not filed or caused to be filed any lawsuits, complaints, demands, actions, disputes, proceedings, claims or charges against the Office, or any affiliate or representative of the Office, for any alleged acts, omissions and/or events, whether now known or unknown, that have or may have occurred prior to, or arising contemporaneously with the effective date of this Agreement. Employee hereby represents and warrants that Employee has not contractually assigned or otherwise transferred to any other person or entity (other than Employee's attorney, if any) any interest in any claim, demand, action/and or cause of action that Employee has, or may have, or may claim to have against the Office and/or the other persons and entities released herein. Employee agrees that the Agreement serves as a bar to recovery by Employee for any damages claims waived in this Agreement.

13. Employee shall not reveal in any way to any individual or entity any sensitive and/or confidential information learned or obtained while employed by the Office. Examples of sensitive or confidential information include, but are not limited to, information designated as classified or secret by the government, matters involving the personal or professional lives of the Office's employees, information regarding the internal operation of the Office, and/or any information regarding the Office's constituents/clients obtained through Employee's employment with the Office.

14. Employee expressly agrees that he will not voluntarily disseminate or publish, or cause anyone else to disseminate or publish, in any manner, disparaging, defamatory or negative remarks or comments adverse to the interests of the Office or any of the Office's present employees, designees, agents or representatives, including, but not limited to, any statements that disparage any person's capability, or any other aspect of the operations of the Office. Nothing herein, however, shall prohibit Employee from honestly responding to legal process compelling statements of facts or opinions with regard to the Office. In such case, however, Employee shall notify the Office of the request for compelled disclosure in advance of such disclosure in a manner so as to permit the Office a reasonable opportunity to challenge the subpoena or other request for compelled disclosure. In the event that Employee breaches the terms of this paragraph, monetary damages would not be sufficient to remedy the harm to the Office caused by such a breach. Therefore, the Office shall be entitled to obtain injunctive or other relief that may be deemed proper by a court of competent jurisdiction. The Office's pursuit or receipt of such relief shall not, however, waive any other rights or remedies the Office may otherwise have against Employee for breach of the terms of this paragraph.

15. Employee acknowledges and agrees that Employee has been paid by the Office any and all compensation and other sums to which Employee is entitled, and that the payments Employee will receive, pursuant to paragraphs 20 and 21, is additional to and independent of the compensation, if any, that Employee is otherwise entitled to receive from the Office (including compensation for unused annual leave).

16. Employee's last day in the Office was July 24, 2016. Employee shall prepare an exit memorandum due on or before August 12, 2016, but will work from home in preparing this document. Employee's last day performing any work for or behalf of the Office will be August 12, 2016.

17. On or before August 8, 2016, Employee shall provide the Office with an approved letter of resignation.

18. On or before August 12, 2016, Employee shall provide the Office all passwords necessary to gain access to Office's property including but not limited to computer equipment, email accounts, Blackberry, cell phone and iPad; and shall return all property of the Office, including but not limited to keys, Blackberry, cell phone, iPad, security identification badge, as well as originals and/or copies, electronic or otherwise, of any files, documents, letters, memoranda, notes, and/or other property belonging to the Office. *EHE ARB*

19. Employee acknowledges that Employee has read and fully reviewed the terms of this Agreement, and that Employee understands its terms, conditions and effects; in agreeing to and executing this Agreement, Employee does not rely and has not relied upon any warranties or

representations by the Office, or by any employee, attorney, or agent of any of the parties, or by anyone else, other than as expressly stated in this Agreement; and Employee has had the opportunity to confer with an attorney regarding this Agreement before signing it.

**Part III**  
**(Office's Consideration)**

20. In the event that Employee signs this Agreement, prepares an exit memorandum as stated in paragraph 16, and submits the approved letter of resignation as described in paragraph 17, returns all items as stated in paragraph 18, the Office will then submit the appropriate paperwork to the House Office of Payroll and Benefits for Employee to receive a lump sum payment in the amount equal to twelve and a half (12.5) days of unused annual leave, based on Employee's current annual salary of \$132,000.

21. In addition, the Office agrees to request in the paperwork submitted to the Office of Payroll and Benefits that the lump sum described in paragraph 20 (or in any manner consistent with the payment procedures of the Office of Payroll and Benefits) an amount equal to the difference in Employee's monthly salary (based on an annual rate of pay of \$132,000) and the maximum monthly amount provided by the Speaker's Pay Order (based on an annual rate of pay of \$168,411). In other words, Employee's will receive additional consideration of approximately \$3,024.25. The parties agree that this amount and or the method of delivery (either included in, or as an additional lump sum to that described in paragraph 20) may vary depending on the payment procedures of the Office of Payroll and Benefits.

22. Payments made pursuant to this Agreement will be deposited directly into Employee's bank account pursuant to the payment procedures for the Office of Payroll and Benefits. All payments under this Agreement shall be subject to all customary withholdings for payroll or other taxes, and other withholdings required by law.

23. The Office agrees that Rep. Esty will use the language of Employee's approved letter of resignation described in paragraph 17 as the basis for conveying to staff that Employee is resigning his position from the Office.

24. The Office agrees that within seven (7) business days after the parties have signed this Agreement, the Office will provide Employee with a signed letter of reference attached at Tab 1.

25. The Office agrees that Employee may allow non-Washington, D.C. based potential employers to contact Rep. Esty for a verbal job referral. The parties agree that Rep. Esty will use the letter of reference attached at Tab 1 as the basis for these verbal referrals.

26. During the time Employee remains on paid status as described in paragraph 21, Employee shall remain eligible, pursuant to the terms of the applicable benefit plans, policies and procedures, to receive the group health and other group benefits for which employees of the United States House of Representatives are eligible, and in which Employee is enrolled on August 12, 2016, provided that Employee pays the Employee's portion of the premium for said benefits.

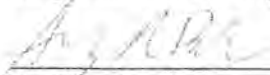
27. The Office agrees to remove any negative information regarding Employee's job performance or behavior from its personnel records.



28. The Office agrees to waive Employee's obligation to repay any monies received by Employee under the House's Student Loan Repayment Program.

29. The Office agrees that it will not contest any application for unemployment insurance benefits filed by Employee following Employee's termination from employment and removal from the Office's payroll.

30. The Office expressly agrees that no individual acting with the express permission and on behalf of the Office will voluntarily disseminate or publish, or cause anyone else to disseminate or publish, in any manner, disparaging, defamatory or negative remarks or comments adverse to the interests of Employee, including, but not limited to, any statements that disparage Employee's capability. Nothing herein, however, shall prohibit the Office from honestly responding to legal process compelling statements of facts or opinions with regard to Employee. In such case, however, the Office shall notify Employee of the request for compelled disclosure in advance of such disclosure in a manner so as to permit the Employee a reasonable opportunity to challenge the subpoena or other request for compelled disclosure.

  
\_\_\_\_\_  
Anthony R. Baker,  
Employee

8/22/2016  
Date

  
\_\_\_\_\_  
The Honorable Elizabeth H. Esty,  
On behalf of the Office

8/10/16  
Date

# **EXHIBIT 24**

**From:** Daly, Timothy  
**Sent:** Friday, March 23, 2018 3:19 PM  
**To:** LaRue, Phil  
**Subject:** Steps taken

Anything else you would add to this or change? Not on here are the policy changes EHE has advocated for. Ie the bills she has agreed to cosponsor, voted for, etc. do you think that is worth including? If so – can you ask [REDACTED] for those?

TD

Changes Made Since September 2016:

- Made significant changes to my staff
  - New Chief of Staff, Deputy Chief of Staff (female), Legislative Director (female)
- Updated Employee Manual
  - Banned relationships between all employees (supervisor/subordinate and peer to peer)
  - Updated harassment policy to make clear all forms of harassment are unacceptable and not tolerated
  - Clarified open door policy to ensure all employees could raise any concerns to Member or supervisors
- Established Mandatory In-Person Sexual Harassment Training Requirement
  - All staff, including Rep. Esty on 3/13/17
  - Follow up for new staff on 12/5/17
- Provide regular updates to staff to make resources known to employees
  - Periodic reminders of office open door policy
  - Make available outside resources and contacts to seek help
- Made Member more accessible and available to all staff

Tim Daly  
Chief of Staff  
Office of Representative Elizabeth Esty (CT-05)  
221 Cannon House Office Building  
Washington, DC 20515  
[REDACTED]

# **EXHIBIT 25**



U.S. House of Representatives

## **EMPLOYEE HANDBOOK**

The Office of

**HON. ELIZABETH H. ESTY**

5<sup>th</sup> District, Connecticut

Updated: 3/14/2017

COE.ESTY.003858

*effective 1/3/2013; updated 3/14/2017*

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HEC\_EHE\_0002852

COE.ESTY.003859

**ACKNOWLEDGMENT OF RECEIPT OF  
EMPLOYEE HANDBOOK THE  
OFFICE OF REP. ELIZABETH H. ESTY**

I acknowledge that I have received a copy of the Employee Handbook for the Office of Representative Elizabeth H. Esty (“the office”), and that I have read and understand the contents of the handbook. I understand the handbook is intended to provide me with general information about policies and procedures of the office that govern my employment.

I acknowledge and understand that employment with the office is at-will and that all employees serve at the pleasure of the office, whether such employment is for a specific, limited period of time or for an unspecified period of time. Accordingly, I have the right to resign from my position, at any time, and the office can terminate my employment relationship, with or without cause, or with or without notice, at any time. However, the office cannot terminate my employment for discriminatory reasons in violation of applicable federal law or Rules of the House of Representatives. I understand that by signing this acknowledgment I do not waive my rights under those provisions.

I also understand and acknowledge that the office may unilaterally change or revise, with or without notice, its policies and practices, and such changes may affect the benefits provided therein. Moreover, I understand and acknowledge that the contents of employee handbooks, personnel manuals, benefit plans, policy statements, and the like as they may exist from time-to-time, or other employment practices, shall not serve to create an actual or implied contract of employment. Nor do they confer any right to remain an employee of the office, or otherwise to change in any respect the employment-at-will relationship between the office and me.

I acknowledge that no one in the office is authorized to make exception to this understanding, except Representative Esty and/or her Chief of Staff, who must do so in writing.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Member or Designee

*effective 1/3/2013; updated 3/14/2017*

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HEC\_EHE\_0002854

COE.ESTY.003861



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## PURPOSE OF THE MANUAL

This manual has been prepared to summarize the personnel policies and procedures that are applicable to all employees of the Office of U.S. Representative Elizabeth H. Esty (hereinafter referred to as “the office”). Employees should read the information in this manual promptly and thoroughly to have an understanding of the policies and procedures of the office. This manual, however, cannot anticipate every situation or answer every question about employment in the office; it can provide only an overview of policies and procedures. It is not an express or implied employment contract or a legal document, nor should its contents be considered a complete interpretation of the policies, procedures or benefits that are described in this manual.

This manual (or its predecessor and successor editions) is effective as of March 14, 2017; calculations regarding eligibility for annual leave and other specified forms of leave, however, will be calculated from the date a staff member began employment with the office.

In order to meet changing circumstances, Representative Esty or the Chief of Staff, acting as her designee, reserve the right to change, revise or rescind, any of the policies, procedures or benefits described in this manual (other than the at-will nature of the employment relationship) whenever, in her sole discretion, Representative Esty or her designee deems it appropriate to do so.

Policies and procedures are subject to interpretation by, and exceptions may be made in individual cases at the discretion of, Representative Esty or her designee. The policies and procedures listed in this manual will remain in effect for all employees of Representative Esty unless and until this manual is superseded by a more recent edition of this document.

In addition to the policies contained in this manual, every employee of the office has a general duty to comply with all applicable federal laws, the Rules of the House of Representatives, and regulations and other mandates of the Committee on House Administration and the House Committee on Ethics (including, but not limited to, those contained in the *Members’ Congressional Handbook* and the *House Ethics Manual*).

All new employees are encouraged to obtain and read the following publications upon commencement of employment with the office, and all existing employees are encouraged to re-review these publications at least once per year. This requirement is in addition to any mandated Ethics training that employees are required to attend pursuant to House Rules.

- Copies of the House’s Rules can be found on the website of the Clerk of the House of Representatives (under the heading “Official House Information”) at <http://clerk.house.gov>;
- Copies of the congressional handbooks can be found on the website of the Committee on House Administration (under the heading “Member Services” and the subheading “Handbooks”) at <http://cha.house.gov>; and
- Copies of the House Ethics Manual can be found on the website of the Committee on Ethics at [http://ethics.house.gov/Media/PDF/2008\\_House\\_Ethics\\_Manual.pdf](http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf).

## POLICIES AND PROCEDURES

### Management Rights

The office strives to serve the Member's constituents with professionalism, quality, and dedication. To reach its goals, the office reserves its right as an employer to, at any time without prior notice, establish, administer and change wages, benefits, practices and procedures; direct and discipline the staff; make decisions regarding recruitment, hiring, training, assignment, transfer, promotion, demotion, layoff, recall and retirement of employees; establish the services to be rendered, and who shall perform the work and at what rate; take action to maintain the security of employees, facilities and property, including without limitation, inspections, searches and investigations in accordance with applicable laws; establish starting and quitting times, the number of hours, shifts and overtime to be worked; discontinue or close down any part of or all of the office; expand, reduce, alter or combine any one or more of the office operations; and take whatever other action is necessary in the office's judgment to operate efficiently and effectively.

The failure to exercise these or other management rights shall not waive the office's right to do so at any time at its discretion, or preclude the office from exercising any management prerogative in ways other than those described above.

### Statement of Equal Employment Policy

The office of Representative Elizabeth H. Esty is an equal employment opportunity employer and, consistent with the Congressional Accountability Act ("CAA") and House Rule XXIII as well as its own internal policies, does not discriminate on the basis of an individual's race, color, religion, gender, national origin, disability, age, military status, genetic information, marital status, parental status, sexual orientation, or gender expression or identity. This means that these factors will not be the basis for any hiring, discharge, promotion, pay, benefits, reassignment decision or action, or any other personnel or job action affecting the terms, conditions, and privileges of employment. Consistent with the CAA, the office may, however, consider partisan affiliation, domicile and political compatibility in making employment decisions.

### Personnel Records

It is the policy of the office to keep personnel-related information maintained in confidence to the greatest extent practicable, with information released on a need-to-know basis. Information from official employee files will generally be released only as follows: to the employee at his or her request; to third parties, where required by judicial orders, subpoenas and law enforcement requests; and to management with a need to know. Each current employee may review his or her own file upon request and may request copies of any or all information contained therein.

It is important that the office and the House's Office of Payroll and Benefits be informed on a timely basis of any changes with respect to: name, address, home telephone number, whom to contact in case of injury or illness, or employment eligibility (Form I-9).

It is *the employee's* responsibility to inform the House's Office of Payroll and Benefits on a timely basis of any change with respect to: beneficiary designation (for insurance and other benefit plans), number of dependents (for income tax withholding and insurance status/eligibility purposes), marital status (for income tax withholding and insurance status/eligibility purposes), and any change in the number of exemptions you intend to claim on your taxes.

Detailed information regarding the Office of Payroll and Benefits, as well as links to forms and procedures for making changes to the type of information discussed above, is also available at <https://housenet.house.gov>, under the "Personnel" heading.

## **Nepotism**

Members and employees are prohibited by law from appointing, promoting, or recommending for appointment or promotion, their relatives, except as discussed below. Individuals with the following relationship to a Member may not be employed by the Member:

- Aunt
- Brother
- Brother-in-law
- Daughter
- Daughter-in-law
- Father
- Father-in-law
- First cousin
- Half-brother
- Half-sister
- Husband
- Mother
- Mother-in-law
- Nephew
- Niece
- Sister
- Sister-in-law
- Son
- Son-in-law
- Stepbrother
- Stepdaughter
- Stepfather
- Stepmother
- Stepsister
- Stepson
- Uncle
- Wife

If, however, a House employee becomes related to the employing Member (by marriage), the employee may remain on the Member's personal or committee staff. Similarly, if a Member becomes the employing authority of a relative who was hired by someone else (e.g., the Member ascends to the chairmanship of a Committee or subcommittee for which the relative is already working), the relative may remain on the payroll. However, the Member may not then give that individual further promotions or raises, other than cost-of-living or other across the board adjustments. The statute does not prohibit a Member from employing two individuals who are related to each other, but not to the Member. (See House Ethics Manual at pp. 272-273). Contact the Committee on Ethics for further information at x57103.

Every employee must certify their relationship to any Member of Congress on a certificate of relationship form, available from the Office of Payroll and Benefits in B215 Longworth HOB or at <http://housenet.house.gov>. If, at any time, the relationship of an employee to a Member of Congress changes, the employee must file an amended certificate of relationship with the employing office.

## **Payroll**

Pay is disbursed on the last business day of each month via direct deposit to the employee's chosen financial institution. Questions regarding direct deposit and possible alternatives should be directed to the Office of Payroll and Benefits (x51435). Questions regarding annual or monthly pay amounts should be directed to the Chief of Staff.

## Attendance Policy

Attendance and punctuality are essential to the efficient operations of the office. It is recognized that there are situations beyond the employee's control that may result in absenteeism or tardiness. The office, however, cannot tolerate frequent, unauthorized absences from work or tardiness in reporting to work, because such actions disrupt schedules and create a burden on fellow employees and on the overall operations of the office.

If a staff member is absent from or tardy for work for any reason, s/he must call or email the Chief of Staff (Washington, D.C. staff) or the District Director (Connecticut staff) as early as possible before the beginning of the workday or your scheduled work period to provide: (1) an explanation for the absence or lateness, (2) his/her location and phone number, and (3) a date or time when s/he expects to report to work. An employee who arrives more than 15 minutes after his or her designated starting time is considered to be tardy.

If a staff member anticipates an absence from work, s/he should notify the above-defined supervisor as far in advance as possible, so that work schedules and assignments can be adjusted accordingly. If an employee is absent from work for three consecutive days without notifying or obtaining advance approval from his or her supervisor, it will be presumed that the employee has resigned and abandoned his/her position, and his or her employment will be terminated, except under extenuating circumstances.

If a staff member must leave work early, because of illness or other unavoidable reasons, s/he is responsible for personally notifying the appropriate supervisor and obtaining approval before departure. (In an emergency situation, however, an employee should not delay seeking medical attention, but should attempt to ensure that the office is notified as soon as practicable of the circumstances of an early departure.)

Absenteeism or tardiness that is considered to be excessive, or failure to follow reporting procedures, may subject an employee to appropriate disciplinary action, up to and including termination of employment. Supervisors will track attendance and will remain informed regarding the above matters.

### ***Employee Classification***

Employees are classified into one of these two categories:

1. Employees who are *exempt* from the overtime requirements of the Fair Labor Standards Act, as incorporated by the Congressional Accountability Act, are not required to be paid overtime for all hours worked in excess of 40 hours per workweek. Exempt employees are expected to work whatever hours are necessary to meet the job responsibilities and needs of the office.
2. Employees who are *non-exempt* from the overtime requirements of the Fair Labor Standards Act, as incorporated by the Congressional Accountability Act, are required to be compensated for all hours worked in excess of 40 hours per week. Non-exempt employees are required to keep accurate timesheets.

The employee classification determination is based on the actual job duties and responsibilities of the employee.

### ***Office Hours***

Public hours of operation of the Washington, D.C., office are 9:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m., Monday through Friday, in Connecticut. Telephones must be fully staffed during office hours.

Staff should arrive sufficiently in advance of 9:00 a.m. to prepare for the office's public opening each day. Staff must be prepared to serve the public throughout the day without undue interruptions – e.g., staff should procure breakfast, coffee, etc. *prior* to the office's opening, not after; should run personal errands during lunch or outside of official hours; and not engage in excessive coffee or other personal breaks during official hours.

The office reserves the right to establish additional or modified hours of operation depending on the schedule of the House or the Member's schedule in the district. For example, staff may be required to work when the House is in session, the Representative is in the district, the employee is needed for legislative activities, or if no other person in the office is available to perform the employee's duties in his or her absence.

Exceptions to this policy will be granted consistent with the office's leave policy, as discussed later in this manual, or in cases where a staff member is requested by his or her supervisor to attend a function.

### ***Lunch Period***

Lunch periods are established by each employee's immediate supervisor and, under ordinary circumstances, will be no longer than one hour, without prior approval from the employee's supervisor. Exceptions to this policy will be granted consistent with the office's leave policy, as discussed later in this manual, or in cases where a staff member is requested by his or her supervisor to attend an event or function. Lunch periods for employees are rotated to ensure coverage of the telephone and reception areas at all times.

### ***Snow Days and Other Contingencies***

Employees are required to be at work whenever their respective office is open. When weather conditions or other emergencies make it unsafe to travel to and from work, the office will be open for essential services only.

Office closure determinations will be made based on:

- **Governor/State policy:** Connecticut office(s) will follow state policy whenever possible.
- **Office of Personnel Management (OPM):** DC office will follow OPM policy whenever possible. OPM determinations alone may not result in the office being closed. For instance, if OPM has determined that federal government offices are closed, ***but the House is in session***, employees are expected to report to work unless otherwise directed by the Chief of Staff.

- In instances when a weather emergency does not impact the location of an office but does affect the local road conditions, the individual employee may notify their supervisor that they will not make it to the office, arrive late, or need to leave early. The employee is responsible for notifying attendees of scheduled meetings to either reschedule or make arrangements for a colleague to staff the meeting. Individuals should monitor news reports and public school district cancelations, delays, and early dismissals to gauge road conditions, but bear in mind that school district decisions are sometimes based on expected conditions in the early morning hours and may not reflect road conditions at normal morning and evening commute times.

During inclement weather scenarios or other emergencies, employees should keep informed of the office's operating status by checking email, work phones, and otherwise staying in contact with the office. In the event that the office is closed due to inclement weather (or other circumstances outside the control of the office), employees are expected to utilize their teleworking capabilities to meet any project deadlines and otherwise perform their assigned tasks to the extent possible. If you have questions about these expectations at any time, including on the day the office is closed due such reasons, please contact the Chief of Staff [Washington] and or the District Director [Connecticut].

### ***Time and Attendance Records***

Time and attendance records will be kept for all non-exempt employees and all part-time employees. Records will be maintained by the supervisors of the respective office, and other employees may be required to keep time and attendance records at the discretion of their supervisors.

### ***Overtime for Non-exempt Employees***

The office complies with the overtime pay provisions of the Fair Labor Standards Act (FLSA) as required by the Congressional Accountability Act.

The basic workweek will consist of forty (40) working hours for non-exempt employees. For purposes of calculating a forty (40) hour workweek, the office's workweek begins at 12:01 a.m. on Saturday and ends at 12:00 midnight on the following Saturday.

On occasion, a non-exempt employee's supervisor may ask him or her to work overtime or to be available for duty other than during normal work hours. Scheduling additional work hours requires the approval of the relevant supervisor and an overtime preauthorization request form must be completed prior to working overtime. Failure to secure permission from the appropriate supervisor prior to working overtime may result in disciplinary action, up to an including termination.

Non-exempt employees who work more than forty (40) hours in any workweek will be compensated at the rate of one and one-half times the employee's regular rate for hours worked over forty, or given time off in the same pay period at a rate of one and one-half times the hours worked over forty (40). Time off or compensation for overtime worked may not transfer from one pay period to the next. Therefore, at the end of a pay period, if an employee



has worked overtime in excess of any time off taken and not received appropriate time off or compensation, he or she will be compensated for the excess at a time and one-half rate.

Holidays, annual leave and sick leave are not counted as hours worked for the purpose of calculating overtime compensation. Non-exempt employees must also complete an individual weekly time record and send it to their immediate supervisor at the end of each workweek.

### **Conflicts of Interest/Ethics in Government Act**

All employees of the Office must strictly comply with the provisions of the Ethics in Government Act, House Rule XXV and other applicable House Rules regarding outside income, gifts, and personal financial disclosure, if required. Moreover, it is the responsibility of the employee to become familiar with the requirements of House Ethics rules as well as the requirements of House Rule XXIII. Failure to comply may be grounds for dismissal.

The Committee on Ethics has prepared forms for financial disclosure, together with a detailed explanation of requirements of the Ethics in Government Act. Questions regarding financial disclosure may be directed to the Committee on Ethics at extension 5-7103.

Employees of the Office are not to engage in conduct that constitutes a conflict of interest or a potential conflict of interest. In general, a "conflict of interest" is any situation in which an employee's conduct of his or her job conflicts with his or her private economic affairs. In addition, page 186-187 of the House Ethics Manual extends the definition to situations and circumstances which pose a "risk of impairment of impartial judgment."

Generally, acceptance of gifts, other than from family and close personal friends, is prohibited by House Rule XXV. Therefore, you must contact Chief of Staff [Washington] or District Director [Connecticut] regarding any offers of gifts, money, or other benefits offered by a lobbyist or anyone that has dealings with the Office.

Contact the Committee on Ethics if you have even the slightest concern that particular conduct, including the acceptance of any gift, might constitute a conflict of interest or a violation of House Rules or Federal law.

Employees should err on the side of caution when confronted with a potential conflict of interest and discuss the matter with their supervisor and/or the Committee on Ethics.

### **Outside Employment**

Employees of the office may not secure employment outside the House which conflicts with the performance of their official duties. Further, House employees who engage in private employment may not do so to the neglect of their congressional duties, on "official time" for which salary is received from the U.S. Treasury, or if the employment is gained through the improper use of their official positions. It is the responsibility of each employee to notify the Chief of Staff of all outside employment.

In addition, certain employees face limitations on outside employment and earned income under House Rules XXV. All employees assume full responsibility for complying with House Rules and federal law. Contact the Committee on Ethics (x57103) if you have questions about outside employment.

Upon separation from employment with the Office, certain employees are prohibited from lobbying certain Members of Congress or their staff for a period of at least one year. For more information, contact the Committee on Ethics (x57103).

### **Domestic/Foreign Gifts and Travel**

Rules of the House and the Foreign Gifts and Decorations Act govern your conduct relating to travel to foreign countries and the acceptance of gifts or hospitality from foreign nationals or governments. Staff members are required to consult with the Committee on Ethics at x5-7103 regarding those laws and rules, and to notify the Chief of Staff, before traveling to foreign countries on House business or accepting gifts from foreign nationals or governments.

### **Political activities**

The Office is open only for official business. House Rules require strict separation of official and campaign activity. Employees may engage in campaign work, whether for a particular candidate's election, or for a political party in general, only on their own time – e.g., after work hours. Note weekend and evening hours are often required in order for employees to fully and effectively meet the obligations of the official duties as a congressional staffer. Political activities may not interfere in any way with the full day which an employee must commit to government business. To the extent that a staff member engages in campaign work the Chief of Staff (for all employees) and the District Director (for Connecticut employees) must be advised, in writing, of the nature and extent of the campaign work, whether such work is being done on a volunteer or paid basis, and the number of hours committed, on a weekly basis, to such campaign activities. To the extent that an employee engages in significant campaign activity that may impact his or her ability to fully perform official duties, the Member or Chief of Staff has discretion to make an appropriate reduction in the employee's House pay. Further, any campaign activity for which remuneration is received must comply with House Rule XXV and is subject to restrictions set forth in Section G of the Staff Policies and Procedures Manual.

The facilities and resources of the Office may NEVER be used in any way for political activities. This includes but is not limited to computers, telephones, faxes, copiers, office supplies, or other facilities or equipment paid for with government funds. All political activities must be performed off of government property.

Should staff be involved in any fundraising activities, please note that it is a violation of the federal criminal code to solicit political contributions on federal property, including congressional buildings. If an unsolicited contribution is received in the office, it should be forwarded immediately to the Chief of Staff (Washington, D.C.) or District Director (Connecticut), who have the legal responsibility to forward the contribution to the Friends of Elizabeth Esty campaign organization within seven (7) days of receipt by any member of the staff.

No staff member is required to perform acts that are either campaign related or not related to the official business of the House of Representatives. House staffers, as paid federal employees, are

required to devote a full workday to the official work of the U.S. House. Should an employee wish to volunteer on his or her own time for campaign activities, the following procedure must be followed:

- Permission to take time off for this purpose must be requested, in writing and in advance. Each request will be evaluated in light of the current load of congressional business. The time will be granted to the extent it does not appear inconsistent with the official business the Office must conduct.
- The employee's bona fide earned leave or vacation time must be used if the employee wishes to perform work-week political activities on an intensive basis. This is not time for which the employee may be compensated by the government.

The congressional office serves all residents of the Fifth District and must be sensitive to the wide spectrum of political opinions within the Fifth District. While all staff members are strongly encouraged to vote and to remain engaged in the details of local political and governmental activity, staff **may not** publicly participate in the campaign of or otherwise publicly support any candidate in a primary, party caucus or special election for a local, state or federal office for which a reasonable observer would conclude that more than one serious Democratic candidates are competing. Staff may, however, participate in the campaign of or otherwise publicly support Democratic Party nominees in partisan, general election contests.

If an employee wishes to seek or hold any elective office, written approval must first be obtained from the Member and/or Chief of Staff and, concurrently, a full accounting of the nature of the elective office sought, the extent of the hours expected to be committed to such election must be provided. As with any campaign activity, to the extent that an employee engages in significant activity that may impact his or her ability to fully and effectively perform official duties, the Member or Chief of Staff may require that the employee take a reduction in pay for the time spent on campaign activities or, as appropriate, take an unpaid leave of absence.

### **Reimbursement for Official Expenses**

No employee may incur official expenses without the prior approval of the Chief of Staff or Office Manager. Approved requests for reimbursement for official expenses shall be presented on vouchers provided by the House Finance Office and with corresponding receipts and documentation to and processed by the Office Manager. Only requests for reimbursement submitted in accordance with the regulations of the Committee on House Administration as reflected in the Members' Congressional Handbook will be processed for payment. Reimbursements will be paid through direct deposit.

The House Manual, provided by the Committee on House Administration, states:

"Members and employees may be reimbursed for food and beverage expenses incurred incidental to a meeting attended by persons other than only Members and staff to discuss issues relating to the Member's official and representational duties. Members and employees may **not** be reimbursed for food and beverage expenses related to activities or events that are social in nature (hospitality, receptions, entertainment, holiday or personal celebrations, swearing-in or inauguration day celebrations, etc). The cost of alcoholic beverages is not reimbursable from the Member's Representational Account."

Following these guidelines, the Office will reimburse staff at the rates established by the General Services Administration (GSA) for travel in a private vehicle solely related to official activity. Effective January 1, 2017, the reimbursement rate for privately-owned or privately-leased vehicles is \$.535 per mile, but is subject to change based on superseding guidance from GSA. Mileage reimbursement for privately-owned or privately-leased vehicles will only be granted for costs associated with non-normal commuting costs. Employees will be reimbursed for the cost of meals while traveling on official business. "Traveling on official business" only occurs when an employee is away from his/her homeoffice area. Expenses for alcoholic beverages are never reimbursable from House of Representatives' or Members' funds under any circumstances. Vouchers with receipts must be submitted in the same manner as other requests for reimbursement to the Office Manager.

### **The Frank**

The "frank" is the term applied to the use of the signature of a Member of Congress on mail *in lieu of postage*.

All staff of the Office should review the publication Regulations on the Use of the Congressional Frank, published by the Commission on Congressional Mailing Standards (Franking Commission), before sending any mail for the Office.

The frank is to be used only for official business. Under no circumstances should the frank or other official resources be used for an employee's personal mail. This rule applies to "inside mail" as well.

The frank cannot be used on mail to foreign countries (other than via APO or FPO boxes). Letters or documents to foreign officials should be sent in care of the country's consulate in the United States. If that is not possible, weigh the letter/document and obtain the proper amount of postage from the United States Postal Service.

For more information on franked mail, see Official Mail Expenses of the *Members' Congressional Handbook* as well as the House Ethics Manual's discussion of the topic.

Questions regarding use of the frank, and requests for advisory opinions on the frankability of mail, should be submitted to the Commission on Congressional Mailing Standards (Franking Commission), 1216 Longworth HOB, x5-9337.

### **Mass Mailings**

The Office is required by House Rule XXIV and 2 U.S.C. §59e(f) to seek an advisory opinion as to whether proposed mass mailings are in compliance with all applicable laws, rules and regulations, from the Commission on Congressional Mailing Standards (Franking Commission).

A mass mailing is generally defined as any mailing of 500 items or more of substantially identical content within any session of Congress.

Compliance with these requirements is *extremely* important because the Office is responsible for complying with all applicable provisions of federal law, House Rules, and regulations of the Commission on Congressional Mailing Standards and the Committee on House Administration.

### **Use of Official Stationery**

Use of official stationery by employees is limited strictly to correspondence relating to the official capacity or responsibilities of the staff member. Use of official stationery for personal business or matters unrelated to the office is strictly prohibited and subjects such users to appropriate discipline up to and including termination. References for former or current employees or interns of the Office are to be given only with the prior approval of the Chief of Staff (Washington, D.C.) or District Director (Connecticut).

### **Prohibition on Illegal Activity**

All staff members shall refrain from any activity defined as illegal under federal or state statutes or local ordinances. Such actions, by their nature, may reflect adversely upon Representative Esty or the Office and shall constitute cause for immediate termination.

### **Drug and Alcohol Abuse Policy**

The office strictly prohibits the unlawful manufacture, sale, distribution, dispensation, possession, or use of controlled substances in the workplace or while on paid time. This policy also strictly prohibits all employees from being under the influence of drugs (see discussion below for prohibited drug use) or alcohol while on paid time or while on workplace premises.

Prohibited drug use includes any and all controlled substances except those taken pursuant to a prescription. It also includes the medically unauthorized taking of any prescription drug as well as the use of prescription medications illegally obtained or used in a manner inconsistent with the direction of the prescribing physician. Finally, prohibited drug use includes the abuse of over-the-counter medications used in a manner inconsistent with its intended purpose so as to affect the performance of the employee.

#### ***Voluntary Treatment and Counseling***

The office encourages all employees who need assistance in dealing with alcohol or drug dependency problems to seek counseling through the various private and public agencies and programs that exist in their communities. Employees may also seek assistance by contacting the Office of Employee Assistance, x52400. Requests for voluntary treatment and related matters will be kept as confidential as possible and, in accordance with the law, the office will reasonably accommodate an employee's attempts to address dependency problems. Employees may not, however, escape discipline by requesting treatment or leave only after having been notified of disciplinary action for violating the office's Drug and Alcohol Abuse policy.

### ***Non-discrimination Policy***

The office complies with all provisions of the Americans with Disabilities Act (“ADA”). No employee or applicant for employment who currently is drug free will be denied employment or otherwise discriminated against solely because of the individual’s prior abuse of drugs, prior treatment for drug abuse, or status as an alcoholic or a recovering drug addict. The ADA, however, does not protect employees who are current users of illegal drugs, nor does it protect employees who violate the office alcohol abuse policy, as described above.

### ***Fitness for Duty***

Employees are responsible for notifying the Chief of Staff (Washington, D.C.) or the District Director (Connecticut) of any conditions, including but not limited to the taking of medically authorized prescription drugs, that may impair the employee’s ability to perform his or her job in a safe or effective manner. The office will attempt to ensure that the disclosure and substance of such information is kept confidential and that it will be disclosed only to individuals with a legitimate need to know. No employee will be discriminated or retaliated against as a result of his or her disclosure of such information. The disclosure is required only to ensure safety in the office and to protect the employee against any inaccurate assumptions that might otherwise be made about the employee’s performance.

### ***Discipline for Violation of this Policy***

Employees who violate this illegal drug and alcohol abuse policy may be disciplined, up to and including immediate termination, at the discretion of the Chief of Staff or Representative Esty.

### **Tobacco Consumption Policy**

Tobacco smoking and chewing is prohibited in all public areas in House Office Buildings unless otherwise posted. Employees who violate this policy may be subject to disciplinary action up to and including termination. All employees share responsibility for maintaining a smoke-free workplace. Employees interested in attending a smoking cessation program should contact the Office of Employee Assistance (x52400).

### **Recycling Policy**

The Washington, D.C. office cooperates with the House Recycling Program. Labeled recycling bins are located throughout the D.C. office. All employees are directed to deposit appropriate waste materials in appropriately designated containers at all times.

### **Safety and Security Policy**

It is the policy of the office to maintain safe working conditions for its employees. Accordingly, all employees are expected to abide by applicable safety and security rules and regulations within House facilities. Failure to observe general safety procedures, neglect of the safety of others, or the commission of unsafe acts are unacceptable.

### ***Security Threats***

Visitors who are uninvited and unwanted in the D.C. office in circumstances where an employee of the office is unable to speak freely, can be removed from the office by calling the U.S. Capitol Police at 911 (from a work telephone) or x202-224-5151 (from a cell phone) and stating "**the books are ready to be picked up in room 119.**" District office staff should call building security or 911.

### ***Bomb Threats***

Bomb threats should be reported immediately to Capitol Policy by dialing 911 (from a work phone) or (202)-224-5151 (from a cell phone); district office staff should call building security or 911. A Bomb Threat Checklist is available from the House Sergeant-at-Arms at x52456.

### ***Threats to a Member or Employee***

Threats to the physical safety of a Member of Congress or employee of the office should be reported to the House Sergeant-at-Arms, x52456.

### ***ID Cards and Keys***

Employees are issued identification cards that allow access to the House office buildings. Lost or Stolen I.D. cards and keys must be reported immediately to the Sergeant-at-Arms Office of Identification Services, 321 Cannon HOB, x53820, and a new I.D. card will be issued. Because a House I.D. card is House property, it must be returned upon termination of employment.

Loaning or sharing of ID cards and office keys is a serious safety breach. Employees who engage in such behavior may be subject to discipline, up to and including termination.

### ***Personal Safety and Escorts***

The nature of employment on the Hill is such that it may require late and unusual working hours. In the event that an employee is in a position in which he or she is going to be walking to his or her car or the Metro station alone, the employee is encouraged to contact the Capitol Police for escort. The number for Escort Assistance is x45151.

### ***Injuries and Medical Emergencies***

If an employee is injured while at work, s/he must report injury immediately to the appropriate supervisor. The employee must complete a notice of injury report (Form CA-1), which is available from the Office of Payroll and Benefits, B215 Longworth HOB, x51435.

You will be asked to provide the office with the name and telephone number of someone to contact on your behalf in the event of an emergency. Should your "emergency contact" person change, please notify the Chief of Staff (Washington) or District Director (Connecticut) immediately.

If a medical emergency occurs during working hours within the House office buildings, immediately contact the Capitol Police at 911 or the Attending Physician's office at x55421. The Physician's Office is open 9:00 a.m. to 5:00 p.m., or until adjournment, Monday through Friday.

In the case of minor injury or illness, staff should go immediately to one of the First Aid Offices, which are in the following locations and are open 9:00 a.m. to 5:00 p.m., Monday through Friday:

H-166, Capital, x55421  
110 Cannon, x53470  
1204 Longworth, x52500  
B344 Rayburn, x57131  
H2-145 Ford, x52442

It is the duty of the employee to inform the office of any changes of information concerning persons to contact in case of an emergency.

### **Office Property**

All staff members play an important role in the political process, and enjoy a relationship of trust and confidence with the Member. Inherent in this relationship is the expectation that staff members understand the need to protect sensitive and confidential information, and work at all times for the good of the Member and his/her constituents.

To assist Representative Esty in performing her duties most effectively and efficiently, it is imperative that the office have immediate access to all office files and other property. For example, in an employee's absence, the office may need to enter and search an employee's work area to retrieve work-related materials. The office also must retain its ability to locate missing property promptly and to investigate suspicious activities in the office. Therefore, the office reserves the right to inspect and search all areas and property in the office at any time, for these reasons, or any others within its discretion, without notice or consent.

All inspections and searches must be preauthorized by a supervisor. Inspections, searches and investigations can include, without limitation, the examination of physical files, computer files, e-mail, voice mail, file cabinets, desks, work stations, closets, storage areas, manuals, equipment, and all other office property and areas. For these reasons duplicates of all keys issued to the staff are maintained, and staff must provide the Chief of Staff (Washington, D.C.) or District Director (Connecticut) with the passwords for their computers and telephone voicemails. The office also reserves the right to search packages and other containers within the office to investigate suspicious activities.

Employees should leave valuable items at home. The office cannot be responsible for the loss, theft or damage of any property brought into the office. Additionally, employees should report any suspicious activity they observe in the office to a supervisor. As a condition of continued employment, the office expects each employee to assist with the office's efforts to maintain the confidentiality of office activities, and to provide for employee and office security.

Employees may be given the use of portable electronic equipment for official purposes (*e.g.*, laptops, mobile phones.). This equipment is property of the House of Representatives, and employees have a



duty to safeguard this property from damage, loss, or theft. When traveling, all portable equipment must remain out of sight and secure.

For the reasons described above, employees should not harbor any expectation of privacy in the equipment that is provided to them by the office.

### **Computer Policy**

Certain employees are assigned personal computers for use in the conduct of their official duties. Specific guidelines and instructions regarding the use of the office's computers will be provided by the Chief of Staff (Washington, DC) or District Director (Connecticut) to each employee who is assigned a computer.

Under certain circumstances, it may be necessary to access the employee's computer to recover documents. Therefore, the office reserves the right of access to any computer or file on the office's computer system. Accordingly, employees should not harbor any expectation of privacy in documents created on equipment provided to them by the office.

Computer viruses can be transmitted via software or data files, and have the potential of stopping all work on the office's computer system. Therefore, employees who are assigned computers must scan all portable data files stored on CDs, DVDs, diskettes and flash drives for viruses, especially if such storage device has been used outside of the office. Contact the systems administrator if you have any questions or need assistance regarding software.

Employees may not make unauthorized copies of any software licensed to the House or to the office and remove it from the office. Employees are also prohibited from using unlicensed software on the office's computer system. No software can be loaded onto any computer or the system without direct authorization from the Chief of Staff (Washington, DC) or District Director (Connecticut); this is to ensure that only legal copies of software are running on the system and to protect the computer system from viruses.

Employees who access House computer systems remotely are responsible for maintaining the security and integrity of such systems. Passwords and other means of access must be safeguarded, and each employee is responsible for notifying the systems administrator of any breach, or potential breach, of security or integrity of such systems.

Employees are prohibited from moving computers, printers, or other computer equipment with the office without first contact the Chief of Staff (Washington, DC) or District Director (Connecticut).

### ***Electronic Mail Policy***

Electronic Mail ("e-mail") is provided as a communications tool to all employees of the Office and should be used with the same rules of professional behavior that apply to the telephone. E-Mail may not be used to commit an unlawful act, to harass or annoy another employee, or to advertise or promote outside business or other non-office related activities.

Employees should not read the e-mail of others. Occasionally, an employee may be assigned to review the e-mail messages of another employee for legitimate purposes. However, an employee must have approval from the Chief of Staff prior to reviewing the e-mail files of another employee.

It is possible that other employees or third-parties may inadvertently view your e-mail messages. Because there is no guarantee of absolute privacy with e-mail, it is imperative that all employees use good judgment when using the e-mail system.

Management expressly reserves the right to review the e-mail files of any employee, with or without notice, for any reason within its discretion, including but not limited to investigating wrongdoing or security breaches, monitoring compliance, or obtaining work product.

### ***Internet Use Policy***

Internet access is a privilege and not a right of employment. Incidental personal use of Office resources to access the Internet is permissible only to the extent that such use is negligible in nature, frequency, time consumed, and otherwise conforms with the regulations of the Committee on House Administration and the Code of Official Conduct (House Rule XXIII). Employees should harbor no expectation of privacy with the use of their computers, including the Internet websites they access, browse or download.

The following guidelines are intended to provide some direction in the use of the Internet.

- This list is not exhaustive and employees should request guidance from the Chief of Staff (Washington, DC) or District Director (Connecticut) if there is any doubt as to whether a particular use of the Internet violates the policy of the Office.
- Employees are strictly prohibited from using Office equipment for any form of communication or use of the Internet that would discriminate against or harass individuals based on such individuals' race, color, religion, sex, age, military status, disability, or national origin.
- Use of the internet shall be in a manner that represents the Office and/or the House of Representatives creditably;
- Use shall not be for personal profit or gain;
- Use shall not be in a manner to, intentionally or otherwise, cause damage, disruption, or malfunction of Office or House systems or networks;
- Use shall not be to intentionally access or attempt to access information on Office or House systems in an unauthorized manner;
- Use shall not be inconsistent with the mission of the Office; and

- Use shall be in a manner consistent with all applicable laws, rules and regulations.

Employees should always err on the side of caution when accessing websites that are not related to their official job duties. Employees who violate this policy may be disciplined, up to and including termination.

### ***Social Media Policy***

Consistent with applicable law and the rules of the House, the Office respects the rights of its employees to use social media, personal websites, and social networking as a medium of self-expression for personal use. Increasingly, however, information, postings, and statements a Congressional employee shares on his or her personal social media may be construed by third parties as official activity and/or as representative of the views of the Office. Moreover, in some cases, such social media activity may be considered politically incompatible with the Office. Accordingly, employees of the office must take particular care to use good judgment when utilizing social media as a personal activity.

If an employee maintains a website, weblog, or screen name, or uses Facebook, Twitter, LinkedIn, MySpace or any other social media, it is acceptable to identify one's employment with the Office. However employees should make it clear to readers that the views expressed are their own, and in no way reflect the views of the Representative or the Office.

Additionally, employees should not use their House email address to identify themselves or register for access to any weblogs.

### ***Inappropriate Social Media Use***

Employees should refrain from posting, maintaining, or otherwise contributing to any personal social media, on-line journals or blogs, tweets, or any other internet-based or electronic communication, document, or site that:

- appears to be any official business of the Office;
- in any way depicts, reveals, or describes confidential, or proprietary information of which the employee is aware as a result of his or her employment with the Office;
- unreasonably interferes with the ability of the Office to perform its functions efficiently and effectively (e.g., posts that contain negative or inflammatory comments regarding persons or entities with whom the Office interacts (constituents, other Members, etc.))
- has the intent or effect of harassing or intimidating an individual (including, but not limited to, an employee of the Office) or group on the basis of an unlawful factor such as race, color, religion, gender, age, military status, national origin or disability; and/or
- interferes with the employee's work, constitutes the commission of an unlawful act or harasses another employee.

This applies to all postings and use of social media and networking of any sort, whether at work or at home, whether connected with an employee's House employment or not, and whether conducted through House computers and resources or through personal computers and resources (such as a home computer/laptop and/or a personal phone and/or smartphone or blackberry).

An employee who violates this policy is subject to disciplinary action, up to and including immediate termination of employment.

#### Incidental Use

Employees are reminded that incidental personal use of equipment and supplies owned or leased by, or the cost of which is reimbursed by the House, is permitted only when such use is negligible in nature, frequency, time consumed, and expense.

Questions about this policy, including but not limited to, what constitutes confidential, proprietary, or appropriate information to be posted should be brought to the attention of the Chief of Staff.

### **News Media Relations**

Only the Communications Director, Press Secretary, and the Chief of Staff are authorized to communicate with members of the press without direct authorization from the Communications Director, Chief of Staff, or the Member. Staff members receiving requests or contacts from members of the media regarding any issue related to their employment should report them to the Communications Director immediately.

Staff should assume their employment by Representative Esty is known *whenever* they are in public, but should be particularly aware of their status when appearing at public events that are political in nature or where press is or could be present. Should a staff member choose to make a presentation or speak to the media at a public event that is not part of their official duties, the Communications Director and District Director and/or Chief of Staff should be given advance notice, when possible, about the nature of the event and remarks to be given.

### **Open Door Policy**

The office recognizes that open communication between employees and management is an essential element of a productive work environment. To that end the office has adopted an Open Door Policy. The Open Door Policy has been established to enable employees to seek resolution of job-related issues. It is intended to create a process whereby employees can raise any questions or concerns with the assurance that these issues will be addressed promptly and effectively.

Employees are encouraged to discuss job-related concerns or questions with their immediate supervisor. If an employee fails to get satisfaction from his/her immediate supervisor, or the supervisor is involved in the issue or concern, the employee may discuss the issue with a higher-level supervisor, including the Chief of Staff.

It is the responsibility of all management personnel to respond to Open Door Requests in a timely and objective manner. Retaliation is prohibited against any employee because he/she uses the Open Door Policy, as well as participants in any investigation prompted by any such complaint or inquiry.

### **Confidentiality**

During your employment with the office, you will be exposed to certain information of a sensitive or confidential nature. It is critical that confidentiality be maintained by all employees, that no disclosure of confidential information be made to anyone except as required in the performance of work, and that no use be made of confidential information for personal gain or advantage, or for the harm of others either during or after your employment with the office.

Examples of sensitive or confidential information may include information designated as classified or secret by the federal government, matters involving the personal or professional lives of employees or the Member, internal legislative or political strategy, constituent issues, personal information regarding constituents, and internal office operations, among others.

Employees of the office have access to confidential and sensitive information and, as a result, have a fiduciary duty to the office and the U.S. House of Representatives to hold in confidence such information in accordance with the Code of Ethics in Government Service found in the House Ethics Manual. Under that section, employees are precluded from using information coming to them confidentially in the performance of their governmental duties as a means for making private profit. Accordingly, it is office policy that no staff shall publish any article, book, transcript, or other written piece or grant an interview or act as an advisor on any such publication without the prior approval of the Chief of Staff.

Strict observance of this policy by all employees is of great importance to the effective operation of the office. Should an employee have any questions regarding the requirements for confidentiality relating to any document or information, contact his or her supervisor. Violation of this policy may result in discipline, up to and including termination.

If you discover a violation of this policy, you have the responsibility to notify the Chief of Staff immediately.

### **Anti-Harassment and Anti-Discrimination Policy**

As an equal opportunity employer, the office of Representative Elizabeth H. Esty is firmly committed to providing a work environment free from discrimination, harassment, or intimidation on the basis of race, color, religion, gender, national origin, disability, age, military status, genetic information, marital status, parental status, sexual orientation, or gender expression or identity or any other basis prohibited by law. This commitment applies to all hiring, discharge, promotion, pay benefits, reassignments, and other personnel actions affecting the terms, conditions, and privileges of employment. This commitment extends to making reasonable accommodations that enable qualified disabled individuals to perform the essential functions of their jobs.

## ***Harassment***

Employees will not be subjected to, and will not subject each other to discrimination or harassment of any kind.

The office will not tolerate any of the following actions:

- making any employment decision or taking any employment action that is based on race, color, religion, gender, national origin, disability, age, military status, genetic information, marital status, parental status, sexual orientation, or gender expression or identity or any other basis prohibited by the Congressional Accountability Act;
- acting in a way that may create a hostile, offensive, intimidating or demeaning environment on the basis of an employee's race, color, religion, gender, national origin, disability, age, military status, genetic information, marital status, parental status, sexual orientation, or gender expression or identity or any other basis prohibited by the Congressional Accountability Act.

## ***Sexual Harassment***

There are two basic forms of sexual harassment.

1. Prohibited "quid pro quo" sexual harassment may occur when a supervisor or manager makes unwelcome sexual advances, requests sexual favors, or engages in other verbal or physical conduct of a sexual nature, if the implication is that submission to such conduct is expected as part of the job. It would also be unlawful for a supervisor or manager to make employment decisions affecting the individual on the basis of whether the individual submits to or rejects sexual conduct.
2. Prohibited "hostile work environment" sexual harassment may occur when unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This may include, for example, displaying sexually suggestive material in the workplace, unwelcome flirtation or advances, requests for sexual favors, or any other offensive words or actions of a sexual nature.

## ***Other Prohibited Forms of Harassment***

In addition to the sexual harassment discussed above, harassment on the basis of race, gender, sexual orientation, age, religion, disability, color, national origin, military status, genetic information, or any other basis can constitute employment discrimination that violates applicable law and/or office policy. Insults, jokes, slurs, or other verbal or physical conduct or activity relating to race, gender, sexual orientation, age, religion, disability, color, national origin, military status, genetic information, or any other basis are unlawful and/or violate office policy if they create an intimidating, hostile, or offensive work environment; or if they unreasonably interfere with an individual's work performance.

### ***Employee's Responsibility***

Personal behavior and language that are “acceptable” to one individual may be “offensive” to another. All employees must recognize that the focus of this prohibition is on the effect of one’s action, not the intent. Even an employee who believes he or she is “just kidding around” or “didn’t mean any harm” may act in ways that have the effect of intimidating or demeaning another employee, and thereby violating this policy.

### ***Procedures***

It is the intention of the office to stop harassment before it rises to the level of a violation of law. As a part of that effort, if a staff member believes that s/he has been subjected to or has witnessed actions that violate this policy, s/he should promptly make a report to the Chief of Staff (Washington, D.C.), District Director (Connecticut), his/her direct supervisor, the next level supervisor, or any other management official with whom the employee feels comfortable discussing such issues including Representative Esty. The employee should not wait until the actions become severe or pervasive but should report such activity immediately. The office will investigate all such reports immediately and take corrective action where appropriate. The office will protect the confidentiality of harassment allegations to the extent possible. Conducting an effective investigation, however, requires sharing information with those who have a “need to know.” Any documents created or obtained concerning the harassment investigation will be treated with the same degree of confidentiality. Anyone who in good faith brings such a matter forward is assured that he or she will not suffer any retaliation, discrimination, or reprisal for having done so.

The office strictly prohibits retaliation against anyone who reports an incident in violation of the anti-harassment/anti-discrimination policy or anyone who participates or aids in an investigation of a complaint.

Any employee who violates any aspect of this policy, including the prohibition against retaliation, will face appropriate discipline, up to and including termination.

### **Performance Reviews**

At the end of each year, the office will review with the employee his/her job performance and discuss his/her job interests and career goals. The office does this to bring to the employee’s attention both areas in which he/she is performing well and those that need improvement. Performance evaluations can also influence decisions regarding pay increases.

Some of the factors the office considers in its evaluation of employees include:

- Quality of work;
- Job skills;
- Dependability;
- Attendance and punctuality;
- Ability to work cooperatively with colleagues and constituents;

- Knowledge of work;
- Willingness to assume responsibility;
- Willingness to accept direction;
- Ability to give direction where applicable;
- Adherence to office policies; and
- Improvement since the last review.

The office will provide each employee the opportunity to comment on the evaluation. Employees should understand that an evaluation does not alter the employee's at-will relationship or create a contract with the office as described elsewhere in this Handbook.

### **Employee Conduct and Discipline**

To ensure that all employees are working in a safe, productive and harmonious environment, and that the office is able to operate at peak efficiency, certain general standards of personal conduct and job performance have been established.

Your actions are a direct reflection on the Member, the office and the House of Representatives. Actions that reflect poorly on the Member, the office or the House of Representatives are grounds for disciplinary action, up to and including termination.

Standards of job performance are determined by the employee's position. Standards of personal conduct, however, are uniform throughout the office. Employees are expected to be courteous and respectful, and to conduct themselves at all times in a manner which reflects creditably on the U.S. House of Representatives.

While it is anticipated that most problems will be resolved through the cooperation of employees, there are times when inappropriate conduct or inadequate performance may result in disciplinary action. While this office does not employ mandatory progressive discipline, appropriate disciplinary action may, at the office's sole discretion, include counseling, probation, suspension (with or without a pay reduction), demotion, or other actions, up to and including termination. It is within management's sole discretion to determine appropriate measures based upon the circumstances of each individual disciplinary matter,

### ***Employee Relationships***

The Office has determined that romantic and/or intimate relationships between employees are not in the best interests of the Office because there is the potential that such relationships can cause disruption, create a negative or unprofessional working environment, and/or give rise to concerns about or perceptions of favoritism or harassment. Further, some employees may feel intimidated if asked out on a date by a supervisor, manager, or even a co-worker. For this reason, the Office strictly prohibits all romantic and/or intimate relationships between employees. The policy also strictly prohibits all romantic and/or intimate relationships between employees and interns. For purposes of this policy, romantic and/or intimate relationships include dating, asking another out on a date, proposing or engaging in intimate physical or sexual contact, exchanging sexually-oriented text messages or other communications, and/or



engaging in sexual activity. Employees who violate this policy are subject to disciplinary action up to and including immediate termination of employment.

No retaliation will be taken against any employee for reporting possible violations of this policy.

### ***Insubordination***

Employees are expected to follow directions given by a supervisor or person in authority, excluding any actions that would violate the law or House Ethics. Failure to perform or unreasonably delaying the performance of instructions given by a supervisor or person in authority is unacceptable and may result in disciplinary action, up to and including termination of employment.

### ***Personal Appearance***

Employees should dress, groom, and maintain personal hygiene in a manner which enhances the professional and public relations of the Office, as well as the safety and productivity of all staff members. This includes wearing neat, clean, business attire which is neither distracting nor offensive to visitors, constituents, or co-workers. Management reserves the right to judge when an employee fails to meet this standard and to instruct the employee to cure the deficiency. Violation of this policy may lead to disciplinary action, up to and including termination of employment.

Business casual attire is appropriate for the D.C. office on days when Congress is not in session. Business casual attire is appropriate for the district staff on days when Rep. Thompson is not in the office and when the employee's schedule does not have them speaking for and/or representing the Member, be it in the office or out in the field. Attire must be appropriate for greeting constituents and work in a professional environment. All other times, business attire is required.

Denim pants are permissible under business casual guidelines but only when the denim is of a singular color, is not bleached and does not possess any holes or other forms of wear and tear. Tshirts without collars are not permissible. No gym shoes, flip flops, or shorts are allowed.

### ***Telephone Etiquette***

When answering incoming calls, all staff and interns should state, firmly, cheerfully, and professionally: "Congresswoman Elizabeth Esty's office, (your name here) speaking. How may I help you today?" When transferring a call to another individual within the office, it is standard procedure to inform the recipient of the name of the caller and what the call is regarding prior to indicating whether the recipient is available to take the call.

If the individual being called is not available, request they leave a message by voicemail. If they request to leave a message with you, take down correct spelling of individual's name (repeat back spelling and pronunciation), organization, what the call is regarding, date and time of the call and return phone number and/or email address.

## ***Misconduct***

The following actions are unacceptable and may result in appropriate disciplinary action. The misconduct identified below is merely illustrative, is not intended to be a complete list of misconduct, is not intended to be listed in order of severity of the conduct, and does not alter the office's at-will employment policy:

- Misrepresenting or withholding information on an employment application or House records, including timesheets, injury reports, leave reports, or personnel documents.
- Removing House property, records or documents without proper authorization.
- Releasing sensitive or confidential information without proper authorization; allowing access to such information by unauthorized personnel; or using such information or property for personal reasons.
- Unauthorized possession, willful destruction or abuse of House property or the property of any individual on the premises.
- Entering a restricted area or allowing another person to enter a restricted area without proper authorization.
- Unexcused absence from work.
- Excessive absenteeism or tardiness without proper authorization.
- Use of abusive, threatening or obscene language; using language that adversely affects morale, production or maintenance of discipline.
- Engaging in any type of harassment.
- Performing personal or campaign business during working hours or using the mailing frank, official stationery, or other official resources or property for personal benefit.
- Violating the office's alcohol and drug abuse policy.
- Possessing dangerous weapons on the premises.
- Any illegal activity or disorderly conduct of any kind such as fighting, wrestling, roughhousing, or any other activity hazardous to life, limb or property.
- Failure to abide by the leave policies of the office.
- Failure to follow House Rules and federal statutes concerning the acceptance of gifts, and the reporting of financial interests, employment or conflicts of interest.

- Failure to observe general safety procedures, neglect of the safety of others, or the commission of unsafe acts.
- Reviewing the mail or e-mail files of another employee without appropriate authorization.
- Failure to follow the office’s computer and Internet policies.
- Use of official stationery or any other office property for personal reasons.
- Unauthorized communications with members of the news media, written statements, personal appearances, testimony, articles or publicly reported comments on any aspect of the employee’s official responsibility as an employee of the office or relating to matters of the House without direct clearance from the Communications Director or Chief of Staff.
- Failure to provide advance notice before speaking to the press about a personal matter or interest not directly related to their job.
- Any other action that is deemed to be inconsistent with the standards and expectations of the office or to show a disregard for the House’s interests or the employee’s duties and obligations to the House, including House Rule XXIII, which states that “an employee of the House shall conduct himself [*sic*] at all times in a manner that shall reflect creditably on the House.”

### **Termination of Employment**

Should an employee decide to terminate employment with the office voluntarily, you are requested, but not required, to provide adequate notice. Adequate notice is customarily two weeks, and may be longer depending on your particular responsibilities. This request to provide notice of intent to resign is not intended to alter the fact that either the employee or the office is entitled to terminate the employment relationship at any time without notice.

Each employee must return all House property, including his or her I.D. card, office keys, parking permit, mobile phones, computers or computer equipment, and any other intellectual property of the office that may be in the employee’s possession. Failure to do so may result in the withholding of your final paycheck. Employees who have group medical and life insurance will continue to receive coverage during the period in which the employee remains on the payroll as provided for by the individual employee’s health or life insurance policies and applicable federal laws. Employees should contact the Office of Payroll and Benefits (x52450) with any questions regarding benefits.

Prior to the conclusion of an employee’s service in the office, the employee will be required to complete an exit memo outlining current projects and outstanding work among other items, and at the discretion of the Chief of Staff, District Director, or Representative Esty, any or all of those individuals may request a confidential exit interview with the departing employee, in order to discuss potential areas of future improvement in office procedures and activities.

Upon termination certain employees are prohibited from lobbying certain Members of Congress or their staff for a period of at least one (1) year. For more information, contact the Committee on Ethics at x5-7103.

### **References**

References for former or current employees of the office are to be given only by Rep. Esty and/or the Chief of Staff (Washington, D.C.) or District Director (Connecticut) and only in accordance with the Hatch Act Reform Amendments of 1993 and the law and rules highlighted in the October 1, 1998 "Pink Sheet" created by the Committee on Standards. Employees should contact the Chief of Staff (Washington, D.C.) or District Director (Connecticut) or the Committee on Ethics at x5-7103 with any questions.

## EMPLOYEE BENEFITS

### Holidays

The office will generally observe the following holidays if the House is not in session:

- New Year's
- Martin Luther King, Jr.'s Birthday
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Thanksgiving Friday
- Christmas Eve or December 26 (if Christmas falls on a weekend)
- Christmas Day
- New Year's Eve or January 2 (if New Year's Day falls on a weekend)

If a holiday falls on a weekend, the office will observe the weekday designated as a holiday for federal employees. Additionally, while the office will be open on Good Friday and Easter Monday, staff will be given the option of taking off either Good Friday or Easter Monday for religious observance or as a spring holiday, based upon a calendar that keeps all offices at least partially staffed for the full day on both days. Staff members observing other religious holidays will be allowed to take such days, which will be counted against personal days, as described below.

The Chief of Staff (Washington, D.C.) and the District Director (Connecticut) reserve the right to require work on any of the aforementioned holidays, even when the House is not in session, if necessary to accomplish the business of the office. Additionally, if the Representative is working in the District on one of the above listed holidays, district staff may be required to work. Should this occur, staff will be granted one additional day of leave in lieu of the lost holiday.

### Leave Policy

The leave policy of the office is designed to provide benefits to employees, while maintaining enough flexibility to allow the office to perform its functions. With regard to the types of leave enumerated below, requests should be presented, in writing, to the Chief of Staff (Washington, D.C.) or District Director (Connecticut). In addition to the leave policies described below, the Member (or her designee) has the discretion to grant additional paid time off as she/he deems appropriate.

#### ***Annual leave***

Employees are entitled to three work weeks [fifteen (15) calendar days] of annual leave per year, in addition to the holidays listed above. Employees will be entitled to take up to four

weeks of annual leave after six years of service (for staff passing the six year mark during the course of a calendar year, the increase will be prorated for that year).

Leave for the first 12 months of employment is accrued according to the following schedule:

Staff members will be entitled to take up to one week (five calendar days) of annual leave after four months. Staff members will be entitled to take an additional week (five calendar days) of annual leave after six months. Staff members are entitled to the third week (five calendar days) after eight months.

After the first twelve months, leave will be accrued at the rate of 1.25 days per month.

Part-time employees are entitled to a pro rata number of paid vacation days. For example, if you are a part-time employee and you work 4 days a week, you are entitled to 12 days of paid vacation in a normal year.

Requests for annual leave must be submitted **in writing** to the Chief of Staff (Washington, D.C.) and or the District Director (Connecticut) using the prescribed leave request form. Annual leave, under ordinary circumstances, will not be granted when the House is in session (for Washington, D.C. staff) or when Representative Esty is expected to be in the district during District Work Periods (Connecticut staff).

Upon termination of employment, employees will be paid for unused accrued annual leave, either by consideration of the number of days of unused accrued annual leave in establishing the date of termination or by a lump sum payment, at the discretion of the Chief of Staff. When an employee terminates employment to accept a position elsewhere in the federal government, however, due to the prohibition on dual compensation, an employee generally cannot be retained on the House payroll after reporting to another federal government job. Contact the Committee on Ethics at x57103 if you have any questions regarding this issue. In addition, any lump sum payment for unused accrued annual leave may not exceed the employee's monthly pay and/or 1/12th of the maximum rate of pay specified on the Speaker's Pay Order. Withholding will be at rates of 25% for Federal tax, state tax at the applicable rate, 6.2% for FICA (if applicable), and 1.45% for Medicare.

If an employee has taken more annual leave than he or she has earned, the office may deduct the excess annual leave from the employee's final paycheck(s).

Employees are eligible for accrued leave pay after one year of service. no more than 8 annual leave days may be carried over from one calendar year to the next. Any balance beyond 8 days will be lost.

### ***Sick leave***

The office will provide five (5) work days of sick leave per year to all employees. Unused sick leave does not carry over from year to year. No payment will be made for unused sick leave upon termination of employment. Under both the CSRS and FERS retirement plans, unused sick

leave accrued as part of a qualified sick leave policy may be credited toward an employee's retirement.

Employees who are unable to report to work due to illness or injury must notify their immediate supervisor or a manager, or leave a message with the office no later than 10:00 a.m. The office must be contacted on each additional day of absence. Except in medical emergencies, employees who must leave work due to illness or injury must notify their immediate supervisor or a manager prior to departure. Failure to follow these procedures may result in the treatment of the day as an unexcused absence, which may be subtracted from the employee's annual leave allotment, and/or can result in disciplinary action up to and including termination.

Sick leave may be used for scheduled medical and dental appointments of the employee or the employee's family member. Appointments that keep an employee from the office for more than four hours are considered a half day of sick leave and appointments lasting for more than six hours are considered a full day of sick leave. Eligible employees who suffer from a serious health condition are also entitled to leave under the Family and Medical Leave Act as discussed below.

### ***Personal leave***

Employees are entitled to three (3) paid personal days to be used as needed, subject to approval by the Chief of Staff (Washington, D.C.) or District Director (Connecticut). Personal days may not be carried over from year-to-year.

### ***Religious Holidays***

The Office seeks to accommodate reasonable requests for leave for religious observances. Employees may elect to take annual leave or unpaid leave (if the employee has exhausted his or her paid leave) for such purposes. The availability of such leave depends on the operational needs of the Office. Accordingly, employees should request such leave as far in advance as possible to allow for appropriate scheduling to be made by management.

### ***Bereavement leave***

Employees are entitled to up to five (5) days of paid bereavement leave as needed for the death of an immediate family member. An "immediate" family member includes an employee's parent, step-parent, spouse or partner, child, stepchild, sibling, step-sibling, grandchild, grandparent, mother or father-in-law, or son or daughter-in-law. Leave for the death of friends or other relatives will be charged against annual leave or personal days, at the employee's discretion. At the office's discretion, additional bereavement leave for travel time and other extenuating circumstances may be granted.

### ***Military and federal emergency task force leave***

An employee who is a member of a National Guard or Armed Forces Reserves ("Reserves") unit accrues paid military leave at a rate of 15 business days per fiscal year for, among other purposes, active duty and inactive-duty training. Any compensation provided by the National Guard or Reserves may be retained by the employee. An employee who is a member of a

Federal Emergency Task Force and is called to duty will be given paid leave for that purpose. To apply for the leave, the employee should submit appropriate documentation (e.g., a copy of the orders) to the office as far in advance as possible. Employees can carry over unused military leave up to 15 days per fiscal year (for a total not to exceed 30 days per fiscal year).

In addition to the fifteen (15) paid business days of leave an employee in the National Guard or Reserves accrues each fiscal year, an employee who performs military service as defined by 5 U.S.C. 6323(b)(2)(A) (regarding the provision of military aid to enforce the law or support civil authorizes), or is called to active duty to support a contingency operation as defined under 10 U.S.C. 101(a)(13) receives an additional twenty-two (22) business days of paid leave per calendar year, offset by the employee's military salary. In other words, if an employee is called to active duty to support a contingency operation, the employee will receive the difference between his/her office salary and the military salary for a period of twenty-two (22) business days (assuming the employee's office salary is higher than his/her military salary). To facilitate processing and distributing the 22-day pay differential, the employee should provide the office with information regarding his or her military pay prior to departure for military leave. Failure to provide such information may result in a delay in distributing the 22-day pay differential to the employee.

In addition, under 5 U.S.C. 5538, an employee in the National Guard or Reserves who is called to active duty in support of a contingency operation as defined under 10 U.S.C. 101(a)(13)(B) is entitled to up to five years of paid leave offset by the employee's military salary.

There are other situations in which an employee who is in the Reserve or National Guard may qualify for additional leave. The office will provide leave consistent with qualifications and requirements of 5 U.S.C. § 6323, including extended leave for military reserve technicians and employees ordered to military service to support civil authorities.

Employees who require absences for military duty (including long-term absences for active duty) will be accorded all benefits and protections provided by law, including reemployment rights, health insurance protection, and the right to be free from discrimination and retaliation. Any employee who is required to take a leave of absence for military duty should notify the office immediately. An employee shall be permitted, but not required, to use any unused accrued annual leave, upon request, during the period of military service.

- **Reemployment rights.** An employee returning from active duty military status is entitled to be reinstated by the office to the employee's previously held position, or to an equivalent position if: 1) the employee (or an appropriate officer in the uniformed services) gives advanced notice of military service when possible; 2) the cumulative length of the absence, and all previous absences from the position by reason of service in the uniformed services, does not exceed five years (certain types of military leave excluded); and 3) the employee returns to work or applies for reemployment in a timely manner after conclusion of service (timeliness depends on length of service – see below); and 4) the employee has not been separated from military service with a disqualifying discharge or under other than honorable conditions.

If an employee is eligible to be reemployed, the employee must be restored to the job



and benefits the employee would have attained if he or she had not been absent due to military service or, in some cases, a comparable job. The office need not reemploy an employee, however, if reemploying is unreasonable or impossible, or if an employee's pre-service employment was for a brief, non-recurrent period with no expectation that it would continue.

- **Notice requirements for intent to return to work.** The time and manner by which an employee must express his or her intent to return to work varies depending on the length of absence. For military service under 31 days, the employee must report to the office no later than the first full work period on the first full calendar day after the completion of the leave, after travel time plus eight hours of rest (or as soon after the eight-hour period as possible if reporting within this time is impossible or unreasonable through no fault of the employee). For military service of more than 30 days but less than 180 days, the employee must notify the office of his or her intent to return to work by submitting an application for reemployment not later than 14 days after completion of military service (or the "next first full calendar day" if submission within the 14 days is impossible or unreasonable through no fault of the employee). For military service of more than 180 days, the employee must notify the office of his or her intent to return to work by submitting an application for reemployment not later than 90 days after the completion of military service.
- **Health Insurance Protection.** Employees who leave their job to perform military service have the right to elect to continue existing employer-based health plan coverage for themselves and their dependents for up to 24 months while in the military. Depending on the length of his or her military service, an employee may be required to pay up to 102 percent of the full premium under the applicable health plan. An employee seeking medical benefits while on military leave should contact the Office of Payroll and Benefits for additional information regarding the cost of such coverage. An employee electing not to continue coverage during their military service has the right to be reinstated in the employer-based health plan when he or she is reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.
- **Thrift Savings Plan Protection.** An employee who is reemployed after a period of military leave may make contributions to the Thrift Savings Plan equal to the contributions which would have been made over his or her military leave period reduced by any contributions actually made over this period. An employee interested in making catch up contributions to the Thrift Savings Plan after his or her reemployment should contact the Office of Payroll and Benefits for additional information.
- **Non-discrimination and non-retaliation.** An individual who is a past or present member of the uniformed service, has applied for membership in the uniformed service, or is obligated to serve in the uniformed service may not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment because of this status. In addition, the office may not retaliate against anyone assisting in the enforcement of these rights, including anyone who testifies or makes a statement in connection with a

proceeding for the enforcement of these rights, even if that person has no service connection.

### ***Jury and witness duty***

An employee who is summoned for jury or witness duty and must be absent from work will continue to receive full pay and will not be charged annual leave. Upon receipt of such summons, the employee must notify the office immediately and must provide a copy of the summons or other written documentation requesting jury or witness duty.

Certain courts require only that a juror telephone the court each morning to determine whether the juror must report to court. Under such circumstances, when not needed by the court, the employee must report to work.

As provided by law [2 U.S.C. §§ 130b(d) and (e)], any fee paid to an employee for jury or witness duty shall be turned into the office, and the entire amount will be remitted to the House Finance office. Any reimbursement made to an employee for expenses incurred in rendering jury or witness service may be retained by the employee. Upon returning to work from jury duty, an employee shall provide the office a certificate of attendance from the Clerk of the court or similar court official for each day of absence.

### ***Furlough***

Furlough is an absence without pay initiated by the Office. Placement in a furlough status is at the discretion of the Office, unless placement in such leave status is otherwise required by law.

### ***Family and Medical Leave***

#### **I. Basic 12-Week FMLA Leave Entitlement**

Under the applicable provisions of the FMLA, any person who has worked for any Congressional office for at least one year and for a total of at least 1,250 hours during the previous 12-month period is entitled to up to a total of 12 weeks of unpaid, job-protected leave during a 12-month period for the following reasons:

- A. because of the birth of the employee's son or daughter, and for the employee to care for and bond with his or her newborn child during the child's first year ("Type A" FMLA leave);
- B. because of the placement of a son or daughter with the employee for adoption or foster care, and for the employee to care for and bond with his or her child during the first year after adoption or placement ("Type B" FMLA leave);
- C. to care for the employee's spouse, son or daughter, or parent who has a serious health condition ("Type C" FMLA leave);

- D. because of the employee’s own serious health condition which makes the employee unable to perform the functions of his or her job (“Type D” FMLA leave); or
- E. because of any qualifying exigency arising out of the fact that the employee’s spouse, son or daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (“Type E” FMLA leave).

The term “serious health condition” for Types C and D leave means an illness, injury, impairment, or a physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility; or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents a qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of serious health condition as defined in applicable regulations issued by the Office of Compliance.

The term “qualifying exigencies” for purposes of Type E FMLA leave may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The term “covered active duty” means: (A) in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; and (B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a “contingency operation” as defined under 10 U.S.C. § 101(a)(13)(B).

The right to take leave under the FMLA applies equally to male and female employees. Thus, for example, a father, as well as a mother, can take Type A and/or Type B FMLA leave for the birth, placement for adoption, foster care, and/or for bonding with a child.

## **II. 26-Week Injured Servicemember Caregiver FMLA Leave Entitlement**

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of FMLA leave to care for a covered servicemember during a single 12-month period. This leave is available to an eligible employee who is the spouse, son or daughter, parent, or next of kin of a covered servicemember. A covered servicemember is:

- 1) a current member of the Armed Forces, including a member of the National Guard or Reserves who has a serious injury or illness that was incurred in the line of duty on active duty (or aggravated in the line of duty on active duty) and that may render the

servicemember medically unfit to perform his or her duties for which the servicemember is:

- (a) undergoing medical treatment, recuperation, or therapy;
- (b) is in outpatient status; or
- (c) is on the temporary disability retired list;

- 2) a veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness (incurred in the line of duty on active duty or aggravated by service in the line of duty on active duty) and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment recuperation or therapy.

### **III. Circumstances When FMLA Leave Is Paid**

Generally, FMLA leave is unpaid. However, as an additional benefit to employees, it is the Office's policy to provide twelve weeks of paid FMLA leave per FMLA year to an eligible employee who uses FMLA leave.

### **IV. Calculating the FMLA Leave Year**

When basic FMLA leave (i.e., Type A, B, C, D and/or E leave) is taken, the 12-month period during which an employee is entitled to up to 12 weeks of FMLA leave is calculated on a rolling 12-month basis measured backward from the date the employee first uses FMLA leave.

For purposes of injured servicemember caregiver leave, the single 12-month period begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date. Please consult with Chief of Staff (Washington, DC) or District Director (Connecticut) for guidance on how leave is calculated when an employee takes injured servicemember caregiver leave and also takes Type A, B, C, D and/or E leave during the same time frame.

### **V. Notice and Designation of Leave As FMLA Leave**

If an employee's need for FMLA leave is foreseeable, an employee must generally provide at least 30 days notice (written or verbal) to the Chief of Staff, or otherwise as much advance notice as practicable. If an employee fails to give 30 days' notice, with no reasonable excuse, the office may delay the taking of FMLA leave. An employee need not provide 30 days advance notice of the need for qualifying exigency leave (Type E leave) if such advance notice is not reasonable and practicable.

For leave requested for the care of a family member with a serious health condition or leave for the employee's own serious health condition (Type C and D leave), or leave to care for an injured servicemember, the employee shall make a reasonable effort, after consulting

with the Chief of Staff to schedule leave so as not to unduly disrupt office operations (subject to approval of the appropriate health care provider).

Any employee who takes FMLA leave for any reason must submit a written request for leave, even if the request is submitted after the leave has commenced. Such written notice must be submitted to the Chief of Staff and shall include the dates and the type of leave requested (i.e., whether the leave is Type A, B, C, D, E and/or injured servicemember caregiver leave).

Whenever an eligible employee is absent from work for a reason that is FMLA-qualifying, the office will count the absence as leave under the FMLA. Furthermore, FMLA leave will be designated as such retroactively upon an employee's return to work where the employee does not inform the office in advance of the reason for the leave and/or the office discovers upon the employee's return that the reason for the leave falls under the FMLA.

#### **VI. Intermittent or Reduced Schedule Leave**

FMLA leave is often taken in large blocks of time such as when an employee is entirely absent from the office and no work is performed (e.g., three weeks at home recuperating from illness or injury). In certain cases, however, an employee may not need FMLA leave for such extended periods, but rather may need FMLA leave intermittently (for example, a few hours every other week to see a doctor for treatment regarding a chronic condition) or on a reduced schedule (e.g., to work a half-time schedule for two weeks until the employee fully recovers from his or her serious health condition). Under the FMLA:

1. Qualifying exigency leave (Type E leave) may be taken on an intermittent or reduced schedule basis.
  2. Leave to care for a seriously ill family member (Type C leave), leave taken for the employee's own serious health condition, (Type D leave) or leave to care for an injured servicemember, may be taken intermittently or on a reduced schedule basis, so long as such intermittent or reduced schedule leave is medically necessary as certified by the appropriate health care provider.
  3. Leave may be taken intermittently or on a reduced leave schedule because of the birth, adoption or placement of a child, or to bond with a newborn or a newly adopted or newly placed foster child (Type A and B leave), only with the approval of the office. If the birth mother is incapacitated due to pregnancy, or if the newborn or newly-placed child has a serious health condition, such leave (Type C or D leave) may be taken on an intermittent or on a reduced schedule basis if accompanied by appropriate medical certification.
1. When leave is taken intermittently or on a reduced leave schedule and such leave is foreseeable based on planned medical treatment, the office may require that the employee transfer to an alternative position which has equivalent pay and benefits, and which better accommodates recurring periods of leave.

## **VII. Certification of Need for FMLA Leave; Fitness for Duty**

When an employee takes FMLA leave for his or her own illness (Type D leave) or to care for a family member (Type C leave), the employee must provide a medical certification from the health care provider that the leave is due to the serious health condition of the employee or the employee's spouse, parent, or child. The employee must have the health care provider complete the form. The completed certification form should be returned to the office within 15 days, where possible. The office may also require appropriate certification, as permitted by law, for qualifying exigency leave (Type E leave) and injured servicemember caregiver leave.

When certification of a serious health condition is requested in connection with Type C or Type D FMLA leave, the office may also require and pay for an opinion by a second health care provider designated by the office. If there is a conflict between the first and second certifications, the office may require and pay for a third opinion by a health care provider jointly approved by the office and the employee. The opinion of the third health care provider is final and binding.

The office may also require that an employee present a "fitness for duty" certification upon return to work when the absence is caused by the employee's own serious health condition (Type D leave). The office may seek such certification only with respect to the particular serious health condition that was the reason for the employee's request for FMLA leave. The employee is responsible for the cost of the "fitness for duty" certification. The Chief of Staff will notify the employee whether a "fitness for duty" certification is required as soon as possible after the employee notifies the office of the reason for FMLA leave. The office may delay or refuse to restore an employee to duty if the office has requested and the employee has failed to provide the appropriate "fitness for duty" certification.

## **VIII. Periodic Reports**

The office may require periodic reports from an employee on leave regarding his or her status and intention to return to work.

## **IX. Continuation of Benefits**

While on FMLA leave, whether paid or unpaid, employees will continue to be enrolled in their health insurance plans. As long as the employee remains enrolled in his or her health plan, the U.S. House of Representatives will continue to pay the Government contribution. The employee is responsible for payment of the employee share and should contact the Office of Payroll and Benefits (ext. 5-1435) to arrange for monthly payments. Under federal regulations, an employee whose enrollment continues for a period of time without payment is deemed to have consented to recovery of an indebtedness for past-due health benefits premiums from future salary, or from any other moneys owed to the employee by the Federal Government.

## **X. Reinstatement from Leave**

Upon return to work after taking FMLA leave, an employee generally will be entitled to be restored to the same position or an equivalent position to that which the employee occupied before taking FMLA leave. If an employee is unable to perform the essential functions of his or her job because of a mental or physical condition, the employee has no right to restoration to his or her previous position or another position under the FMLA.

If an employee is on Type A, B, C, D and/or E leave in excess of 12 weeks within a 12-month period, the employee will not be guaranteed reinstatement. As noted above, the FMLA contains a special provision providing for up to 26 weeks of protected leave during a 12-month period when an eligible employee takes leave to care for an injured servicemember.

If an employee gives unequivocal notice of intent not to return to work, the obligations to maintain health benefits under the FMLA and to restore the employee cease.

## **XI. Key Employees**

Key employees are employees who are salaried and among the highest paid 10% of all employees employed by the employing office within 75 miles of the employee's worksite. The office may deny reinstatement upon return from FMLA leave to "key" employees if reinstatement would cause substantial and grievous economic harm to the office. The office must provide written notification to "key" employees of their status upon a request for FMLA leave.

## **XII. Employment of Spouses**

Spouses employed by the same employing office may be limited to a combined total of 12 weeks during a 12-month period of FMLA leave when the leave is taken for the following purposes: (1) the birth and/or to care of a newborn child; (2) the placement of a child for adoption or foster care; or (3) the care of a parent who has a serious health condition.

Spouses employed by the same employing office may be limited to a combined total of 26 weeks of leave during a single 12-month period for injured servicemember caregiver leave.

## **XIII. Performance and Merit Reviews**

Performance reviews may be delayed for a period equal to the length of the FMLA leave.

## **XIV. Misrepresentation**

Any employee who misrepresents the reasons for requesting FMLA leave may be subject to disciplinary action, up to and including termination.

## **XV. Intimidation and Retaliation Prohibited**

An employer may not use the taking of approved FMLA leave as a negative factor in employment decisions such as promotions or disciplinary actions. Retaliation of any kind is prohibited.

### ***Leave without pay (LWOP)***

Requests for leave without pay other than as specified above may be granted, upon presentation of a written or email request, at the discretion of the Chief of Staff. As a basic condition for approval of LWOP, the Chief of Staff must have a reasonable assurance that the employee will return to duty at the end of the approved period. LWOP status should be requested in advance of the period of absence. LWOP status may also be initiated at the discretion of the Chief of Staff. In no case may the period of LWOP status exceed twelve months in a twenty-four month period.



# **EXHIBIT 26**

**To:** Rogers, Ann [REDACTED]  
**From:** Daly, Timothy  
**Sent:** Fri 11/17/2017 2:35:55 PM  
**Subject:** FW: Reminder of Office Policies Relating to Sexual Harassment

FYI -- this is what we sent out to all staff last week as a refresher for folks.

TD

Tim Daly  
Chief of Staff  
Office of Representative Elizabeth Esty (CT-05)  
221 Cannon House Office Building  
Washington, DC 20515  
[REDACTED]

---

**From:** Daly, Timothy  
**Sent:** Thursday, November 09, 2017 1:45 PM  
**To:** CT05EE All Staff  
**Subject:** Reminder of Office Policies Relating to Sexual Harassment

Good afternoon team,

With the renewed discussion nationally and the current discussions on Capitol Hill over how we as a nation can eliminate sexual harassment in all work places (including in the halls of Congress), Rep. Esty felt that it was important to remind everyone of the office's anti-harassment policy and relatedly, the office's open door policy. These policies, found in our employee manual, are copied below. We strongly encourage everyone to take a moment to re-review these policies. Should you have any questions or would like to discuss these policies further, please do not hesitate to contact me at any time. No issue is too small to discuss in this regard, and meetings related to this will be prioritized.

In addition, as folks may remember our entire office took part in a comprehensive sexual harassment training during our office retreat this past March. Given that we have several new team members who joined the office AFTER our retreat, we have made arrangements for Ann Rogers with House Employment Counsel to provide a **second training on Tuesday December 5<sup>th</sup> (1pm-3pm) in our Washington, DC office.** For staff who joined our team after the retreat, this training is mandatory. For all other staff who wish to have a refresher, you are welcome to join. More details on this training will be available in the near future.

Recent news reports underscore how prevalent and unacceptable this behavior is. One very small silver lining is that they provide an important opportunity to remind everyone what policies exist, ensure everyone is trained on those policies, and to guarantee that those who want to raise an issue related to these policies have a confidential opportunity to do so that will be listened to and acted upon.

Again, please do not hesitate to contact me should you have any questions or would like to discuss further,

Tim Daly

Tim Daly  
Chief of Staff  
Office of Representative Elizabeth Esty (CT-05)  
221 Cannon House Office Building  
Washington, DC 20515  
[REDACTED]

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## **Anti-Harassment and Anti-Discrimination Policy**

As an equal opportunity employer, the office of Representative Elizabeth H. Esty is firmly committed to providing a work environment free from discrimination, harassment, or intimidation on the basis of race, color, religion, gender, national origin, disability, age, military status, genetic information, marital status, parental status, sexual orientation, or gender expression or identity or any other basis prohibited by law. This commitment applies to all hiring, discharge, promotion, pay benefits, reassignments, and other personnel actions affecting the terms, conditions, and privileges of employment. This commitment extends to making reasonable accommodations that enable qualified disabled individuals to perform the essential functions of their jobs.

### ***Harassment***

Employees will not be subjected to, and will not subject each other to, discrimination or harassment of any kind.

The office will not tolerate any of the following actions:

- making any employment decision or taking any employment action that is based on race, color, religion, gender, national origin, disability, age, military status, genetic information, marital status, parental status, sexual orientation, or gender expression or identity or any other basis prohibited by the Congressional Accountability Act;
- acting in a way that may create a hostile, offensive, intimidating or demeaning environment on the basis of an employee's race, color, religion, gender, national origin, disability, age, military status, genetic information, marital status, parental status, sexual orientation, or gender expression or identity or any other basis prohibited by the Congressional Accountability Act.

### ***Sexual Harassment***

There are two basic forms of sexual harassment.

1. Prohibited "quid pro quo" sexual harassment may occur when a supervisor or manager makes unwelcome sexual advances, requests sexual favors, or engages in other verbal or physical conduct of a sexual nature, if the implication is that submission to such conduct is expected as part of the job. It would also be unlawful for a supervisor or manager to make employment decisions affecting the individual on the basis of whether the individual submits to or rejects sexual conduct.
2. Prohibited "hostile work environment" sexual harassment may occur when unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This may include, for example, displaying sexually suggestive material in the workplace, unwelcome flirtation or advances, requests for sexual favors, or any other offensive words or actions of a sexual nature.

### ***Other Prohibited Forms of Harassment***

In addition to the sexual harassment discussed above, harassment on the basis of race, gender, sexual orientation, age, religion, disability, color, national origin, military status, genetic information, or any other basis can constitute employment discrimination that violates applicable law and/or office policy. Insults, jokes, slurs, or other verbal or physical conduct or activity relating to race, gender, sexual orientation, age, religion, disability, color, national origin, military status, genetic information, or any other basis are unlawful and/or violate office policy if they create an intimidating, hostile, or offensive work environment; or if they unreasonably interfere with an individual's work performance.

### ***Employee's Responsibility***

Personal behavior and language that are "acceptable" to one individual may be "offensive" to another. All employees must recognize that the focus of this prohibition is on the effect of one's action, not the intent. Even an employee who believes he or she is "just kidding around" or "didn't mean any harm" may act in ways that have the effect of intimidating or demeaning another employee, and thereby violating this policy.

## **Procedures**

It is the intention of the office to stop harassment before it rises to the level of a violation of law. As a part of that effort, if a staff member believes that s/he has been subjected to or has witnessed actions that violate this policy, s/he should promptly make a report to the Chief of Staff (Washington, D.C.), District Director (Connecticut), his/her direct supervisor, the next level supervisor, or any other management official with whom the employee feels comfortable discussing such issues including Representative Esty. The employee should not wait until the actions become severe or pervasive but should report such activity immediately. The office will investigate all such reports immediately and take corrective action where appropriate. The office will protect the confidentiality of harassment allegations to the extent possible. Conducting an effective investigation, however, requires sharing information with those who have a "need to know." Any documents created or obtained concerning the harassment investigation will be treated with the same degree of confidentiality. Anyone who in good faith brings such a matter forward is assured that he or she will not suffer any retaliation, discrimination, or reprisal for having done so.

The office strictly prohibits retaliation against anyone who reports an incident in violation of the anti-harassment/anti-discrimination policy or anyone who participates or aids in an investigation of a complaint.

Any employee who violates any aspect of this policy, including the prohibition against retaliation, will face appropriate discipline, up to and including termination.

## **Open Door Policy**

The office recognizes that open communication between employees and management is an essential element of a productive work environment. To that end the office has adopted an Open Door Policy. The Open Door Policy has been established to enable employees to seek resolution of job-related issues. It is intended to create a process whereby employees can raise any questions or concerns with the assurance that these issues will be addressed promptly and effectively.

Employees are encouraged to discuss job-related concerns or questions with their immediate supervisor. If an employee fails to get satisfaction from his/her immediate supervisor, or the supervisor is involved in the issue or concern, the employee may discuss the issue with a higher-level supervisor, including the Chief of Staff.

It is the responsibility of all management personnel to respond to Open Door Requests in a timely and objective manner. Retaliation is prohibited against any employee because he/she uses the Open Door Policy, as well as participants in any investigation prompted by any such complaint or inquiry.

# **EXHIBIT 27**

**To:** Rogers, Ann [REDACTED]  
**From:** Daly, Timothy  
**Sent:** Thur 11/2/2017 6:24:15 PM  
**Subject:** RE: Call follow up

Got it. Thank you Ann – you are great. let me get settled on our end and I will confirm with you in the next day or so. Really do appreciate it,

Tim Daly

Tim Daly  
Chief of Staff  
Office of Representative Elizabeth Esty (CT-05)  
221 Cannon House Office Building  
Washington, DC 20515  
[REDACTED]

---

**From:** Rogers, Ann  
**Sent:** Thursday, November 02, 2017 2:21 PM  
**To:** Daly, Timothy  
**Subject:** RE: Call follow up

Hi Tim,  
The November 16, December 4 and 5 all work for me. But if the November 17<sup>th</sup> winds up being the best for your office, let me know and I can see about arranging for another OHEC attorney to conduct the training for you. Just let me know.  
Thanks,  
Ann

\*\*\*\*\*

Ann R. Rogers  
Deputy Counsel  
Office of House Employment Counsel  
U.S. House of Representatives  
4300 O'Neill Federal Building  
Washington, D.C. 20515  
[REDACTED]

\*\*\*\*\*

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**From:** Daly, Timothy  
**Sent:** Wednesday, November 01, 2017 10:24 AM  
**To:** Rogers, Ann [REDACTED]  
**Subject:** Call follow up

Hey Ann,

Thanks for taking my call on Monday.

I looked through the schedule and followed up with the boss and we would like to schedule another sexual harassment training for the new staff in the office in the near future. Could any of the following dates work for you:

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Thursday November 16th (after 130pm)

Friday November 17<sup>th</sup>

Monday December 4<sup>th</sup>

Tuesday December 5<sup>th</sup> (before 3pm)

And remind me – the training last 2 hours?

Thanks Ann,

Tim Daly

Tim Daly

Chief of Staff

Office of Representative Elizabeth Esty (CT-05)

221 Cannon House Office Building

Washington, DC 20515



# **EXHIBIT 28**



**To:** Daly, Timothy [REDACTED]  
**From:** Rogers, Ann  
**Sent:** Thur 11/16/2017 11:17:59 PM  
**Subject:** RE: Question

**Privileged and Confidential**  
**Attorney Client Communication**

Tim,  
Yes – absolutely. I should be in by 9:15 so just give me a call tomorrow morning and we can speak further.  
Thanks,  
Ann

\*\*\*\*\*

Ann R. Rogers  
Deputy Counsel  
Office of House Employment Counsel  
U.S. House of Representatives  
4300 O’Neill Federal Building  
Washington, D.C. 20515



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**From:** Daly, Timothy  
**Sent:** Thursday, November 16, 2017 4:15 PM  
**To:** Rogers, Ann [REDACTED]  
**Subject:** Question

Hey Ann – a staff member in my office has approached me with concern about possible harassment. I have recorded some initial information but would like your advice on how to proceed.

Any chance you are available tomorrow morning for a quick phone call?

TD

Tim Daly  
Chief of Staff  
Office of Representative Elizabeth Esty (CT-05)  
221 Cannon House Office Building  
Washington, DC 20515  
(202) 225-4476 office  
(860) 225-7289 fax