AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

# House Calendar No. 200

115TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 115–1093

# IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE ELIZABETH ESTY

## REPORT

OF THE

## COMMITTEE ON ETHICS

DECEMBER 20, 2018.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

89–006 WASHINGTON : 2018

## COMMITTEE ON ETHICS

SUSAN W. BROOKS, Indiana
*Chairwoman*
KENNY MARCHANT, Texas
LEONARD LANCE, New Jersey
MIMI WALTERS, California
JOHN RATCLIFFE, Texas

THEODORE E. DEUTCH, Florida
*Ranking Member*
YVETTE D. CLARKE, New York
JARED POLIS, Colorado
ANTHONY BROWN, Maryland
STEVE COHEN, Tennessee

## REPORT STAFF

THOMAS A. RUST, *Chief Counsel/Staff Director*
BRITTNEY PESCATORE, *Director of Investigations*
MEGAN H. SAVAGE, *Counsel to the Chairwoman*
DANIEL J. TAYLOR, *Counsel to the Ranking Member*

KATHERINE L. DACEY, *Counsel*
JANET FOSTER, *Counsel*
MOLLY N. MCCARTY, *Investigator*
MARK HAMILTON, *Investigative Clerk*

## LETTER OF TRANSMITTAL

---

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
*Washington, DC, December 20, 2018.*

Hon. KAREN L. HAAS,
*Clerk, House of Representatives,*
*Washington, DC.*

DEAR MS. HAAS: Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached report, "In the Matter of Allegations Relating to Representative Elizabeth Esty."

Sincerely,

SUSAN W. BROOKS,
*Chairwoman.*
THEODORE E. DEUTCH,
*Ranking Member.*

# CONTENTS


| | Page |
|---|---|
| I. INTRODUCTION | 1 |
| II. PROCEDURAL HISTORY | 4 |
| III. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT | 5 |
| A. Sex Discrimination and Sexual Harassment | 5 |
| B. Payment of Compensation and Severance to House Employees | 6 |
| IV. BACKGROUND | 8 |
| A. Policies in Representative Esty's Office 2013–2016 | 8 |
| B. Mr. Baker's Relationship With Former Staffer A in 2013 | 10 |
| C. Mr. Baker's Treatment of Former Staffer A in 2014 | 11 |
| D. Mr. Baker's Treatment of Other Staff | 12 |
| E. The Incident on May 5, 2016 | 13 |
| F. The Investigation | 14 |
| G. Mr. Baker's Termination | 19 |
| H. Events Following Mr. Baker's Termination | 22 |
| V. FINDINGS | 23 |
| A. Sexual Harassment Allegations | 23 |
| *1. Representative Esty's Knowledge of Mr. Baker's Misconduct Prior to May 2016* | 24 |
| *2. Representative Esty's Efforts to Prevent and Correct Mr. Baker's Misconduct* | 25 |
| B. Payment of Lump Sum Severance to Mr. Baker | 28 |
| C. Representative Esty's Conduct Warrants No Further Action by the Committee | 30 |
| VI. CONCLUSION | 31 |
| VII. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(c) | 32 |
| APPENDIX A: REPRESENTATIVE ESTY'S SUBMISSION TO THE COMMITTEE | 33 |
| APPENDIX B: EXHIBITS TO THE COMMITTEE REPORT | 35 |

**House Calendar No. 200**

115TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 115–1093

# IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE ELIZABETH ESTY

DECEMBER 20, 2018.—Referred to the House Calendar and ordered to be printed

Mrs. BROOKS of Indiana, from the Committee on Ethics, submitted the following

## R E P O R T

In accordance with House Rule XI, clauses 3(a)(2) and 3(b), the Committee on Ethics ("Committee") hereby submits the following Report to the House of Representatives:

## I. INTRODUCTION

On March 29, 2018, news reports broke asserting that Representative Elizabeth Esty had continued to employ her former Chief of Staff, Tony Baker, for months after she learned he had threatened and abused a former staffer ("Former Staffer A").[1] The reports asserted that Mr. Baker punched, berated, and sexually harassed Former Staffer A while she was employed in Representative Esty's office in 2014, and that he left her threatening voicemails on the evening of May 5, 2016, just over a year after she had left employment with Representative Esty's office. According to the reports, Representative Esty learned of the threatening voicemails within a week of their occurrence, but allowed Mr. Baker to remain employed in her office for three months while she enlisted a former Chief of Staff, Mr. Baker's predecessor, to conduct an investigation. The reports also noted that, after receiving an assessment following that review detailing Mr. Baker's misconduct, Representative Esty terminated him, but in doing so provided him with a positive letter

[1] Dan Freedman, *Esty under scrutiny over handling of alleged abuse*, The Connecticut Post (updated Mar. 30, 2018, 1:11pm), https://www.ctpost.com/news/article/Esty-under-scrutiny-over-handling-of-alleged-abuse-12791993.php; Elise Viebeck, *Conn. Congresswoman kept aide on staff for 3 months after she learned of threat allegation*, The Washington Post (Mar. 29, 2018), https://www.washingtonpost.com/powerpost/conn-congresswoman-kept-aide-on-staff-3-months-after-she-learned-of-threat-allegation/2018/03/29/5af5b11c-2311-11e8-94da-ebf9d112159c_story.html?utm_term=.fc8b1460247a.

of recommendation and paid him severance pursuant to a confidential agreement.

In the initial news reports, Representative Esty acknowledged aspects of the reporting, but also indicated that she had sought and relied upon legal guidance from the Office of House Employment Counsel ("OHEC") in handling the matter. On April 2, 2018, Representative Esty sent a letter to the Chairwoman and Ranking Member of the Committee requesting the Committee review the circumstances surrounding her dismissal of Mr. Baker to determine whether there was any wrongdoing on her part.[2]

The Committee conducted a thorough review of Representative Esty's handling of Mr. Baker's conduct to determine whether she violated any House rule or other applicable standard of conduct. The Committee specifically considered whether Representative Esty: (1) failed to take appropriate steps to prevent and correct Mr. Baker's misconduct; or (2) improperly paid Mr. Baker a lump sum severance payment upon his termination.

The Committee found that Representative Esty did not know about any inappropriate conduct by Mr. Baker until May 2016, when she learned about threats he made to Former Staffer A following a social event the week prior. Soon thereafter, Representative Esty arranged for her former Chief of Staff ("Former Chief"[3]) and her campaign committee Treasurer ("Campaign Treasurer") to conduct an investigation into Mr. Baker's behavior and general office management practices. The investigation took over two months to conduct, and Representative Esty never made clear the purpose of the investigation to her congressional staff. While the investigation was ongoing, Mr. Baker retained his title, full salary, and supervisory responsibilities, including over staff members who were interviewed as part of the investigation.

Once the investigation was completed and she was presented with the results, Representative Esty barred Mr. Baker from her office and worked extensively with OHEC to terminate Mr. Baker. As discussed further in this report, OHEC identified three options for Representative Esty to terminate Mr. Baker; Representative Esty chose the least generous option. Mr. Baker was terminated a few weeks later pursuant to a confidential severance and release agreement (the "Agreement") recommended to Representative Esty by OHEC.

Members have a duty to take steps to ensure a safe and nondiscriminatory workplace. The Committee found that Representative Esty recognized that she had such a duty, and took certain steps towards meeting that duty, including initiating an investigation and, ultimately, removing Mr. Baker from the office. Nonetheless, Representative Esty's investigation took longer than necessary, and her selection of her close allies, who had significant pre-existing relationships with both Mr. Baker and Former Staffer

[2] On April 11, 2018, the Office of Congressional Ethics ("OCE") provided notice to the Committee that it had initiated a preliminary review into whether Representative Esty "authorized compensation to a former employee who did not perform duties commensurate with the compensation the employee received." On May 10, 2018, OCE informed the Committee that it had terminated its preliminary review into Representative Esty. When OCE terminates a review during the preliminary review phase, it is not required to transmit a referral with a recommendation regarding the matter to the Committee. OCE Rules for the Conduct of Investigations Rule 7(F).

[3] All references to "Former Chief" in this report are to Representative Esty's Chief of Staff from January 3, 2013, to January 2, 2014.

A, to conduct the investigation was a poor choice. In her interview with the Committee, Representative Esty acknowledged that there were several ways in which she did not engage in "best practices," which she now, with the benefit of hindsight and a greater understanding of sexual harassment in the workplace, wishes she had handled differently.[4]

When faced with allegations of workplace misconduct, the Committee believes Member offices are best served by: (1) immediately limiting or otherwise restricting the individual's interactions with potential victims; and (2) if an investigation is required, employing an impartial third party trained to conduct such an investigation. The Committee recognizes, however, that Members have broad discretion to make personnel decisions with respect to their employees. The Committee further acknowledges that Representative Esty sought and relied on legal guidance from OHEC, both in how the investigation was conducted and in how Mr. Baker's termination was effectuated. As such, while Representative Esty could have better handled the investigation of Mr. Baker's behavior, the Committee found that Representative Esty's response to allegations of Mr. Baker's misconduct warrants no further action.

With respect to the payment of severance, the Committee acknowledges that there was little and inconsistent guidance on severance payments available to the House community at the time Representative Esty paid severance to Mr. Baker. The Committee has long recognized that Members may make lump sum payments to their employees. While leaving an employee on House payroll for a period of time when they are not performing official work, as "severance," violates House rules, providing severance through a single lump sum payment is not categorically prohibited.

As a result of this analysis, the Committee found that Representative Esty was not in violation of any House Rules when she approved a lump sum payment of $5,041.67 to Mr. Baker as part of the Agreement negotiated by OHEC.[5] Representative Esty expressed regret for entering into the Agreement, which included non-disparagement and non-disclosure provisions, and an agreement to provide a limited reference and letter of recommendation for Mr. Baker for jobs outside of Washington, D.C. The Committee agrees that entering into the Agreement was ill-advised, but found that it was not a violation of any House rule or other standard of conduct.

Accordingly, the Committee unanimously voted to issue this Report and take no further action in this matter.

As discussed further in this Report, the Committee takes this opportunity to reiterate what it has said previously: the Committee views allegations of sexual harassment and discrimination and other violations of workplace rights with the utmost seriousness. The Committee's mandate to enforce the Code of Official Conduct and other violations of House Rules, laws, and standards of conduct extends to allegations of workplace misconduct, including allegations related to sexual harassment and other forms of discrimina-

[4] 18(a) Interview of Representative Esty (noting that, "post #MeToo, we're in a very different place").

[5] Although the severance payment was permissible, Representative Esty repaid the U.S. Treasury for the $5,041.67 in severance on March 28, 2018, shortly before the news stories broke concerning Mr. Baker's departure from her office. Exhibit 1.

tion. No employee in any workplace should be subjected to such mistreatment because of the profound impact upon them as a person. When congressional employees are subjected to work environments that are unfair and unprofessional, such workplace misconduct also impedes the work of the House. The Committee has investigated and will continue to investigate allegations of sexual harassment and other workplace misconduct, and, where such allegations are substantiated, to sanction Members or staffers for such conduct.

In addition, the Committee reminds the House community of a range of resources that are available to Members, officers, and employees and can help those whose workplace rights may have been violated or who may be struggling with personal issues. First, Congress passed the Congressional Accountability Act ("CAA") to ensure that certain workplace rights protected by federal law extended to legislative branch employees and created the Office of Compliance ("OOC") to serve as an independent and nonpartisan resource to help protect employees' rights. During the 115th Congress, the Committee worked on a bipartisan basis with the Committee on House Administration ("CHA") and other Members of the House on legislation to strengthen and improve these protections, including by reforming the process for an employee to bring a claim before OOC (which will be renamed the Office of Workplace Rights) and to provide for automatic referrals of certain matters before OOC to the congressional ethics committees, among other reforms. A compromise version of this legislation was recently passed by both the House and Senate.

Second, as part of this effort, in February 2018 the House also created an Office of Employee Advocacy specifically to provide legal counsel to House employees who need advice or legal representation about their rights under the CAA. This office can provide free legal representation to employees in matters before OOC or the Committee.

Finally, the House created the Office of Employee Assistance to provide confidential assistance to Members, employees, and their families with a range of problems that can affect anyone's well-being or work performance and productivity, including alcoholism or substance abuse, emotional difficulties, personal or job related stress, and others. The office is staffed by professional employee assistance counselors who can provide individual counseling or assistance, management coaching to supervisors, and referrals to outside resources when appropriate, among other services.

Together, these resources are intended to ensure that all Members, officers, and employees can work and thrive in a safe, healthy, and respectful workplace.

## II. PROCEDURAL HISTORY

The Committee received Representative Esty's letter requesting an investigation on April 2, 2018. The Committee issued voluntary requests for information to Representative Esty and four other individuals, including current and former members of Representative Esty's official and campaign staff. In total, the Committee reviewed over 4,400 pages of materials. The Committee also interviewed nine witnesses, including current and former members of Representative Esty's official and campaign staff and Representative

Esty. Representative Esty fully cooperated with the Committee's investigation and waived attorney-client privilege to share information about the guidance and recommendations provided to her by OHEC.

The Committee carefully considered all of Representative Esty's written submissions and oral remarks in resolving the matter. On December 20, 2018, the Committee unanimously voted to release this Report and take no further action with respect to Representative Esty.

## III. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT

### A. SEX DISCRIMINATION AND SEXUAL HARASSMENT

Sexual harassment and other forms of employment discrimination are prohibited in the House by both federal statute and House Rule. Since 1995, the CAA[6] has prohibited discrimination based on sex, including sexual harassment, in legislative branch offices and also prohibited intimidation, reprisal, or other discrimination against a person for opposing sex discrimination. During the period under review, House Rule XXIII, clause 9, stated that "[a] Member . . . may not discharge and may not refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of the race, color, religion, sex (including marital or parental status), disability, age, or national origin of such individual." The Committee has long held that a Member who violates applicable sex discrimination and sexual harassment laws also violates House Rule XXIII, clause 9.[7] On February 6, 2018, the House formally amended clause 9 to confirm that the prohibition includes "committing an act of sexual harassment against such an individual."[8]

The CAA created the OOC as a forum to administer disputes that arise under the CAA, including claims of gender discrimination and sexual harassment. The OOC's guidance defines sexual harassment as "[u]nwelcome sexual advances, requests for sexual favors, or 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."[9] Consistent with judicial interpretations of Title VII of the Civil Rights Act of 1964,[10] the OOC recognizes that harassment, including sexual harassment, can occur "when there is unwelcome conduct, such as insults, slurs, or other verbal or physical conduct or activity regarding a protected trait," which "creates an intimidating, hostile, or offensive work environment, that unreasonably interferes with an individual's work performance."[11]

In this Congress, the Committee has worked closely with its colleagues on CHA and other Members on a bipartisan basis to reform the CAA and strengthen workplace rights and protections for em-

---

[6] 2 U.S.C. §§ 1301 *et seq*., as amended.

[7] *House Ethics Manual* (2008) at 268–69 (hereinafter *Ethics Manual*) (*citing* House Comm. on Standards of Official Conduct, *In the Matter of Representative Jim Bates*, H. Rept. 101–293 101st Cong., 1st Sess. 8–10 (1989).

[8] H. Res. 724, 115th Cong. (2018).

[9] Office of Compliance, *CAA Handbook* (2010) at 44, *available at* https://compliance.gov/sites/default/files/wp-content/uploads/2010/04/eHandbook.pdf.

[10] 42 U.S.C. §§ 2000e *et seq*.

[11] Office of Compliance, *Compliance@Work* (2012) at 2, *available at* https://www.compliance.gov/sites/default/files/wp-content/uploads/2012/09/Newsletter-for-Staff.pdf.

ployees in the legislative branch. On February 6, 2018, the House passed H.R. 4924, the Congressional Accountability Act of 1995 Reform Act with overwhelming bipartisan support.[12] On May 24, 2018, the Senate passed S. 2952, its version of the legislation to reform the CAA. The Senate's version was transmitted to the House on May 29, 2018. On November 19, 2018, the Committee sent a letter to House and Senate leadership, signed by all ten Members of the Committee, urging Congress to quickly pass the much-needed reforms contained in the House bill.[13] On December 13, 2018, Congress passed a compromise bill, S. 3749, also titled the Congressional Accountability Act of 1995 Reform Act, which includes important reforms to protect congressional employees from abuse and harassment, and ensure the Committee has the tools and information it needs to investigate alleged violations of workplace rights and other misconduct.

Sexual harassment and other forms of sex discrimination also implicate House Rule XXIII, clauses 1 and 2, which state that "[a] Member . . . or employee of the House shall behave at all times in a manner that shall reflect creditably on the House," and "shall adhere to the spirit and the letter of the Rules of the House."

### B. PAYMENT OF COMPENSATION AND SEVERANCE TO HOUSE EMPLOYEES

There is no law, rule, or regulation that specifically addresses whether House offices may pay severance to departing employees. Whereas the executive branch is subject to a complicated regulatory framework governing when and how severance can be paid,[14] no comparable framework exists for the legislative branch. However, the payment of severance may implicate several laws, rules, and regulations of the House, depending on the circumstances under which such severance is paid.

House Rule XXIII, clause 8, states that "[a] Member . . . of the House may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation such employee receives." Thus, a Member is responsible for ensuring that each employee the Member retains performs official work commensurate with that employee's pay. As the *Ethics Manual* states:

> The underlying standard for the receipt of compensation by an employee of the House is that the employee has regularly performed official duties commensurate with the compensation received. The Code of Ethics for Government Service instructs every employee to '[g]ive a full day's labor for a full day's pay; giving to the performance of his duties his best effort and best thought.' Employees are paid United States Treasury funds to perform public duties. Appropriated funds are to be used solely for purposes for which appropriated. Funds appropriated for congressional

[12] *See, e.g.*, House Comm. on Ethics, Statement of the Chairwoman and Ranking Member of the Committee on Ethics, Feb. 6, 2018, available at https://ethics.house.gov/press-release/statement-chairwoman-and-ranking-member-committee-ethics-0 (discussing the House bill and the Committee's view of the importance of ethics provisions).

[13] Letter from Comm. on Ethics to Speaker Paul D. Ryan, Minority Leader Nancy Pelosi, Majority Leader Mitch McConnell & Minority Leader Charles E. Schumer, Nov. 19, 2018, available at https://ethics.house.gov/sites/ethics.house.gov/files/Letter%20to%20Leadership.pdf.

[14] 5 C.F.R. §§ 550.701 *et seq*.

> staff to perform official duties should be used only for assisting a Member in his or her legislative and representational duties, working on committee business, or performing other congressional functions.[15]

Notwithstanding these restrictions, the "general terms, conditions, and specific duties of House employees traditionally have been within the discretion of the employing Member."[16] Members also have "broad authority to make lump sum payments" to employees.[17] The Committee on House Administration ("CHA") has, under authority granted by federal law,[18] issued regulations governing such payments. Those regulations, which are published in the *Members' Handbook*, permit Members to issue lump sum payments to employees "for any purpose," subject to certain requirements. For example:

- Payments must be consistent with House Rule XXIII, clause 8(a).[19]
- A lump sum payment may not be more than the monthly pay of the employee receiving the lump sum payment.[20]
- Lump sum payments may be for services performed during more than one month.[21]
- Members may provide lump sum payments for accrued annual leave only if such leave was accrued in accordance with written personnel policies established prior to the accrual of such leave.[22]
- Total compensation in any month including any lump sum payment, student loan payments, and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.[23]

While the relevant CHA regulations provide basic guidelines on the making of lump sum payments, "it is the responsibility of the [Ethics Committee] to determine the manner in which those payments are to be treated for purposes of the Code of Official Conduct and other laws, rules, and standards."[24] The Committee has cautioned that Members should not use lump sum payments to enable employees to evade the financial disclosure requirements, the outside earned income limitation and restrictions, or the post-employment restrictions.[25] However, lump sum end-of-the year bonuses or other one-time payments recognizing a particular accomplishment

---

[15] *Ethics Manual* at 279.

[16] *Id*. at 267; *see also* Comm. on House Admin., U.S. House of Representatives, *Members' Congressional Handbook*, July 25, 2018, at 4 (hereinafter *Members' Handbook*) ("the Member determines the terms and conditions of employment and service for their staff") (*available at* https://cha.house.gov/handbooks/members-congressional-handbook); Exhibit 2 (*Members' Handbook* (2015) at 3 (the Members' Handbook in effect at the time Mr. Baker was terminated from Representative Esty's office)).

[17] *Ethics Manual* at 283.

[18] 2 U.S.C. § 4537 (formerly 2 U.S.C. § 60).

[19] *Members' Handbook* at 11; Exhibit 2 at 9.

[20] *Members' Handbook* at 11; Exhibit 2 at 9.

[21] *Members' Handbook* at 11; Exhibit 2 at 9.

[22] *Members' Handbook* at 11; Exhibit 2 at 9.

[23] *Members' Handbook* at 11; Exhibit 2 at 9. The Speaker's Pay Order sets the pay for all positions in the House. Section 4 of the Pay Order states, "Each Member of the House may establish the pay for employees in the office of the Member at a maximum annual rate of $168,411." Order of the Speaker of the House of Representatives, pursuant to 2 U.S.C. § 4532 (formerly 2 U.S.C. § 60a–2a), as amended on September 28, 2017.

[24] *Ethics Manual* at 283.

[25] *Id*. at 284.

are generally permissible.[26] House offices use the Lump Sum Payroll Authorization Form issued by the Chief Administrative Officer of the House (CAO). That form lists "severance pay" as a permissible category of lump sum payment.

## IV. BACKGROUND

Representative Elizabeth Esty has been a Member of the House of Representatives, representing the Fifth District of Connecticut, since 2013. After her first election to Congress, Representative Esty hired, among others, Former Chief, who had served as her 2012 campaign manager, to be her Chief of Staff, and Former Staffer A, who had served as her 2012 campaign finance director, to be her Scheduler. At that time, Representative Esty also hired Mr. Baker, with whom she was not previously acquainted, to be her Legislative Director.

While both were employed by Representative Esty, Former Staffer A and Mr. Baker were involved in a romantic relationship in 2013, when neither one had supervisory authority over the other. In January 2014, after they ended their romantic relationship, both were promoted: Former Staffer A to Senior Advisor and Mr. Baker to Chief of Staff. While in that new supervisory role, Mr. Baker subjected Former Staffer A to a sustained pattern of mistreatment, which culminated in her departure from Representative Esty's office in March 2015. The two were able to become friendly again, until, on May 5, 2016, Mr. Baker got drunk to the point of blacking out and repeatedly left text messages and voice messages for Former Staffer A in which he threatened to "find" and "[f***]ing kill" her.

Representative Esty learned about the incident the following week, and decided to conduct an investigation into Mr. Baker's behavior to determine whether this was an isolated incident or a pattern of behavior. Representative Esty enlisted Former Chief and Campaign Treasurer to conduct interviews with staff in her Washington D.C., and district offices, respectively. Those interviews were conducted in July 2016. Campaign Treasurer reported no issues arising from her district office interviews. Former Chief, however, presented a written office assessment to Representative Esty on July 20, 2016, that detailed a pattern of Mr. Baker engaging in emotionally abusive behavior towards female staff members. After working with OHEC to determine how to terminate Mr. Baker expeditiously while causing the least additional trauma to her office, Representative Esty entered into the Agreement with Mr. Baker which separated him from her office on August 12, 2016.

### A. POLICIES IN REPRESENTATIVE ESTY'S OFFICE 2013–2016

After Representative Esty was elected to Congress, Former Chief created an Employee Handbook to govern the office, which was based on templates made available to chiefs of staff to new Members.[27] The handbook included an "Open Door Policy," which provided that employees "are encouraged to discuss job-related concerns or questions with their immediate supervisor," or "a higher-

[26] *Id.*

[27] Exhibit 3; 18(a) Interview of Former Chief. Former Chief did not recall from where she obtained the template. *Id.*

level supervisor, including the Chief of Staff."[28] While Former Chief did not recall why Representative Esty was not listed as a person to go to under the open-door policy, she felt "confident . . . that it was not intended to be exhaustive or exclusionary of [Representative Esty]."[29] The handbook also included an "Anti-Harassment and Anti-Discrimination Policy," which stated that staff members should report potentially violative actions "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."[30]

Notwithstanding these provisions, some of Representative Esty's staff did not feel that they could approach Representative Esty directly with their concerns after Mr. Baker became Chief of Staff. That discomfort was due in part to Representative Esty's hands-off management style. As one staff member explained: "it was very clear in the way that [Representative Esty] operated the office that everything came through the district director or the chief of staff" such that Representative Esty "was never involved in any sort of like staff-related issues."[31] Particularly in her Washington, D.C., office, Representative Esty delegated much of the day-to-day management to Mr. Baker, giving him a prominent presence in the office.[32] The practical effect of this combination meant that Representative Esty's Washington, D.C., staff felt that there was no feedback mechanism, even under the Open Door Policy, by which they could tell Representative Esty about Mr. Baker's behavior.[33] Representative Esty told the Committee that Mr. Baker "managed up" and she was "unaware of how much [Mr. Baker] was cutting off access" to her.[34]

While in Representative Esty's office, Former Chief instituted a practice of conducting formal performance reviews of the staff and reported up to Representative Esty.[35] While the Committee received varying evidence about whether and how Mr. Baker conducted performance reviews, it appears that they were not as formal as Former Chief's.[36] Neither Former Chief nor Mr. Baker, while in the role of Chief of Staff, ever received a formal performance review from Representative Esty.[37]

---

[28] Exhibit 3.

[29] 18(a) Day 2 Interview of Former Chief.

[30] Exhibit 3.

[31] 18(a) Interview of Staffer B.

[32] 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Representative Esty.

[33] 18(a) Interview of Staffer B; Exhibit 4. A staffer also noted that the handbook "was not referenced near often enough for any of [the staff] to take it seriously." 18(a) Interview of Staffer B. Additionally, while Representative Esty had annual retreats which included reviews and reminders of policies, staffers did not recall learning about the OOC or receiving sexual harassment training in Representative Esty's office prior to 2016. 18(a) Interview of Representative Esty; 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer C.

[34] 18(a) Interview of Representative Esty.

[35] 18(a) Interview of Former Chief.

[36] Representative Esty did not recall any differences in the process for performance reviews under Former Chief and Mr. Baker. 18(a) Interview of Representative Esty. Former Staffer A, however, said that she only received one informal review at her request and it was delivered in a bar. 18(a) Interview of Former Staffer A. *See also* 18(a) Interview of Staffer B (noting the performance review policy was "less comprehensive" under Mr. Baker but not substantially so); 18(a) Interview of Staffer C (recalling the reviews were meant to occur semiannually, but only receiving one review).

[37] 18(a) Interview of Former Chief; 18(a) Interview of Mr. Baker; 18(a) Interview of Representative Esty.

B. MR. BAKER'S RELATIONSHIP WITH FORMER STAFFER A IN 2013

Mr. Baker and Former Staffer A were involved in a romantic relationship in 2013, when they had no supervisory responsibilities over one another. Although Representative Esty's office had no prohibition on staff relationships at this time, the Committee received some testimony that Mr. Baker and Former Staffer A purposefully kept their relationship a secret from Representative Esty.[38] Former Chief learned about the relationship between Mr. Baker and Former Staffer A while it was ongoing, but she did not inform Representative Esty.[39] There is no evidence that Mr. Baker mistreated Former Staffer A during their relationship.

In the fall of 2013, Former Chief announced that she was leaving her position at the end of the year. Mr. Baker decided to apply for the position. Former Staffer A said that she told Representative Esty that she thought he would make a good Chief of Staff.[40] Former Chief said that she also recommended Mr. Baker for the position to Representative Esty based on a number of factors, including the legislative successes the office had under his management as Legislative Director.[41] Representative Esty ultimately selected Mr. Baker for the position.

Former Staffer A told the Committee that she considered leaving Representative Esty's office after learning that Former Chief was leaving. She explained this was in part due to an incident that occurred between Mr. Baker and herself after he was named Chief of Staff, but before he formally assumed the role.[42] According to Former Staffer A, she presented him with a written proposal for more responsibilities. Due to their previous relationship, Former Staffer A wanted to make an "overly formal" presentation to Mr. Baker.[43] According to Former Staffer A, after finishing her presentation, Mr. Baker said "Great, thanks, I'll think about it" and then asked her to have sex with him on Former Chief's desk.[44] Former Staffer A said she declined Mr. Baker's request and asked if the request was related to her request for more responsibilities. Mr. Baker replied that it was not related to her request but "obviously it would help."[45] Mr. Baker declined to discuss this incident with Committee Staff but disputed that he had ever conditioned any employment action with respect to Former Staffer A on her engaging in sexual activities with him.[46] There is no evidence that Mr. Baker and Former Staffer A engaged in sexual relations related to any employment action.

Former Staffer A told Representative Esty after this incident that she was leaving the office because Former Chief had been a mentor, but did not mention Mr. Baker's sexual proposition.[47] Rep-

[38] 18(a) Interview of Former Chief; 18(a) Interview of Mr. Baker; 18(a) Interview of Former Staffer A.
[39] 18(a) Interview of Former Chief.
[40] 18(a) Interview of Former Staffer A.
[41] 18(a) Interview of Former Chief.
[42] 18(a) Interview of Former Staffer A.
[43] *Id.* Former Staffer A and Mr. Baker's testimony as to when their relationship ended differed: Former Staffer A told the Committee that occurred prior to October 2013, while Mr. Baker told the Committee they stopped dating in January 2014 when he was about to become Chief of Staff. *Id.*; 18(a) Interview of Mr. Baker.
[44] 18(a) Interview of Former Staffer A.
[45] *Id.*
[46] 18(a) Interview of Mr. Baker. Mr. Baker indicated that he viewed this as something he and Former Staffer A had discussed while in a relationship. *See* Exhibit 5.
[47] 18(a) Interview of Former Staffer A.

resentative Esty convinced Former Staffer A to stay after promoting Former Staffer A to Senior Advisor, giving her additional responsibilities and a raise, in exchange for a commitment to stay for the remainder of her first term.[48] Former Staffer A said she considered telling Representative Esty about her relationship with Mr. Baker and his sexual proposition in the office "only very fleetingly" because she "didn't want to bother her with it."[49] There is no evidence that Representative Esty was aware of Mr. Baker's proposition or Former Staffer A's discomfort with him prior to May 2016.

C. MR. BAKER'S TREATMENT OF FORMER STAFFER A IN 2014

Throughout 2014, Former Staffer A was subjected to a pattern of mistreatment by Mr. Baker. According to Former Staffer A, Mr. Baker screamed at her once every other week.[50] These incidents often started over something minor related to work, but then Mr. Baker's conduct escalated in a manner disproportional to the work issue.[51] On those occasions, Mr. Baker asked Former Staffer A to go with him to Representative Esty's office, closed the door, and resumed yelling at her so other staffers could not hear.[52] Former Staffer A testified that some of these arguments led her to have panic attacks.[53] According to Former Staffer A, Mr. Baker's yelling turned personal at times: he told her she was not that smart, criticized her current relationship, and called her a "slut."[54] Former Staffer A felt "embarrassed, demeaned, angry, . . . sad, [and] frustrated" as a result of this behavior.[55] Mr. Baker admitted to "los[ing] his cool and yell[ing] at" Former Staffer A, but said it happened less often than Former Staffer A indicated.[56] He recalled those incidents "started as an argument between us where both of us had our voices raised, and then [he] would continue," whereas Former Staffer A would fall quiet.[57] Mr. Baker said the arguments were about scheduling details or how Former Staffer A acted in the office, which he took as disrespectful, personal affronts.[58] Mr. Baker denied that he ever called Former Staffer A a "slut."[59]

Former Staffer A also described one instance of physical abuse by Mr. Baker. According to Former Staffer A, one time when Mr. Baker was yelling at her, he told her to go to Representative Esty's office. Former Staffer A refused, as she did not want to be yelled at anymore. Former Staffer A testified that when she did not move

---

[48] *Id.*
[49] *Id.*
[50] *Id.*
[51] *Id.* Other staffers testified that they were aware of Mr. Baker's treatment of Former Staffer A. One staffer relayed what she heard contemporaneously from Former Staffer A and other staffers, which generally corroborated Former Staffer A's testimony regarding Mr. Baker. 18(a) Interview of Staffer B. Another staffer observed "tense interactions" where Mr. Baker exhibited "anger or frustration or dismissiveness that didn't seem reasonable or called for at the moment," and noted that Former Staffer A sometimes responded in a "feisty" way, sometimes she seemed "okay," and sometimes she seemed "really put down and put upon." 18(a) Interview of Staffer C.
[52] 18(a) Interview of Former Staffer A.
[53] *Id.*
[54] *Id.*
[55] *Id.*
[56] *Id.*
[57] *Id.*
[58] *Id.*
[59] *Id.*; Exhibit 5.

from her chair, Mr. Baker punched her in the back.[60] She then went into Representative Esty's office and told Mr. Baker that could never happen again. Mr. Baker denied ever punching Former Staffer A.[61] When asked whether he engaged in any physical contact with Former Staffer A in Representative Esty's office, he said that they occasionally "bump[ed]" into each other in the office.[62] Staffer B testified that she was on the phone with Former Staffer A when Mr. Baker was trying to get Former Staffer A's attention; Former Staffer A then said "ow [. . .] I have to call you back, Tony just hit me."[63]

Notably, there is no evidence that Representative Esty was aware of Mr. Baker's mistreatment of Former Staffer A while she was still employed in Representative Esty's office. Both Former Staffer A and Mr. Baker told the Committee that the mistreatment only occurred when Representative Esty was not around. After these incidents, Mr. Baker apologized and said he would change his behavior, but warned Former Staffer A not to report his behavior to Representative Esty or the Committee, because it could cause a scandal for—and destroy the re-election chances of—Representative Esty.[64] Mr. Baker also told Former Staffer A that the Committee was not a proper resource for her because the Committee only investigated Members.[65] He also warned her that he had ruined the careers of staffers in another Member's office in which he had previously served.[66]

Former Staffer A testified that she believed that she could tell Representative Esty about the mistreatment, who would "be so horrified and protective and upset that she would prioritize it at the expense of all of her other priorities."[67] Because she "feared for Representative Esty's career and reputation and [her] own," however, she specifically decided not to report Mr. Baker's mistreatment.[68] In addition, Representative Esty told the Committee that Former Staffer A told her in May 2018 that she had intentionally not informed Representative Esty of Mr. Baker's conduct when it was occurring in 2014.[69]

### D. MR. BAKER'S TREATMENT OF OTHER STAFF

The Committee reviewed evidence that Mr. Baker also mistreated other staffers during his tenure as Chief of Staff. Beyond his treatment of Former Staffer A, some staff believed Mr. Baker acted inappropriately in the office, and that he made insensitive comments or jokes, including about staffers' appearances.[70] The

---

[60] 18(a) Interview of Former Staffer A.
[61] 18(a) Interview of Mr. Baker.
[62] *Id.*
[63] 18(a) Interview of Staffer B.
[64] 18(a) Interview of Former Staffer A; 18(a) Interview of Mr. Baker; *see also* 18(a) Interview of Staffer B.
[65] 18(a) Interview of Mr. Baker; Exhibit 6. *See also* 18(a) Interview of Staffer B (stating that the Committee's reputation was that it is "here to protect Members"). The Committee has jurisdiction to investigate, and does investigate, allegations involving all current Members, officers, and employees of the House.
[66] 18(a) Interview of Former Staffer A. *See also* Exhibit 6.
[67] 18(a) Interview of Former Staffer A.
[68] *Id.* Former Staffer A also made it very clear to other staff that she did not want anyone to report Mr. Baker's behavior to Representative Esty, the Committee, or anyone else. *Id. See also* 18(a) Interview of Staffer B (confirming that Former Staffer A did not want to report the mistreatment).
[69] 18(a) Interview of Representative Esty.
[70] 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B.

Committee learned that his inappropriate behavior was sometimes directed towards one staffer in particular.[71] One Halloween, Mr. Baker bought a "crazy blond hair wig" and dressed up as that staffer, which made the staffer so upset that she cried.[72]

Multiple staffers also told the Committee that Mr. Baker played "favorites," and it was very clear based on his treatment of staff whether you were a "favorite."[73] Some staffers also believed Mr. Baker treated women differently from men in the office, provided fewer and less meaningful opportunities for female staff, and could be harsher towards female staff.[74] Mr. Baker denied that he treated men and women differently in the office, and said that he held people he considered friends to a higher standard, which included both male and female staffers.[75] The Committee received no evidence that Representative Esty was aware of staffers' concerns about Mr. Baker's treatment of them prior to July 2016.

Mr. Baker also engaged in romantic relations with two other individuals who worked with Representative Esty's campaign.[76] The Committee also received evidence that Mr. Baker "[drank] too much" and "tr[ied] to aggressively flirt or invade women's spaces," but not in a way that had previously raised a threat of violence or to the extremity of the events of May 5, 2016.[77]

### E. THE INCIDENT ON MAY 5, 2016

After fulfilling her promise to serve out Representative Esty's first term, Former Staffer A left Representative Esty's office in March 2015; she told the Committee her exit was in large part to escape Mr. Baker's mistreatment.[78] After her departure from Representative Esty's office, Former Staffer A and Mr. Baker eventually developed a friendly relationship, and Former Staffer A even lived at Mr. Baker's apartment for a few months in between leases.[79]

On May 5, 2016, Mr. Baker hosted a happy hour to celebrate his 10-year anniversary in Washington, D.C., which Former Staffer A attended. That evening, Mr. Baker got very drunk, engaged in "really boorish behavior," and acted inappropriately towards two women at the bar.[80] After being dropped off by a friend near his apartment, Mr. Baker proceeded to call Former Staffer A over 50 times, told her he was going to come "find" her and that he knew how to get into her apartment, and threatened to "[f***]ing kill" her.[81] Former Staffer A was terrified by the events of that night

---

[71] 18(a) Interview of Former Staffer A (noting that Mr. Baker would make negative comments about another staffer's appearance in the office).

[72] *Id.* Both the staffer and Representative Esty said they did not believe Representative Esty was aware of this incident at the time. 18(a) Interview of Staffer E; 18(a) Interview of Representative Esty.

[73] 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

[74] 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer C; Exhibit 4.

[75] 18(a) Interview of Mr. Baker.

[76] *Id.*; Exhibit 6. Mr. Baker does not appear to have had any supervisory role over either of these individuals. *Id.*

[77] 18(a) Interview of Staffer C.

[78] 18(a) Interview of Former Staffer A. Former Staffer A did not disclose Mr. Baker's mistreatment of her to Representative Esty when she left the office. *Id.*

[79] *Id.*; 18(a) Interview of Mr. Baker.

[80] 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

[81] 18(a) Interview of Former Staffer A.

and concerned for her own personal safety.[82] Mr. Baker testified that he blacked out and does not recall what happened that evening, but woke the next morning with a smashed, unusable cell phone and "a sense that [he] needed to apologize to [Former Staffer A]."[83]

The next day, on May 6, 2016, another staffer informed Former Chief about the incident.[84] Former Chief spoke with Former Staffer A later that day, and encouraged her to go to the police.[85] Former Staffer A filed a police report that weekend.[86] Former Staffer A then filed for a protective order against Mr. Baker in the District of Columbia Superior Court on June 21, 2016, and was granted a Temporary Restraining Order ("TRO").[87] Mr. Baker informed Representative Esty about the TRO on or about June 27, 2016, and discussed a potential civil protective order with her on or about July 2 or 3, 2016.[88] On July 5, 2016, Mr. Baker and Former Staffer A appeared in court and agreed to a year-long civil protective order that Mr. Baker consented to without any admission of wrongdoing.[89]

### F. THE INVESTIGATION

On May 10, 2016, Former Chief, with Former Staffer A's permission, sent Representative Esty an email asking her to give her a call that night, and stating that she needed "to keep [the call] between you and me."[90] On that call, Former Chief informed Representative Esty that Mr. Baker and Former Staffer A had previously been in a relationship in 2013, Mr. Baker had egregiously threatened Former Staffer A the previous week, and Former Staffer A was filing a police report against Mr. Baker.[91] Representative Esty spoke to Former Staffer A the following day, May 11, 2016.[92] During that conversation, Former Staffer A testified that Representative Esty was very sympathetic and supportive and told her that she was going to make this a priority.[93] Representative Esty said that she told Former Staffer A she was going to be inves-

---

[82] *Id.*; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

[83] 18(a) Interview of Mr. Baker.

[84] 18(a) Interview of Staffer B; Exhibit 7.

[85] 18(a) Interview of Former Chief. The Committee received conflicting evidence as to whether Former Chief and Former Staffer A's discussion included Mr. Baker's mistreatment of Former Staffer A in 2014. Former Staffer A testified that Former Chief already knew about Mr. Baker's mistreatment of her and that they agreed to tell Representative Esty everything, whereas Former Chief testified that she only knew—and they only decided to tell Representative Esty about—the events of the previous evening. 18(a) Interview of Former Staffer A; 18(a) Interview of Former Chief.

[86] 18(a) Interview of Former Staffer A.

[87] Exhibit 8.

[88] 18(a) Interview of Mr. Baker.

[89] Exhibit 8; 18(a) Interview of Mr. Baker.

[90] Exhibit 9.

[91] 18(a) Interview of Former Chief; 18(a) Interview of Representative Esty. Both Representative Esty and Former Chief testified that they did not know of or discuss Mr. Baker's mistreatment of Former Staffer A in 2014 at this time. 18(a) Interview of Former Chief; 18(a) Interview of Representative Esty.

[92] The Committee again received conflicting evidence as to whether this discussion between Representative Esty and Former Staffer A included Mr. Baker's mistreatment of Former Staffer A in 2014. Former Staffer A testified that they discussed everything, whereas Representative Esty testified that she did not learn about that mistreatment until several months later. 18(a) Interview of Former Staffer A; 18(a) Interview of Representative Esty. However, as discussed *supra* Section IV(C), both Former Staffer A and Representative Esty testified that Former Staffer A had intentionally not told Representative Esty of Mr. Baker's conduct in 2014 at the time of the conduct.

[93] 18(a) Interview of Former Staffer A.

tigating Mr. Baker's behavior to determine whether he was fit to continue his employment in her office.[94]

As part of that investigation, Representative Esty asked Former Staffer A to speak to her personal attorney and Former Staffer A agreed.[95] The following day, May 12, 2016, however, Former Staffer A decided she was not comfortable speaking to Representative Esty's attorney by herself.[96] Representative Esty informed Former Chief about Former Staffer A's position and said she was going to talk to her private counsel the next morning "to figure out how best to proceed."[97] Representative Esty also told Former Chief "I suspect I will want your help to move forward the best we can to gather information," to which Former Chief responded "Will do what I can to help . . ."[98] Former Chief also told Former Staffer A that day that she would be interviewing the Washington, D.C., staff.[99] The following day, Representative Esty discussed with Former Chief having her engage in "conversations about office climate and practices" with the staff.[100] Former Chief replied that she would "keep standing by" and gave an update on her schedule, which included a lot of traveling in the following two weeks, but said she would "make herself available to meet with folks as much as" she could.[101] Both Representative Esty and Former Chief testified that the purpose of the investigation was to determine whether Mr. Baker's actions on May 5, 2016, were an isolated incident or whether there was a pattern of behavior where Mr. Baker might have engaged in bad management practices or harassed members of the staff.[102]

By May 16, 2016, Representative Esty also spoke with Mr. Baker about the May 5, 2016, incident.[103] She told Mr. Baker that she was going to conduct an investigation and that Mr. Baker needed to enter into an alcohol recovery program, get counseling, and take anger management classes in order to continue working in her office.[104] Mr. Baker offered to resign during that conversation, but Representative Esty decided to conduct an investigation into his behavior before accepting it.[105] In the meantime, Representative Esty received confirmation from both Mr. Baker and Former Chief that he was, in fact, receiving counseling both for alcohol abuse and anger management.[106] There was no discussion in that May 2016 conversation of limiting Mr. Baker's role or responsibilities in the office, or his employment status in any way.[107]

---

[94] 18(a) Interview of Representative Esty.
[95] Exhibit 10.
[96] *Id.*
[97] *Id.*
[98] *Id.*
[99] Exhibit 11; 18(a) Interview of Former Chief.
[100] Exhibit 12.
[101] *Id.*
[102] 18(a) Interview of Representative Esty; 18(a) Interview of Former Chief.
[103] Exhibit 8; Exhibit 11.
[104] 18(a) Interview of Representative Esty; 18(a) Interview of Mr. Baker.
[105] 18(a) Interview of Representative Esty; 18(a) Interview of Mr. Baker.
[106] 18(a) Interview of Representative Esty. The Committee notes that, as of the date of his interview with Committee staff, Mr. Baker was still successfully participating in an alcohol recovery program. The Committee appreciates that Mr. Baker continued to seek treatment after his departure from Representative Esty's office. The Committee also urges members of the House community who may suffer from substance abuse disorders to seek help from the Office of Employee Assistance, which offers confidential support at no cost for individuals that may be experiencing those or related issues.
[107] 18(a) Interview of Mr. Baker.

Representative Esty, recalled that, in or around May 2016, OHEC Counsel recommended to Former Chief that the investigation should be led by a woman who was known to and trusted by the staff, which led Representative Esty to select Former Chief to conduct the investigation in her Washington, D.C. office.[108] Representative Esty told the Committee she did not speak directly with OHEC at that time.[109] Former Chief told the Committee that, when Representative Esty first asked her to conduct the investigation, she expressed some reservations about whether she was the appropriate person for the role, and Representative Esty told her she was the right person to conduct the investigation because "it makes sense."[110] According to Former Chief, Representative Esty also directed her to discuss her concerns further with OHEC Counsel.[111] Former Chief could not recall her specific conversation with OHEC Counsel, but recalled that she spoke with OHEC Counsel prior to conducting her interviews, which dates the conversation to May or June 2016.[112] Former Chief added that, during that conversation, OHEC Counsel did not take issue with her conducting the investigation.[113]

Campaign Treasurer—who Representative Esty selected to conduct the investigation in her district office—had a very different recollection of the events that led up to her role in the investigation. According to Campaign Treasurer, Representative Esty called her and told her that Mr. Baker was no longer working for her and did not provide any further details.[114] Campaign Treasurer then recalled a second phone call approximately a week later in which Representative Esty asked her to meet with the members of the district office to "take their temperature" about their professional development and office morale; Campaign Treasurer viewed this request as completely separate from the previous conversation concerning Mr. Baker.[115] Campaign Treasurer said that there was no urgency in this request and it "was more of, whenever you can do it within the next, say, month, month-and-a-half type of thing."[116] Representative Esty, however, told the Committee she asked Campaign Treasurer to look into management practices and morale in the district office to determine the reach of Mr. Baker's misconduct before she terminated Mr. Baker.[117]

In the weeks that followed, Representative Esty announced at an all-staff meeting that Former Chief would be meeting with her staff members in Washington, D.C., and Campaign Treasurer would be meeting with her staff members in her district office.[118] The Com-

---

[108] 18(a) Interview of Representative Esty. The Committee sent a request to interview OHEC Counsel, but OHEC declined to participate in this investigation.

[109] 18(a) Interview of Representative Esty. Former Chief recalled that her conversation with OHEC Counsel was set up through Representative Esty, but could not recall the details. 18(a) Interview of Former Chief.

[110] *Id.*

[111] *Id.*

[112] *Id.*

[113] *Id.* Former Chief also said that Representative Esty directed her towards Representative Esty's private counsel, who suggested she was a good person to conduct the interviews. *Id.*

[114] 18(a) Interview of Campaign Treasurer.

[115] *Id.*

[116] *Id.*

[117] 18(a) Interview of Representative Esty.

[118] According to a timeline created by Representative Esty's office in March 2018, this announcement was in "mid-June 2016," although witnesses have said they believed it was earlier than that. *See, e.g.,* Exhibit 8; 18(a) Interview of Staffer C; 18(a) Interview of Representative Esty.

mittee received conflicting evidence as to the purpose Representative Esty gave for these meetings, but they included a "review of management," and "professional development."[119] Representative Esty told the Committee she did not want to "poison [Mr. Baker's] ability to remain Chief of Staff if it was a very isolated incident," and so she was concerned with "how not to plant the seed that there was this huge problem with [Mr. Baker] [a]nd how to thread that needle of how do you elicit information without presupposing and directing here's the person, here's the issue, did you see this."[120]

Even though Representative Esty appears to have determined by May 12, 2016, that Former Chief and Campaign Treasurer would interview her staffers, those interviews did not happen until nearly two months later, in July 2016. The Committee was not able to determine any particular reason for this delay. Indeed, Representative Esty herself told the Committee that "[t]here's not a good reason,"[121] but attributed the delay to Former Chief's busy schedule in an election year, stating that she "felt somewhat constrained," since she was not paying Former Chief and "didn't feel in a good position to push her on going faster."[122] Former Chief said she was ready to start conducting her interviews in May 2016, but they did not end up happening until July because she was waiting for "direction" from Representative Esty.[123]

Campaign Treasurer eventually met with each of the staffers in Representative Esty's district office separately for approximately 20–30 minutes.[124] In those conversations, Campaign Treasurer discussed staffers' job responsibilities and whether they liked the office; Mr. Baker's name or role never came up.[125] Campaign Treasurer recalled recounting her interviews to Representative Esty a few days later, over dinner.[126] Former Chief said that Representative Esty contacted her after Campaign Treasurer had conducted her interviews and told her that Campaign Treasurer "had not reported to her anything out of the ordinary."[127] According to Former Chief, she received the direction needed from Representative Esty to begin her investigation at that time.[128]

Former Chief decided to anonymize her findings and not inform Representative Esty of the interviewees' identities after she learned from Former Staffer A that staff "were fearful of reporting for fear of retribution."[129] Other than anonymity, Former Chief did not have any procedures or protocols that she put into place, such as asking witnesses not to speak to each other.[130] Former Chief then conducted thirteen interviews of current and former official

---

[119] 18(a) Interview of Staffer C; 18(a) Interview of Staffer E.
[120] 18(a) Interview of Representative Esty.
[121] *Id.*
[122] *Id.*
[123] 18(a) Interview of Former Chief.
[124] 18(a) Interview of Campaign Treasurer. Campaign Treasurer was not compensated for her work in 2016, and estimated that she spent approximately eight hours conducting the interviews and relaying her notes to Representative Esty. *Id.*
[125] *Id.*
[126] *Id.* Representative Esty did not recall receiving the results of the interviews from Campaign Treasurer. 18(a) Interview of Representative Esty.
[127] 18(a) Interview of Former Chief.
[128] *Id.*
[129] *Id.*
[130] *Id.*

and campaign staff from July 6 to July 19, 2016.[131] The first interview was on July 6, 2016, when Former Chief and Staffer C met and discussed both campaign management and "office policy."[132]

Some staff had concerns that Former Chief was conducting these interviews given that she was not an impartial party and had no previous investigative experience.[133] One staffer described it as "shad[y]": "we're going to have [Former Chief], [Representative Esty's] trusted campaign person, have private meetings with each person with everyone one-on-one in this weird order that she decides."[134] In addition, staffers were not sure they could be honest with Former Chief, given her close relationship with Mr. Baker. This fear may have been due in part to comments Mr. Baker made in the office that he and Former Chief had an "arrangement" by which Mr. Baker had always made Former Chief look good in front of Representative Esty, and so now Former Chief "owed" Mr. Baker.[135] Mr. Baker denied ever making such a statement, and explained that he presented a united front with Former Chief in front of Representative Esty, so as not to undercut or make Former Chief look bad.[136]

There was also concern among staff about the amount of time the investigation was taking, and the fact that Mr. Baker was kept in his position with no changes made to his roles or responsibilities.[137] Some staffers were also generally concerned about and uncomfortable with working in the office with Mr. Baker after the events of May 5, 2016, and one staffer even left Representative Esty's official office in part because he "wanted to work with [Mr. Baker] as little as possible" in light of his actions toward Former Staffer A.[138]

On July 20, 2016, Former Chief presented Representative Esty with a written report of her findings based on her interviews titled "Office Assessment." These findings included that Mr. Baker:

> engages in a pattern and practice of emotionally and abusive behavior towards female staff members. Verbal and physical abuse, including bullying, toward individual staff members has been exhibited and witnessed by other members of the staff. The Chief of Staff has consolidated information and power, isolating the member and increased the propensity for the Chief of Staff to abuse that power.[139]

The assessment also found that "[a] lack of oversight on the part of the member has allowed the behavior to continue unmitigated," and "[a]n open door policy is not enough," explaining that "Capitol Hill practices prevent staff from elevating grievances to the member's attention, operating outside the chain of command, or discussing grievances outside the office."[140] The assessment included

---

[131] Exhibit 13.
[132] 18(a) Interview of Staffer C; Exhibit 14.
[133] 18(a) Interview of Staffer C, 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B.
[134] *Id.*
[135] 18(a) Interview of Former Staffer A.
[136] 18(a) Interview of Mr. Baker.
[137] 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.
[138] 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.
[139] Exhibit 4.
[140] *Id.*

a series of recommendations, the first of which was that Mr. Baker should be asked to resign.[141] The other recommendations included staff briefings on the actions being taken and House services for professional development and Human Resources; required weekly one-on-ones between senior and junior staff; regular reviews of all staff including management, including peer and junior staffers reviewing management; prioritizing direct junior staff time with the member; and clearly-defined expectations of appropriate office behavior.[142]

Former Chief testified that Representative Esty seemed concerned and upset when she presented her with the assessment on July 20, 2016, as if this information was new to her.[143] Representative Esty said she found the results "shocking and sickening" and felt "physically ill" and "horrified and betrayed by someone who [she] trusted."[144] Representative Esty testified that she decided to fire Mr. Baker that day—July 20, 2016—but because she wanted to ensure that it was done quickly and "with as little ongoing damage to the office" as possible, she consulted with counsel.[145] According to Representative Esty, she first discussed the matter with her private counsel, who reached out to OHEC, and OHEC confirmed to him that they would be involved in handling Mr. Baker's termination.[146]

### G. MR. BAKER'S TERMINATION

The Democratic National Convention ("DNC") took place the following week, from July 25–28, 2016, and Representative Esty attended, along with Mr. Baker and several other members of her congressional staff. Mr. Baker said that he did not interact much with the other staffers during the DNC.[147] Representative Esty said she was not concerned about Mr. Baker's attendance, however, because Mr. Baker was not supervising any of the other staffers during the event.[148] The week of the DNC was, however, "an exceptionally awkward situation," according to Representative Esty, as she had already decided to terminate Mr. Baker and was on the phone "hours a day" with OHEC Counsel and other advisors to determine how best to effectuate his departure.[149]

On or about July 28, 2016, Representative Esty asked Mr. Baker to meet with her. She told him she received the results of the investigation and was very upset, disappointed, and felt betrayed. Representative Esty recalls telling Mr. Baker that he was being terminated, he was not to return to the office, and he should work from home while she worked out the logistics of his termination.[150] Mr. Baker also understood from that conversation that he "was not going to be employed in the office anymore," and he took vacation

---

[141] *Id.*
[142] *Id.*
[143] 18(a) Interview of Former Chief.
[144] 18(a) Interview of Representative Esty.
[145] *Id.*
[146] *Id.* The Committee was not able to pinpoint the exact dates of these first conversations, but based on the fact that Representative Esty was in regular communication with OHEC Counsel the following week, they likely occurred between July 20–24, 2016.
[147] 18(a) Interview of Mr. Baker.
[148] 18(a) Interview of Representative Esty.
[149] *Id.* Staffer C likewise said that Representative Esty told him around the time of the DNC that she was going to fire Mr. Baker, and then had a number of conversations with her private counsel and OHEC. 18(a) Interview of Staffer C; Exhibit 8; Exhibit 15.
[150] 18(a) Interview of Representative Esty.

leave from the office the following week at Representative Esty's direction.[151] Mr. Baker recalled Representative Esty telling him that Former Chief was going to reach out to him to give him an opportunity to tell his side of the story, and that she wanted him to cooperate fully and be his "best self."[152]

On July 29, 2016, Former Chief sought guidance from OHEC on interviewing Mr. Baker.[153] Following that conversation, an OHEC employee sent Former Chief a document titled "Confidential: Sexual Harassment Investigations" which Former Chief used to help her prepare for Mr. Baker's interview.[154]

On August 1, 2016, Former Chief interviewed Mr. Baker. Former Chief said that the purpose of this interview was to provide Mr. Baker "an opportunity to defend himself, or to counter the allegations."[155] Mr. Baker brought a letter of resignation to that interview, but Former Chief told him she was not empowered to receive the letter and would instead pass that information to Representative Esty.[156] Former Chief then prepared a memorandum of Mr. Baker's interview which she believes she presented to Representative Esty, although Representative Esty did not recall that presentation.[157]

Following Mr. Baker's interview with Former Chief, Representative Esty and OHEC further discussed on the phone and by email how to effectuate his termination. In an August 2, 2016, email, which referenced previous phone conversations between Representative Esty and OHEC Counsel, OHEC Counsel directed Representative Esty to:

> Let [Mr. Baker] 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 [sic] one month [sic] salary, which includes a cash reimbursement for his ____ days of un-

[151] 18(a) Interview of Mr. Baker; Exhibit 16; Exhibit 17.

[152] 18(a) Interview of Mr. Baker.

[153] 18(a) Interview of Former Chief. Former Chief said that she asked OHEC Counsel if she was the right person to conduct the interview and OHEC Counsel told her that involving an outside investigator at this point, who was unfamiliar with the allegations, would take additional time and effort. *Id.*

[154] *Id.;* Exhibit 18; Exhibit 19.

[155] 18(a) Interview of Former Chief.

[156] 18(a) Interview of Mr. Baker; 18(a) Interview of Former Chief.

[157] Exhibit 6; 18(a) Interview of Former Chief; 18(a) Interview of Representative Esty. In total, Former Chief estimated that she worked over 80 hours on preparing for, conducting, and preparing final work product for the investigation in 2016, which she was not compensated for. Former Chief also told the Committee that this uncompensated work interfered with her ability to do her day job. 18(a) Interview of Former Chief.

> used accrued annual leave. Any payment of a lump sum cannot exceed 1/12th 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.[158]

According to Representative Esty, OHEC Counsel was "quite emphatic about the need to have a severance agreement and confidentiality" and "it was repeated over and over again: You absolutely need to do this to protect yourself, your family, and the office, because a senior person can say terrible things. He may be very upset. He could destroy your reputation with things that are not even true."[159] Representative Esty was unsure what was appropriate in this situation, but chose Option C, the least generous option, because she was "taking the advice of House counsel," "want[ed] to be done with it," "cauterize" it, and didn't want "to prolong the agony around this and certainly [didn't want] to provoke anything worse."[160] Former Chief agreed that it made sense at the time for Mr. Baker to be paid a severance because they wanted him to "leave quietly" without causing any further harm to any staffers and "this was the quickest way to get him out of the office" and out of Washington, D.C.[161]

On August 5, 2016, Representative Esty traveled to Washington, D.C., to meet with OHEC Counsel to discuss Mr. Baker's termination. After their meeting, OHEC Counsel sent Representative Esty a draft termination agreement, which included provisions for a letter of recommendation and limited reference outside of Washington, D.C., a lump sum payment to cover Mr. Baker's work in August, his unused paid leave, and a "severance" to bring the total lump sum payment up to the Speaker's Pay Order cap (this amount was estimated in the draft agreement, but was finalized in the amount of $5,041.67), and non-disclosure and non-disparagement provisions.[162] Representative Esty also met with Mr. Baker later that day to discuss the termination agreement.[163] Mr. Baker testified that Representative Esty told him this was "how the House handles things," and that he did not try to negotiate anything but accepted what Representative Esty proposed.[164] On March 28, 2018, shortly before the news stories broke concerning Mr. Baker's departure from her office, Representative Esty repaid the U.S. Treasury for the $5,041.67 in severance.[165]

On August 8, 2016, Representative Esty had an all-staff meeting in which she told the rest of the staff that Mr. Baker had left to

---

[158] Exhibit 20.
[159] 18(a) Interview of Representative Esty.
[160] *Id.; see also* 18(a) Interview of Former Chief.
[161] *Id.* Former Chief also acknowledged that they wanted Mr. Baker to leave quietly so as not to hurt Representative Esty's re-election chances, although that was "not a primary motivating factor." *Id.*
[162] Exhibit 21.
[163] Exhibit 22.
[164] 18(a) Interview of Mr. Baker. Representative Esty and Mr. Baker executed the Agreement on August 10, 2016. Exhibit 23. Mr. Baker's last day on the payroll was August 12, 2016.
[165] Exhibit 1.

go back to his home state of Ohio.[166] Representative Esty also told them that she was subject to a non-disclosure agreement and could not say much more about the reasons for his departure.[167]

H. EVENTS FOLLOWING MR. BAKER'S TERMINATION

After Mr. Baker's termination, Representative Esty took steps to implement some of the other recommended actions from Former Chief's Office Assessment. These included making changes in her office with respect to performance reviews and improving office policies.[168] With respect to the performance reviews, Representative Esty and her current Chief of Staff instituted a formal and comprehensive annual performance review process which they have conducted for the past two years.[169] While Representative Esty recalled giving her current Chief of Staff a formal oral performance review, he told the Committee he had not yet received an official performance review in the two years he has held the Chief of Staff position.[170]

Representative Esty's office has also worked on making Representative Esty more accessible and available to all staff in both formal and informal ways.[171] Representative Esty's office updated the Employee Handbook on March 14, 2017, which now lists Representative Esty as a resource for staffers to go to under the Anti-Harassment and Anti-Discrimination Policy.[172] These changes were reaffirmed to staffers in a staff retreat in March 2017, in all-staff meetings, and in emails to staff from her current Chief of Staff.[173] Representative Esty and her staffers also all attended a mandatory sexual harassment training provided by OHEC in March 2017, and, for those hired later that year, another training was organized in December 2017.[174] When the House acted to require that all Members, officers, and employees complete sexual harassment training during each session of Congress, beginning in 2018, Representative Esty elected for her and her office to participate in the most extensive version.[175]

Since replacing Mr. Baker, updating the office policies in the Employee Handbook, and instituting mandatory harassment trainings, staffers have felt comfortable relaying concerns to supervisors in Representative Esty's official and district offices. The Committee heard testimony about a few instances in which a staffer in one of Representative Esty's offices heard something which made that individual feel uncomfortable, relayed that information to a supervisor, and the matter was quickly investigated and resolved to the staffer's satisfaction.[176]

---

[166] Exhibit 15; 18(a) Interview of Representative Esty.
[167] Exhibit 15; 18(a) Interview of Staffer E; 18(a) Interview of Representative Esty.
[168] 18(a) Interview of Staffer D.
[169] *Id.*
[170] 18(a) Interview of Representative Esty; 18(a) Interview of Staffer D.
[171] Exhibit 24; 18(a) Interview of Staffer D.
[172] Exhibit 25; 18(a) Interview of Staffer D. Staffer D said it was also intended that Representative Esty be considered as a resource for staffers to go to under the Open Door policy, but that edit was inadvertently omitted. *Id.*
[173] *Id.;* Exhibit 26.
[174] Exhibit 24; Exhibit 26; Exhibit 27.
[175] 18(a) Interview of Representative Esty; H. Res. 630, 115th Cong. (2017).
[176] 18(a) Interview of Staffer D; 18(a) Interview of Representative Esty; Exhibit 28.

## V. FINDINGS

### A. SEXUAL HARASSMENT ALLEGATIONS

Mr. Baker's behavior toward Former Staffer A was unacceptable. Screaming, yelling, derogatory comments, threats of reprisal, and use of physical force are not appropriate behavior in any work environment, especially a congressional office. His conduct implicates clause 9 of the Code of Official Conduct, which prohibits sexual harassment and other forms of discrimination.[177] Sexual harassment is also prohibited under the CAA, which subjected Congress to a number of federal employment laws, including Title VII of the Civil Rights Act of 1964. Sexual harassment may be actionable "in either of two circumstances: the grant or denial of an economic *quid pro quo* in exchange for sexual favors, or discrimination that has created a hostile or abusive work environment."[178] A hostile work environment is one where the "workplace is permeated with discriminatory intimidation, ridicule, and insult" and these behaviors are "sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment."[179] Even if a Member or staffer's conduct does not constitute sexual harassment under the demanding legal standards of federal case law,[180] such conduct may nonetheless violate clauses 1 and 2 of the Code of Official Conduct. Clause 1 provides that Members and employees of the House "shall behave at all times in a manner that shall reflect creditably on the House." It is a "purposefully . . . . subjective" standard.[181] Clause 2 requires adherence to "the spirit and the letter" of House Rules.

There is no question that Mr. Baker's abusive actions towards Former Staffer A, both during and after her employment in Representative Esty's office, did not reflect creditably on Representative Esty's office or the House as a whole, in violation of clause 1 of the Code. His actions during Former Staffer A's employment in Representative Esty's office were also inconsistent with, at minimum, the spirit of the prohibition on sexual harassment, in violation of clause 2. However, because Mr. Baker is no longer a House employee, the Committee does not have jurisdiction over him. Accordingly, the Committee's investigation instead focused on whether Representative Esty's actions—or lack thereof in connection with Mr. Baker's behavior violated applicable ethics standards.

Under Title VII jurisprudence, employers may be held vicariously liable for sexual harassment by a supervisory employee.[182] The

---

[177] House Rule XXIII, c. 9. The Committee has long held "that sexual harassment is a form of sex discrimination," and that such behavior violates clause 9. *Ethics Manual* at 268–69. On February 6, 2018, the House amended clause 9 to confirm that "committing an act of sexual harassment" is prohibited under the Rule.

[178] *Gary v. Long*, 59 F.3d 1391, 1395 (D.C. Cir. 1995) (citations omitted).

[179] *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21 (1993).

[180] *See Tucker v. Johnson*, 211 F.Supp.3d 95, 101 (D.D.C. 2016) (citation omitted) (describing the legal standard for Title VII claims in the D.C. circuit as "demanding").

[181] 114 Cong. Rec. 8778 (Apr. 3, 1968) (Statement of Representative Price).

[182] *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998); *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 747 (1998). The *Faragher* and *Ellerth* decisions held that an employer is vicariously liable for actionable harassment by a supervisor but the employer may assert an affirmative defense to liability when no tangible employment action was taken. *Faragher*, 524 U.S. at 807, *Ellerth* 524 U.S. at 765. The affirmative defense requires the employer to show 1) "the employer exercised reasonable care to prevent and promptly correct any sexually harassing behavior," and 2) "that the plaintiff employee unreasonably failed to take advantage of any preventative or cor-

Continued

Committee has also long held, in other contexts, that a Member is generally responsible for violations of the Code of Conduct that occur in their offices.[183] This is true even where the Committee has not found evidence that the Member was aware that the underlying misconduct took place.[184] However, the Committee has declined to hold Members accountable for their employees' misconduct where they have taken appropriate actions to prevent or stop that misconduct.[185] To determine whether Representative Esty bears responsibility for Mr. Baker's behavior, the Committee's investigation explored: (1) when Representative Esty knew about Mr. Baker's inappropriate behavior toward Former Staffer A; and (2) whether Representative Esty exercised reasonable care to prevent and promptly correct Mr. Baker's behavior once she learned of it.

*1. Representative Esty's knowledge of Mr. Baker's misconduct prior to May 2016*

The Committee was presented with unrefuted evidence that Representative Esty was unaware of Mr. Baker's behavior towards Former Staffer A until at least May 2016. The Committee heard from all relevant witnesses that Mr. Baker's treatment of Former Staffer A was hidden from Representative Esty while it was ongoing, such that Representative Esty "could [not] have known" that the mistreatment was occurring.[186] To some extent, this may have been a product of the office structure created by Representative Esty. Several staffers in Representative Esty's office did not feel they could address their concerns about Mr. Baker directly with her.[187] Representative Esty herself noted that Mr. Baker "managed up" to her in a way that prevented her from hearing of concerns directly from her D.C. staff.[188] However, Former Staffer A testified that she believed she could have told Representative Esty about the mistreatment, and that Representative Esty would have taken immediate and decisive action, but, due to her concern for her career and Representative Esty's political future, she decided not to report Mr. Baker's mistreatment.[189]

---

rective opportunities provided by the employer or to avoid harm otherwise." *Faragher*, 542 U.S. at 807.

[183] *See* Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rpt. 112–642, 112th Cong. 2d Sess. 97 ("Members are responsible for violations that occur in their office, and cannot shield themselves from liability by using staff as a proxy for wrongdoing"); Comm. on Ethics, *In the Matter of Allegations Related to Representative Ed Whitfield*, H. Rept.114–687, 114th Cong., 2d Sess. 44 (The Committee found that Representative Whitfield violated House rules "by failing to establish clear guidelines and limits for his staff, which resulted in impermissible lobbying contacts between the staff and his wife"); Comm. on Standards of Official Conduct, *Investigation Into Officially Connected Travel of House Members to Attend the Carib News Foundation Multi-National Business Conferences in 2007 and 2008*, H. Rpt. 111–142, 111th Cong. 2d Sess. 192 (2010)("[B]ased on the Standards Committee's longstanding precedent . . . the Subcommittee finds that it would not well serve the House as an institution to allow its Members to escape responsibility by delegating authority to their staff to take actions and hide behind their lack of knowledge of the facts surrounding those actions . . .").

[184] Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. "Bud" Shuster*, H. Rpt. 106–979, 106th Cong. 2d Sess. 64 (2000) (hereinafter Shuster).

[185] Comm. on Ethics, *In the Matter of Allegations Relating to Representative Maxine Waters*, H. Rpt. 112–690, 112th Cong. 2d Sess. 7–8.

[186] 18(a) Interview of Former Staffer A; 18(a) Interview of Mr. Baker; 18(a) Interview of Staffer B.

[187] *See supra* Section IV(A).

[188] 18(a) Interview of Representative Esty.

[189] 18(a) Interview of Former Staffer A.

This is not a criticism of Former Staffer A's decision to keep this abuse from Representative Esty. Former Staffer A testified that Mr. Baker threatened to retaliate against her if she reported his behavior, and, perhaps most insidiously, told her that reporting his behavior would hurt Representative Esty. The Committee recognizes that individuals working for elected officials may fear the political consequences of reporting misconduct. In the Committee's view, it is imperative that Members and the whole House community should strive to make staff aware of the resources that are available to them, and to try to ensure that staff feel comfortable making use of those resources, which should include their employing Member, OOC, the Office of Employee Assistance, the newly created Office of Employee Advocacy, and the Committee itself. The Committee also takes this opportunity to urge any individual in the House community who has suffered or witnessed abuse perpetrated by any other individual in the House community to report that abuse to one of those entities.

*2. Representative Esty's efforts to prevent and correct Mr. Baker's misconduct*

The record shows that, once Representative Esty learned of allegations that Mr. Baker's acted abusively towards a former staffer, she took steps to investigate Mr. Baker's behavior throughout his employment in her office and, when she received the results of that investigation, terminated him. While the Committee found that, as she herself acknowledged to the Committee, Representative Esty could have better handled the investigation into Mr. Baker's behavior, the Committee also found that, particularly in light of the guidance she was given by OHEC, Representative Esty's actions during that time period warrant no further action.

Representative Esty testified that, on May 10, 2016, she learned about Mr. Baker's treatment of Former Staffer A after the happy hour event, at which time she also learned for the first time that they had previously been in a relationship. While the Committee received conflicting evidence as to the exact details and timeline of the following week, what is clear is that in the days that followed, Representative Esty: (1) talked to Former Staffer A to discuss what she had learned and let her know she would be looking into Mr. Baker's behavior; (2) talked to Mr. Baker to inform him that she knew about the May 5, 2016, incident, that she was going to be conducting an investigation, and that he needed to stop drinking, get into an alcohol recovery program, and go to anger management and any other therapy program that might be helpful; (3) conferred with counsel as to how best to proceed going forward; and (4) asked Former Chief to interview staffers in her Washington, D.C., office about office management practices and morale in the office. At some point, Representative Esty also asked Campaign Treasurer to interview staffers in her district office about office management practices and morale in the office. Representative Esty then announced in an all-staff meeting that Former Chief and Campaign Treasurer would be meeting with staffers, although she did not detail the true reason behind these meetings. The interviews were conducted in July 2016.

Many of these steps were consistent with Representative Esty's duty to maintain a safe and non-discriminatory workplace. When

faced with allegations of this magnitude, it is wholly appropriate for Members to seek to investigate and better understand the underlying conduct. However, there were problems with this sequence of events.

First, by selecting individuals who had pre-existing personal and professional relationships with both Representative Esty and the other individuals involved, and had no formal training as investigators, Representative Esty did not give the investigation the proper impartiality or professionalism it needed. While it is understandable that Representative Esty and Former Chief believed that it would be appropriate to have someone who knew the individuals involved, and who "had [Former Staffer A's] confidence and trust,"[190] interview the Washington, D.C., staffers, this selection unnecessarily muddied the waters as to the purpose of the staff interviews and the motives of those conducting them. As explained above, some of Representative Esty's staff had significant concerns that Former Chief was biased towards Mr. Baker, which was in part inflamed by Mr. Baker's own statements in the office. Representative Esty herself acknowledged that, "with the benefit of hindsight," she would have hired outside counsel to do a formal investigation.[191]

The Committee also notes that accepting the services of Former Chief and Campaign Treasurer without providing compensation, was inconsistent with House Rule XXIV, which generally prohibits the use of private donations, funds, or in-kind goods or services to support the activities of, or pay the expenses of, a congressional office. To the Committee's knowledge, OHEC never advised on or flagged the question of compensation for Former Chief and Campaign Treasurer.[192] The Committee's investigation was focused on the issues of combatting sexual harassment and the propriety of severance payments; accordingly, the Committee declined to further review this issue.

Second, the Committee also found it concerning that Representative Esty did not provide any guidance or structure to Former Chief and Campaign Treasurer as to how to conduct their investigations or how to present the information to her upon its completion. Neither Former Chief nor Campaign Treasurer were experienced trained investigators or reviewed materials on how to conduct investigations before conducting their reviews.[193] According to Representative Esty, Campaign Treasurer was going to pass the results of her investigation along to Former Chief, and Former Chief "was going to take the responsibility for co-writing" the results of both investigations.[194] According to both Former Chief and Campaign Treasurer, however, they had no contact with each other about their investigations and presented their results separately: Former Chief in a written document and Campaign Treasurer orally.[195] Former Chief explained that she never spoke with Campaign

---

[190] 18(a) Interview of Representative Esty.

[191] Id. (explaining her hindsight view to be based on "different sensitivities now and different awareness now and . . . more to the point, hearing from staff . . . in 2017, 2018, that they might have been uncomfortable" with the Former Chief leading the investigation.)

[192] *Id.* ("OHEC, they knew what I was looking to do. [They] [a]t no point advised anything on, you need to pay someone to do this, [or] if somebody does it for free . . . That was never raised by anybody.")

[193] 18(a) Interview of Former Chief; 18(a) Interview of Campaign Treasurer.

[194] 18(a) Interview of Representative Esty.

[195] 18(a) Interview of Former Chief; 18(a) Interview of Campaign Treasurer.

Treasurer "[b]ecause [she] understood that [Campaign Treasurer] had spoken to the Congresswoman and gave her a report."[196]

Finally, there is no apparent or justifiable reason for the lengthy delay in conducting the investigation, during which Mr. Baker remained in the office as Chief of Staff. This delay is especially concerning given that Mr. Baker's role and responsibilities were not limited in the office during the investigation. As a result, staff members were put in the uncomfortable position of telling Former Chief about Mr. Baker's inappropriate behavior while still reporting to him.[197]

The Committee does not mean to suggest that the work Former Chief performed was unsatisfactory.[198] Indeed, the evidence in the record reflects that, once she began interviewing staffers on July 6, 2016, Former Chief conducted an impressive review, interviewing thirteen current and former staff of both the official and campaign sides in fourteen days, drafting and presenting an Office Assessment for the Member's review the day after completing her interviews, and then interviewing Mr. Baker two weeks later. Representative Esty could have done more, however, to set up proper parameters which could ensure a reliable result from the investigation.

Even before the internal investigation, Representative Esty did not structure her office in the best manner to prevent discriminatory conduct. Representative Esty allowed Mr. Baker to cut off access and manage up to her, such that other staffers did not feel comfortable reporting Mr. Baker's behavior to her.[199] After Mr. Baker's departure, however, Representative Esty instituted new policies to ensure staffers have more direct access to her and encourage reporting of any inappropriate behavior.

The Committee recognizes that Members have broad discretion to fix the terms and conditions of the staff members they employ and that final employing authority rests with them.[200] Nevertheless, Members are ultimately responsible for ensuring their offices function in accordance with applicable standards and they also must "take account of the manner in which their actions may be perceived."[201] Representative Esty could have better handled the situation when, after learning of Mr. Baker's inappropriate behavior towards Former Staffer A, she continued to employ him with no changes to his role or responsibilities and leisurely conducted an opaque "review of management practices" by close friends who were uncompensated. Representative Esty acknowledged this failing when, in her testimony to the Committee, she stated that if she could do it over again, she "would have suspended [Mr. Baker] immediately," and "either gotten outside counsel or OHEC or somebody who was trained in doing investigations to come in rapidly

---

[196] 18(a) Interview of Former Chief.

[197] 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

[198] Given the lack of documentary evidence surrounding Campaign Treasurer's investigation, it is more difficult for the Committee to assess its adequacy. As Campaign Treasurer told Committee Staff, Mr. Baker did not even come up in her interviews. 18(a) Interview of Campaign Treasurer. Whether that was because district staff had not either been subjected to or witnessed any mistreatment, or because they were unaware as to the true purpose of the investigation, is unclear, but remains another outstanding question the Committee has as to the methodology of the investigation.

[199] *See* 18(a) Interview of Representative Esty.

[200] *Members' Handbook* at p. 4; Exhibit 2 at 3.

[201] *Shuster* at 64.

and do it in a matter of [] a week or two."[202] Given, however, that the Committee had not previously issued guidance on this issue, Representative Esty relied on the advice of OHEC, conducted an investigation which resulted in a recommendation to terminate Mr. Baker, and promptly followed that recommendation, the Committee found that Representative Esty's actions warrant no further action. The Committee also commends Representative Esty for the remedial steps taken in her office since Mr. Baker's termination, which appear to have created a much improved environment.

In the future, however, the Committee expects this Report to put Members on notice that they are expected to institute feedback mechanisms and foster norms of communication in their offices to encourage the reporting of any potential misconduct, and to swiftly and adequately address any such reports. In situations like the instant case, Members would be well-served to utilize and properly compensate independent parties to conduct rapid and thorough investigations into the allegations, and then take decisive action once they receive results.

Members and employees alike should be able to work free from harassment or abuse of any kind. The Committee notes that House Resolution 630, which was passed on November 29, 2017, requires each Member, Officer, and employee of the House to complete an education program focused on workplace rights and responsibilities. The Committee is hopeful that this will increase awareness of sexual harassment and discrimination in the workplace, encourage Members and staff to identify any issues that may arise in their offices, and educate Members and staff about the range of resources available to them.

### B. PAYMENT OF LUMP SUM SEVERANCE TO MR. BAKER

The payments made to Mr. Baker in connection with his termination from Representative Esty's office raise questions as to whether Representative Esty violated House Rule XXIII, clause 8. The Committee reviewed this issue and concluded that Representative Esty did not violate any House Rules in connection with Mr. Baker's termination payments.[203]

Clause 8 states "[a] Member . . . of the House may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation such employee receives." The Code of Ethics for Government Service further instructs every employee to "[g]ive a full day's labor for a full day's pay,"[204] and federal law requires that appropriated funds are to be used solely for purposes for which appropriated.[205] CHA regulations require employing Members to submit monthly salary certifications for their staff to ensure compliance with applicable regulations.[206]

Notwithstanding these restrictions, the "general terms, conditions, and specific duties of House employees traditionally have

---

[202] 18(a) Interview of Representative Esty.

[203] As discussed above, OCE began a preliminary review into whether Representative Esty "authorized compensation to a former employee who did not perform duties commensurate with the compensation the employee received," but terminated that review and did not transmit a referral to the Committee. *See supra* n.2.

[204] Code of Ethics for Government Service 3.

[205] 31 U.S.C. 1301(a). *See also Ethics Manual* at 279.

[206] *Members' Handbook* at 4; Exhibit 2 at 3–4. *See also Ethics Manual* at 277.

been within the discretion of the employing Member."[207] Accordingly, while a staffer is instructed to "give a full day's labor for a full day's pay," the employing Member may dictate what a "full day's labor" consists of.

Clause 8 aims to prevent fraud or misuse of the House payroll, particularly the use of "ghost employee" schemes. In such schemes, an employee is recorded on the payroll, but—with the Member's knowledge—does not perform official work equivalent to the earnings he or she collects. The Committee has historically found violations of the "ghost employee" rule in cases where Members have knowingly converted official funds, originally disbursed as staff compensation, for their personal financial benefit or other unauthorized use.[208] The Committee also found violations of the "ghost employee" rule where a Member did not profit or otherwise obtain a financial benefit from the misuse of official funds appropriated for staff compensation, but retained and paid an employee even though the Member knew the employee was not physically present to perform official work.[209]

The Committee considered whether Representative Esty's payment of severance to Mr. Baker was a violation of clause 8. On July 20, 2016, after receiving Former Chief's Office Assessment, Representative Esty immediately decided that Mr. Baker needed to be terminated, and began taking steps to effectuate his departure, including seeking guidance from OHEC the following week.[210] After receiving guidance from OHEC Counsel about the need to enter into a severance agreement with Mr. Baker, and being presented with three potential severance options on August 2, 2016, Representative Esty selected the least generous severance option available, which gave Mr. Baker a lump sum "severance" payment of $5,041.67.[211]

House Rule XXIII, clause 8 states, "[a] Member . . . of the House may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation such employee receives." The *Members' Handbook* advises that Members may issue lump sum payments to congressional employees "for any purpose" consistent with House Rule XXIII, clause 8(a), and the rules enumerated in the *Handbook*.[212] The Committee has previously provided guidance that lump sum end-of-the year bonuses or other one-time payments recognizing a particular accomplishment are generally permissible.[213] Such payments are consistent with the Committee's longstanding guidance that "[b]efore making any lump sum payment, a Member must be

---

[207] *Ethics Manual* at 267; *see also Members' Handbook at 4* ("the Member determines the terms and conditions of employment and service for their staff."); Exhibit 2 at 3.

[208] *See* Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Diggs, Jr.,* H. Rept. 96–351, 96th Cong., 1st Sess. 5–6, 44 (1979). *See also Ethics Manual* at 5.

[209] *See, e.g.,* Comm. on Standards of Official Conduct, *In the Matter of Representative Austin J. Murphy,* H. Rept. 100–485, 100th Cong., 1st Sess. 4 (1987); Comm. on Standards of Official Conduct, *Summary of Activities, One Hundredth Congress,* H. Rept. 100–1125, 100th Cong., 2d Sess. 15–16 (*In the Matter of Delegate Fofo I.F. Sunia and Matthew K. Iuli*); Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson,* H. Rept. 96–930, 96th Cong., 2d. Sess. 2 (1980).

[210] 18(a) Interview of Representative Esty.

[211] *Id.;* Exhibit 20; Exhibit 23.

[212] *Members' Handbook* at 11. *See also* Exhibit 2 at 8–9; 2 U.S.C. § 4537 (providing that House employees may be paid "lump sums" for any purpose in an amount less than the monthly pay of the employee, and granting CHA authority to prescribe related regulations.).

[213] *Ethics Manual* at 284.

satisfied that the employee has performed services for the congressional office that are commensurate with the amount the employee is to be paid in the lump sum combined with his or her regular salary."[214]

A lump sum payment of severance does not necessarily run afoul of clause 8, but leaving an employee on House payroll for a period of time when they are not performing official work, as "severance," does.[215] Knowingly paying an absentee employee a salary is a violation of clause 8.[216] Thus, the Committee cautions Members that the first two options presented by OHEC Counsel to Representative Esty, which both include "remain[ing] on the payroll as paid severance for _____ month(s) without reporting to work or performing any services," are in violation of House Rule XXIII, clause 8.[217]

Representative Esty paid a lump sum payment to Mr. Baker, relying on the advice of OHEC, in exchange for his waiver of any legal claims and various additional commitments to ensure a smooth transition, such as writing an exit memo and surrendering all his passwords and equipment. Accordingly, the Committee found that she did not violate any House Rules in connection with Mr. Baker's termination payments. As noted above, on March 28, 2018, shortly before the news stories broke concerning Mr. Baker's departure from her office, Representative Esty repaid the U.S. Treasury for the $5,041.67 in severance, but she was not required to do so.[218]

### C. REPRESENTATIVE ESTY'S CONDUCT WARRANTS NO FURTHER ACTION BY THE COMMITTEE

The Committee concluded that while Representative Esty could have better handled Mr. Baker's termination, her actions do not merit further action by the Committee. The Committee is guided in part by its recent decision in *In the Matter of Allegations Relating to Representative Mark Meadows.*[219]

In that case, Representative Meadows was similarly faced with allegations that his Chief of Staff had sexually harassed members of his staff, and conducted an investigation into those allegations. Representative Meadows, however, did not follow the investigator's recommendation to fire his Chief of Staff, but instead kept him on the payroll for another nine months, with supervisory responsibilities over the complainants for several of those months. In addition, after Representative Meadows informed the Chief of Staff of the allegations, the Chief of Staff requested that he be granted access to

---

[214] *Id.* at 283.

[215] The question of the permissibility of severance under clause 8 has been a longstanding subject of discussions between the Committee's non-partisan staff, OHEC, and CHA staff, and will continue to be in order to provide clearer guidance to the House community. In prior Congresses, Committee staff may have given inconsistent guidance as to whether leaving an employee on the payroll as part of a negotiated severance agreement violates clause 8. The Committee itself did not have a chance to weigh in on this question until it did so recently in the matter of Representative Meadows.

[216] This does not prohibit a Member from placing an employee on administrative leave while investigating allegations of misconduct, so long as the paid administrative leave is in accordance with office policy and for a reasonable period of time for an investigation.

[217] There may be circumstances where "severance" may be provided in the form of extra paid leave at the end of a staffer's employment, on the grounds that such leave is part of the expected compensation for the position. In those circumstances, the "severance" practice must be part of a uniformly applied written policy.

[218] *See supra* nn.5 & 163.

[219] Comm. on Ethics, *In the Matter of Allegations Related to Representative Mark Meadows,* H. Rept. 115–1042, 115th Cong., 2d Sess.

review the emails of other staff—access which he did not previously have. Representative Meadows granted that request. Representative Meadows also paid his Chief of Staff "severance" upon his termination, but rather than doing so as a lump sum payment negotiated by counsel in exchange for something of value to the office, Representative Meadows simply left his Chief of Staff on the payroll and did not seek guidance from any appropriate entities.

In the instant case, while the Committee has explained above how Representative Esty could have improved the investigation, upon learning of the allegations, Representative Esty directed that a review of Mr. Baker's behavior be undertaken. While Mr. Baker's conduct was under review, Representative Esty mandated that he seek and receive counseling for both alcohol abuse and anger management, and confirmed that he was actually receiving such counseling.[220] After receiving the results of the review, Representative Esty followed the recommendation she was given. Representative Esty also sought the advice of OHEC throughout the process, including after she made the decision to terminate Mr. Baker's employment. When she terminated him, she chose from options identified by OHEC and provided Mr. Baker with the least generous severance option presented to her. Mr. Baker was removed from her office within three months. After Mr. Baker's departure, Representative Esty took additional steps to change office policies and procedures to make her more available to all of her staff, and required her staff to participate in sexual harassment trainings to ensure that mistreatment in her office would not happen again. Despite her missteps, Representative Esty's response demonstrated that she took her obligation to protect her staff seriously.

## VI. CONCLUSION

The Committee takes allegations of sexual harassment and discrimination extremely seriously. Mr. Baker's behavior toward Former Staffer A has no place in the House of Representatives. The House of Representatives should be a workplace free of physical, verbal, or emotional abuse, and it is the responsibility of Members to ensure that each of their offices remains so.

When she learned that Mr. Baker may have mistreated Former Staffer A, Representative Esty could have acted more promptly and enlisted more appropriate resources to investigate. Falling short of ideal practices, however, is not the same as violating House Rules. Furthermore, the Committee has not previously provided guidance on what those ideal practices are; in the absence of that guidance, Representative Esty sought legal advice from private counsel and OHEC and reasonably relied on that advice. Based on the totality of the circumstances, therefore, the Committee found that Representative Esty's actions warrant no further action.

The House has made and is still considering several changes to its rules and processes relating to workplace discrimination or abuse. The House should be a leader in this area and strive to set an example of ideal practices. The Committee therefore takes this opportunity to provide general guidance on the ideal response when Members learn of allegations of inappropriate or discriminatory behavior by a House employee. The best practices in each instance

[220] *See supra* n.104.

will necessarily be dependent on the specific facts at issue. Generally speaking, the Member should take swift action to ascertain the veracity of the allegations and prevent further potential harm. If the Member is unable to immediately determine the veracity of the allegations, the best course of action would be for the Member to limit the employee's interaction with and supervision of other staff while conducting an impartial investigation into those allegations using a neutral third party, ideally a trained independent investigator (who must be properly compensated for such services). If a Member determines their employee engaged in inappropriate behavior, appropriate disciplinary action should be taken. And if that employee's behavior put the safety or well-being of those in the office at risk, the best practice would be for the Member to remove that employee from the office either permanently or until they can be assured the employee no longer poses a risk to staff. The Committee believes that no severance payments should be made to employees who are discharged due to their own unethical conduct.

The Committee hopes this Report will not only serve as a guide to Members in how to respond to allegations of harassment or discrimination in their offices, but also serve as a reminder to the whole House community of the resources that are available to Members and staff, including the Office of Compliance, the Office of Employee Assistance, the newly created Office of Employee Advocacy, and the Committee itself. The Committee also recognizes the challenges and pressures that prevent many victims from reporting their abuse and commends the bravery of those who do so, including the individual identified in this Report as Former Staffer A.

Upon publication of this Report, the Committee considers the matter closed.

## VII. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(c)

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.

# APPENDIX A

**ELIZABETH H ESTY**
5TH DISTRICT, CONNECTICUT

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**
**VICE RANKING MEMBER**
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
SUBCOMMITTEE ON RAILROADS, PIPELINES AND HAZARDOUS MATERIALS
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

**COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY**
SUBCOMMITTEE ON RESEARCH AND TECHNOLOGY

**COMMITTEE ON VETERANS AFFAIRS**
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
**RANKING MEMBER**

**Congress of the United States**
**House of Representatives**
**Washington, DC 20515-0705**

**DISTRICT OFFICE**
ONE GROVE STREET, SUITE 600
NEW BRITAIN, CT 06053
(860) 223-8412

**WASHINGTON OFFICE**
221 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4476
**www.esty.house.gov**
**Twitter.com/RepEsty**
**Facebook.com/RepEsty**
**Youtube.com/RepEsty**
**Instagram.com/RepEsty**

April 2, 2018

The Honorable Susan W. Brooks, Chair
The Honorable Ted Deutch, Ranking Member
Committee on Ethics
1015 Longworth House Office Building
Washington, D.C. 20515

Dear Chair Brooks and Ranking Member Deutch:

In May 2016, I learned through a third party of possible misconduct by my then-chief of staff, Tony Baker – and initiated an investigation. I dismissed Mr. Baker upon receiving the investigation report that documented improper behavior on his part, both within my office and outside – particularly in his dealings with a former staffer, [redacted], who had worked in my office from January 2013 until March 2015. Questions have now been raised about how this dismissal was handled, and I write to ask for an Ethics Committee review of the circumstances and a determination of whether there was any wrongdoing on my part. I additionally urge the full House to explore whether the rules and procedures for dealing with such matters need to be further revised and strengthened.

In the spirit of transparency, I am therefore requesting, pursuant to Rule 18(c) of the Committee's Rules, that the Committee conduct an inquiry into whether I have violated any law, rule, regulation or other standard of conduct applicable to a Member of the House. I request that such inquiry and, if warranted, an investigation, be conducted expeditiously and openly, and I pledge the full cooperation of myself and every member of my official and campaign staffs to ensure that the Committee's inquiry into this matter will be full and complete.

Thank you for your time and attention to this matter.

Sincerely,

Elizabeth H. Esty
Member of Congress

PRINTED ON RECYCLED PAPER

# APPENDIX B

# EXHIBIT 1

[redacted]

Skip to main content

# Check Details

| | |
|---|---|
| **Check Number** | 4348 |
| **Date Posted** | 04/20/18 |
| **Check Amount** | $5,041.67 |

[redacted]

ELIZABETH H. ESTY [redacted]

4348

61-110/211 7896
1007009340141

March 28, 2018
DATE

PAY TO THE ORDER OF U.S. Treasury $ 5041.67

Five Thousand forty one and 67/100 DOLLARS

Wells Fargo Bank, N.A.
Connecticut
wellsfargo.com

CD-...1...4L.1L S.te

FOR DEPOSIT ONLY
U.S. TREASURY

4832
U.S. HOUSE OF REPRESENTA

Congressional FCU
441 2nd Street, SW
Washington, DC 20515
Br: 5 -[illegible]943
BOFD:[illegible]5407434 5; Item:2014432438 8
04/20/2018 02:43:32 (-04:00) PM
Account: [illegible]5507

For your security, information like account numbers, signatures, and the ability to view the backs of checks have been removed from the images.

# EXHIBIT 2

# MEMBERS' CONGRESSIONAL HANDBOOK

## COMMITTEE ON HOUSE ADMINISTRATION

CANDICE S. MILLER, CHAIRMAN

ROBERT A. BRADY, RANKING MEMBER

114TH CONGRESS

UNITED STATES HOUSE OF REPRESENTATIVES

THE COMMITTEE ON HOUSE ADMINISTRATION HAS ISSUED THE FOLLOWING REGULATIONS TO ENSURE THAT MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES UTILIZE OFFICIAL RESOURCES TO SUPPORT THE CONDUCT OF THE OFFICIAL REPRESENTATIONAL DUTIES ON BEHALF OF THE DISTRICT FROM WHICH HE OR SHE IS ELECTED.

Candice S. Miller

CHAIRMAN CANDICE S. MILLER

ADOPTED OCTOBER 21, 2015

*All citations to the House Rules refer to the Rules of the House of Representatives*

FOR ADDITIONAL ASSISTANCE, PLEASE CONTACT THE COMMITTEE AT (202) 225-8281.

# Table of Contents

**Introduction: Members' Representational Allowance**
- General....1
- Budgeting and Disclosure....2
- Disbursements....2
- Incidental Use....2
- Overspending....3

**Staff**
- General....3
- Employee Ceiling....4
- Categories of Staff....4
  - Employees....4
  - Interns....4
  - Part-time Employees....4
  - Temporary Employees....4
  - Shared Employees....5
  - Consultants....5
  - Contractors....5
  - Civilian Annuitant....5
  - Waivers....6
  - Detailees....6
  - Fellows....6
  - Temporary Agencies....6
  - Volunteers....6
- Telecommuting....6
- Employment Law....6
  - Congressional Accountability Act....6
  - Nepotism....7
  - Non-Disclosure Oath....8
  - Post-Employment Restrictions....8
  - Working from Home due to a Disability....8
- Pay....8
  - Appointment....8
  - Dual Compensation....8
  - Financial Disclosure....8
  - Lump Sum Payments....8
  - Outside Earned Income....9
  - Overtime Wage Rate Compensation....9
  - Pay Adjustments....9
  - Payroll Schedule....9
  - Rates of Compensation....9
  - Terminations....10
- Leave....10
  - General....10
  - Family and Medical Leave....10
  - Furlough....10
  - Jury and Witness Duty....11
  - Leave Without Pay....11
  - Military Leave....11

**Office Expenses**
- Appliances....12
- The Congressional Art Competition....12
- Academy Nominations....12
- Amicus Briefs....12
- Certificates....12
- Clipping Services....12
- Decorating Expenses....12
- Deposits....13
- Drug Testing....13
- Dues....13
- Educational Expenses....13
- Employment-Related Expenses....13
- Flags....13
- Food and Beverage Expenses....13
- Framing....14
- Furniture....14
- Gifts and Donations....14
- House Gift Shop....14
- Greetings....14
- Insurance....14
- Interpreting and Translating Services....15
- Late Fees....15
- Mailing Lists....15
- Mail Preparation....15
- Mass Transit Benefits....15
- Messenger Services....16
- Official Meetings....16
- Parades....16
- Parking....16
- Photography Expenses....16
- Publications....16
  - Congressional Record....16
- Representational Programs....16
- Staff Meetings....17
- Supplies....17
- Storage....17
- Telecommuting....17
- Telecommunications....17
- Audio and Video Expenses....17
- Printing and Production....18

Stationery....18
Appearance....18
Use....18
Business Cards....18
Postal Expenses....18
Equipment....19
District Office....19
Booths....19
Cable....19
Custodial Services....19
Furniture....19
Leases....19
Mobile District Offices....20
Parking....20
Repairs....20
Security....20
Sharing Offices....20
Signs....21
Storage....21
Utilities....21

## Communications

Town Hall Meetings....21
Joint Town Hall Meetings....22
Virtual Town Hall Meetings....22
Press Conferences....22
Advertisements....22
Internet....23
Radio....23
Television....23
Disclosure....23
Inside Mail....23
Electronic Communications....24
Subscribed Emails....24
Non-Subscribed Emails....24
Newspaper Inserts....24
Unsolicited Mass Communication Restrictions...24
Websites....25
Content....26
Name (URL)....26
Information Security....26

## Travel

General....27
Vendor Official Travel....27
Unexpected Official Travel....27
Combined Travel....28
Official Travel Expenses....28
Shared Official Travel Expenses....28
Chartered Aircraft....28
Corporate or Private Aircraft....29
Government Rate Eligibility....29
Officially Leased Vehicles....29
Short-Term....29
Long-Term....30
Expenses....30
Global Positioning Systems....31
Satellite Radio Service....31
Privately-Owned/Privately-Leased Vehicles....31
Travel Promotional Awards....31

## Vouchers and Payments

Advance Payments....31
Authorized Methods of Payment....32
Reimbursement and Direct Payment....32
Government Travel Card....32
Seeking Reimbursement: Vouchers....32
Expired Appropriations....33
Tax Exempt Letters....33

## Congressional Organizations

Congressional Member Organizations....33
General....33
Registration.... 33
Membership....33
Funding and Resources....33
Communications....34
Congressional Staff Organizations....34
General....34
Official Resources....34

## Modifications

Additional Changes....35

# INTRODUCTION: MEMBERS' REPRESENTATIONAL ALLOWANCE

During each session of Congress, each Member has a single Members' Representational Allowance ("MRA") available to support the conduct of official and representational duties to the district from which he or she is elected. Ordinary and necessary expenses incurred by the Member or the Member's employees within the United States, its territories, and possessions in support of the conduct of the Member's official and representational duties to the district from which he or she is elected are reimbursable in accordance with the regulations contained in this Members' Congressional Handbook.

"Ordinary and necessary" means reasonable expenditures in support of official and representational duties to the district from which he or she is elected that are consistent with all applicable federal laws, Rules of the House of Representatives and regulations of the Committee on House Administration.

The following regulations of the Committee on House Administration, collectively known as the Members' Congressional Handbook ("Handbook"), govern all expenditures from the MRA.

The Handbook regulations are guidelines that assist Members in determining whether expenses are reimbursable. Therefore, the Handbook contains broad descriptions of reimbursable expenses, but is not an exhaustive list of such expenses.

Questions about reimbursement of an expense should be directed to the Committee on House Administration at x58281 prior to incurring the expense.

For all questions relating to equipment and equipment-related issues, refer to the Guide to Outfitting and Maintaining an Office available from the Committee on House Administration.

Administrative, financial and non-legislative support services (e.g., equipment purchases, technology standards and services, office supplies, room reservation and set-up) are acquired through the Office of the House Chief Administrative Officer ("CAO"). For further information about the CAO's services, please refer to HouseNet, the House intranet (https: housenet.house.gov) or the CAO's services office, First Call, at x58000.

The Handbook is a collection of regulations issued by a vote of the Members of the Committee. In drafting these regulations, the Committee consults with other committees of the House, House leadership, Member office staff, and the Officers of the House.

## General

When an expense is incurred, the Member must determine the primary purpose for the expenditure. Is the primary purpose for the expenditure official and representational? Or is it primarily related to personal, campaign-related political party, campaign or committee activities? Only expenses the primary purpose of which are official and representational and which are incurred in accordance with the Handbook are reimbursable.

1. The MRA may only be used for official and representational expenses.
2. A Member may expend personal funds in support of official and representational duties.
3. The MRA may not be used to pay for any expenses related to activities or events that are primarily social in nature.

4. The MRA may not pay for personal expenses.
5. The MRA may not pay for campaign expenses.
6. The MRA may not pay for campaign-related political party expenses.
7. The MRA may not pay for committee expenses.
8. Committee resources may not pay for a Member's official and representational expenses.
9. Except where authorized by the Committee on Ethics, campaign funds may not pay for a Member's official and representational expenses.
10. A Member may not maintain, or have maintained for his use, an unofficial office account for the purpose of defraying or reimbursing ordinary and necessary expenses incurred in support of a Member's official and representational duties.
11. A Member may not accept from any private source in-kind support having monetary value for an official activity.
12. Only appropriated funds, not personal or unofficial funds, may be used to pay for mail sent under the frank.
13. Each Member is personally responsible for the payments of any official and representational expenses incurred that exceed the provided MRA or that are incurred but are not reimbursable under these regulations.
14. Unless specifically authorized by an applicable provision of federal law, House Rules, or Committee Regulations, no Member, relative of the Member, or anyone with whom the Member has a professional or legal relationship may directly benefit from the expenditure of the MRA.
15. The MRA is available for services provided and expenses incurred from January 3 of one year through January 2 of the following year. All expenses incurred will be charged to the allowance available on the date the services were provided or the expenses were incurred. Upon the death, resignation, or expulsion of a Member, the Member's allowance will be made available only for services provided and expenses incurred at the direction of the Member up through the last day of the Member's term in office. Otherwise such funds will be subject to the direction of the Clerk of the House.
16. Requests to obligate prior year funds after January 2 of the succeeding year will be considered by the Committee when a Member provides documentation demonstrating a bona fide intent to obligate the prior year's funds during the applicable year.
17. The MRA is not transferable between years.
18. Members may not use official resources to misrepresent their current official positions or titles within the House.
19. Pursuant to 18 U.S.C. § 1913, the MRA may not be used for certain activities in the absence of authorization by Congress. Contact the Committee on House Administration at x58281 for more information.

## Budgeting and Disclosure

The Committee recommends that each Member establish an annual budget for the MRA. To assist in this process, the Office of Finance sends each Member monthly statements showing year-to-date expenditures and obligated amounts. The quarterly expenditures reflected in these statements are compiled and published as the Quarterly Statement of Disbursements, which is a public document.

## Disbursements

Disbursements from the MRA are made on a reimbursement or direct payment basis and require specific documentation and Member certification as to accuracy and compliance with applicable federal laws, House Rules, and Committee regulations.

Reimbursements and payments from the MRA may be made only to the Member, the Member's employees, or a vendor providing services to support the operation of the Member's offices.

## Incidental Use

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

For example, limited use of government resources to access the Internet, to send or receive personal email, or to make personal phone calls is permissible, so

long as the use meets the above criteria, and otherwise conforms with the Regulations of the Committee on House Administration and the Code of Official Conduct (House Rule XXIII).

Each Member office may adopt a more restrictive incidental use policy.

### Overspending

Each Member is personally responsible for the payment of any official and representational expenses incurred that exceed the authorized MRA. If a Member incurs an obligation to the U.S. House of Representatives and the amount of the obligation incurred exceeds the MRA, the Member shall pay the obligation from personal funds. If the Member fails to pay the obligation voluntarily, the CAO will deduct the amount owed from any pay, mileage, or expense money due to the Member in the case of a sitting Member or through an administrative offset or legal action in the case of a former Member. The Office of Finance will notify a Member if that Member is projected to overspend the MRA.

Contact the Office of Finance at x57474 or the Committee on House Administration at x58281 for assistance with accounting and budgeting.

# STAFF

### General

Each Member is the employing authority; the Member determines the terms and conditions of employment and service for their staff. These terms and conditions must be consistent with applicable federal laws and House Rules.

1. Personnel actions affecting employment positions in the House of Representatives must be free from discrimination based on race, color, national origin, religion, sex (including marital or parental status), service in the military, disability, or age.
2. A Member may not retain an employee on the Member's payroll who does not perform official duties commensurate with the compensation received for the offices of the employing authority. (House Rule XXIII, clause 8(a)).
3. "Employee" means an individual appointed to a position of employment in the House of Representatives by an authorized employing authority including individuals receiving pay disbursed by the CAO and individuals in a Leave Without Pay or furlough status.
4. "Staff" means all individuals including employees, fellows, unpaid interns, and volunteers who serve in the office of a Member.
5. Annual rates of pay may not exceed the amount specified in the Speaker's Pay Order.
6. Total compensation in any month including any lump sum and regular pay, student loan program payments, (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.
7. Retroactive pay adjustments are not authorized.
8. Government contributions to retirement, life insurance, Thrift Savings Plan, transit benefits, Student Loan Repayment Program and health benefits programs are not charged to the MRA.
9. Each month, Member Offices receive a Payroll Certification Form from the Office of Payroll and Benefits that lists the annual pay and gross

pay earned for each employee. If an employee is a relative of a current Member of Congress, the nature of the relationship to the Member must be noted on the Payroll Certification Form. The Member must certify the information and return the form to the Office of Payroll and Benefits no later than the 15th day of the month. Contact the Office of Payroll and Benefits at x51435 for payroll forms.

## Employee Ceiling

Under 2 U.S.C. § 92, each Member of the House of Representatives may employ 18 permanent employees and 4 additional employees. The 4 additional employees must be appointed to one of the following categories:

1. Paid interns
2. Part-time employees
3. Shared employees
4. Temporary employees
5. Employees on leave without pay

## Categories of Staff

### Employees

The term "employee" means an individual appointed to a position of employment in the House of Representatives by an authorized employing authority including individuals receiving pay disbursed by the CAO and individuals in a Leave Without Pay or furlough status.

### Interns

Interns, paid or unpaid, must perform services for the Member on a temporary basis as part of an educational plan. Examples of an educational plan include, but are not limited to, participation in the Intern Lecture Series, attendance at committee hearings, attendance at CRS internship training programs, etc. Each Member is responsible for determining the activities of the Member's interns consistent with these requirements.

Paid interns may work for no more than 120 calendar days in a 12-month period, per employing authority, and are not employees for purposes of compliance with the minimum wage and overtime provisions of the Fair Labor Standards Act. The gross annual rate of intern pay is established by the Committee on House Administration. For the current applicable rate, contact the Committee on House Administration at x58281.

Any Member interested in employing a foreign national as an intern should contact the Office of General Counsel at x59700.

The use of unpaid interns is subject to regulations established by the Committee on Ethics. Contact the Committee on Ethics at x57103.

Interns are ineligible for the following benefits:

1. Federal Employees' Retirement System
2. Federal life insurance
3. Federal health insurance
4. Thrift Savings Plan
5. Student Loan Repayment Program

### Part-time Employees

The term "part-time employee" means an individual who is employed by the Member and whose normally assigned work schedule is not more than the equivalent of 15 full work days per month. A typical month has 22 work days so a part-time employee would be an individual who typically works 15 or fewer full 8-hour days per month, or the equivalent amount in hours (e.g., all 22 work days, but only 5 hours per day).

### Temporary Employees

The term "temporary employee" means an individual who is employed for a specific purpose or task and who is employed for not more than 90 days in a 12-month period, except that the term of such employment may be extended with the written approval of the Committee on House Administration.

Temporary employees are ineligible for the following benefits:

1. Federal Employees' Retirement System

2. Federal life insurance
3. Federal health insurance
4. Thrift Savings Plan

## Shared Employees

The term "shared employee" means an employee who is paid by more than one employing authority of the House of Representatives.

1. Two or more employing authorities of the House may employ an individual.
2. Subject to telecommuting policies, such shared employees must work out of the office of an employing authority, but are not required to work in the office of each employing authority. The pay from each employing authority shall reflect the duties actually performed for each employing authority. The name, title, and pay of such an individual will appear on each employing authority's Payroll Certification. Such employees may not receive pay totaling more than the highest rate of basic pay in the Speaker's Pay Order applicable to the positions they occupy.
3. Employees may not be shared between a Member or Committee office and the office of an Officer of the House if the employee, in the course of duties for an Officer, has access to the financial information, payroll information, equipment account information, or information systems of either Member, Committee, or Leadership offices.
4. Each House employee who, during any pay period, is simultaneously employed by three or more House employing authorities is required to inform each employing authority in writing of the employee's employment status and any change in employment status with other employing authorities.
5. Each House employee who, during any pay period, is simultaneously employed by three or more House employing authorities is required to file with the Office of Finance a signed Acknowledgment of Receipt and Understanding of Shared Employee Manual and Certification of Continued Compliance upon becoming simultaneously employed by three or more employing authorities. (see attached Acknowledgement and Certification).
6. Pursuant to 5 U.S.C app. § 101 et seq., each House employee who is simultaneously employed by three or more House employing authorities for more than 60 days during a calendar year must file a Financial Disclosure Statement by May 15 of each year.
7. Any House employee engaged in any outside employment or business activity may not directly, or indirectly through such outside employment or business activity, sell, lease, or otherwise provide any goods or assets to any House office or entity.

## Consultants

Pursuant to 2 U.S.C. § 72a, only committees are authorized to procure the temporary services of consultants.

Member offices are not authorized to procure consultant services.

## Contractors

Members may contract with firms or individuals only for general, non-legislative and non-financial, office services (e.g., equipment maintenance, systems integration, data entry, staff training, photography, custodial services, web services) for a specified time period not to exceed the Member's current term. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided personnel benefits.

Contractors do not count against the Member's employee ceiling.

Members are advised to consult the Committee on House Administration before entering into such contracts.

## Civilian Annuitants

If a Member employs a federal civil service annuitant, the amount of the annual annuity, when added to the annual rate of pay at which the employee is to be paid by the Member, may not exceed the highest rate of basic pay as authorized by the Speaker's Pay Order. The combined total of the civil service annuity and the amount of the salary will be charged to the MRA.

### Waivers

Member offices will not be granted waivers of applicable annuity reductions or pay reductions.

### Detailees

The term "detailee" means a non-Congressional federal employee assigned to a committee for a period of up to one year.

Pursuant to 2 U.S.C. § 72a(f), detailees may not be assigned to a Member office.

### Fellows

The term "fellow" means an individual performing services in a House office on a temporary basis as part of an established mid-career education program while continuing to receive the usual compensation from his or her sponsoring employer.

Fellows may be assigned to a Member office.

Fellows do not count against the Member's employee ceiling.

Fellows may not be reimbursed from House appropriated funds. Outside of using existing office resources, if a fellow incurs an expense as a result of work performed for the Member, the fellow may either be reimbursed by the fellow's sponsoring entity or a Member may use personal funds as authorized under House Rules.

The use of fellows is subject to regulations established by the Committee on Ethics. Contact the Committee on Ethics at x57103.

### Temporary Agencies

Ordinary and necessary expenses related to services provided by an individual employed by a temporary agency are reimbursable if the following conditions are met:

1. Payment for such services is commensurate with the official duties performed by the individual;
2. Such individual remains an employee of the agency and is not eligible for pay, benefits, rights, or privileges available to House employees; and
3. The total of such individuals and employees may not exceed 22 individuals.

### Volunteers

The term "volunteer" means an individual performing services in a House office without compensation from any source.

The voluntary service should be of significant educational benefit to the participant and such voluntary assistance should not supplant the normal and regular duties of paid employees.

Volunteers should be required to agree, in advance and in writing, to serve without compensation.

Volunteers do not count against the Member's employee ceiling.

The use of volunteers is subject to regulations established by the Committee on Ethics. Contact the Committee on Ethics at x57103.

## Telecommuting

Telecommuting is entirely at the discretion of the employing office. An employing office is under no obligation to offer a telecommuting option to employees.

Offices may obtain a copy of the Telecommuting policy on the Committee on House Administration website.

## Employment Law

### Congressional Accountability Act

Pursuant to the Congressional Accountability Act, the following civil rights, labor, and workplace safety laws are applicable to House employing offices:

1. The Fair Labor Standards Act of 1938;
2. Title VII of the Civil Rights Act of 1964;
3. The Americans with Disabilities Act of 1990;
4. The Age Discrimination in Employment Act of

1967;

5. The Family and Medical Leave Act of 1993;
6. The Employee Polygraph Protection Act of 1988;
7. The Worker Adjustment and Retraining Notification Act;
8. The Rehabilitation Act of 1973;
9. The Uniformed Services Employment and Reemployment Rights Act of 1994;
10. Chapter 71 of Title V of the U.S. Code, the Federal Service Labor-Management Relations Statute;
11. The public service and accommodations provisions of the Americans with Disabilities Act;
12. The Occupational Safety and Health Act of 1970; and
13. The Genetic Information Nondiscrimination Act of 2008.

The Office of Compliance has published A Guide to the Congressional Accountability Act of 1995, which is available from the Office of Compliance's website, or at Room LA-200, John Adams Building, Library of Congress, Washington, DC 20540-1999, (202) 724-9250. The Office of Compliance also provides materials that employing offices can use to notify employees of their rights and protections under the CAA.

A Model Employee Handbook providing sample office policies to assist in developing an organization that complies with applicable laws and House Rules is available on HouseNet.

The Office of House Employment Counsel is available to provide advice and guidance on employment matters generally, and on establishing office policies consistent with these laws. The Office of the House Employment Counsel can be reached at x57075.

## Nepotism

A public official may not appoint, employ, promote, advance or advocate for appointment, employment, promotion, or advancement in or to a position in the office in which that public official is serving or over which that public official exercises jurisdiction or control any individual who is a relative of that public official. Pursuant to 5 U.S.C. § 3110, the term "public official" includes a Member, an employee, and any other individual who has authority, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an office.

Every employee must certify a relationship to any Member of Congress on a certificate of relationship form available from Payroll and Benefits. If, at any time, the relationship of an employee to any current Member of Congress changes the employee must file an amended certificate of relationship form with the employing office. Contact Payroll and Benefits at x51435 for such forms.

Individuals with the following relationship to the 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; and
- Wife.

However, if a House employee becomes related to the employing Member (by marriage), the employee may remain on the Member's personal or committee payroll. 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. Contact the Committee on Ethics at x57103 for further information.

### Non-Disclosure Oath

House Rule XXIII, clause 13, requires Members and employees to execute an oath of non-disclosure before having access to classified information.

### Post-Employment Restrictions

Members and employees paid at a rate equal to or greater than 75 percent of the basic rate of pay of a Member for at least 60 days in the one-year period preceding termination are subject to post-employment restrictions. For the current applicable rate and information regarding the applicable restrictions, contact the Committee on Ethics at x57103.

### Working from Home due to a Disability

Pursuant to the Americans with Disabilities Act ("ADA"), a Member may reasonably accommodate a qualified employee with a disability by allowing the employee to work from home. As a condition of such a request, the Member may require certification from a physician of the need for such accommodation. For questions concerning compliance with the ADA, contact the Office of House Employment Counsel at x57075.

## Pay

### Appointment

The official appointment of each employee requires the Member's signature on the payroll authorization form. Required payroll forms must be received by the Office of Payroll and Benefits no later than the last business day of the month in which the appointment is effective. Subsequent adjustments to a payroll appointment (pay adjustments, title changes, furlough status, terminations, etc.) must also be made on the appropriate forms. Such forms are due at Payroll and Benefits by the 15th day of the month in which the adjustment is effective.

### Dual Compensation

The aggregate gross annual salary of an employee receiving payment from the House who is also receiving payment from the U.S. Senate, Architect of the Capitol, or any other department or agency of the U.S. Government, may not exceed the gross annual rate established by 5 U.S.C. § 5533. For the current applicable dual compensation rate, contact the Office of Payroll and Benefits at x51435.

### Financial Disclosure

Members and employees receiving basic pay at a rate equal to or greater than 120 percent of the minimum pay for GS-15 for at least 60 days during any calendar year must file a Financial Disclosure Statement upon appointment, termination, and annually on May 15th.

Each Member's office that does not have an employee paid at or above the threshold must designate one employee as the "Principal Assistant" who must file a Financial Disclosure Statement.

Ordinary and necessary expenses incurred by Members and their employees, in support of the filing of reports consistent with the provisions of the Ethics in Government Act, are reimbursable.

Contact the Committee on Ethics at x57103 for guidance concerning the current applicable rate of pay and other information regarding Financial Disclosure requirements.

### Lump Sum Payments

A Member may authorize a lump sum payment to

an employee for any purpose consistent with the following:

1. Payments must be consistent with House Rule XXIII, clause 8(a), which requires that employees perform official duties commensurate with the compensation received. Employees may not be compensated from public funds to perform non-official, personal, campaign-related political party, or campaign activities on behalf of the Member, the employee, or anyone else;
2. A lump sum payment may not be more than the monthly pay of the employee receiving the lump sum payment;
3. Lump sum payments may be for services performed during more than one month;
4. Members may provide lump sum payments for accrued annual leave only if such leave was accrued in accordance with written personnel policies established prior to the accrual of such leave;
5. Total compensation in any month including any lump sum payment, student loan payments, and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order;
6. Lump sum payments will be disclosed separately in the Quarterly Statement of Disbursements;
7. Lump sum payments are considered as part of "rate of pay" under the Speaker's Pay Order;
8. Lump sum payments are considered "supplemental wages" for taxation purposes; and
9. Lump sum payments are not considered as part of "basic pay" for purposes of calculating Thrift Savings Plan, life insurance, or federal pensions.

Contact the Committee on Ethics at x57103 for information on the treatment of lump-sum payments with regard to financial disclosure, post-employment restrictions, and outside earned income limitations.

## Outside Earned Income

Members and employees receiving basic pay at a rate equal to or greater than 120 percent of the minimum basic pay for GS-15 for at least 90 days in a calendar year are subject to the outside earned income limitation established by 5 U.S.C. app. § 501(a)(1) and House Rule XXV, clause 1(a)(1).

For the current applicable rate of basic pay, the amount of the limit and application of the House Rule, contact the Committee on Ethics at x57103.

## Overtime Wage Rate Compensation

Employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act ("non-exempt") must be compensated at a rate of time-and-a half for all hours worked in excess of 40 hours during any work week, either in pay or in time-off during the same pay period.

Overtime wage sheets must be received by no later than the 15th day of the month by the Office of Payroll and Benefits following the month in which overtime wages were earned.

Contact Payroll and Benefits at x51435 for the appropriate forms.

Contact the Office of House Employment Counsel at x57075 for assistance in establishing overtime and time-off policies.

## Pay Adjustments

Members may adjust, in any month, an employee's pay to reflect exceptional, meritorious, or less than satisfactory service.

Such adjustments must be received by the Office of Payroll and Benefits on or before the 15th day of the month in which the adjustment is to be effective.

Retroactive pay adjustments are not authorized.

## Payroll Schedule

Pursuant to 5 U.S.C. § 5505, the monthly payroll is based on a 30-day pay period.

Payment is made on the last business day of the month.

## Rates of Compensation

Members are responsible for adhering to the applicable

minimum wage provisions of the Fair Labor Standards Act ($7.25 per hour as of July 24, 2009).

Interns are not employees for purposes of compliance with the minimum wage and overtime provisions of the Fair Labor Standards Act.

The maximum rate of pay is established for Member offices by the Speaker's Pay Order.

### Terminations

Terminations must be made on a Payroll Authorization Form and submitted to the Office of Payroll and Benefits as soon as the date of termination is known. If the termination notice is received by Payroll and Benefits after the 15th day of the month during which the termination becomes effective, the payroll for that month may have already been processed.

## Leave

### General

The Member determines the terms and conditions of employment, including provisions for leave (e.g., Annual, Administrative, and Sick).

Contact the Office of House Employment Counsel at x57075 for model leave policies.

### Family and Medical Leave

Pursuant to the Family and Medical Leave Act ("FMLA"), a person employed by a 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 leave during any 12-month period for the following family and medical reasons:

1. For the birth of a child and to care for the newborn child; or
2. To adopt a child or to receive a child in foster care; or
3. To care for a spouse, son, daughter, or parent who has a serious health condition; or
4. For the employee's own serious health condition which makes the employee unable to perform the functions of his or her job.
5. FMLA also includes a special leave entitlement that permits employees to take up to 26 weeks of FMLA leave to care for a covered service member during a single 12-month period.

Employees on Family and Medical Leave remain eligible for all benefits. Please contact OHEC at x57075 with questions concerning FMLA leave.

### Furlough

Furlough is an absence without pay initiated by the Member. Placement in furlough status is at the discretion of the Member, unless a statute otherwise requires placement in such status.

1. To be eligible for appointment to furlough status at the discretion of the Member, an employee must have been employed by the Member for the entire month prior to the effective date of furlough status.
2. An employee placed in a furlough status continues to fill an employee position. The name of such employees will be listed on the monthly payroll certification forms.
3. Continuation of employee benefits while in a furlough status:
   a. Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in a furlough status is responsible for the payment of the employee's portion of the insurance premium for the time period of the furlough status, either by direct payment or by incurring a debt to the House. Employees should contact the Office of Payroll and Benefits for more information.
   b. Life insurance continues for up to 12 months without employee contribution.
   c. Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation, while in furlough status.
   d. The placement of an employee in a furlough status must be made on the appropriate form provided by the Office of Payroll and Benefits and received on or before the 15th day of the month in which the furlough status is to be

effective. Contact Payroll and Benefits at x51435 for such forms.

Contact Payroll and Benefits at x51435 for information on employee benefits while on furlough.

## Jury and Witness Duty

Under 2 U.S.C. § 130b, the pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned as a juror; or as a witness on behalf of any party in connection with any judicial proceeding to which the United States or a State or local government is a party.

An employee may not receive fees for service as juror in a court of the United States or the District of Columbia; or as a witness on behalf of the United States or the District of Columbia. If an employee receives an amount (other than travel expenses) for service as a juror or witness in such a court, the employee must remit such amount to the Office of Finance for deposit in the general fund of the Treasury.

## Leave Without Pay

Leave Without Pay ("LWOP") is an absence without pay. LWOP status is initiated by the employee and is subject to Member approval, unless a statute otherwise requires placement in such leave status. To be eligible, an employee must have been employed by the Member for the entire month prior to the effective date of the LWOP status.

1. As a basic condition for approval of LWOP status, there should be a reasonable assurance that the employee will return to duty at the end of the approved period. Members are encouraged to contact the Committee on Ethics at x57103 prior to approving a LWOP status request to confirm that no conflict of interest issues exist.
2. LWOP status should be requested in advance of the period of absence.
3. LWOP status may not exceed 12 months in a 24-month period.
4. When an employee has been appointed to LWOP status, he or she continues to fill a payroll position. The name of such employees will be listed on the monthly payroll certification forms.
5. Continuation of employee benefits while on LWOP status:
   a. Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in a LWOP status is responsible for the payment of the employee's portion of the insurance premium for the period of the LWOP status, either by direct payment or by incurring a debt to the House. Employees should contact the Office of Payroll and Benefits for more information on applicable regulations.
   b. Life insurance continues for up to 12 months without employee contribution.
   c. Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.
6. The placement of an employee on LWOP status must be made on the payroll authorization form and received by the Office of Payroll and Benefits on or before the 15th day of the month in which the LWOP status is to be effective.

Contact Payroll and Benefits at x51435 for more information on LWOP.

## Military Leave

Under 5 U.S.C. § 6323, an employee in the National Guard or Reserves is entitled to up to 15 days of paid military leave per fiscal year for active duty, as well as for other qualifying purposes (such as inactive-duty training). Employees are also entitled to non-reduction in pay. In addition, under 5 U.S.C. §5538, an employee called to active duty in the uniformed services 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. Please contact the Office of House Employment Counsel at x57075 for additional information on the rights, benefits, and obligations of individuals absent from employment for service in a uniformed service.

# OFFICE EXPENSES

## Appliances

Ordinary and necessary expenses for small appliances (microwaves, coffee makers, etc.) for use in the Member's congressional offices are reimbursable. Equipment, including appliances, with a purchase price over $500 must be added to the Member's inventory by contacting CAO First Call at x58000.

## An Artistic Discovery, The Congressional Art Competition

Ordinary and necessary expenses, within a category of authorized official and representational expenses, related to the Congressional Art Competition, An Artistic Discovery, are reimbursable.

A Member may not mail An Artistic Discovery entry under the frank. Shipping An Artistic Discovery entry by means other than the frank is reimbursable. Insurance expenses for the artwork are not reimbursable except for shipping insurance.

## Academy Nominations

Ordinary and necessary expenses related to reimbursement of travel expenses in support of attending information sessions/briefings at any of the National Military Academies is reimbursable.

## Amicus Briefs

Ordinary and necessary expenses related to amicus brief filing fees are reimbursable for the following purposes:

1. To file an amicus brief in his or her capacity as a Member of Congress; or
2. To participate in a civil action challenging the validity of any federal law or regulation; or
3. To participate in a civil action challenging the lawfulness of an action of a federal agency, or an action of a federal official taken in an official capacity, provided that the action concerns a matter of public interest, rather than a matter that is personal in nature.

All other legal fees associated with the filing of an amicus brief are not reimbursable from the MRA.

## Certificates

Certificates of recognition to a person who has achieved some public distinction for distribution in connection with official and representational duties are reimbursable.

Certificates must comply with the Franking Regulations. Examples of public distinction include, but are not limited to, state, regional or national recognition of some public, community or civic duty or service. Others include acts of heroism, U.S. citizenship, high school graduations, the award of an Eagle Scout Gold Star, and military academy nominations.

Contact the Franking Commission at x60647.

## Clipping Services

Ordinary and necessary expenses related to clipping services (newspapers, periodicals, magazines, etc.) are reimbursable.

## Decorating Expenses

Decorations of nominal value (e.g., as frames, bookends, flags, seals, rugs, etc.) for Congressional offices are reimbursable.

Contact the Committee on House Administration at x58281 for a list of government agencies that provide wall decorations free of charge.

Prior to the purchase of any furnishing whose cost exceeds $5,000 per item, written approval must be obtained from the Committee on House Administration. Contact the Committee on House Administration at x58281 for more information.

## Deposits

Security and other deposits are not reimbursable and must be paid from the Member's personal funds. Each Member should notify vendors that any return of deposits should be made to the Member.

## Drug Testing

Ordinary and necessary expenses related to drug testing, in accordance with the Member's written drug-testing policy, are reimbursable.

Offices should consult with the Office of House Employment Counsel at x57075 when establishing drug-testing policies.

## Dues

Pursuant to 5 U.S.C. § 5946, dues, membership fees, assessments, and annual fees are not reimbursable.

## Educational Expenses

Ordinary and necessary expenses for Members or employees to attend vendor-sponsored conferences, seminars, briefings, professional training, and informational programs related to the official and representational duties to the district from which he or she is elected are reimbursable.

1. Members or employees may not be reimbursed for expenses to attend educational programs in order to obtain a primary, secondary, graduate, postgraduate, or professional degree.
2. Expenses associated with acquiring or maintaining professional certification or licensing are not reimbursable, except for basic first-aid, CPR, or notary certifications.
3. Informational programs are events in which interaction with participants relates to official business, including but not limited to discussions about the federal role of government in various issue areas, discussions involving how the Member may assist constituencies through action from the federal government or seek relief from the government in any manner, discussions of policy matters, etc. Information programs should not be primarily social in nature, including but not limited to awards events not related to official business, galas or balls that are primarily social, or other events in which official interaction is more incidental than is the primary purpose.

## Employment-Related Expenses

Ordinary and necessary expenses related to filling employment vacancies are reimbursable.

The following expenses are not reimbursable:

1. Transportation to and from employment interviews; or
2. Relocation expenses upon acceptance or termination of employment; or
3. Relocation expenses incidental to a change in duty station.

## Flags

U.S. flags for purchase by individuals may be obtained by a Member from the Office Supply Service ("OSS") at x53321. Initially, the costs of the flags will be charged to the MRA. Once payment for a flag is received by the Member office, the office may submit the check to OSS. OSS will credit the MRA.

If a request is made to have a U.S. flag flown over the Capitol, an additional flag flying fee must be paid by the individual purchasing the flag.

## Food and Beverage Expenses

Except where noted, Members and employees may be reimbursed for food and beverage expenses incidental to an official and representational meeting that includes one or more person(s) who are not a Member or employee of the House.

Members and employees may be reimbursed for food and beverage expenses no more than two times per year for legislative planning session meetings involving Members and staff.

Members and employees may not be reimbursed for food and beverage expenses related to social activities or social events (e.g., hospitality, receptions, entertainment, holiday or personal celebrations, and swearing-in or inauguration day celebrations).

Members and employees may not be reimbursed for the cost of alcoholic beverages.

## Framing

Framing services for items to be displayed in the Member's DC or district congressional offices are reimbursable. In Washington, DC, when a Member uses the in-House framing service provided by the CAO, costs will be automatically charged to the MRA.

## Furniture

Furniture (e.g., furniture, rugs, carpet, draperies, repairs, etc.) is supplied and maintained by the CAO for Washington, DC, congressional offices through First Call at x58000 without charge to the MRA. Furniture is not reimbursable for the Washington, DC, congressional offices.

Prior to the purchase of any furnishing whose cost exceeds $5,000 per item, written approval must be obtained from the Committee on House Administration. Contact the Committee on House Administration at x58281 for more information.

## Gifts and Donations

Only the following gifts and donations are reimbursable:

1. Items purchased for official presentation when on official travel for the House of Representatives outside the United States, its territories and possessions. To purchase items from the House Gift Shop, select the item(s) and notify the sales clerk that it is for official presentation in the course of overseas travel. Receipts for such items should be vouchered for payment to the Office Supply Service, and the voucher description should note that it is for official presentation in the course of overseas travel.
2. U.S. flags flown over the Capitol for official presentation as a gift, including the flag flying fee, are reimbursable. Such flags must be for the personal use of or display by the recipient. Donations of flags purchased through the MRA for fundraising activities are prohibited.
3. Ordinary and necessary expenses associated with the purchase of presentation folders or frames, which are of nominal value.
4. Informational and educational federal government publications of nominal value.
5. U.S. Capitol Historical Society publications of nominal value (including calendars).
6. Expenses related to framing the Congressional Art Competition winning artwork, when a Member determines in his or her discretion that hardship case is demonstrated.

No other gifts or donations are reimbursable.

## House Gift Shop

The CAO operates a gift shop in B-217A Longworth that sells souvenirs and mementos to Members, staff, and the public. Gift Shop purchases may be made by cash, check or credit card. A Member Account Card may not be used to purchase items at the Gift Shop.

Contact First Call at x58000 for special orders from the Gift Shop.

## Greetings

Expenses related to the purchase or distribution of greetings, including holiday celebrations, condolences, and congratulations for personal distinctions (wedding anniversaries, birthdays, etc.), are not reimbursable, except if authorized by the Franking Commission.

## Insurance

A Member may be asked to provide a certificate of insurance for the purpose of entering into a lease for a district office or for securing space in which to conduct a town-hall meeting or other official and representational event. The House does not carry

a private insurance policy and generally does not permit Members to use the MRA to pay for a private insurance policy.

Under the provisions of the Federal Tort Claims Act, codified at 28 U.S.C. § 2671-2680, the United States acts as a self-insurer and recognizes liability for the negligent and wrongful acts or omissions of its employees acting within the scope of their official and representational duties. The United States is liable to the same extent an individual would be in like circumstances.

Although the Federal Tort Claims Act is not the equivalent of private liability insurance, it does provide an aggrieved party with administrative recourse, and if that proves unsatisfactory, legal recourse for damage or injury sustained. Thus, to the extent negligent acts of Members or congressional staff, while conducting official and representational duties, result in either property damage or bodily injury, such damage or injury should be compensable under the Act in a manner that affords protection similar to private liability insurance.

However, if the provisions of the Federal Tort Claims Act are not considered adequate, the ordinary and necessary expenses for liability insurance to cover these risks are reimbursable. When a compensable event occurs, the deductible portion of a policy may be paid from the MRA.

The expenses of fire and theft insurance are not reimbursable.

Contact the Office of the General Counsel at x59700 for guidance regarding the Federal Tort Claims Act.

## Interpreting and Translating Services

Ordinary and necessary expenses related to interpreting and translating services, including accommodations ordinary and necessary expenses related to interpreting and translating services are reimbursable. For events held in House Office Buildings, contact the Office of Congressional Accessibility Services at x44048.

## Late Fees

Ordinary and necessary fees related to late payments incurred beyond the control of the Member are reimbursable.

## Mailing Lists

Ordinary and necessary expenses related to the procurement and production of mailing lists may be reimbursed. Lists may not contain information about individuals whose primary residence is outside the district the Member is elected to represent with the exception of government officials. The list may not contain any campaign or campaign-related political party information. The list must be procured or compiled as a result of a bona fide arm's length marketplace transaction.

Members may not purchase or acquire mailing lists from their campaign offices or campaign-related political party entities. Official mailing lists may not be shared with a Member's campaign committee, any other campaign entity, or otherwise be used for campaign purposes.

Use of mailing lists must comply with House information technology and security policies as approved by the Committee on House Administration.

39 U.S.C. § 3210 prohibits Members from sending any mass mailings outside of the district from which elected. For further guidance, please refer to the Franking Regulations.

The CAO provides a service of sorting constituent mailing lists to eliminate outdated/duplicate addresses and reduce mailing costs. Contact CAO Mailing Services for more information at x54355.

## Mail Preparation

Ordinary and necessary expenses associated with the printing and preparation of Member correspondence are reimbursable. Franking expenses associated with all mailings will be deducted from the MRA.

## Mass Transit Benefits

Members and staff working in Washington, DC or the Member's district are eligible for transit benefits. For information regarding this benefit, please contact

Office of Payroll and Benefits at x51435.

## Messenger Services

Ordinary and necessary expenses for messenger services related to the Member's official and representational duties are reimbursable.

## Official Meetings

Ordinary and necessary expenses related to conducting official meetings are reimbursable. These expenses include, but are not limited to, procuring space, chairs, tables, audio/video equipment, etc.

## Parades

Members may only use official funds from the MRA to pay for transportation to and from a parade, not for anything else related to the parade. If the Member uses official funds to get to the parade, then no campaign activity or materials are permissible at the parade.

## Parking

Please see the Committee on House Administration website for the House Parking Policy.

Information regarding District Office parking expenses is available in the District Office section of the Handbook.

## Photography Expenses

Ordinary and necessary photography expenses related to a Member's official and representational duties, including but not limited to, the Member's official photo, official photographs for distribution to constituents, and photograph presentation folders and frames of nominal value, are reimbursable.

Official photographs are those taken with the use of House resources (equipment, staff, etc.) for official use. These include photos for use on House credentials and in House directories. Additionally, photos taken with House equipment by House staff are considered official photographs. Members may use MRA funds to procure photographic equipment and use staff resources to take official photos. Additionally, Members may hire a photographer as a shared, temporary, or contract employee. Official photographs must comply with applicable rules and regulations for official use and may not be used for personal or campaign purposes.

In Washington, DC, contact the House Photography Studio at x52840 for services, charges, and availability.

Photographs provided by a constituent may implicate the gift rule. Contact the Committee on Ethics at x57103 for more information.

## Publications

Ordinary and necessary expenses related to purchasing or subscribing to publications, including but not limited to research materials, reference books, informational brochures, electronic services, or periodicals are reimbursable.

All invoices for subscriptions received by the Office of Finance through the close of business January 2 will be debited from the current MRA year. Subscriptions beginning on January 1 or 2 may be debited from either allowance year, as directed by the Member.

Subscriptions to newspapers and periodicals may exceed the Member's term.

Subscriptions that exceed a Member's term in office will be assigned to the Member's successor.

### Congressional Record

Costs related to providing Congressional Record subscriptions to constituents, private entities, or public entities are not reimbursable.

Offices are authorized to purchase additional copies of the Congressional Record, as necessary for office use.

## Representational Programs

Ordinary and necessary expenses related to programs established by the Member to promote the public good or civic service, or to solicit input/information from constituents related to official business is reimbursable. Any program's title may only include the state and district of the Member. The program's title may not include the name of the Member. Members and staff

may not solicit any items of value for the program, and may not offer any officially paid goods or services as a result of participating in the program that is not authorized as a gift.

## Staff Meetings

Members and staff may attend staff meetings (e.g., staff retreats, internal staff development, legislative planning sessions, etc.) at a Member-authorized location in the Member's State or in the Washington, DC metropolitan area for official and representational purposes, and may seek reimbursement for expenses relating to attendance at such meetings, provided that such expenses are otherwise consistent with all other Handbook regulations. Staff whose duty station is in the location of the meeting may not incur lodging expenses when staff meetings are held in that area.

The MRA may not be used for social events or activities.

## Supplies

Office supplies to support the conduct of the Member's official and representational duties are reimbursable.

The Office Supply Store ("OSS") is located in Room B-217 Longworth at x53321. OSS issues each Member an Account Card for official purchases, which may only be used by the Member and/or staff. The cost of all items purchased with the Account Card is charged to the MRA.

Supplies for a Member's district office may be procured in the district through supply stores or through regional General Services Administration ("GSA") supply centers.

## Storage

Ordinary and necessary expenses related to procuring storage space are reimbursable. Long term space or storage rental contracts should be submitted to the CAO Office of Administrative Counsel for review and approval, and may not exceed the Member's term.

## Telecommuting

Ordinary and necessary telecommuting expenses incurred in compliance with the Committee on House Administration telecommuting policy are reimbursable.

## Telecommunications

Ordinary and necessary expenses related to the official use, including periodic or flat service fees, of telecommunications lines (voice and data) in the residence of a Member or employee are reimbursable. The cost of installation of such lines is not reimbursable.

## Audio and Video Expenses

Ordinary and necessary expenses related to audio and video recording and materials, including but not limited to the following, are reimbursable:

1. Production of public service announcements for distribution to the stations serving the Member's district; or
2. Filming related to the appearance of a Member or the Member's employee at an official event; or
3. Videotapes and transcripts of commercial broadcasts related to the Member or the Member's district for in-office use; or
4. Videotapes that are produced by the Member or videotapes that are provided to a Member and authorized by the providing entity to be reproduced for official distribution; or
5. Video teleconferencing services incurred in support of the Member's official and representational duties.

Except where authorized, the costs related to purchasing television broadcast time are not reimbursable. Members are subject to copyright laws when utilizing outside materials.

In Washington, DC, the House Recording Studio is available for audio and video services. Contact the House Recording Studio at x53941 for information on services, charges, and availability.

There are certain election-related restrictions on mass communications. Audio and video content must relate to official and representational duties to the district and must comply with Franking standards if sent out

as an unsolicited Mass Communication.

## Printing and Production

Printed materials produced by the Member are reimbursable when they are in compliance with the Franking Regulations. Reimbursable printing and production expenses include, but are not limited to:

1. Newsletters, postal patron mailings, mass mailings, notices of town hall meetings or notices of personal appearance of the Member at an official event
2. Administrative papers (casework tracking forms, personnel record forms, etc.)
3. Legislative papers (bills, drafts, summaries, amendments, etc.)
4. Business cards for Members and their employees
5. Stuffing, sealing, and associated expenses relating to printing and sending official mail
6. Stationery

Printed materials only require a Franking Advisory when they are distributed as an unsolicited mass communication. Items not distributed as a mass communication are not required to meet Franking content standards, but the content must be official.

## Stationery

Pursuant to 44 U.S.C. § 734, ordinary and necessary expenses associated with the printing and production of official stationery are reimbursable. Official stationery may be procured from the Government Publishing Office.

Contact the Congressional Printing Management Division at 202-512-0224 and the Office of Publication Services at x65200 for stationery requests.

Additional stationery requests (writing paper, bond, etc.) are reimbursable.

### Appearance

Official stationery must contain the following information:

1. Member's name;
2. Member's district and state; and
3. Congress of the United States, House of Representatives, or comparable language.

Official stationery may include professional license(s).

Official stationery may not contain the following information:

1. Seals other than the Great Seal, Congressional Seal, or State Seal
2. Member's political party identification
3. Slogans
4. Private entity information or endorsement
5. Campaign contact information (e.g., address, phone number, email address)
6. Greetings
7. Picture or likeness of the Member
8. Family crest

### Use

Official stationery may be used only for a letter or other document the content of which must be official in nature. When sent out under the frank, content must comply with the Franking Regulations. Contact the Franking Commission at x60647 for information on content of official correspondence.

Contact the Committee on Ethics at x57103 for information on the use of official stationery.

### Business Cards

Ordinary and necessary expenses for business cards for Members and employees are reimbursable. The content of business cards must comply with the Franking Regulations. Business cards must contain the name of the employing authority and accurately describe the position to which the employee has been appointed.

Business cards may be obtained through Office Supply Service at x53321.

## Postal Expenses

Postal expenses incurred only when the frank is

insufficient, such as certified, registered, insured, express, foreign mail, and stamped, self-addressed envelopes related to the recovery of official items, are reimbursable. Postage may not to be used in lieu of the frank. All mailings initiated by a Member must be in compliance with the Franking Regulations.

Members must return unused postage stamps to CAO First Call (x58000) at the end of a Member's service in the House.

Postage expenses up to $100 per month are reimbursable to return items not authorized as gifts under House Rules for purposes of returning the item(s) to the donor.

## Equipment

Ordinary and necessary expenses for equipment for use in the Member's congressional offices are reimbursable subject to Committee regulations. For all questions relating to equipment and equipment-related issues, refer to the Guide To Outfitting and Maintaining an Office of the U.S. House of Representatives, available at (http://cha.house.gov). For further information relating to any of the CAO's services, please refer to HouseNet or call First Call at x58000.

## District Office

### Booths

Ordinary and necessary expenses associated with renting or outfitting a booth to provide public information directly related to the Member's official and representational duties are reimbursable. While the booth may be located outside the district, it must serve your district's constituency.

### Cable

Costs of cable television subscriptions in support of official and representational duties in the district office(s) are reimbursable.

### Custodial Services

Ordinary and necessary expenses for custodial services for district office(s) are reimbursable.

### Furniture

If available, GSA will provide furniture to district offices at no cost to the Member's MRA.

Otherwise, these expenses are reimbursable for congressional district offices. Furniture requests for district congressional offices can be processed through First Call at x58000 and charged to the MRA. Please contact First Call prior to the purchase of any furniture for district offices.

### Leases

Rental expenses related to district offices, except for security deposits, are reimbursable. There is no limit on the number and size of district offices a Member may establish. No lease may extend beyond the Member's elected term. Members must notify the Office of Finance at x57474 in writing when a lease is terminated.

District offices may be located in:

1. Federal buildings;
2. Commercial buildings; and
3. State, county, or municipal buildings.

District office space must be located within a Member's district unless there is no suitable office space in a federal building in the Member's district. In that event, a district office may be located in a federal building serving the Member's district.

Members may not accept free office space from private entities. Private office space must be leased at a fair market value as the result of a bona fide, arms-length, marketplace transaction. The Committee on Ethics has ruled that Members may accept free office space, located in their district, when such space is provided by a federal, state, or local government agency.

All leases must include a House lease attachment. Leases and lease attachments must be submitted to the CAO Office of Administrative Counsel at x56969 for review and processing. The Committee recommends that Members submit such leases for review prior

to being signed by the Member and lessor, because the Member is personally liable for payments under any lease not in compliance with House Rules and Committee regulations.

The House will authorize disbursement of funds under the terms of the lease agreement only if the lease agreement complies with House Rules and Committee regulations. The House will not authorize disbursement of funds to make payments under the terms of the lease agreement until the CAO Office of Administrative Counsel has reviewed the lease agreement and has signed the attachment. Similarly, the CAO Office of Administrative Counsel must review any proposed substantive amendment and sign the attachment for the amendment before the House will authorize any payment pursuant to such an amendment. Any amendment to a lease agreement must be in writing.

Contact the CAO Office of Administrative Counsel at x56969 for lease standards.

### Mobile District Offices

Mobile district offices must remain in the Member's district unless they are being stored, receiving maintenance and repair, or traveling between points in the district. If signs are used to identify the mobile district office, they must be removed if they contain the Member's name when the vehicle is in transport.

### Parking

Parking should be negotiated as part of the district office lease. However, if parking is unavailable or insufficient through the district office lease, Members may pay for parking expenses at the district office or may negotiate a separate parking space lease and submit it to the CAO Office of Administrative Counsel for review and processing.

Contact the CAO Office of Administrative Counsel at x56969 for lease standards.

### Repairs

Ordinary and necessary expenses for minor office repairs that are the responsibility of the tenant, or cosmetic changes that are requested by the tenant and are not covered in the lease are reimbursable. The expenses of capital improvements to district offices are not reimbursable.

Contact the CAO Office of Administrative Counsel at x56969 to determine if a repair qualifies as a minor office repair or cosmetic change.

### Security

Ordinary and necessary expenses associated with security measures necessitated by official duties are reimbursable.

Members may, without prior House Sergeant at Arms ("HSAA") approval, use their MRAs to purchase security upgrades for their district offices from certain HSAA approved vendors, if the total cost of the system does not exceed $10,000 per office. Security system purchases greater than $10,000, not including monthly monitoring fees, require HSAA review and approval. Offices wishing to obtain security assessments and upgrades from vendors other than those speciffically exempted may do so; however, they must first obtain approval from the HSAA, regardless of cost. This review is necessary for the HSAA to ensure the qualifications and capabilities of various vendors not previously evaluated.

Finally, the costs of security upgrades considered capital improvements (e.g., constructing a new doorway, installing bulletproof glass, etc.), must be borne by the landlord and can later be incorporated into the monthly rent of the district office lease. For questions on capital improvements or modifying district office leases, please contact the CAO Office of the Administrative Counsel at x56969.

### Sharing Offices

A Member may share office space with Members of the United States Senate from the Member's state or with state and local officials, but all expenses (including rent, utilities, etc.) and space must be kept and billed separately. Members may not share district office space with other Members of the House of Representatives.

Contact CAO Office of Administrative Counsel at x56969 to submit such leases for review, and the Office

of Finance at x57474 to establish billing arrangements.

### Signs

Ordinary and necessary expenses related to purchasing sign(s) to identify the location of a district office are reimbursable. Such signs may not include a picture or likeness of the Member and must identify that the premises is a district congressional office. If a sign includes more than a Member's name and district, the content must comply with the Franking Regulations.

### Storage

Storage should be negotiated as part of the district office lease. However, if storage space is unavailable or insufficient within the district office space, Members may negotiate a separate storage space lease and submit it to the CAO Office of Administrative Counsel for review and processing. GSA will provide temporary storage for up to 90 days for district offices at no cost to the Member's MRA. Contact the CAO Office of Administrative Counsel at x56969 for lease standards.

### Utilities

Utilities are reimbursable. They may be integral to the lease and included in the monthly rent, or may be vouchered separately, or processed through automatic payment. Contact the Office of Finance at x57474 for information regarding automatic payment of utilities.

# COMMUNICATIONS

## Town Hall Meetings

A town hall meeting is an official meeting a Member holds within the Member's district with their constituents to facilitate the exchange of information regarding the Member's official and representational duties.

Ordinary and necessary expenses related to town hall meetings are reimbursable.

Ordinary and necessary expenses include, but are not limited to, the following:

1. Advertisements
2. Rental of rooms, chairs, audio systems
3. Audio/Video Expenses
4. Interpreting Services
5. ADA Accommodations
6. Reporting and transcription services
7. Electronic Transmission (not television)
8. Custodial Services
9. Signs/banners/leaflets/flyers that comply with the Franking Regulations

10. Security (Members are strongly urged to coordinate any security needs with the House Sergeant at Arms)
11. Plants or other relevant decorative items of nominal value

Members may invite any Member of Congress to participate in their official town hall meeting. Travel expenses for a guest Member or Senator are reimbursable from the MRA of the host Member. No other travelers are reimbursable.

Town hall meeting notices should include a contact person to arrange for accommodations for persons with disabilities.

Members and employees may not accept, from any private source, in-kind support having monetary value for a town hall meeting. Contact the Committee on Ethics at x57103.

## Joint Town Hall Meetings

Members may be reimbursed for ordinary and necessary expenses associated with holding joint town hall meetings with Members of the House of Representatives representing adjacent districts or United States Senators representing the same state, as specified below.

1. Joint town hall meetings must be held in one of the hosting House Members' districts, or if held jointly with the home state Senator, then the meeting must take place within the House Member's district.
2. Expenses (excluding mail) may be divided to reflect an accurate representation of each Member's expenses, and may be directly vouchered through the Office of Finance with supporting documentation (invitation, agenda, etc.) for the meeting.
3. 39 U.S.C. § 3210 prohibits Members from sending any mass mailings outside of the district from which elected. Therefore, Franked mail expenses that relate to advertising joint town hall meetings must be separately accounted for and charged to the MRA of the Member into whose district the Franked mail was delivered.

## Virtual Town Hall Meetings

Ordinary and necessary expenses related to conducting a virtual town hall meeting, including but not limited to, radio broadcast time, internet resources (Skype, Oovoo, streaming, etc.), or telephone town hall meetings, for constituents in the district from which the Member is elected are reimbursable. Costs related to television broadcast time are not reimbursable.

## Press Conferences

Ordinary and necessary expenses related to conducting an official press conference are reimbursable.

## Advertisements

Ordinary and necessary expenses related only to the following types of advertisements are reimbursable:

1. Notice of personal appearance of the Member at an official event, which the Member sponsors and hosts in support of the conduct of the Member's official and representational duties to the district from which he or she is elected.
2. Notice relating to the nominating process to the U.S. Military Academies.
3. Notice relating to the Congressional Art Competition, "An Artistic Discovery."
4. Notice of employee and internship openings.
5. Notice of the address, location, and contact information (including web presence), and email for the Member's congressional offices.
6. Notice of town hall meetings (physical and virtual).
7. Notice of constituent services available through the Member's congressional office(s) including, but not limited to:
   - Assistance in contacting and working with federal, state, or local agencies (casework);
   - Information regarding visiting the U.S. Capitol & available congressional tours;
   - How to request a presidential greeting or congressional acknowledgement (e.g., citizenship, public distinction, community service);
   - How to participate in a survey related to the Member's official and representational duties;

- How to request a U.S. flag flown over the U.S. Capitol; and/or
- How to subscribe to the Member's e-communications program(s).

Advertisements will be subject to review by the Franking Commission for an Advisory Opinion. In the cases of online advertisements, some embedded links and landing pages are subject to review. The FCC disclaimer is not required for online advertisements and relevant photos are permissible.

Advertisements are subject to Franking blackout dates except in cases of the Congressional Art Competition, House STEM Competition, Military Academy nominations, employment listings, and information in the event of a disaster.

Contact the Franking Commission at x60647.

There are restrictions on mass communications within 90 days of an election.

### Internet

Only advertisements within the authorized categories on web pages that serve the Member's district are reimbursable.

### Radio

Ordinary and necessary expenses only for a radio advertisement within the authorized categories are reimbursable.

The radio station broadcasting the advertisement or meeting must serve the Member's district.

### Television

Ordinary and necessary expenses only for a television advertisement within the authorized categories are reimbursable.

A television advertisement may only contain text and voiceover and relevant graphics. The television station broadcasting the advertisement must serve the Member's district.

### Disclosure

Members must disclose, within a television and radio advertisement, the source of payment for the official advertisements. Members may use any of the following:

1. "Paid for with official funds from the office of [Member's name]."
2. "Paid for by the funds authorized by the House of Representatives for the [district number] District of [name of state]."
3. "Paid for by official funds authorized by the House of Representatives."

## Inside Mail

1. Inside Mail is a delivery service for the transmittal of interoffice communications provided by House Postal Operations, pursuant to the regulations established by the Committee on House Administration. Inside mail service is available among offices in the Capitol, the House and Senate Office Buildings, the Library of Congress, the White House, the State Department, and the Social Security Administration.
2. Inside mail is provided to support the conduct of the official business of Members, committees, Officers of the House, and Congressional Staff Organizations.
3. Inside mail service may not be used to circulate letters which are personal or campaign-related, or which constitute commercial advertising except when postage is paid for with personal expenses.
4. All mail to be delivered via inside mail should be clearly marked Inside Mail and should be deposited in an Inside Mailbox.
5. Authorized items for circulation of inside mail include:
    1. A Dear Colleague or similar correspondence relating to the official and representational business of the Member. This correspondence must be on official letterhead and signed by the Member.
    2. A position paper, report, legislative analysis, or any material published or produced by another individual or organization that a Member wishes to circulate. This correspondence must

be accompanied by a signed cover letter on official letterhead. A copy of the cover letter must be attached to each item to be distributed.

3. Franked mail.
4. Stamped mail.
5. Mail for which a delivery fee has been paid.
6. Mail in a reusable blue U.S. House of Representatives Inside Mail envelope.
7. Mail produced by Congressional Staff Organizations registered with the Committee on House Administration.

Dear Colleague letters and similar correspondence must be transmitted to House Postal Operations, in the appropriate quantity, with a cover letter signed by the Member, indicating to whom the mailing should be distributed. For information regarding these procedures, contact House Postal Operations at x63764.

## Electronic Communications

Ordinary and necessary expenses related to electronic communications (Internet, fax machines, etc.) are reimbursable.

- All official electronic communication content, which is sent out as an unsolicited mass communication, must comply with the Franking Regulations.
- All official electronic communications must comply with House information technology and security policies as approved by the Committee on House Administration.
- All official electronic communications sent to an email list of 100 or more individuals must include a usable opt-out in the body of the email that enables an individual to opt-out from the Member's email list. Opt-out requests must be honored. These mailings much comply with IT Policy 007.0 - Email List Management Policy as approved by the Committee.
- All unsolicited mass communications must be reported on the Quarterly Mass Communications Report.

### Subscribed Emails

A subscribed email is an email sent to individuals who have taken a willful action to subscribe to the Member's email list. Members must notify individuals who subscribe to email updates that the individual is authorizing the Member to send regular email updates from the Member's office to the individual's email account. All email updates to subscribers must contain an option that enables the individual to unsubscribe from the email list. Members may send subscribed email updates without obtaining an advisory opinion, but the contents must still adhere to Franking regulations.

### Non-subscribed Emails

If each email address used in a mass communication was not obtained with an individual subscribing for subscribed email updates, then the Member must receive a Franking Advisory prior to the distribution of the mass communication.

## Newspaper Inserts

Ordinary and necessary expenses related to the production and distribution of newspaper inserts are reimbursable. The content must be in compliance with the Franking Regulations.

There are certain election-related restrictions on mass communications.

## Unsolicited Mass Communication Restrictions

Unsolicited mass communication is defined consistent with Franking Regulations as any unsolicited communication of substantially identical content to 500 or more persons in a session of Congress.

Except where noted, unsolicited mass communications, regardless of the means of transmittal, must receive an Advisory opinion from the Franking Commission, prior to dissemination. Advisory Opinions may be obtained from the Franking Commission at x60647.

Expenditures from the MRA for unsolicited mass communications, regardless of the means of transmittal, are prohibited if such communication occurs fewer than 90 days immediately before the date of any primary or general election (whether regular,

special, or runoff) in which the Member's name will appear on an official ballot for election or reelection to public office.

Examples of unsolicited mass communications are:

1. Radio, TV, internet, or newspaper advertisements of town hall meetings or of a personal appearance of the Member and/or the Member's employees at an official event
2. Mass mailings
3. Newspaper inserts
4. Mass automated phone calls
5. Mass Facsimiles
6. Posters, flyers, leaflets, handouts, etc., that are distributed as mass communications
7. Radio programs aired on broadcast time purchased with official funds
8. Video or audio communication for which official funds are expended for production and distribution
9. Mass email communications distributed to a non-subscribed emailing list

This restriction does not apply to the following:

1. Direct responses to communications (solicited communications)
2. Communications to Members of Congress and other government officials
3. News releases, press releases, or media releases (written or recorded communications from Members, directed at the news media), in any format. Note that expenses for production and transmittal are reimbursable; expenses for satellite downlink and broadcast are not reimbursable.
4. Websites (including a Member's official website) and other electronic bulletin boards on which information is posted for voluntary public access
5. Advertisements for employee position and internship openings, U.S. Military Academy Days, and An Artistic Discovery
6. Member's participation in a media hosted interview or program
7. Previously recorded programs and public service announcements aired at the discretion of a media outlet, when no expenses are incurred by the Member
8. Purchases of research materials, including videotapes, audiotapes, and other electronic media
9. Video teleconferencing services
10. Mass email communications distributed to a subscribed emailing list

## Websites

Internet sites paid for with official funds (Websites) are a series of centrally maintained Web pages, accessible to the public via the Internet and stored on a specific host. The home page is the first accessible page for that site.

1. Ordinary and necessary expenses associated with the creation and continued operation of Websites, in support of the Member's official and representational duties, are reimbursable.
2. Except as noted in item 6, below, Members' Web sites must be located in the HOUSE.GOV host-domain and must be hosted in conformance with the regulations issued by the Committee on House Administration.
3. Members' Websites may be maintained by either House Information Resources (HIR), the Member's congressional office, or a private vendor authorized to provide Web services to the House in compliance with the regulations issued by the Committee on House Administration.
4. Members' Websites may link to Committee Websites, but Committee Websites may not be located on Websites paid for by the MRA.
5. Members may include information within their Website about CMO issues and activities. All CMO references within a Website must relate to the Member's official and representational duties.
6. In addition to their official HOUSE.GOV website, a Member may establish profiles, pages, channels or any similar presence on third-party sites that allow individuals or organizations to offer information about themselves to the public (Social Media Accounts). Member-controlled content on Social Media Accounts is subject to the same requirements as content on Member websites.
7. Websites should be compliant with the accessibility standards set out in § 508 of the Rehabilitation Act

of 1973 and the World Wide Web Consortium's Web Content Accessibility Guidelines.

8. Websites may link to non-government sites, so long as the link content relates to the Member's official and representational duties to the district from which he or she is elected, and the content would not otherwise violate any other House rules, regulations, or federal laws. Internet resources may not contain content that misrepresents a Member's current role in Congress.
9. For Member internet social media accounts, Members should ensure their social media URLs and account names reflect their position. Departing Members may not maintain their official social media pages/sites after they leave the House; however, they may retain their personal accounts provided the name (and other identifying information) of such accounts clearly do not convey the impression that the former Member is still a Member of the House, or that the account is an official account of the House.

## Content

The content of a Member's Website:

1. The official content of any material posted by the Member on any website must be in compliance with Federal law and House Rules and Regulations applicable to official communications and germane to the conduct of the Member's official and representational duties. Accessing a web site (whether by using a link or by other means) is to be treated as a "solicited communication" from a Member's office.
2. May not include personal (outside of incidental references), political party (except for political party affiliations), or campaign information.
3. May not include grassroots lobbying or solicit support for a Member's position.
4. May not generate, circulate, solicit, or encourage signing petitions.
5. May not include any advertisement for any private individual, firm, or corporation, or imply in any manner that the government endorses or favors any specific commercial product, commodity, or service.

## Name (URL)

The URL name for an official Website located in the HOUSE.GOV domain must be recognizably derivative or representative of the name of the Member or the name of the office sponsoring the Website and comply with the regulations issued by the Committee on House Administration.

The URL name for an official Website located in the HOUSE.GOV domain may not:

1. Be a slogan.
2. Imply in any manner that the House endorses or favors any specific commercial product, commodity, or service.
3. Be deceptive and must accurately represent the Member's name or district represented.

A Member may use personal funds to purchase a personalized URL as a locating address, so long as it points back and resolves to the official website address.

## Information Security

The Committee on House Administration issues and maintains policy and standards to guide Members and staff for the protection of House information and equipment.

The purpose of these policies and standards is to protect the Members and the House from the inappropriate release of privileged or protected information. Categories of information designed to be protected include: legislative information, legally protected information such as personally identifiable information and medical information protected under HIPPA. Information related to the advance travel plans and locations of Members and staff should be protected to help ensure the safety of Members and staff.

National Security Information is protected by law and procedures established by the Sergeant at Arms' Office of House Security.

Members and staff are expected to comply with applicable laws, House Rules, and House Security Policy in their daily practice of using the Internet, House computers, and mobile equipment. The House Information Security Office at x66448 offers practical guidance to assist Members in this effort.

# Travel

## General

Travel by Members, Members' employees, and vendors in support of the official and representational duties of that Member to the district from which he or she is elected is official travel. At times, authorized travelers may need to travel to remote parts of the district or airline schedule may not meet the traveler's need. Members and staff may use an alternate or other convenient airport, so long as Washington, D.C., or the district is the primary destination.

Ordinary and necessary expenses associated with official travel are reimbursable.

Official travel includes local travel and travel away from home overnight to conduct official and representational duties, when returning to the duty station or residence is impractical.

Living expenses and commuting expenses are not reimbursable, except in extraordinary circumstances (e.g., extreme weather conditions, staff working beyond availability of mass transit or rideshare arrangements, etc.) when a Member receives written authorization from the Committee. "Living expenses" include meals, housing, and other personal expenses incurred at the Member's or employee's residence or duty station. "Commuting expenses" are transportation expenses incurred by the Member or employee while commuting between their residence and duty station.

Official travel, paid for with the MRA, may not be for personal, campaign-related political party, campaign, or committee purposes.

Official travel cannot originate from or terminate at a campaign event. Official travel may not be combined with or related to travel or travel-related expenses paid for with campaign funds.

Official travel may not exceed 60 consecutive days.

Members have two duty stations: their Congressional District and Washington, DC. Staff duty stations are determined by their primary residence.

## Vendor Official Travel

Official travel also includes travel by a vendor when traveling to provide service or training to Member offices.

A vendor is an employee of a private company that provides maintenance and support for equipment and software (computer and non-computer) under a valid House contract or working on a time and material basis.

All travel costs must be negotiated and agreed upon in writing by both parties prior to vendor travel. Offices are encouraged to utilize the federal government per diem rates established by the General Services Administration for vendor travel costs as a benchmark. For a listing of the per diem rates by state and locality, see http://www.gsa.gov/portal/category/21287.

## Unexpected Official Travel

Official travel includes travel to an official point from a location visited on personal travel by Members and staff, if the travel to the official point is necessitated by an unexpected official duty (e.g., previously unscheduled House vote, natural disaster, or civil disorder). In such cases, return travel to the point of personal destination is considered official and reimbursable and is eligible for government rate.

## Combined Travel

Combined travel is travel by a Member or their employees for the primary purpose of supporting the official and representational duties of the Member, but includes an intervening destination or an additional time period that is included for personal purposes.

Combined travel requires that:

1. The primary purpose of the travel must be official and representational. The personal segment of the combined travel may not be purchased at a government rate or be purchased with a Government Travel Card.
2. The traveler seeks reimbursement for either the government rate of the direct route and means to the destination required for official and representational business, or the actual traveled fare, whichever is less.
3. The travel back from the personal destination to Washington, DC, or the district may be reimbursed at the government rate or the normal district to Washington, DC, government rate, whichever is less, so long as the return travel originates from a point within the United States, its territories or possessions
4. The traveler must attach a brief memo to the voucher submitted for combined travel reimbursement, stating that the official travel and personal travel was combined for personal convenience.

In the event of a segment of private travel, there is an absolute prohibition on reimbursement from official funds for the private travel segment.

## Official Travel Expenses

Official travel expenses including transportation, lodging, meals (excluding alcohol), fees (e.g., parking, tolls, ticket change fees, etc.), and other ordinary and necessary incidental expenses while on official travel status are reimbursable.

## Shared Official Travel Expenses

Official travel expenses may be shared by more than one Member or committee office. The division of expenses must accurately reflect each traveler's expenses, and offices may only pay for the expenses of their respective Member, staff, and authorized vendors.

## Chartered Aircraft

Ordinary and necessary expenses related to chartering an aircraft for official travel are reimbursable when:

1. Passengers are restricted to Members, their employees, and their immediate family members (spouse, child, parent), the names of whom must be stated on the voucher.
2. If an immediate family member uses a chartered aircraft with the Member, the Member may seek reimbursement for the full cost of the chartered aircraft and the family member must submit a check to the Office of Finance payable to the U.S. Treasury equivalent to the cost of a comparable commercial first class fare. A letter explaining the reason for its submission must accompany the check.
3. Other non-congressional individuals may travel on the Member chartered aircraft when the following criteria are met:
   a. The chartered aircraft vendor has the ability to charge based on individual seating in the same manner as a commercial aircraft vendor; and
   b. The other passengers are federal, state and local officials, and are joining the Members and staff in support of congressional issues related to the district.

Unless prior written approval is obtained from the Committee on House Administration, a private or charter aircraft between the D.C. metropolitan area and anywhere cannot be reimbursed from official funds. Contact the Committee on House Administration at x58281 for more information.

Prior to any use of a private or charter aircraft whose anticipated cost for the total itinerary exceeds $7,500, written approval must be obtained from the Committee on House Administration. Contact the Committee on House Administration at x58281 for more information.

The Committee recommends that charter or private aircraft be used sparingly, and only if/when the Member determines there is no suitable commercial flight available. Please contact the Committee for more information.

## Corporate or Private Aircraft

Reimbursement for corporate or private aircraft is subject to House Rules. Please contact the Committee on Ethics for information regarding the permissible use of corporate or private aircraft at x57103. The Committee on Ethics may grant approval in writing for the use of corporate or private aircraft. If the Committee on Ethics approves the use of corporate or private aircraft, a Member and/or their employees who travel via corporate, business, or privately-owned aircraft in support of the conduct of official and representational duties must reimburse the entity providing the flight, for the fair market value of the flight. To determine the fair market value of such a flight, apply the following:

1. When the travel is via a previously or regularly scheduled flight by the corporation, business, or individual, the entity must be reimbursed based on the cost of a commercial first class flight to the nearest location served by a commercial passenger airline. If only coach rates are provided at the nearest location, the Member must reimburse the cost of a commercial coach rate.
2. When the flight is scheduled specifically for Member use, payment will be made based on the cost of an equivalent commercial chartered flight to that location.

Prior to scheduling travel provided by any corporation, business, or individual, a Member or employee must verify that the person has authority under its FAA certification to accept payment for travel as set forth above.

## Government Rate Eligibility

Government rates are available to Members and employees to support the conduct of official travel.

To be eligible for Government rates when purchasing tickets for official travel, Members and employees may present:

1. The Government Travel Card; or
2. An Official Travel Authorization (OTA) coupon available from the Office of Finance. (Some airlines only allow the government rate for tickets purchased with the government travel card.)

Contact the General Services Administration (GSA) to obtain a listing of schedules and fares of the federal contract air, rail, bus carriers, car rental companies, and hotels/motels. Government rates are not available for privately-sponsored officially connected travel.

## Officially Leased Vehicles

Ordinary and necessary expenses related to the lease of a vehicle in support of the conduct of official and representational duties are reimbursable.

Non-governmental use of such a vehicle may be made only when such use is:

1. During the course of and generally along the route of a day's official itinerary.
2. Incidental to the day's official and representational business.
3. De minimis in nature, frequency, and time consumed.
4. Does not otherwise constitute a significant activity or event.
5. Not for any campaign/campaign-related political party purpose.

### Short-Term

Ordinary and necessary expenses related to short-term vehicle rentals are reimbursable. Rentals may not exceed 60 consecutive days if the rental is used by only one person.

The government discount rates offered by some rental car companies include:

1. Unlimited free mileage.
2. Collision damage waiver (CDW) at no additional cost.

Cars rented at the government rate should include the CDW. Not all rental car franchises offer the government rate with CDW included. To ensure CDW coverage, offices can make their rental car reservations through the Combined Airlines Ticket Office (CATO). CATO is located at B-222 Longworth Building.

If an office does not use CATO, then the Committee recommends the following:

1. At time of the reservation, indicate that the rental is for official government use at the government rate with CDW included.
2. At the time of rental, use the Government Travel Card (or present official travel authorizations (OTA) to the rental company) and confirm that the car is being rented at a government rate with CDW included. The employee must verify that collision damage waiver is included, as simply receiving the government rate does not automatically ensure inclusion of this insurance.

Offices may obtain an Official Travel Authorization coupon from the Office of Finance.

If the government rate is unavailable, the cost of CDW is reimbursable.

Personal accident insurance (PAI), personal effects coverage (PEC), and equivalent insurance policies are not reimbursable.

If an employee on official and representational business is involved in an accident with a rental car, notify the Office of General Counsel at x59700.

### Long-Term

Ordinary and necessary expenses related to a long-term rental or lease of a vehicle by a Member in the Member's District are reimbursable.

1. A Member has two leasing options:
   A. Member may lease a vehicle for a period that does not exceed the Member's congressional term.
   B. The Member may lease a vehicle for a period that exceeds the current Congressional term, but must submit a signed letter that acknowledges personal responsibility to fulfill any outstanding obligation stemming from such a lease in the event the Member's service to the House ends prior to the lease agreement. Such letters should be attached to the negotiated lease and submitted to the CAO Office of Administrative Counsel (217 Ford Building).
2. The Committee recommends that Members submit leases to the CAO Office of Administrative Counsel for review prior to being signed by the Member and lessor, since the Member is personally liable for payments under any lease not in compliance with House Rules and Committee regulations.
3. Termination notices should be forwarded to the CAO Office of Administrative Counsel.
4. Leases may not include a purchase option.
5. Lessor-required insurance may be reimbursed. Security deposits are not reimbursable.
6. The Committee recommends that long-term vehicle leases begin on the first day of the month.
7. Monthly payments for a long-term vehicle lease may be made in advance.

The House will authorize disbursement of funds under the terms of the lease agreement only if the lease agreement complies with House Rules and Committee regulations. The House will not authorize disbursement of funds to make payments under the terms of the lease agreement until the CAO Office of Administrative Counsel has reviewed the lease and has signed the lease attachment.

In the event of an accident with an officially leased vehicle, Members or staff may contact the Office of the General Counsel (202-225-9700) for guidance related to the Federal Tort Claims Act.

### Expenses

Expenses related to leased vehicles (both short-term and long-term) including but not limited to the following are reimbursable:

1. The actual monthly cost of the lease (not applicable to short-term);
2. The cost of insurance incurred pursuant to the terms of the lease (not applicable to short-term);
3. Excess mileage charges incurred pursuant to the terms of the lease;
4. Incidental operating expenses (gasoline, oil, general maintenance, etc.);
5. Wear and tear (not applicable to short-term);

6. Registration fees (not applicable to short-term); and
7. Property tax during the term of the lease (not applicable to short-term).

Security deposits, termination fees, traffic violations, parking tickets, depreciation loss based on premature return, and similar fees, penalties or charges may not be reimbursed.

### Global Positioning Systems

Costs for Global Positioning Systems (GPS)/ Navigational Systems in support of official and representational duties are reimbursable.

### Satellite Radio Service

Costs of satellite radio service in support of official and representational are reimbursable.

### Privately-Owned/Privately-Leased Vehicles

The cost of transportation by Member or employee via a privately-owned or privately-leased vehicle while on official and representational business is reimbursable on a rate-per-mile basis. The maximum rates-per-mile are:

- Automobile: $.575
- Motorcycle: $.545
- Airplane: $1.29

To confirm that the above represent the current applicable rates, contact the Committee on House Administration at x58281. Each Member may establish a lower reimbursement rate.

For purposes of this paragraph, "privately-owned" and "privately-leased" vehicles do not include any vehicle owned or leased by the principal campaign of a Member, a political-action committee, or a political party.

Reimbursement for use of privately-owned or privately-leased vehicles is permitted only on a rate-per-mile basis and not for fuel purchased or on any other basis.

Only mileage for use of an aircraft that is privately owned by either a Member or the Member's employee is reimbursable.

### Travel Promotional Awards

Free travel, mileage, discounts, upgrades, coupons, etc., awarded at the sole discretion of a company as a promotional award may be used at the discretion of the Member or the Member's employee. The Committee encourages the official use of these travel promotional awards wherever practicable.

# VOUCHERS AND PAYMENTS

### Advance Payments

There are instances in which advance payments may be required and may be paid from the MRA. All advance payments must meet all of the following three criteria:

1. The vendor provides these billing options to other customers (documentation required).
2. The amount to be paid must be fixed at the time of purchase (e.g., variable cost contracts or services are ineligible).

3. All transactions for advance payments for the next legislative year must be submitted for payment before the beginning of that legislative year.

Unless specifically authorized by the Committee, only the following advance payments are reimbursable and only to the extent they last the current term of Congress (except where noted):

1. Public information booth rental
2. Educational expenses
3. Authorized insurance premiums
4. Subscriptions for print and electronic publications
5. Telecommunications devices or services (including Blackberry services)
6. Post-office box rentals
7. Original Equipment Manufacturers' warranties
8. Long-term automobile leases up to the end of a Member's term, when a savings to the House may be achieved as a result of the advance payment (including GPS, and satellite radio services)
9. Web and information technology services (including software license and maintenance fees) Advance payments are not allowable for custom services to be performed such as but not limited to designing or building websites.
10. District office security services
11. Correspondence management systems (one month in advance)
12. Cable television services, including digital video recording services
13. Bottled water/coffee services
14. District office recycling and trash fees, janitorial services
15. District office rent one month in advance

Any Member who is sworn into Congress midterm is the assignee of all advance payments of his or her predecessor.

## Authorized Methods of Payment

Official travel-related expenses may be paid with cash, check, personal credit card, etc., or the Government Travel Card for Members and employees and reimbursed through the Office of Finance.

## Reimbursement and Direct Payment

Disbursements from the MRA are paid on a reimbursment basis or by direct payment (to vendors) and require:

1. The Member's signature, certifying that the expense was incurred in support of the Member's official and representational duties to the district from which he or she is elected.
2. Supporting documentation (receipt, lease, bill etc.).

## Government Travel Card

The Government Travel Card is available for Member and employee use for official travel and travel-related expenses. Travel expenses incurred on this card are directly reimbursable to Citibank with a copy of the credit card statement, an accompanying voucher, and applicable receipts.

Members and employees are reminded that the Government Travel Card is for official travel purposes only. Use of this card for any personal or non-official purchases is prohibited. The Government Travel Card may be used by the cardholder only. The cardholder may use the card to purchase travel-related services (e.g., airline tickets, hotel expenses, etc.) for other authorized travelers.

The Office of Finance will monitor the monthly delinquency report received from the vendor and alert offices of delinquencies. The Office of Finance will not intervene with the vendor in the event of a delinquency.

## Seeking Reimbursement: Vouchers

For information related to submitting vouchers for reimbursement, please refer to the Voucher Documentation Standards available on HouseNet.

## Expired Appropriations

The Salaries and Expenses appropriation for the House of Representatives, which includes MRA funds, is withdrawn two years after the year for which the funds were originally appropriated. This occurs on September 30 of the year.

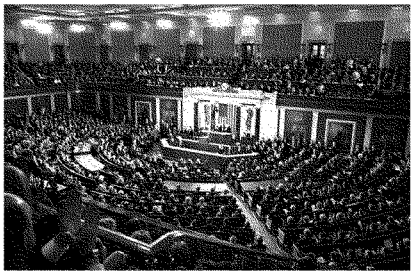
In the unlikely event an office requests reimbursement for an official and representational expense incurred during a year for which the appropriation has been withdrawn, the Office of Finance will determine if an amount sufficient to pay the expense would have been available if the appropriation had not been withdrawn. If no funds would have been available, then the expense is the personal liability of the Member.

If the expense would have been payable had it been timely submitted, notwithstanding the expired appropriation, then the expense may be paid from a currently available allowance, if available.

## Tax Exempt Letters

To avoid paying unnecessary taxes, please contact the Office of the General Counsel at x59700 for tax exempt letters applicable to each state.

# CONGRESSIONAL ORGANIZATIONS



Committee on House Administration Website

## Congressional Member Organizations

### General

Members of Congress may form a Congressional Member Organization ("CMO") in order to pursue common legislative objectives.

### Registration

Each Congress, CMOs must register with the Committee on House Administration. Registration should be done by letter request to the Chairman of the Committee.

CMOs must provide the following information:

1. Name
2. Statement of Purpose
3. Officers of the CMO
4. Employee designated to work on issues related to the CMO

To register a CMO electronically, please visit the

### Membership

Members of both the House and Senate may participate in CMO, but at least one of the Officers of the CMO must be a Member of the House. The participation of Senators in a CMO does not impact the scope of authorized CMO activities in any regard.

### Funding and Resources

CMOs have no separate corporate or legal identity. A CMO is not an employing authority. The MRA may not directly support a CMO as an independent entity. A CMO may not be assigned separate office space. Neither CMOs nor individual Members may accept goods, funds, or services from private organizations or individuals to support the CMO. Members may use personal funds to support the CMO.

A Member of a CMO, in support of the objectives of

that CMO, may utilize employees (including shared employees) and official resources under the control of the Member to assist the CMO in carrying out its legislative objectives, but no employees may be appointed in the name of a CMO. Business cards for individuals who work on CMO issues must list the employing authority before the name of the CMO.

CMOs may have independent web pages when no official resources are used, outside of staff time, to create and support the site.

Members may request a URL for a CMO, provided that the request complies with the CMO domain name regulations issued by the Committee on House Administration. Web pages using such a URL need not have the same design or layout as the Web site of the sponsoring Member.

### Communications

CMOs may not use the Frank, nor may a Member lend his or her Frank to a CMO.

A Member may use official resources for communications related to the purpose of a CMO. Any such communications must comply with the Franking Regulations.

Members may devote a section of their official website to CMO issues.

A Member may use inside mail to communicate information related to a CMO.

Members may prepare material related to CMO issues for dissemination.

Official funds may not be used to print or pay for stationery for the CMO.

Members may refer to their membership in a CMO on their official stationery.

## Congressional Staff Organizations

### General

A Congressional Staff Organization ("CSO") is an organization, a majority of whose members are House employees, that exists for the purpose of facilitating interaction among congressional staff.

Each Congress, CSOs must register with the Committee on House Administration.

At least one officer of a CSO must be an employee of the House, and all officers must be employees of the House or Senate.

A CSO should contact the Committee on Ethics at x57103 before accepting anything of monetary value from a private source.

### Official Resources

Other than as specified in this section, House staff that participates in a CSO may make only incidental use of official resources for activities related to a CSO. A CSO is not an employing authority of the House and may not be assigned separate office space.

Each Congress, in order to use official resources of the House (e.g., inside mail, House Intranet, etc.), a CSO must register with the Committee on House Administration. A sponsoring Member must submit a letter, on official letterhead, to the Committee with the following information:

1. Name of the staff organization;
2. Statement of purpose of the staff organization;
3. Officers of the staff organization, including contact information;
4. Specify which of the following resources the CSO requests use of:
   a. Inside mail
   b. House Intranet site
   c. House Postbox; and
5. Individuals designated to maintain web and mail services on behalf of the CSO (if applicable)

After the CSO is registered, the sponsoring Member may submit, at any time, a letter requesting access to Inside Mail, a House postbox, or a presence on the House Intranet for CSO related activities.

# Modifications

## Additional Changes

The Chairman of the Committee is authorized to make technical and conforming modifications to the Members Handbook, and to make other modifications with the concurrence of the Ranking Minority Member of the Committee and notification to all members of the Committee. In the event changes are made pursuant to this clause, the Chairman shall notify all congressional offices by suitable means.

# EXHIBIT 3

U.S. House of Representatives

# EMPLOYEE HANDBOOK

The Office of

**HON. ELIZABETH H. ESTY**

5th District, Connecticut

Effective: 1/3/2013

**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 Congresswoman Esty and/or her Chief of Staff, who must do so in writing.

_____
Signature of Employee

_____
Date

_____
Member or Designee

**TABLE OF CONTENTS**

PURPOSE OF THE MANUAL ..... 1

POLICIES AND PROCEDURES ..... 2
Management Rights ..... 2
Statement of Equal Employment Policy ..... 2
Personnel Records ..... 2
Payroll ..... 3
Attendance Policy ..... 2
*Employee Classification* ..... 2
*Office Hours* ..... 3
*Lunch Period* ..... 3
*Snow Days and Other Contingencies* ..... 3
*Time and Attendance Records* ..... 4
*Overtime for Non-exempt Employees* ..... 4
Conflicts of Interest/Ethics in Government Act ..... 5
Outside Employment ..... 5
Domestic/Foreign Gifts and Travel ..... 6
Political activities ..... 6
Reimbursement for Official Expenses ..... 7
The Frank ..... 8
Mass Mailings ..... 8
Use of Official Stationery ..... 8
Prohibition on Illegal Activity ..... 9
Drug and Alcohol Abuse Policy ..... 9
*Voluntary Treatment and Counseling* ..... 9
*Non-discrimination Policy* ..... 9
*Fitness for Duty* ..... 10
*Discipline for Violation of this Policy* ..... 10
Tobacco Consumption Policy ..... 10
Recycling Policy ..... 10
Safety and Security Policy ..... 10
*Security Threats* ..... 10
*Bomb Threats* ..... 11
*Threats to a Member or Employee* ..... 11
*ID Cards and Keys* ..... 11
*Personal Safety and Escorts* ..... 11
*Injuries and Medical Emergencies* ..... 11
Office Property ..... 12
Computer Policy ..... 13
*Electronic Mail Policy* ..... 13
*Internet Use Policy* ..... 14
*Social Networking and Blogging Policy* ..... 15
News Media Relations ..... 15
Open Door Policy ..... 16
Confidentiality ..... 16



COE.ESTY.003100

Anti-Harassment and Anti-Discrimination Policy ..... 17
*Harassment* ..... 17
*Sexual Harassment* ..... 17
*Other Prohibited Forms of Harassment* ..... 18
*Employee's Responsibility* ..... 18
*Procedures* ..... 18
Performance Reviews ..... 19
Employee Conduct and Discipline ..... 19
*Insubordination* ..... 20
*Personal Appearance* ..... 20
*Telephone Etiquette* ..... 20
*Misconduct* ..... 20
Termination of Employment ..... 22
References ..... 22

EMPLOYEE BENEFITS ..... 24
Holidays ..... 24
Leave Policy ..... 24
*Annual leave* ..... 24
*Sick leave* ..... 25
*Personal leave* ..... 26
*Religious Holidays* ..... 26
*Bereavement leave* ..... 26
*Military and federal emergency task force leave* ..... 26
*Jury and witness duty* ..... 29
*Furlough* ..... 29
*Family and Medical Leave* ..... 29
*Leave without pay (LWOP)* ..... 35



COE.ESTY.003101

## 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 January 3, 2013; 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 or the District Director, 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.

## 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 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).

**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.

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 Congresswoman 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. This policy goes into effect only when the Office of Personnel Management ("OPM") has determined that area federal government offices are completely closed due to inclement weather, or when the Chief of Staff [Washington, D.C.] or District Director [Connecticut] determine that their respective office will be closed. In such

circumstances, leave will be granted to those employees who are unable to report to work safely.

However, if OPM has determined that federal government offices are closed, ***but the House is in session***, employees are expected to report to work unless they hear otherwise from the Chief of Staff [Washington, D.C.] or District Director [Connecticut].

During inclement weather scenarios or other emergencies, employees should keep informed of the office's operating status by checking email, blackberries, and otherwise staying in contact with the office.

***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 Sunday 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 (Washington, DC) or District Director (Connnecticut). Requests for reimbursement for official expenses shall be vouchers provided by the House Finance Office. 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.

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 Offices of Representative Esty will reimburse staff for $.50 per mile for travel in a private vehicle solely related to official activity and meal costs incurred, up to the following limits: $8.00 for breakfast; $10.00 for lunch; $25.00 for dinner. Vouchers with receipts must be submitted in the same manner as other requests for reimbursement. Reimbursements will be provided only with regard to meals attended due to official congressional business.

Reimbursements will not be provided for meals consumed merely in the course of staff travel or non-event related staff activity. Reimbursement will not be provided for meals consumed by individuals other than Representative Esty's congressional staff members.

**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,



COE.ESTY.003112

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 (Washington, D.C.), the District Director (Connecticut) or Congresswoman 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 Congresswoman 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.*, Blackberrys, laptops, mobile phones.). This equipment is property of the House of Representatives, and employees have a duty to safeguard this property form 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



COE.ESTY.003116

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 Networking and Blogging Policy***

While employed by this Office, you must refrain from posting, maintaining or otherwise contributing to any social networking sites, on-line journals or blogs, tweets, or any other internet-based electronic communication, document, or site in a way that depicts or describes the activities of, or your employment with, the Member or the Office. Moreover, the disclosure of any information that is confidential or proprietary, which you gained through your employment with the House of Representatives, is prohibited. If you have any questions about what constitutes confidential or proprietary information, ask the Chief of Staff (Washington, DC) or District Director (Connecticut) for guidance.

Any participation in social networking sites, on-line journals or blogs, tweets, or any other internet-based electronic communication, document, or site in a way that does not reflect creditably on the Office and/or the House of Representatives, or otherwise violates office policy, may lead to disciplinary action, up to and including termination of employment. For example, participation in a blog or social networking site which has the intent or effect of harassing or intimidating an individual or group on the basis of race, color, religion, sex, age, military status, national origin or disability, is strictly prohibited.

<u>Questions to Ask Before Posting:</u>

- Could this possibly be the basis for an attack or news piece against my boss?
- Am I promoting an opinion on policy currently before Congress?
  *Regardless of whether or not the Congresswoman might be in agreement with you on an issue, it might not be something we want to promote or her stance may not be public.*
- Does this relate to my professional duties?
- Does this relate to local political issues?

*If the answer to any of these questions is yes, don't post unless you are "sharing" posts from the Congresswoman on Facebook, retweeting her, or expanding the reach of the office's official communication in some way and consulted with the Communications Director and/or Chief of Staff.*

**News Media Relations**



COE.ESTY.003118

Only the Communications Director and the Chief of Staff are authorized to communicate with members of the press without direct authorization from the Communications Director or Chief of Staff. 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 Congresswoman 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 Congresswoman 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.



COE.ESTY.003120

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. 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



COE.ESTY.003121

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**

The office may periodically 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 it 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,

***Insubordination***

Employees are expected to follow directions given by a supervisor or person in authority. 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.

***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." 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.

***Misconduct***



COE.ESTY.003123

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, the office requests three weeks notice be provided. 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, keys and parking permit. 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.

At the conclusion of an employee's service in the office, 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 Congresswoman 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).

#### *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



COE.ESTY.003127

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 each calendar year 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.

Requests for annual leave must be submitted **in writing** to the Chief of Staff (Washington, D.C.) or the District Director (Connecticut). 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).

Annual leave time will accrue, after a staff member has completed one year of employment. 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 30 annual leave days may be carried over from one calendar year to the next. Any balance beyond 30 days will be lost. If the office elects to pay the employee a lump sum for accrued annual leave upon termination, the amount shall be the lesser of the amount of monthly pay of the employee or the amount equal to the monthly pay of the employee, divided by 30, and multiplied by the number of days of accrued annual leave of the employee.

***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.



COE.ESTY.003131

*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. <u>Basic 12-Week FMLA Leave Entitlement</u>

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 pay for a portion of FMLA leave as follows:

- For types A and B FMLA leave: if the employee has been employed by the office for at least twelve months, he/she is entitled to twelve weeks of FMLA leave (four weeks of paid leave and eight weeks of unpaid leave) to care for a newborn, newly adopted or newly placed foster child.

- For type C FMLA leave: if the employee has been employed by the office for at least twelve months, he/she is entitled to twelve weeks of FMLA leave (four weeks of paid leave and eight weeks of unpaid leave) to care for the family member's serious health condition.

- For type D FMLA leave: if the employee has been employed by the office for at least twelve months, he/she is entitled to twelve weeks FMLA leave (four weeks of paid leave and eight weeks of unpaid leave) for the employee's serious health condition, which includes childbirth or complications caused by pregnancy.

Note that birth mothers are entitled to type A leave and type D leave.

Except as listed above, the office does not pay for FMLA leave. Employees may, however, at their option, substitute their accrued annual leave for otherwise unpaid FMLA leave. Accrued annual leave may be substituted for type A, B or C leave. In addition, accrued annual leave and/or sick leave may be substituted for type D leave. When an employee substitutes annual leave and/or sick leave for FMLA leave, that time will count toward the employee's FMLA entitlement. In other words, the use of substituted paid leave will run concurrently with the employee's use of unpaid 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



COE.ESTY.003134

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), 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 Chief of Staff (Washington, DC) or District Director (Connecticut) 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 Chief of Staff (Washington, DC) or District Director (Connecticut) 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.

4. 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 (Washington, DC) or District Director (Connecticut) 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 4

Date: July 20, 2016
To:
From:
RE: Office Assessment
COPY: 1 of 2

---

**SUMMARY**

The staff respects the member and appreciates the member's commitment to and energy and enthusiasm for the job. Staff feels the member respects and appreciates the work of the staff. Each staff member genuinely likes working for the member and wants to be a part of the office's and the member's agenda.

The Chief of Staff engages in a pattern and practice of emotionally and abusive behavior towards female staff members. Verbal and physical abuse, including bullying, toward individual staff members has been exhibited and witnessed by other members of the staff. The Chief of Staff has consolidated information and power, isolating the member and increased the propensity for the Chief of Staff to abuse that power. It is commonly known that the Chief of Staff has engaged in multiple intimate relationships with subordinate female staff. The totality of these behaviors accounts for a significant amount of recent staff turn over. It is also widely known that the COS has had legal action taken against him recently for his behavior outside of the office and it is now known and discussed by people outside of the office.

Staff have not reported abuse because a fear of retaliation including threats of firing and long-term damage to staffs' professional careers on the Hill, desire to protect the member and the member's office, fear of imposing on the member's time, lack of understanding of appropriate and inappropriate behavior and where the lines are drawn, lack of resources or means to report inappropriate behavior in a safe and non-public manner both internal or external to the office, and fear that no action will be taken to address reports from staff by the member or the Chief of Staff.

The current environment does not appear to diminish how staff views the member nor create ill will amongst junior staff toward the member. Now that the door has been opened, however, staff is expecting quick, decisive, and commensurate action to be taken. Failure to act in an internally public and visible manner is likely to result in additional staff turn over.

Externally, the current environment is not sustainable. It has been reported that staff in another delegation office have discussed the PO against the COS. In this delegation, it may not take very long for rumors to bubble up to the press. If it makes it to the press, and the member has not taken action, it will become a liability. Counseling will likely not be deemed a sufficient response for addressing the existing complaints. Further, if staff does not believe action addresses the seriousness of the complaints outlined below, the member should be prepared for current staff to leave and to not remain silent about their reasons for leaving.

**OUTLINE OF FINDINGS**

Management Practices

- A culture of verbal and emotional abuse
    - Screaming in front of staff and behind closed doors
    - Bullying and threats to job and career (blacklisted from working on the Hill)

    - COS cannot be left alone with Interns
    - Other staff is expected to engage in and validate abusive behavior
- Abuse of power and manipulation
    - Information is filtered and COS personal assessments define the member's view of staff
    - Credit is not given based on work product and given to the wrong people
    - Credit is taken by senior staff for ideas and work product of reporting staff
    - Compensation and leave policies are not clearly defined and fully governed by the discretion of the COS
- Clear disparity between treatment of men and woman in the office
    - Engaged in multiple intimate relationships with female staff members including senior, junior and entry level staff.
    - Salary negotiations and offers are significantly below previous male staff members, below House averages, and not reflective of the investment made by staff.
    - Raises voice and loses temper with women; not witnessed with men
        - Hit a female staff member when she refused to be screamed at
    - Women are expected to figure it out themselves and not to both senior staff with questions or ideas
    - Women are belittled in front of other staff or in private for asking questions
    - Men are given space to ask questions and engage in conversations with senior staff

Effects

- Staff Turnover
    - 2-3 members of the DC staff will leave if action is not taken
    - 9-10 staff members left the office or were not asked back from 2015-2016
- Diminished Quality of Life for Staff
    - Clearly established and identified "Winners" and "Losers" among staff
        - Unclear why some are on the winners list and some on the losers list
        - No guidance on how to move from the losers list to the winners list
        - No guidance on how one moves from winners list to losers list creating fear of senior staff
- Diminished Work Product
    - No motivation for improving work or taking on new projects
    - Hard work is not rewarded in compensation or professional development opportunities
    - Propensity for mistakes to be made because female staff are expected to figure it out on their own
    - Lack of training slows down the ability of staff to meet expectations and goals
- Diminished Credibility of the Office
    - After hours behavior is well known by other offices
    - Lack of respect amongst other delegation offices
    - The catalyst has reached rumor status among other offices
- Diminished Credibility of the Member
    - The office as it is run now does not align with the goals and priorities of the member
    - A lack of oversight on the part of the member has allowed the behavior to continue unmitigated
    - An open door policy is not enough. Capitol Hill practices prevent staff from elevating grievances to the member's attention, operating outside the chain of command, or discussing grievances outside the office.

Why it has continued

- No one staff member feels his or her individual experiences are worthy of bringing to the member
- Fear of retribution from senior staff for reporting to the member or bringing to the attention of an external entity such as House ethics
- Respect for the chain of command
- Fear of threat to re-election if information was made public about behaviors in the office
- High risk of retribution outweighs small chance of change

**RECOMMENDATIONS**

1. COS should be asked to resign
2. All Staff meeting outlining actions being taken
3. Required Management Training for Senior Staff
4. All staff briefing on House services for professional development and Human Resources
5. Required Weekly one-on-ones between senior and junior staff – even when in session
6. Peer and junior staff reviews of management every three months
7. Management reviews of all staff every three months including Member to COS
    a. Reviews conducted of senior staff by junior staff included in reviews
8. Prioritize direct junior staff time with the member
    a. Issue briefings
    b. Staffing
    c. One-on-ones
9. Clearly defined expectations of appropriate office behavior
    a. What does normal look like?
    b. What is appropriate and what is not appropriate behavior?
    c. What should be reported?

**OUTCOMES**

- Legislative Agenda
- Re-elect
- Personal

**BACKGROUND**

The member requested the author to engage in a comprehensive assessment of management practices as well as office policies and procedures for the official office. The member gave permission to the author to independently interview current and former staff, both on the official side and campaign side. Findings are the result of thirteen interviews of current and former staff of both on the official and campaign sides. Interviews were conducted July 6 through July 19, 2016. Three of the thirteen interviews were unsolicited and were sought out by the interviewees. All information is presented anonymously except that information which the staff member gave express permission to disclose her or his identity. Examples that may reveal the identity of a current or former staff member have also been excluded unless permission to disclose was expressly granted by the impacted staff member.

# EXHIBIT 5

Gmail

Tony Baker [redacted]

**FW: Tony Baker Story**
6 messages

**Andrew Ricci** [redacted]
To: Tony Baker [redacted]

Tue, Mar 27, 2018 at 2:27 PM

Some of these might be easier to answer than others ...

Andrew S. Ricci

*Principal, Riccon Strategic Communications*

[redacted]

www.ricconstrategic.com

[redacted]

**From:** Viebeck, Elise [mailto: [redacted]
**Sent:** Tuesday, March 27, 2018 2:15 PM
**To:** Andrew Ricci [redacted]
**Subject:** Re: Tony Baker Story

Hey Andrew - nice chatting earlier today.

Sending you a bunch of stuff to look at here under three headings: questions, fact-checking and allegations to respond to if he wants. We would love something on-the-record for the piece (or a formal decline to comment); happy to receive the rest on background.

We aren't planning to publish until Thursday, so is tomorrow noon a fair deadline for getting stuff back? Let me know what you think. Thanks.

**Questions:**

Does Tony feel the dismissal process treated him fairly? Does he think anything about it needs to be changed?

Does he want to respond to [redacted]s claims (see below)? What should readers know about his behavior since those alleged episodes?

**Fact-checking:**

[redacted] and Tony casually dated for a couple months in early 2013 -- is that right?

The protective order required him to enroll in alcohol abuse counseling and an anger management program -- I assume he did?

He was never formally charged with a crime -- correct?

When did Elizabeth first indicate she was planning to dismiss him?

When (roughly) was Tony's last day working for Elizabeth while physically present in the office?

Was Tony paid a severance beyond what was owed to him in accrued leave? Does their agreement fit into the category of a "settlement"?

Elizabeth says she was pressured by House Employment Counsel to sign the NDA and was generally limited in her actions during the dismissal process. Does that square with his understanding?

Did Elizabeth do more for his job search than give him a limited recommendation to Sandy Hook Promise?

**Claims from [redacted] documents:**

[redacted] alleges that around Dec. 2013/Jan. 2014, she made a formal pitch to Tony Baker for more responsibilities in the office. She claims he asked her to "fuck" him on his desk after her presentation and suggested it would help her advance professionally.

[redacted] claims that starting in Jan. 2014, she was "regularly and severely harassed" by Tony (3x/month meltdowns, insults, screaming fits, calling her a slut) during work hours. She claims he once punched her in the back in the office.

[redacted] claims Tony threatened to harm her career if she reported his behavior to the Ethics Committee. She claims he cited Elizabeth's political future as a reason not to report.

*From [redacted]'s eventual petition for protection order: "Throughout the Winter of 2014 Respondent repeatedly screamed at Petitioner in the workplace, making Petitioner feel intimidated and caused Petitioner to feel that she could not report Respondent's action without putting her safety at risk."*

*Also: "Respondent screamed at Petitioner. Respondent punched Petitioner in the back. Respondent told Petitioner that if she reported Respondent to House Ethics he would prevent Petitioner from ever getting a job again. Respondent punched Petitioner in the back."*

[redacted] claims Tony called her 50+ times on the night of May 5, 2016, telling her he knew where she lived and how to get into her apartment. In one message, which she shared with us, he threatens to

[redacted]

"fucking kill" her if she doesn't pick up.

*From [redacted]s petition for protection order: "Respondent called petitioner approximately fifty times. Respondent repeatedly told Petitioner he would find her. Respondent told Petitioner he would kill her. Petitioner called the police and filed a report for felony threats."*

---

**From:** Andrew Ricci [redacted]
**Sent:** Monday, March 26, 2018 6:47:09 PM
**To:** Viebeck, Elise
**Subject:** Re: Tony Baker Story

Sounds good. Talk to you tomorrow.

Have a good evening!

Andrew

Andrew S. Ricci

Principal, Riccon Strategic Communications

[redacted]

www.ricconstrategic.com [%3cbr]

[redacted]

---

**From:** Viebeck, Elise [redacted]
**Sent:** Monday, March 26, 2018 6:18:07 PM
**To:** Andrew Ricci
**Subject:** Re: Tony Baker Story

Hi Andrew - yes, thanks for reaching out. Let me give you a call tomorrow.

Elise

On Mar 26, 2018, at 4:56 PM, Andrew Ricci [redacted] wrote:

[EXTERNAL EMAIL]

Hi, Elise… I'm reaching out on behalf of Tony Baker. We've heard through the grapevine that you may be working on a story pertaining to him and I wanted to make sure you had my contact information in case you need it. If you've got some time to chat about it, please let me know.

Thank you in advance and I look forward to talking with you soon.

Andrew

[redacted]

**Andrew S. Ricci**

*Principal, Riccon Strategic Communications*

[redacted]

www.ricconstrategic.com [ricconstrategic.com]

[redacted]

---

**Andrew Ricci** [redacted] **Wed, Mar 28, 2018 at 2:02 AM**
To: Tony Baker [redacted]

Ok, take a look at these when you get a chance in the morning and let me know what you think. The answers in italics I've intended to be on background, the answer in regular text would be on the record, and the all caps is stuff I'm hoping to address off the record, with the option to do it on background if she thinks it's critical to the story. The only thing that would be on the record, at least initially, is the answer to the second question, which is generally what we worked up yesterday, I just tooled with it a little bit.

The things that are highlighted are things that I want to double check and confirm, because they are things that I made an assumption that I want to make sure is accurate.

Talk to you in the AM...

**Questions:**

**Does Tony feel the dismissal process treated him fairly? Does he think anything about it needs to be changed?**

*I'm not sure that "dismissal process" is the right term. Tony voluntarily offered to resign after the incident and this is the route that it took because this is how the House Employment Office recommended they move forward. His top concern was picking up the pieces and trying to make things right with everyone involved rather than whether he was treated fairly. He had already decided to stop drinking and was focused on trying to start living a sober life. Neither he nor Rep. Esty proactively asked the other for an NDA to be put in place, but the House recommended it and both of them accepted that recommendation*

**Does he want to respond to [redacted]s claims (see below)? What should readers know about his behavior since those alleged episodes?**

Tony made a bad decision while heavily under the influence of alcohol almost two years ago, and he knows that it fell short of the standards he sought to live up to and that others expected of him. He knows that there is no excusing what happened, but he can only ask for forgiveness and take the necessary steps to make sure it never happens again.

[redacted]

Over the past two years, he has gone above and beyond to make the situation right. He has apologized, genuinely and profusely, to everyone involved and everyone he let down. He's tried to make amends and fully complied with everything that's been asked or required of him. He's completed anger management counseling, sexual harassment training, and has been receiving continuous alcohol treatment. He's been living a sober life for almost two years and hasn't had a drink or even a drop of alcohol. And as a result of getting the comprehensive help he needed to address it fully and completely, he's a changed person and is working to be someone that other men can look to as an example for what is possible. It's impossible to take back what has been done, but hopefully others will learn from his experience.

**Fact-checking:**

**[redacted] and Tony casually dated for a couple months in early 2013 -- is that right?**

*They had a consensual physical relationship on and off from March 2013 through January 2014. Around the time that he was promoted to Chief of Staff, he ended this relationship because he thought it would be inappropriate given his new position. The biggest break in this period where they were not involved in a physical or romantic relationship was several months in the summer of 2013. By winter of 2013, they had restarted their relationship.*

*It's important to note that even during the time that they were not dating but were working together, they had a cordial and friendly relationship. Even though they ended their relationship in early 2014, they remained friendly and cordial outside of the office. In 2015, [redacted] asked Tony if she might be able to move into his house while she was between leases, which he agreed to. They were not working together during this time, nor did they have any romantic or physical relationship. However, they remained very good friends and very close.*

**The protective order required him to enroll in alcohol abuse counseling and an anger management program -- I assume he did?**

*The protective order did not require this. It was requested in the temporary order that he get counseling, but in the protective order he agreed to, it was not a requirement. However, by the time that they formalized the protective order, he had already been in alcohol abuse counseling for approximately a month and had taken steps to get into an anger management program. He officially began the anger management program in July, which was the first available time that a slot was open.*

**He was never formally charged with a crime -- correct?**

*This is correct.*

**When did Elizabeth first indicate she was planning to dismiss him?**

*He offered to resign in May.*

**When (roughly) was Tony's last day working for Elizabeth while physically present in the office?**

[redacted]

*Last day was July 24th.*

**Was Tony paid a severance beyond what was owed to him in accrued leave? Does their agreement fit into the category of a "settlement"?**

*Wouldn't consider it a "settlement." He never asked for anything and left voluntarily. It was slightly above what he was owed in accrued leave, but can't go into much more detail because the terms were confidential.*

**Elizabeth says she was pressured by House Employment Counsel to sign the NDA and was generally limited in her actions during the dismissal process. Does that square with his understanding?**

*Yes, that squares with his understanding. He offered to resign and House Employment Counsel advised that they enter into an NDA. At no time did either party say or suggest "we should do an NDA" but on the recommendation of House Employment Counsel, they entered into one.*

**Did Elizabeth do more for his job search than give him a limited recommendation to Sandy Hook Promise?**

*No. She did not do anything. He found the opportunity with SHP, applied for it, and pursued it on his own. At the very end of the process, he let her know that she would likely be receiving a reference call and he discussed with her why he thought he was a good fit for the position. She did not go out of her way to get him the job, nor did he ask her to.*

**Claims from [redacted] documents:**

**[redacted] alleges that around Dec. 2013/Jan. 2014, she made a formal pitch to Tony Baker for more responsibilities in the office. She claims he asked her to "fuck" him on his desk after her presentation and suggested it would help her advance professionally.**

RESPOND OFF THE RECORD TO PROVIDE BACKGROUND AND CONTEXT. IF SHE WANTS TO USE IT OR FEELS THAT IT IS IMPORTANT TO THE PIECE, WE WILL DISCUSS HOW TO DO SO. DISPUTE THAT THE TWO WERE RELATED BY PROVIDING BACKGROUND ON THE SEXUAL ENCOUNTER IN THE OFFICE, THAT IT HAD BEEN SOMETHING THEY HAD DISCUSSED ON SEVERAL OCCASIONS, AND THAT IT WAS UNRELATED TO ANY PROFESSIONAL ADVANCEMENT.

**[redacted] claims that starting in Jan. 2014, she was "regularly and severely harassed" by Tony (3x/month meltdowns, insults, screaming fits, calling her a slut) during work hours. She claims he once punched her in the back in the office.**

DISPUTE THAT HE PUNCHED HER BUT NOT THE OTHER ITEMS. I KNOW YOU SAID YOU DIDN'T THINK YOU CALLED HER A SLUT, BUT UNLESS WE ARE 100% POSITIVE, I DON'T WANT TO GO DOWN THAT ROUTE.

[redacted]

PROVIDE ADDITIONAL CONTEXT ABOUT THEIR RELATIONSHIP BETWEEN 2013-2016. WE ARE NOT SAYING SHE IS WRONG OR LYING ON MOST OF THESE POINTS, BUT WE DO WANT TO MAKE SURE THE FULL CONTEXT IS REPRESENTED. PROVIDE GCHAT RECORDS WHERE APPROPRIATE AND POSSIBLE.

[redacted] claims Tony threatened to harm her career if she reported his behavior to the Ethics Committee. She claims he cited Elizabeth's political future as a reason not to report.

*From [redacted]s eventual petition for protection order: "Throughout the Winter of 2014 Respondent repeatedly screamed at Petitioner in the workplace, making Petitioner feel intimidated and caused Petitioner to feel that she could not report Respondent's action without putting her safety at risk."*

*Also: "Respondent screamed at Petitioner. Respondent punched Petitioner in the back. Respondent told Petitioner that if she reported Respondent to House Ethics he would prevent Petitioner from ever getting a job again. Respondent punched Petitioner in the back."*

[redacted] claims Tony called her 50+ times on the night of May 5, 2016, telling her he knew where she lived and how to get into her apartment. In one message, which she shared with us, he threatens to "fucking kill" her if she doesn't pick up.

*From [redacted]s petition for protection order: "Respondent called petitioner approximately fifty times. Respondent repeatedly told Petitioner he would find her. Respondent told Petitioner he would kill her. Petitioner called the police and filed a report for felony threats."*

---

**Andrew S. Ricci**

*Principal, Riccon Strategic Communications*

[redacted]

www.ricconstrategic.com

[redacted]

**From:** Andrew Ricci
**Sent:** Tuesday, March 27, 2018 2:27 PM
**To:** Tony Baker [redacted]
**Subject:** FW: Tony Baker Story

[Quoted text hidden]

---

**Tony Baker** [redacted] Wed, Mar 28, 2018 at 7:37 AM
To: Andrew Ricc[redacted]

Looks good. I made some edits in bold. Also to the question on if I think anything needs to be changed with the House process, i wrote this if you think it's worth including:

[redacted]

Does he think anything about it needs to be changed? **Yes, if a staff member says they want to resign, and a Member of Congress also wants them to no longer work in their office, a nondisclosure agreement should not pushed by House Employment Counsel. The NDA removed context of Tony's resignation and prevented an important teachable moment to be shared with the remainder of the staff that could have included discussing the steps Tony was taking to ensure he never makes the same mistakes throughout the rest of his life.**

On Wed, Mar 28, 2018 at 2:02 AM, Andrew Ricci [redacted] wrote:

Ok, take a look at these when you get a chance in the morning and let me know what you think. The answers in italics I've intended to be on background, the answer in regular text would be on the record, and the all caps is stuff I'm hoping to address off the record, with the option to do it on background if she thinks it's critical to the story. The only thing that would be on the record, at least initially, is the answer to the second question, which is generally what we worked up yesterday, I just tooled with it a little bit.

The things that are highlighted are things that I want to double check and confirm, because they are things that I made an assumption that I want to make sure is accurate.

Talk to you in the AM...

**Questions:**

**Does Tony feel the dismissal process treated him fairly? Does he think anything about it needs to be changed?**

*I'm not sure that "dismissal process" is the right term. Tony voluntarily offered to resign after the incident and this is the route that it took because this is how the House Employment Office recommended they move forward. His top concern was* ***trying to figure out what happened on the night of May 5****, picking up the pieces and trying to make things right with everyone involved rather than whether he was treated fairly. He had already decided to stop drinking* ***(sobriety date is May 14, 2016)*** *and was focused on trying to start living a sober* ***and responsible*** *life. Neither he nor Rep. Esty proactively asked the other for an NDA to be put in place, but the House recommended it and both of them accepted that recommendation.*

**Does he want to respond to [redacted]'s claims (see below)? What should readers know about his behavior since those alleged episodes?**

Tony made a bad decision while heavily under the influence of alcohol almost two years ago, and he knows that it fell short of the standards he sought to live up to and that others expected of him. He knows that there is no excusing what happened, but he can only ask for forgiveness and take the necessary steps to make sure it never happens again.

Over the past two years, he has gone above and beyond to make the situation right. He has apologized, genuinely and profusely, to everyone involved and everyone he let down. He's tried to make amends and fully complied with everything that's been asked or required of him. He's completed anger management counseling, sexual harassment training, **attended weekly personal counseling,** and has been receiving continuous **treatment for alcoholism**. He's been living a

[redacted]

sober life for almost two years and hasn't had a drink or even a drop of alcohol. And as a result of getting the comprehensive help he needed to address **his behavior** fully and completely, he's a changed person and is working to be someone that other men can look to as an example for what is possible. It's impossible to take back what has been done, but hopefully others will learn from his experience.

**Fact-checking:**

**[redacted] and Tony casually dated for a couple months in early 2013 -- is that right?**

*They had a consensual physical relationship dating exclusively from March 2013 through late-June 2013, resuming a casual consensual physical relationship within a few months through early-January 2014. When his new role of Chief of Staff began, he ended this relationship because he thought it would be inappropriate given his new position. The biggest break in this period where they were not involved in a physical or romantic relationship was July of 2013. By fall of 2013, they had restarted their relationship.*

*It's important to note that even during the time that they were not dating but were working together, they had a cordial and friendly relationship. Even though they ended their relationship in the first week of January 2014, they remained friendly and cordial outside of the office. In June 2015, [redacted] asked Tony if she might be able to move into his residence while she was between leases, which he agreed to. [redacted] paid rent and shared utilities, had her own bedroom, and hosted her friends at Tony's residence. They were not working together during this time, nor did they have any romantic or physical relationship. However, they remained very good friends, very close, and asked each other professional and dating advice. Within a week of May 5, 2016, [redacted] invited Tony to her home to have drinks on her rooftop where she asked him for advice in her dating life.*

**The protective order required him to enroll in alcohol abuse counseling and an anger management program -- I assume he did?**

*The protective order did not require this. It was requested in the temporary order that he receive those forms of counseling, but in the protective order he agreed to, it was not a requirement. However, by the time that they formalized the protective order, he had already been in alcohol abuse counseling for 52 days and had enrolled in an anger management program in May at the request of Rep. Esty. He officially completed the anger management program on July 9th, due to available time slots. He also began weekly counseling on his own beginning in May.*

**He was never formally charged with a crime -- correct?**

*This is correct.*

**When did Elizabeth first indicate she was planning to dismiss him?**

*They discussed his resignation in May.*

**When (roughly) was Tony's last day working for Elizabeth while physically present in the office?**

*Last day was July 24th.*

[redacted]

**Was Tony paid a severance beyond what was owed to him in accrued leave? Does their agreement fit into the category of a "settlement"?**

*Was not a "settlement" and was not referred to as such. **He did not request an NDA** and left voluntarily. **The severance** was slightly above what he was owed in accrued leave, **and the total amount is publicly available in the Office's August 2016 disbursements. [did not exceed the "Speaker's Pay Order]** can't go into much more detail because the terms were confidential.*

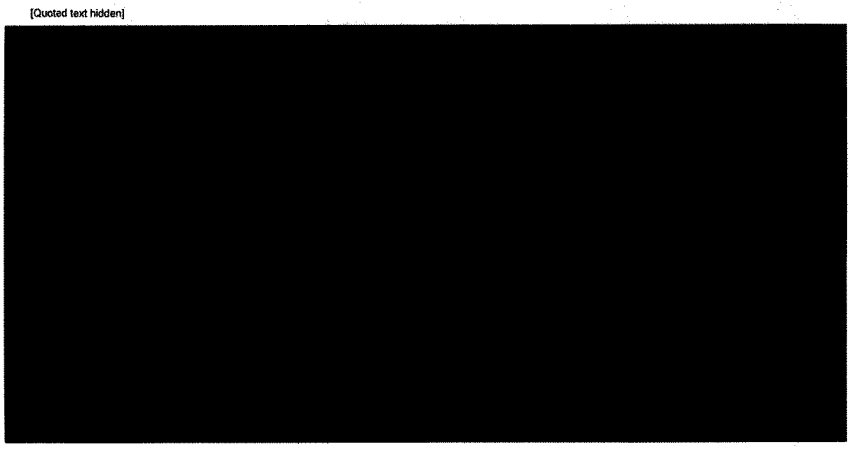
**Elizabeth says she was pressured by House Employment Counsel to sign the NDA and was generally limited in her actions during the dismissal process. Does that square with his understanding?**

*Yes, that squares with his understanding. He offered to resign and House Employment Counsel advised **to Rep. Esty** that they enter into an NDA. At no time did either party **proactively** say or suggest "we should do an NDA" but on the recommendation of House Employment Counsel, they entered into one **drafted by the House Employment Counsel.***

**Did Elizabeth do more for his job search than give him a limited recommendation to Sandy Hook Promise?**

*No. She did not do anything **for his job search. In August 2016, he independently learned of the opportunity in Ohio** with SHP, applied for it, and pursued it on his own. At the very end of the process, **he called her to let her know he was interviewing for the position**, and he discussed with her why he thought he was a good fit for the position. He let her know that she would likely be receiving a reference call. She did not go out of her way to **help him get** the job.*

[Quoted text hidden]



# EXHIBIT 6

## MEMORANDUM

Date: August 1, 2016
To: Hon. Elizabeth Esty
From: Julie Sweet
RE: COS Management Practices

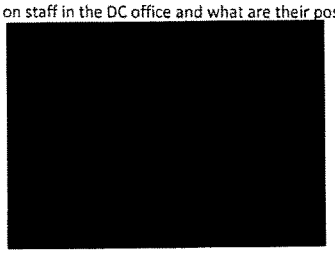
---

Julie Sweet interviewed Tony Baker, Chief of Staff to Rep. Elizabeth Esty, on August 1, 2016 at the law offices of Sandler, Reiff, and Young. The interview commenced at 11:00 am and was completed at approximately 1:00 pm.

The interview was conducted at the request of Rep. Elizabeth Esty and House Counsel. It was fact finding interview to gather the Chief of Staff's responses to various complaints made by official staff in the DC Office.

These complaints resulted from thirteen interviews of current and former staff of both on the official and campaign sides. The member requested the author to engage in a comprehensive assessment of management practices as well as office policies and procedures for the official office. The member gave permission to the author to independently interview current and former staff, both on the official side and campaign side. Interviews were conducted July 6 through July 19, 2016. Three of the thirteen interviews were unsolicited and were sought out by the interviewees.

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



What are your priorities for managing staff?

- *That staff is aware of and working toward roles that help the member service the district.*
- *Managing individuals' issues, assignments, and outside contacts.*

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

- *The member sets the philosophy for the office and establishes the broad goals of the office.*
- *The member's philosophy is to get things done and solve problems on behalf of her constituents and be responsive to the needs of constituents.*

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

- *Yes, the member comes to the Chief of Staff first for the what and whys of the day*

- *Expects the COS to be aware of what's happening and fill the member in from mundane things like vote schedule to guidance on policy and politics.*
- *Serve as a surrogate for her and sign off for her when she is unavailable*
- *The member expects the COS to be the bad guys so she gets to have a friendly relationship with staff*
- *The members expects the COS to serve as gatekeeper*
- *Early on the member told the COS the member's strength and asked the COS to take care of everything else so she wouldn't have to deal with it.*
    - *For example, revising constituent letters, newsletters, and press releases*
    - *A newsletter went out without the member's approval (before the previous election); subsequently the member clawed back approvals of newsletters*
    - *COS set up a process to increase the Legislative Director's role in the constituent letter approval process*
- *The COS attempts to help the member and staff reconcile the struggle between the member as a person and the member as a representative.*
    - *For example, Labor policy, trade policy – helps the member reconcile her personal beliefs with what's best for the district.*
    - *Seeks to help the staff understand that that is their role as well.*
- *The COS takes an active and engaged role in scheduling and editing*
    - *The member struggles with decision making about the schedule and took herself out of it, leaving it to the COS to make decisions on her behalf*
    - *Member expressed concern about the writing skills of some staff. The COS incorporated writing exercises into the staff retreats.*

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

- *COS believes he gives staff adequate access to the member. He routinely suggests that staff take legislative issues to the member.*
- *Regularly forwards emails from staff to the member*
- *A COS the current COS worked for controlled access to the member too much, strives to not let that happen.*
- *During the all staff meeting, have given staff the opportunity to pitch ideas and activities to the member; allows for 2-3 ideas to be shared per meeting.*
- *Has requested the Legislative Director and the Communications Director invite their staffs to participate in AM and PM briefings. It is up to them to invite others in.*
    - *There have been occasions, depending on the issues being discussed, that the COS has limited the meetings to just Senior Staff.*
- *COS believes that staff have ample time to interact with the member on the way to Committee hearings and at hearings themselves.*
- *Has heard staff express concern about their access to the member in the past.*
    - *It is a regular point of contention in most Hill offices.*
    - *Could not site any specific examples of when staff came to the COS about access to the member.*
    - *In response to those concerns, COS attempted to invite more staff to the AM and PM briefings*
    - *COS suggested to the Legislative Director that he request more AM and PM briefings with the member because they were being shifted around due to call time needs*
    - *COS tries to get AM or PM briefings on the schedule 2-3 times a week.*

- *COS reported that scheduling has become much tougher this cycle. Gym time mid-day competed with a number of needs in the office but that has improved with the member going to the gym in the morning.*
    - *It is still a priority for the member to attend all hearings.*
    - *Call Time has become less efficient. COS has attempted to reiterate the importance of efficient call time.*

What is the performance review process in the office?

- *The Legislative Director reviews legislative staff and the staff assistant; the COS reviews those documents.*
- *The COS reviews senior staff and the scheduler.*
- *Reviews are scheduled annually but they don't always happened.*
    - *The COS mentioned an Harvard Business Review article discussing annual reviews and the impediment to timely and constructive feedback and rewards.*
- *The COS has not had a formal review; the COS has not requested a formal review.*
    - *The member has given feedback casually*
- *The COS does not believe the current review system is sufficient.*
    - *Stated that it's difficult to grade things like punctuality and writing in the member's voice on a scale from 1-10. Would prefer a Pass/Fail system with room for comments from the reviewer.*
    - *Stated there is currently no method for staff to review management through this process but the COS would welcome feedback and would love to know how staff thinks he's doing.*

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

- *COS stated that staff feels comfortable coming to the COS with questions or concerns.*
- *The LD has told the COS that he is too involved in legislative activity so the COS has attempted to pull back.*
- *Has been helpful to staff when needed it.*
    - *Senior LA was recently concerned about a bill title; changed the title after their conversation*
- *The COS says he has been told that he is very direct in his guidance*
    - *He has attempted to be more conversational and to make more time for feedback. Has tried with the Assistant Communications Director and an in-district Caseworker.*
    - *The COS does not feel he belittles staff for asking questions but*
        - *He believes he may at times take things too far and can understand people feeling belittled*
        - *He has a bad habit of calling people over to his desk rather than calling or email when timely information is needed; he let's the moment catch up with him.*
    - *A former staff member, in her exit memo, suggested the COS did not take time to explain his feedback; he's attempted to address it by making more time for feedback.*

How do you address low performing staff?

- *The COS stated the office has a formal performance improvement plan.*
    - *Ex. The Assistant Communications Director was not meeting expectation. The Communications Director prepared a memo outlining his concerns and presented it to the COS. The CD did not recommend firing the employee so they developed a performance plan. The staff member has shown marked improvement.*

- *Ex. A former staff assistant in the District Office was not meeting expectations. The District Director approached him about his performance and he decided to the leave the office on his own.*
- *Ex. The District Director put a caseworker in the district office was put on an improvement plan. The COS worked with the DD to phrase the goals and expectations for improvement. The DD has previously had a conversation with the staff member, but wanted documentation with clear objectives outlined.*
- *Ex. The Legislative Director began an improvement plan with a Legislative Assistant. The COS does not know what stage of the process it is in or who is responsible for seeing it through now that the Legislative Director is on leave. The COS mentioned that the staff member would likely not want the Chief of Staff to take over the review process (see notes below).*

- You recently sent an intern home in the middle of the day. What were the circumstances?
  - *Yes, the intern fails to take direction given to her by the Staff Assistant or Chief of Staff. She refuses to use the script or intern guidelines for answering the phone.*
  - *The Staff Assistant attempts to get the interns to rotate seating so as to ensure everyone has an opportunity to do each of the jobs, but this particular intern always sits at the same seat. She then ends up answering the phone on a regular basis.*
  - *This particular occasion, it was late in the afternoon, after 3:00 pm. The intern took a call and ignored the guidelines for addressing the constituent's concerns.*
  - *The COS exclaimed, "What the F---", from his desk. Directed the Staff Assistant to talk to her about the guidelines for answering the phone and had him send her home.*
    - *Sent her home for two reasons: 1) she behaves like she's an employee and the COS wanted to elevate the seriousness of her behavior and 2) the COS was uncomfortable with his reaction to the events.*
  - *No other members of the staff expressed concern about the level of discipline.*
  - *The intern is the worst performing of all of the interns and was not responsive to constructive feedback.*
- COS stated on of the Legislative Assistant would not be comfortable coming to the Chief of Staff.
  - *Over GOTV weekend, a late decision was made to have a Halloween party.*
  - *The COS went to the CVS and purchased "Rocker" wigs and wore them in the office.*
  - *The COS made a comment to the staff member that the color matched; had not realized until he saw her that he thought there was a similarity between the "Rocker" wig and the staff member's hair.*
  - *The COS was unaware that she was upset by it and did not learn that it upset her until days later. Thought is was better to move on rather than apologize.*
  - *Does not recall when the Legislative Director removed the wig he was wearing.*

Does the COS recall his response to the former Scheduler when she threatened to report the COS's behavior to the Ethics Committee?

- *Yes, the COS told her it wouldn't be the appropriate office to go to because it's an HR inquiry, not the responsibility of the Ethics Committee*
- *The COS did not give her an alternative office.*
- *The COS recalls telling her that he had kept people from advancing in his former office, but it wasn't true. The COS didn't know how she would perceive the comment and doesn't know why he said it.*
-

How do you manage disagreements between you and staff?

- *The COS tries to be decisive, particularly around scheduling.*
- *Tries to be clear and concise while acknowledging staff's point of view*

Have you ever raised your voice at staff?

- *Yes and was aware that other staff was around*
- *Yes, the COS called the former Scheduler into the office. Both would scream at one another but she would stop first. The COS was aware other staff could hear.*
  - *The former Scheduler was blowing the COS off. She told him there was nothing he could do about it, he couldn't fire her, because they had a relationship.*
- *The COS stated that he has now completed an anger management course.*
  - *At the time he did not know how to handle his anger, didn't recognize it as anger, or how to cope with it.*
  - *The COS did not think his behavior was appropriate at the time.*
- *The COS reported having raised his voice to a member of the District Office, the Legislative Correspondent, the Legislative Director, maybe the Communications Director; recalled yelling at the member and the former Chief of Staff.*
- *Yelling was directed at a staff position rather than individuals.*
- *The COS said that the yelling wasn't always out of anger but to express urgency and passion. After counseling he has a better understanding of the line between the two.*

- Do you recall asking [redacted] over during a conversation with [redacted] to tell her work product was of poor quality?
  - *Yes but doesn't remember the context of the conversation.*

What's your process for determining salary levels?

- [redacted] (first promoted)?
  - The member expressed concern that the staff member was not ready to be promoted
  - Originally intended to promote her to Press Secretary but the member elevated the title during negotiations.
  - The staff member required a lot of work when she started; she required a lot of guidance and editing from the COS.
  - The COS recalls the offer being higher than what the staff member recalls; believes that the staff member was offered more than half of what the previous Communications Director was making.
  - Offered the new Communications Director the same salary level as the outgoing Communications Director because he had two years experience as Press Secretary.

- [redacted]
  - *The former Finance Director presented a proposal and asked for $80,000.*
  - *The member thought the ask was too much.*
  - *The COS did not conduct a performance review, did not access if the salary was commensurate with other offices*
  - *The Finance Director did not negotiate with the member; she accepted the offer over the phone when the offer was made.*
  - *The COS does not recall how long it took for him to make the offer.*

Are there examples where factors other than job qualifications were used in the decision-making?

- *Yes, relatives of donors and recommendations from colleagues*
- *The COS completed the full interview process and the member met with all staff hired and involved in each promotion decision.*
- Intern applicant's modeling photos?
    - *The individual was not applying to the member's office; had heard she was applying to another office.*
    - *Was aware that there was other staff in the office when the conversation took place.*
    - *The Legislative Director was not involved in the conversations.*

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

- *Judgments made by the COS based on past behavior and things the member had previously expressed interest in.*
- *Creates opportunities for things to be included in the Week-in-Review by staff; allows the member to comment on staff activities.*
- *The COS is not involved in the day to day on sign-on letters or bills.*

Opioid Legislation

- *The COS believes he made the member aware that he was involved in the approval process though he was not in the room when the member confronted the Communications Director and Senior LA.*
    - *The COS signed off on the sign-on letter. He did not approve the press release but did have a copy of it.*
- *An example of a communications breakdown due to the impending holiday weekend and the COS hadn't previously planned on being in the office on that Friday.*
- *The COS did not understand how the communications / approval breakdown happened despite it being one of the member's signature pieces of legislation this year.*
- *The COS does not believe approval procedures need to be revisited. It was a one time breakdown of communications.*

Do you recall making inappropriate remarks or jokes in the office?

- *Yes, made jokes and yes, other staff made inappropriate remarks in the office. The COS may not have told staff to stop individually. There were occasions where he may have told staff to stop discussing a given subject because it would be offensive.*
- *Yes, he believes the Senior LA may have asked the COS to stop when making inappropriate remarks.*
- *The COS does not recall a situation where he was asked to stop and didn't.*
- *The COS tried to show personality and build camaraderie with staff through jokes; had been told that he was like "Michael Scott."*

Do you believe you create a space for staff to bring concerns to you?

- *Yes, there are examples of this happening; most examples are people feeling interrupted and swearing*
- *Yes, corrective action was taken but not carried out to the appropriate level.*
- *The COS tried to change behavior based on feedback that the former Scheduler was his scapegoat for frustrations and would take it out on her.*
- *Witnessed the former Chief of Staff taking it out on a staff member*
    - *The COS alluded to a time the former Chief of Staff lost her temper with the Scheduler on the campaign (this is true and the former Chief apologized for her behavior) and a stern*

*reprimand of the same staff member in the official office when the necessary follow through wasn't being exhibited. Other members of the staff were present on both occasions.*

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

- *Did not hit her, but he did touch her inappropriately. He believes he pushed her in the back.*
- *The former Scheduler was undermining him in the office.*
- *The COS wanted to resign after it happened.*
- *The COS helped the former Scheduler in her job search and gave her a place to live when she needed it.*

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

- *Yes, the COS propositioned the former Scheduler but it was not associated with the request for promotion. Yes, it did occur in the same setting.*
- *They had been spending time together and discussed it in other settings prior to the promotion conversation.*
- *The COS did not see it as unusual but could see that an objective observer would find fault with the behavior.*

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

- *The COS is not aware of an office policy against dating in the office; is aware of a marriage policy.*
- *Yes, one official, two unofficial*
- *The former Scheduler.*
- *The Finance Director. She submitted her proposal for a salary increase within weeks of their romantic involvement. The member, however, was involved in the salary negotiations.*
- *A CT Democratic Party Employee. She was hired by the state Party after they began seeing each other. The COS recommended to the State Party that she be hired. She pursued the relationship and the member commented on more than one occasion that she had a crush on the COS. The COS does not recall how quickly after she was hired that they began dating. The COS expected that the member was aware there was a relationship.*

# EXHIBIT 7

[redacted]

May 3, 2016 at 9:10 AM

Hey Julie, it was great seeing you last night. Thanks again for the real talk. 9:10 AM

Also, [redacted] didn't want to bother you with this but I think it's important you know. She's really freaked out because Tony drunkenly called her 52 times last night after the happy hour and left her voicemails saying I'm going to fucking kill you" and texts that said "I will find you" etc. 9:11 AM

I'm very concerned by his behavior. 9:11 AM

And I just think it's important that someone we both trust knows about it. 9:12 AM

?

voicemail-1-13.m4a 9:13 AM

Thanks for sending and for telling me 9:13 AM

Does [redacted] want to do something about it? 9:15 AM

She doesn't want anyone to talk to him. And I don't know that it would help. I just wish she didn't have to deal with this. 9:15 AM

[redacted] called [redacted] last night after he dropped off Tony at home and said please don't leave your house or go anywhere. 9:16 AM

Did this happen when they were dating?

No the only turbulence was him being disrespectful at work when he was her boss post dating.
And now they are friends so this is really out of the blue.

What does [redacted] know?

Not sure

Ok - I'm talking with [redacted] later today. Thanks for telling me.

Oh good! Thanks for listening!

Always.

[redacted]

# EXHIBIT 8

**To:** CT05EE All Staff [redacted]
**Cc:** [redacted]
**From:** Daly, Timothy
**Sent:** Thur 3/29/2018 9:16:17 PM
**Subject:** Summer 2016 Materials
Severance Agreement and Release Agreement - final with signatures 10 Aug 2016-1.pdf
[redacted]RO June 28 2016.pdf
Draft letter of Recommendation TB - Revised.docx
2016 Timeline.docx

Good afternoon team,

Per our discussion earlier today – attached are the documents that we were discussed this morning. Again, we ask that you do not share these out of the office for the benefit of the survivors, as names have not been redacted. Please let me know if you have any questions,

Tim Daly

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

Draft letter of Recommendation – Tony Baker

8/10/16

To Whom It May Concern;

I write in support of the Tony Baker's application for employment. Tony worked for me in my congressional office in Washington for over three and a half years, serving as my Legislative Director for the first year and then as my Chief of Staff for the last two and a half years.

Tony has keen political judgment and helped me, as a new Member of Congress in the minority party, successfully move legislation, develop relationship with other Members and committee staff, and navigate the party apparatus. He was effective in managing relationships with a wide range of constituencies and interest groups, and I came to rely on his attention to detail. He proved particularly adept at designing successful strategies for moving issues and legislation – no small feat in a deeply divided and rancorous Congress. In fact, I have four bills signed into law during my short tenure in Congress, a testament to his guidance, positioning, and counsel about what is doable.

Tony works hard and cares deeply about the future of the country and sees politics as a force for good. That commitment is reflected in his devotion to his work and setting high performance standards. His love of Ohio, his home state, is well-known, and he is eager to help make a difference, especially when Ohio will be playing such a pivotal role in deciding the outcome of the entire Presidential election.

Tony has much to offer I am grateful for his service and support over the years. I wish him well as he returns home to use his considerable skills to make a difference in the state he loves.

Sincerely,

Elizabeth H. Esty

Member of Congress

**Timeline:**

January 3, 2013: [redacted] joins Esty Office.

January 14, 2013: Tony Baker (TB) joins Esty Office.

Winter 2014: TB harassed / assaulted [redacted] in office.

March 15, 2015: [redacted] last day on official payroll.

May 5, 2016: TB harassed / threatened [redacted] following social event. [redacted] files a police report.

May 6, 2016: Office staff member communicates to Julie Sweet (JCS) about threats made by TB against [redacted]. Staff shares threatening voicemail and harassment details.

May 9 or May 10, 2016: JCS makes known to Rep. Esty (EHE) that TB was involved in an incident with a former employee, [redacted].

May 10 or May 11, 2016: EHE speaks with Attorney Joe Sandler (JES) to get counsel on how to proceed. JES advises EHE to direct [redacted] to JES for purposes of conducting an interview to assess and advise next steps. JES also suggested EHE consider doing an internal assessment on what is going on in the office and to gather more information about these accusations.

May 10 or May 11, 2016: EHE speaks with [redacted] to learn more about incident, EHE requests that [redacted] speak with JES, [redacted] agrees. Meeting between JES and [redacted] scheduled for May 13, 2016.

May 10 or May 11, 2016: EHE speaks with TB to learn more about incidents and EHE demands that TB get treatment for alcohol abuse and counseling.

May 12, 2016: [redacted] consults attorney and cancels May 13 meeting with JES.

June 1, 2016: JCS speaks with [redacted] to learn details on previous incidents.

June 2, 2016: JCS speaks with TB, receives update on TB's sobriety.

On or around June 2, 2016: JCS briefs EHE on what she has learned.

June 21, 2016: [redacted] files a restraining order against TB / TRO issued through July 5, 2016 / TB ordered to enroll in and complete alcohol abuse and anger management counseling.

Mid-June, 2016: EHE announces to office staff that she has asked JCS and Patti-Flynn Harris (PFH) to conduct formal assessment of EHE office culture and review of accusations made against TB. Soon thereafter PFH begins formal assessment in New Britain, CT office.

June 28, 2016: D.C. Court appearance requested to [redacted] and TB re: restraining order.

July 5, 2016: Court hearing date / RO issued on July 5, 2016 through July 4, 2017.

July 5, 2016: PFH completes assessment in New Britain, CT office.

July 6, 2016: JCS begins formal assessment in Washington, DC office

July 12, 2016: JCS meets with [redacted] as part of office assessment

July 19, 2016: JCS conducts final interview as part of office assessment.

July 20, 2016: JCS completes and presents final office assessment to EHE.

Between July 20 and July 26, 2016: EHE repeatedly confers with JES, [redacted] JCS and other consultants to consider options to terminate TB from the office.

July 24, 2016: TB's last day physically in EHE's Washington, DC office. TB subsequently attends DNC convention from July 25 to July 29.

July 26 or July 27, 2016: EHE meets with TB while at DNC Convention to inform TB that current situation in the office is untenable, and that TB is not to return to the office.

July 28, 2016: EHE meets with House Employment Counsel (HEC) to discuss termination of TB from the office.

July 29, 2016: JCS meets with HEC to discuss assessment that she authored and to prepare for subsequent conversation with TB.

August 1, 2016: JCS meets with TB at Law Offices of Sandler Reiff, TB offers resignation.

August 1, 2016: JCS speaks with EHE to brief her on the current status of discussions with TB

Between August 1 and August 10, 2016: EHE, HEC and TB negotiate a severance and release agreement.

August 10, 2016: EHE and TB sign final version of severance and release agreement.

August 12, 2016: TB's last day on official payroll.

**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

Date

Elizabeth H. Esty

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

8/10/16
Date

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA DOMESTIC VIOLENCE
2016 JUN 28 PM 3:33
FILED

# *Superior Court of the District of Columbia – Domestic Violence Unit*

## APPEARANCE ON BEHALF OF THE RESPONDENT

[redacted]

[redacted]

Vs.

Anthony Baker (respondent)

| CPO MATTER – Representing Mr. Anthony Baker |
|---|
| Hearing Date: 7/5/2016 |

# RETAINED

**The Clerk of the Court will please enter my appearance for the respondent in the above entitled cause this 28th day of June, 2016.**

| | |
|---|---|
| **Attorney:** Christopher J. Mutimer | **Attorney Bar No. 1011284** |
| **Address:** [redacted] | **Phone:** [redacted] |
| | **Email:** [redacted] |

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**
**DOMESTIC VIOLENCE UNIT**

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA DOMESTIC VIOLENCE
2016 JUN 21 AM 10: 02
FILED

[redacted]
**Petitioner,**

v.

**Anthony Baker,**

[redacted]
**Respondent,**

CPO No: [redacted]

**PETITION AND AFFIDAVIT FOR CIVIL PROTECTION ORDER**

Pursuant to D.C. Code Section 16-1001 et seq.: Petitioner respectfully requests that the court issue a 12-month Civil Protection Order against Respondent. In support of this request, Petitioner states:

1. Respondent is related to Petitioner by ☐ Blood; ☐ Legal Custody; ☐ Marriage; ☐ Domestic Partnership; ☐ Having a Child in Common; ☐ Now or Previously Having Shared the Same Residence; ☒ Romantic, Dating, or Sexual Relationship; ☐ Stalking petitioner; ☐ Sexually assaulting or abusing petitioner; ☐ Sharing a common intimate partner (*Check all that apply*)

**Petitioner and Respondent had a dating relationship for approximately five months.**

Did any incident described below occur in the District of Columbia? ☒Yes ☐ No
If not, do you reside, live, work, or attend school in the District of Columbia? ☐ Yes ☐ No

2. Respondent committed or threatened to commit an act punishable as a criminal offense against Petitioner within the meaning of D.C. Code Section 16-1001 et seq., by: *(Please describe any such acts, including physical assaults like hitting, punching, shoving or kicking; threats to do harm, or destruction of property).*

**A. On or about May 5, 2016 at approximately 5:00 p.m.**
At Location:via cell phone in Washington D.C.

AK

Respondent called Petitioner approximately fifty times. Respondent repeatedly told Petitioner he would find her. Respondent told Petitioner he would kill her. Petitioner called the police and filed a report for felony threats.

**B. On or about Winter, 2014 at approximately afternoon**
At Location: 504 Cannon House Office Building Washington DC

AK

Respondent screamed at Petitioner. Respondent punched Petitioner in the back. Respondent told Petitioner that if she reported Respondent to house ethics he would prevent Petitioner from ever getting a job again. Respondent punched Petitioner in the back.

Summary: Throughout the Winter of 2014 Respondent repeatedly screamed at Petitioner in the workplace, making Petitioner feel intimidated and caused Petitioner to feel that she could not report Respondent's action without putting her safety at risk.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**
**DOMESTIC VIOLENCE UNIT**
**500 INDIANA AVENUE, NW**
**WASHINGTON, D.C. 20001**
**Telephone 202 879-0157**

[redacted] Petitioner ☐Minor Case No: [redacted]

vs.

ANTHONY BAKER Respondent ☐Minor

## TEMPORARY PROTECTION ORDER

Upon consideration of the petition filed in this case, the Court finds that the safety or welfare of Petitioner and/or a family member is endangered by Respondent within the meaning of D.C. Code 16-1004(b)(1) (2008). Therefore, **IT IS HEREBY ORDERED** that Respondent shall observe the following conditions:

☒ Respondent shall NOT assault threaten stalk harass or physically abuse Petitioner or his/her child(ren) or destroy property in any manner.

☐ Respondent shall stay at least 100 feet away from petitioner's ☐ person ☐ home ☐ work place ☐ vehicle ☐ children's school/day care ☐ other: _____

☐ Respondent shall not contact Petitioner in any manner, including but not limited to: ☐ by telephone ☐ in writing ☐ electronic or social media ☐ in any other manner, either directly or through a third party.

☐ Temporary custody of the following minor children is awarded to: ☐ Petitioner ☐ Respondent until further order of this Court or the expiration of this order _____

_____
*(Names and Dates of Birth)*

☐ Respondent shall vacate the residence at: _____, on or before _____, 20___, and turn over all keys to the residence to Petitioner.

☒ The Police Authorities shall stand by to: ☐ prevent violence while the Respondent/Petitioner vacates the residence; ☐ retrieve Petitioner's keys from Respondent; ☒ assist with service of process upon the Respondent and complete the Return of Service forms.

☐ Other: _____

**FAILURE TO COMPLY WITH THIS ORDER IS A CRIMINAL OFFENSE AND CARRIES A PENALTY OF UP TO 180 DAYS IN JAIL AND/OR A FINE OF $1,000.00. IF A RESPONDENT SERVED WITH THIS ORDER FAILS TO APPEAR AT THE HEARING ON THE CIVIL PROTECTION ORDER AND A DEFAULT CIVIL PROTECTION ORDER IS ENTERED, THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL THE CIVIL PROTECTION ORDER IS SERVED. IF THE COURT IS CLOSED ON THE DAY THAT THIS ORDER IS TO EXPIRE, THIS ORDER SHALL CONTINUE IN EFFECT UNTIL THE NEXT REGULAR COURT BUSINESS DAY.**

**THIS ORDER EXPIRES ON:**

| July 5, 20 16 | Adrienne Nati | June 21, 2016 |
|---|---|---|
| **EXPIRATION DATE** | Judge/Magistrate Judge | Date |

THIS ORDER HAS BEEN **EXTENDED** UNTIL:

| _____, 20____ | _____ | _____ |
|---|---|---|
| **EXPIRATION DATE** | Judge/Magistrate Judge | Date |
| _____, 20____ | _____ | _____ |
| **EXPIRATION DATE** | Judge/Magistrate Judge | Date |

DVTPO.doc

ON THE BASIS OF THESE ALLEGATIONS, PETITIONER REQUESTS AN ORDER INCLUDING THE FOLLOWING RELIEF: (Check each form of relief you wish to be awarded by the court)

1. ☒ Ordering Respondent not to assault, threaten, harass, or stalk me and/or my children or other persons:_____ or destroy my/our property.

2. ☒ Ordering respondent to stay away from: ☒ my person; ☒ my work; ☒ my home; ☒ my vehicle;
   ☐ my children's school/daycare; ☐ other persons (names)_____;
   ☐ other places I frequent (describe): _____

3. ☒ Ordering Respondent not to contact me and/or other persons_____:
   ☒ by telephone; ☒ in writing; ☒ in any other manner, directly or indirectly through a third party.
   ☐ Except under the following conditions:
   _____

4. ☐ Awarding me temporary custody of the minor child(ren), named below.*(state name(s) and date(s) of birth of each child AND bring birth certificates to court hearing)* _____
   _____

   IF YOU ARE SEEKING CUSTODY, PLEASE COMPLETE QUESTIONS 4a- 4e:

   4a. The children's current address is (You do not have to reveal this information if doing so will put you in danger):_____

   4b. Over the past five years the children have lived at the following other addresses (if any):
   _____
   _____

   4c. Names and addresses of the people the children have lived with during the past five years:
   _____
   _____

   4d. Have you participated in or do you know of any ***other court cases concerning custody*** of these children? ☐ Yes ☐ No If your answer is "yes" please indicate where the case(s) was/were filed: _____

   4e. Do you know of any other person other than yourself and the Respondent who claims to have custody of the children? ☐ Yes ☐ No

5. ☐ Awarding Respondent visitation with the child(ren) if Respondent shows that the child(ren) and I can be adequately protected from harm by the Respondent.

6. ☐ Ordering Respondent to pay child support for the above minor children, in an amount in accordance with the D.C. Child Support Guideline, through the Court Registry.

   To the best of my knowledge, Respondent's annual gross income equals or exceeds $_____
   *(Bring any proof of your own AND Respondent's income to court such as two recent pay stubs and tax returns for the past two years. Also bring proof of any other child support orders that affect you or the Respondent)*

   IF YOU ARE SEEKING CHILD SUPPORT, PLEASE COMPLETE QUESTIONS 6a-6d:

   6a. Has a paternity and/or child support case already been filed regarding any of the above-listed children? ☐ Yes ☐ No If "yes" please indicate where the case was filed, the case number, and the outcome, if any: _____

   6b. Are you or your children currently receiving public assistance? ☐ Yes ☐ No

6c. Is Respondent currently employed? ☐ Yes ☐ No

6d. Do any of the children have special costs? (e.g., tuition, daycare, medical insurance, medical costs) please specify: _____

7. ☐ Ordering Respondent to vacate my home, which:
☐ I rent/own by myself; ☐ we rent/own together; ☐ I rent/own with someone other than Respondent. *(Bring lease/deed to court hearing)*

8. ☐ Ordering Respondent to provide me with financial assistance and/or spousal support to pay my rent/mortgage/bills or other expenses.

9. ☐ Awarding possession and use of the following jointly owned property to Petitioner:

_____

10. ☐ Ordering Respondent not to remove me and/or my children from his/her health insurance policy.

11. ☐ Ordering Respondent to reimburse me for medical costs, property damage, or expenses I have incurred due to Respondent's actions (Bring medical bills, receipts, invoices, or estimates to hearing) Damaged property includes (describe):

12. ☒ Ordering Respondent to enroll in and complete an appropriate counseling program for:
☒ alcohol abuse; ☐ drug abuse; ☐ domestic violence; ☐ parenting;
☒ other (describe): Anger Management

13. ☒ Ordering the police to: ☐ stand by while Respondent vacates my home; ☐ make sure Respondent turns over my keys; ☐ accompany me and stand by while I recover my belongings from Respondent; ☒ assist me with service of process upon the Respondent.

14. ☒ Ordering Respondent to reimburse me for my attorney's fees and costs.

15. ☐ Directing the respondent to relinquish possession of any firearms.

16. ☐ Other (describe):_____

17. ☒ The Respondent's actions place the safety or welfare of myself and/or a family member in immediate danger and I request that the court grant me a Temporary Protection Order today.

Petitioner further requests any other relief that is appropriate to the effective resolution of this matter, pursuant to D.C. Code Ann § 16-1005 (c) (10). Petitioner requests that a hearing be set on this matter and that a Notice of Hearing and Order to Appear be issued to Respondent.

Respondent's address: ☒ Residence ☐ Business: [redacted]

DISTRICT OF COLUMBIA, ss: [redacted], being duly sworn, states that s/he is Petitioner named in this case; that s/he has read and understands the Petition and Affidavit; and that the facts stated are true to the best of her/his knowledge.

Date: 6/21/16

Petitioner

Deputy Clerk/ Corp Counsel/ Notary Public

# CIVIL PROTECTION ORDER
## DOMESTIC VIOLENCE

Case No. [redacted]

☐ Adjudicated Hearing
☐ Consent w/ Admissions
☒ Consent w/o Admissions
☐ Default Order

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**
**(202) 879-0157**

PETITIONER ☐ Minor
[redacted]
First Name Middle Last Name

PETITIONER IDENTIFIERS
[redacted]
Petitioner's Date of Birth

Vs

RESPONDENT ☐ Minor

ANTHONY BAKER
First Name Middle Last Name

Other protected person/DOB

RESPONDENT'S IDENTIFIERS

| Sex | Race | DOB | Height | Weight |
|---|---|---|---|---|
| Male | CAUCASIAN | [redacted] | 5'8" | 200 |
| Eyes | Hair | PDID#: | | |
| Brown | Brown | | | |
| Driver's License # | | | State | |
| | | | | |

Relationship to Petitioner: ☐ Have a child in common; ☐ Marriage; ☐ Blood; ☐ Legal Custody;
☐ Now or previously having shared the same residence;
☒ Romantic/dating relationship; ☐ Other (specify)

Respondent's Address:
[redacted]

**THE COURT HEREBY FINDS:**

☐ That it has jurisdiction over the parties and subject matter, and the Respondent has been provided reasonable notice and opportunity to be heard. That there is good cause to believe that the Respondent committed or threatened a criminal offense. Specifically the Court finds that the Respondent committed the following:

☐ That the Respondent has knowingly and voluntarily waived his/her right to a hearing and admits to:

☒ That it has jurisdiction and that the Respondent has agreed, without admitting to the allegations in the Petition to the entry of this Order.

**THE COURT HEREBY ORDERS** that from July 5, 2016 until July 4, 2017 *(a period not to exceed one year)*

☒ Respondent shall not assault, threaten, harass, or stalk petitioner or destroy Petitioner's property.

☒ Respondent shall stay at least 100 feet away from Petitioner's ☒ person, ☒ home, ☒ workplace, ☒ vehicle, ☐ children's school/daycare, ☒ Other: See Other on Page 2

**Additional terms of this order follow on succeeding pages.**

**WARNING TO RESPONDENT:**
This order shall be enforced by the courts of any state, the District of Columbia, and U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition. (18 U.S.C. § 922(g)(8)

**ONLY THE COURT CAN CHANGE THIS ORDER**

☒ Respondent shall not contact Petitioner :
☒ By telephone ☒ In writing ☒ By electronic or social media ☒ In any other manner, either directly or indirectly through a third party ☒ except under the following conditions: Respondent may contact through third party only if it is work related.

☐ Temporary custody of the following minor children is awarded to: ☐ Petitioner ☐ Respondent
until further order of this Court or the expiration date of this Order. *(Specify names and dates of birth):*

☐ Visitation rights with the above minor child(ren) are awarded to: ☐ Respondent ☐ Petitioner under the following conditions: *(specify dates, times, person who will pick up and drop off, etc.):*

☐ Respondent shall vacate the residence at: _____
on or before *(date)* _____.

☐ The Metropolitan Police Department shall accompany Respondent/Petitioner to retrieve his/her personal belongings from *(location)*: _____

On *(date)* _____ at *(time)* _____ ☐ am ☐ pm , and stand by to ensure Petitioner's safety and
☐ shall retrieve Petitioner's keys from Respondent.

☐ Respondent shall provide the petitioner with financial assistance in the amount of $ _____
☐ per month ☐ one time only ☐ other payment: _____

for ☐ rent/mortgage assistance; ☐ spousal support; ☐ property damage; ☐ medical cost;
☐ Other _____
Payment shall be made by (date(s)): _____
through the D.C. Superior Court Registry, Room JM-300, 500 Indiana Avenue, N.W. Washington, D.C. 20001.
Checks will be made payable to the Clerk, D.C. Superior Court. Payments shall be forwarded to Petitioner at (non-confidential address): _____

☐ Possession and use of the following jointly owned property is awarded to:
☐ Petitioner: _____
☐ Respondent: _____

☐ Respondent shall enroll in and complete a counseling program for: ☐ alcohol; ☐ drug abuse;
☐ domestic violence; ☐ parenting skills; ☐ family violence; ☐ other: _____

Respondent shall report to the Probation Office (CSOSA), **300 Indiana Ave, NW Room 2070** TODAY and submit to a photograph for identification purposes. Respondent shall submit to an assessment by CSOSA and enroll in counseling programs on the date prescribed by CSOSA. The respondent shall refrain from using illegal drugs and shall submit to drug testing as directed by CSOSA.

☒ Other:

1. Respondent shall stay away from the Member Services room located at 430 S. Capital Street, SE, Washington, DC 20003, at all times for the duration of the protective order. Respondent will not enter the Members Services room until notified by petitioner (through counsel) that she no longer requires the use of the member services room for employment purposes.
2. Should Respondent encounter Petitioner at work related events that require his attendance, he is permitted to remain at the event but is prohibited from contacting or interacting directly with Petitioner in any manner.
3. Respondent shall reimburse Petitioner for attorney fees in the amount of $1,000.00 via a personal check. Respondent shall send a personal check made out to Schertler & Onorato, LLP, at 1101 Pennsylvania Avenue, NW, Suite 1150, Washington, DC, 20004.
(non-counsel payment received prior to court hearing) [illegible] 7-5-16

If Respondent has a change of address at any time, he/she immediately must provide the Domestic Violence Clerk's Office of the D.C. Superior Court with his/her correct, new address.

**DC Law Firearms Warning**

**You must relinquish within 24 hours after being served with Civil Protection Order (CPO) all firearms that you own or possess to your local law enforcement officials. Failure to do so is a criminal offense under D.C. Code §22-4503 that if convicted, carries a penalty of two (2) to 10 years in prison or a fine of $15,000 or both. For more information about surrendering your firearm, please call (202) 727-4275 (Gun Control/Firearms Registration Unit).**

**Federal Law Firearms Warning**

**As a result of this order, it may be unlawful for the respondent to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.**

**FAILURE TO COMPLY WITH THIS ORDER IS A CRIMINAL OFFENSE AND CARRIES A PENALTY OF 180 DAYS IN JAIL AND/OR A FINE OF $1,000.**

☒ Respondent was served with a copy in open court.

☐ Respondent failed to appear. A DEFAULT Protection Order is issued. The Court finds that there was proper service and notice on the Respondent of the petition, and good cause for the issuance of this order. Respondent shall comply with all conditions of this Protection Order. The respondent has ten (10) days from the service of this order to file a motion to set aside the default judgment. The motion must state 1) the reason for failing to appear at the hearing and 2) any defense to the allegations in the petition or any other reason why the Court should not issue the Order.

**If a motion to extend is filed timely, this Order will remain in effect until the court rules on that motion.**

Respondent's Signature — July 5 2016 Date

Judge's/~~Magistrate Judge's~~ Signature — 7/5/16. Date Date

☐ **Child Support Addendum Attached**

THIS ORDER IS HEREBY EXTENDED FROM *(today's date)*: _____ to _____

Judge's/Magistrate Judge's Signature — Date

***DIRECTIONS TO LAW ENFORCEMENT OFFICER ENFORCING THIS ORDER***

This Order was issued in accordance with the requirements of the Full Faith and Credit Provisions of the Violence Against Women Act, Title IV, Subtitle B, Chapter 2 of the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. section 2265, and **this Order is valid and enforceable in the District of Columbia and in all other U.S. States, Territories and Tribal Lands.**

**Reporting alleged violations.** If Respondent violates the terms of this Order and there has not been an arrest Petitioner may contact the Clerk of the Court of the county/state in which the violation occurred and complete an affidavit in support of the violation, or the Petitioner may contact the prosecutor's office for assistance in filing an action for civil or criminal contempt. The prosecutor may decide to file a criminal charge, if warranted by the evidence.

[redacted] [redacted] Vs. BAKER, ANTHONY JAS

07/05/2016 Quality Review

07/05/2016 Quality Review

07/05/2016 Praecipe to Enter Appearance of Atty. Stuart Sears

07/05/2016 The subject is prohibited from possessing, purchasing, receiving a firearm or ammunition.

07/05/2016 Resp. Not Aslt, Stay Away, No Contact with Petitioner

07/05/2016 Resp. Not Aslt, Threaten, Abuse Petitioner

07/05/2016 CPO Consent Without Admissions Entered & Docketed
The following event: Trial -CPO scheduled for 07/05/2016 at 8:30 am has been resulted as follows:

Result: CPO Consent Without Admissions Entered & Docketed
Judge: SMITH, JUDITH A Location: Courtroom 114
[redacted] (Petitioner); ANTHONY BAKER (Respondent); ; CHRISTOPHER J MUTIMER (Attorney) on behalf of ANTHONY BAKER (Respondent); Judge JUDITH A SMITH

07/05/2016 CPO Granted, Order Issued

06/28/2016 Attorney Information
Attorney MUTIMER, CHRISTOPHER J representing Respondent BAKER, ANTHONY as of 06/28/2016

06/23/2016 Return of Service Filed: SUCCESSFUL

06/22/2016 Quality Review

06/21/2016 Temporary Protection Order Granted
The following event: Hearing On Temporary Protective Order scheduled for 06/21/2016 at 10:40 pm has been resulted as follows:

Result: TPO Granted
Judge: NOTI, ADRIENNE Location: Courtroom 119

06/21/2016 Event Scheduled:
Event: Hearing On Temporary Protective Order
Date: 06/21/2016 Time: 10:40 pm
Judge: NOTI, ADRIENNE Location: Courtroom 119

06/21/2016 Petition For Civil Protection Order Filed
Charge #1: Petition For CPO Filed

06/21/2016 Service by MPD AND Petitioner will arrange

06/21/2016 Temporary Protective Order Requested

06/21/2016 Notice of Hearing & Order to Appear Filed.

06/21/2016 Event Scheduled:
Event: Trial -CPO
Date: 07/05/2016 Time: 8:30 am
Judge: SMITH, JUDITH A Location: Courtroom
114

06/21/2016 Petition For Civil Protection Order Filed

*** End of Report ***

# EXHIBIT 9

[redacted]

**Resent-From:** [redacted]
**From:** Julie Sweet [redacted]
**Date:** May 10, 2016 at 9:19:40 PM EDT
**To:** "Esty, Elizabeth" [redacted]
**Subject: A reference request**

If able, can you give me a call tonight? Need to keep between you and me.

# EXHIBIT 10

[redacted]

**Resent-From:** [redacted]
**From:** Julie Sweet [redacted]
**Date:** May 12, 2016 at 10:10:41 PM EDT
**To:** "Esty, Elizabeth" [redacted]
**Subject: Re: Joseph Sandler**

Will do what I can to help...

On May 12, 2016, at 10:01 PM, Esty, Elizabeth [redacted] wrote:

I suspect I will want your help to move forward the best we can to gather information.

On May 12, 2016, at 9:58 PM, Julie Sweet [redacted] wrote:

Okay. I know she is torn up about all of this - it's a lot for her to process.

Will wait to hear from you.

On May 12, 2016, at 9:41 PM, Esty, Elizabeth [redacted] wrote:

[redacted] has decided not to talk with Joe at this time - I am talking with him tomorrow morning to figure out how best to proceed.

Begin forwarded message:

**From:** [redacted]
**Date:** May 12, 2016 at 5:41:38 PM EDT
**To:** "Esty, Elizabeth" [redacted]
**Subject: Re: Joseph Sandler**

Elizabeth --
After thinking about it a lot (really haven't been thinking about anything else...) and after getting legal advice myself, I don't feel comfortable talking with Joe tomorrow morning for my own legal protection, as no privilege exists between us and his obligation is (understandably) to protect you. I'm working to figure out how to go about a future conversation with him -- I do want to help you.

I am so sorry if this makes things more complicated for you. Please know that all of this is confusing and upsetting, none of this is easy, and the last thing I want to do is disappoint you.

I'm happy to chat with you more later if you'd like -- I have to work at an event until about 9:30, so feel

free to call then.

[redacted]

On Thu, May 12, 2016 at 9:57 AM, Esty, Elizabeth [redacted] wrote:

Great - and thank you again for trusting me to let me know and to do what I can to help on all fronts

On May 12, 2016, at 9:55 AM, [redacted] wrote:

FYI Joe and I just spoke and scheduled an appointment to meet for tomorrow at 8 am.

On Wed, May 11, 2016 at 11:36 PM, Esty, Elizabeth [redacted] wrote:

Know that I am there for you.
And thank you for trusting me to help.

On May 11, 2016, at 11:33 PM, [redacted] wrote:

Thank you! I will give him a call tomorrow morning.
Thank you again for talking and for everything. I appreciate it more than I can articulate right now.

On Wednesday, May 11, 2016, Esty, Elizabeth [redacted] wrote:

As promised

He's expecting your call.
So good to hear your voice

[redacted]

HEC-EHE_0000021

COE.ESTY.000021

# EXHIBIT 11

[redacted]

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.

[redacted]

[redacted]

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.

[redacted]

# EXHIBIT 12

[redacted]

**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
  - Chief of staff exhibited inappropriate and aggressive behavior towards women in other offices, particularly when alcohol is involved
  - Knew something was not right in the office
  - Should have pushed harder to expose inappropriate behavior
- Did not have the tools to address behavior
  - Open door policy is not sufficient, unclear how to create a safe space
  - Fear of retribution, no action will result from reports, protect the office and the member
  - Unclear about how or when to escalate – where are then lines and what does crossing those lines look like?
- Effect
  - Member is isolated from the staff
  - Staff is siloed
  - No clear common objectives
  - Office culture is unbending and inflexible
  - A lack of respect is shown to staff
  - Staff is routinely undermined w/ other staff and the member
  - Staff member is looking to leave the office
- Solutions
  - Develop a common culture of expectations and benchmarks
  - Member driven office balanced with clear objectives and staff ownership of strategy
  - 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
  - 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.
  - 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.
  - The junior staff member subsequently resigned.
- The junior staff member threatened to report the Chief of Staff to the Ethics Committee
  - 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
  - Chief of Staff is the HR Department – no safe means to have grievances addressed
  - Ethics is a public and political body; junior staff does not want to put office or member at risk
  - No information provided as to other external services available to staff for grievances – only have access to Google and the House Handbook
  - Job of staff is to keep things from filtering up to the member; protect time and attention
  - 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
  - Opportunities were not provided or engaged for professional development
  - Staff felt capped out with no opportunity for advancement
  - No recognition of improvements in job performance
  - Strong undercurrent of resentment by staff for the work put in
- Inequitable treatment of male and female staffers
  - Gave women staff a "stern" talking to
  - Did not reprimand male staffers
- No Review Process
  - Campaign did not have a formal review process
  - Campaign did not have a system for professional development or advancement
  - 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
  - Reporting would ruffle feathers, would further damage relationship with the Chief of Staff, and not action would be taken to address grievances
  - Member would take Chief of Staff's side because expected length of professional relationship, everyone else is just passing through
  - 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)
  - Does not believe the Chief of Staff's behavior will change as a result of discussing behavior with Chief of Staff
- Unclear expectations
  - Post campaign vacuum
  - Member's motivations and goals not clearly communicated for off year
  - No one-on-ones with Chief of Staff or member
    - Junior staff is not comfortable with speaking to Chief of Staff
- Solutions
  - 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
  - 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 causes 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 fo 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 in 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 lit
  - 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
  - Offered help to manager so as to accrue additional responsibilities
  - Current system is informal
  - Asks for additional responsibilities and receives a positive response
  - A lot of it is knowing when is the appropriate time to go to management
    - Be a self-started
  - Has not felt neglected by management
  - 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
  - Ongoing conversations with managers about how to hire, what to look for, etc.
  - Conversations w/ clear expectations and guidelines
  - Doesn't feel there is a need for a formal process as his concerns are heard and responded to
  - 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
  - Member values the work of staff
  - 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
  - Consistent with other offices
  - Left for good opportunities
  - 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
  - Receives support from management to pursue prof. dev. Opportuntities
  - Not everyone takes advantage of the opportunities that are provided
    - COS gives good points of interest beyond the usual check-list
- Access to management
  - Catch as catch can – staff members' job to observe and seek out opportunities; right time
  - Have to weigh management's time with staff member priorities
  - Staff should seek out, do it themselves
  - If something is needed, can get attention
  - The struggle is balancing the volume
  - 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 response 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

Gmail [redacted]

## Lunch?
11 messages

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

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]
To: [redacted] Mon, Jun 27, 2016 at 6:41 PM

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

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]
To: [redacted] Tue, Jun 28, 2016 at 1:39 PM

Can you do the morning of 7/6?
[Quoted text hidden]

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

Yep. Where & when works best for you?
[Quoted text hidden]

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

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

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

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]
To: [redacted] Tue, Jun 28, 2016 at 3:45 PM

Looking forward to it!
[Quoted text hidden]

[redacted]... 

[redacted]
To: Julie Sweet [redacted]

Wed, Jul 6, 2016 at 9:29 AM

Running about 5 minutes late. Walking there now.

Sent from my iPhone
[Quoted text hidden]

---

**Julie Sweet** [redacted]
To: [redacted]

Wed, Jul 6, 2016 at 9:30 AM

NP - sitting in the back
[Quoted text hidden]

---

**Julie Sweet** [redacted]
To: [redacted]

Wed, Jul 6, 2016 at 1:07 PM

[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

[redacted]

[redacted]

Monday, August 8, 2016 ~ 11:02 AM

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

[redacted]
hey I was actually just on the phone with [redacted]
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 [redacted] said after reading the report form Julie she was really mad at herself for not moving quicker

[redacted]
wait how is there an NDA?

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

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

[redacted]
I'm not sure
I'm really glad he is though

[redacted]
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"

[redacted]

Open Hangout

[redacted]

[redacted]

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"

[redacted]

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

[redacted]

jesus
okay, faith in her being restored...
i'm talking to [redacted] after work today

[redacted]

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

[redacted]

yeah, very much so
still a tad confused about why he still staffed her for a week at the convention

[redacted]

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

[redacted]

no I won't

[redacted]

yeah, you should ask [redacted] that

[redacted]

[redacted] had already reached out about talking

[redacted]

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

AT&T 12:53 AM

Elizabeth Esty

Jul 29, 2016 9:04 AM

Tony, please let [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] 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

Gmail [redacted]

## Fwd: Sexual Harassment Investigation

2 messages

**Julie Sweet** [redacted]
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]

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** [redacted]
To: [redacted]

## Forwarded conversation

Subject: **Sexual Harassment Investigation**

---

From: **Jolly, Lisa** [redacted]
Date: Fri, Jul 29, 2016 at 9:54 AM
To: "juliecsweet@gmail.com" [redacted]
Cc: "Lett, Gloria" [redacted]

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** [redacted]

 [redacted]

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

**CONFIDENTIAL**

**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.



COE.ESTY.003777

- 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.

- 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.



COE.ESTY.003780

*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 that 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?



COE.ESTY.003782

- 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 instigation has commenced.



COE.ESTY.003790

- 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.



COE.ESTY.003791

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 access low performing staff?
- Is there a formal performance improvement process?
    - What staff have you put on this process?
    - How did it work out?
- You recently sent an intern home in the middle of the day. What were the circumstances?
    - Is sending people home a regular form of discipline?
    - Did any staff discuss the severity of the punishment with you?
    - 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?
  - 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)?
  - Did you take into account recommendations made by other staff?
  - Did you conduct a review prior to salary negotiations?
  - Was she underperforming?
  - How did you evaluate her performance?
  - Did you discuss your reasoning with anyone prior to making the offer?
- [redacted]?
  - Did you conduct a review prior to salary negotiations?
  - Was she underperforming?
  - How did you evaluate her performance?
  - Did you discuss your reasoning with anyone prior to making the offer?
- [redacted]?
  - What experience did [redacted] bring the job that [redacted] didn't?
  - 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 the 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 1/12th 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
[redacted]
**********

THE INFORMATION CONTAINED IN THIS MESSAGE MAY BE LEGALLY PRIVILEGED AND CONFIDENTIAL.

*If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this correspondence or any accompanying attachment is strictly prohibited. If you have received this correspondence in error, please immediately notify the sender by telephone or e-mail. Thank you.*

<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
> [redacted]
> [redacted]
> **********
> THE INFORMATION CONTAINED IN THIS MESSAGE MAY BE LEGALLY PRIVILEGED AND CONFIDENTIAL.
>
> If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this correspondence or any accompanying attachment is strictly prohibited. If you have received this correspondence in error, please immediately notify the sender by telephone or e-mail. Thank you.
>
>

---

[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]

**********

THE INFORMATION CONTAINED IN THIS MESSAGE MAY BE LEGALLY PRIVILEGED AND CONFIDENTIAL.

*If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this correspondence or any accompanying attachment is strictly prohibited. If you have received this correspondence in error, please immediately notify the sender by telephone or e-mail. Thank you.*

---

**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,<br>Employee | Date |
| The Honorable Elizabeth H. Esty,<br>On behalf of the Office__ | Date |

# EXHIBIT 22

AT&T 12:51 AM

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

AT&T 12:51 AM

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

AT&T 12:52 AM

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

COE.ESTY.002956

AT&T 12:52 AM

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

AT&T 12:52 AM

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

AT&T 12:52 AM

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

Date

Elizabeth H. Esty

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

8/10/16
Date

# EXHIBIT 24

[redacted]

**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**

5th District, Connecticut

Updated: 3/14/2017

**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

**TABLE OF CONTENTS**

PURPOSE OF THE MANUAL ..... 2

POLICIES AND PROCEDURES ..... 3
Management Rights ..... 3
Statement of Equal Employment Policy ..... 3
Personnel Records ..... 3
Payroll ..... 4
Attendance Policy ..... 5
*Employee Classification* ..... 5
*Office Hours* ..... 6
*Lunch Period* ..... 6
*Snow Days and Other Contingencies* ..... 6
*Time and Attendance Records* ..... 7
*Overtime for Non-exempt Employees* ..... 7
Conflicts of Interest/Ethics in Government Act ..... 8
Outside Employment ..... 8
Domestic/Foreign Gifts and Travel ..... 9
Political activities ..... 9
Reimbursement for Official Expenses ..... 10
The Frank ..... 11
Mass Mailings ..... 11
Use of Official Stationery ..... 12
Prohibition on Illegal Activity ..... 12
Drug and Alcohol Abuse Policy ..... 12
*Voluntary Treatment and Counseling* ..... 12
*Non-discrimination Policy* ..... 13
*Fitness for Duty* ..... 13
*Discipline for Violation of this Policy* ..... 13
Tobacco Consumption Policy ..... 13
Recycling Policy ..... 13
Safety and Security Policy ..... 13
*Security Threats* ..... 14
*Bomb Threats* ..... 14
*Threats to a Member or Employee* ..... 14
*ID Cards and Keys* ..... 14
*Personal Safety and Escorts* ..... 14
*Injuries and Medical Emergencies* ..... 14
Office Property ..... 15
Computer Policy ..... 16
*Electronic Mail Policy* ..... 16
*Internet Use Policy* ..... 17
*Social Networking and Blogging Policy* ..... **Error! Bookmark not defined.**
News Media Relations ..... 19

Open Door Policy ..... 19
Confidentiality ..... 20
Anti-Harassment and Anti-Discrimination Policy ..... 20
*Harassment* ..... 21
*Sexual Harassment* ..... 21
*Other Prohibited Forms of Harassment* ..... 21
*Employee's Responsibility* ..... 22
*Procedures* ..... 22
Performance Reviews ..... 22
Employee Conduct and Discipline ..... 23
*Insubordination* ..... 23
*Personal Appearance* ..... 24
*Telephone Etiquette* ..... 24
*Misconduct* ..... 25
Termination of Employment ..... 26
References ..... 27

EMPLOYEE BENEFITS ..... 28
Holidays ..... 28
Leave Policy ..... 28
*Annual leave* ..... 28
*Sick leave* ..... 29
*Personal leave* ..... 30
*Religious Holidays* ..... 30
*Bereavement leave* ..... 30
*Military and federal emergency task force leave* ..... 30
*Jury and witness duty* ..... 33
*Furlough* ..... 33
*Family and Medical Leave* ..... 33
*Leave without pay (LWOP)* ..... 39

**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.



HEC_EHE_0002857

COE.ESTY.003864

## 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).



HEC_EHE_0002858

COE.ESTY.003865

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.



HEC_EHE_0002860

COE.ESTY.003867

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.



HEC_EHE_0002861

COE.ESTY.003868

- 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."



HEC_EHE_0002865

COE.ESTY.003872

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.



HEC_EHE_0002869

COE.ESTY.003876

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



HEC_EHE_0002870

COE.ESTY.003877

duty to safeguard this property form 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.



HEC_EHE_0002875

COE.ESTY.003882

***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.



HEC_EHE_0002876

COE.ESTY.003883

***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 it 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



HEC_EHE_0002878

COE.ESTY.003885

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.



HEC_EHE_0002879

COE.ESTY.003886

***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 8days 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



HEC_EHE_0002886

COE.ESTY.003893

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);



HEC_EHE_0002888

COE.ESTY.003895

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



HEC_EHE_0002889

COE.ESTY.003896

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



HEC_EHE_0002890

COE.ESTY.003897

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.



HEC_EHE_0002892

COE.ESTY.003899

**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.



HEC_EHE_0002893

COE.ESTY.003900

**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 polices, 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 5th (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 polices 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]

**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 17th 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]
**********

**THE INFORMATION CONTAINED IN THIS CORRESPONDENCE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS CORRESPONDENCE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS CORRESPONDENCE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE OR E-MAIL. THANK YOU.**

**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:

Thursday November 16th (after 130pm)
Friday November 17th
Monday December 4th
Tuesday December 5th (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
[redacted]

# 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
[redacted]
**********

**THE INFORMATION CONTAINED IN THIS CORRESPONDENCE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS CORRESPONDENCE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS CORRESPONDENCE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE OR E-MAIL. THANK YOU.**

**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

# EXHIBIT 1

[redacted]

Skip to main content

# Check Details

| | |
|---|---|
| **Check Number** | 4348 |
| **Date Posted** | 04/20/18 |
| **Check Amount** | $5,041.67 |

[redacted]

ELIZABETH H. ESTY [redacted]

4348

51-110/211 7896
1007009340141

March 28, 2018
DATE

PAY TO THE ORDER OF U.S. Treasury $ 5041.67

Five Thousand forty one and 67/100 DOLLARS

Wells Fargo Bank, N.A.
Connecticut
wellsfargo.com

CD-...1..4L1L5.te

FOR DEPOSIT ONLY
U.S. TREASURY

4832
U.S. HOUSE OF REPRESENTA

Congressional FCU
441 2nd Street, SW
Washington, DC 20515
Br:15 - [illegible]
943
BOFD:[illegible]5407 4345, Item:20144324368 8
04/20/2018 02:43:32 (-04:00) PM
Account: [illegible]
6507

For your security, information like account numbers, signatures, and the ability to view the backs of checks have been removed from the images.

https://connect.secure.wellsfargo.com/accounts/start?SAMLart=AAQBZ%2BoEQCR14WDgSxaU4QNGCHpGcoS1kizz8YpqMoP2E4v8bhrX03XMLok%3D#state