

Gambling on the Natick Installation

1. Gambling questions have been raised. This message is posted for all employees to read and understand the extreme restrictions and potential penalties placed on government employees.

QUESTION: “What exactly is Natick’s policy on gambling?”

ANSWER: **Natick has no additional guidance other than that which is U. S. Government and DoD policy which is described below.**

QUESTION: Has the policy changed all that much, say since the mid-60's through today?

ANSWER: **The policy remains the same- no gambling on duty time.**

QUESTION: Have things become very ‘relaxed’ at Natick due to the recent trend in State Lotteries and the introduction of gambling trade in Connecticut?

ANSWER: **Not that we are aware.**

QUESTION: (1) Don’t we still consider gambling on company time illegal? (2) Is there a difference between work gambling and trips to FoxWoods? (3) Why do we turn a deaf ear to these activities?

ANSWERS: (1) Yes.

(2) **There is a difference between on and off post gambling. (a) Office betting pools are a violation of Massachusetts law which calls for punishment of up to three years in the state prison and a \$3000 fine. See Chpt. 271 M.G. L. § 17. The Natick installation is subject to state law in this matter. (b) DoD and Federal Regulations prohibit gambling. See paras. 2&3 below. (c) Trips to Foxwood are not on company time and are completely subsidized by those attending. The Civilian Recreation Fund Council only provides transportation and does not operate any gambling activities. Basic Community Programs are authorized by para. B-2.b., DoD 1015.10 (Encl 4 to above DoDD), which specifically include local or regional group tour recreational services. Trips to casinos are not excluded.**

(3) **The Command does not and will not ignore unauthorized and illegal gambling.**

QUESTION: Are not some coerced by others to ‘play along.’

ANSWER: **We hope not. If you don’t gamble, say so. Ask that you not be invited again**

2. The law and regulation is simple. In the past this installation has taken significant disciplinary actions against some employees who were caught gambling at Natick. All Army members have the responsibility to keep our premises free of prohibited activities and supervisors have the responsibility to discipline those who have been found to perpetuate such activities. Federal courts have found that gambling at a government facility can and does have a deleterious effect on the efficiency and morale of the workforce. The Merit Systems Protection Board (MSPB) has upheld the removal of employees with good

records who chose to gamble on the worksite. In one case, the Board wrote “In view of the nature and seriousness of appellant’s offense, particularly its effect upon the agency’s operation, the Board finds that the penalty of removal in this case was reasonable.” In the case of **Richard A. Luna v. Department of the Army**, 88 FMSR 5448 (Nov. 15, 1988), Mr. Luna, a career employee, operated a football pool and was removed by the Army. While an administrative law judge initially upheld his removal, the MSPB reduced his discipline to a 90 day suspension since he did not personally profit from gambling and was remorseful and accepted full responsibility for his conduct.

3. U. S. Government Employee Standards of Conduct list gambling on-the-job as its first prohibited conduct. See 5 CFR § 735.201, which provides:

(a) While on Government-owned or leased property or while on duty for the Government, an employee shall not conduct, or participate in, any gambling activity including the operation of a gambling device, conducting a lottery or pool, a game for money or property, selling or purchasing a numbers slip or ticket.

Further, DoDD 5500-7.R, Joint Ethics Regulations section 2-302.a. “Gambling” states,

“A DoD employee shall not participate while on Federally-owned or leased property or while on duty (for military members, in this context, present for duty) for the Federal Government in any gambling activity prohibited by [the above Code of Federal Regulations section] except . . . [three very limited situations except for those within the local law and government living quarters among those with whom you have a personal relationship].”

4. In addition, the Morale Welfare Recreation DoDD 1015.2, June 14, 1995, at para. D.(Policies) 10.a.&b. states that DoD Components shall not operate the following activities and programs: lotteries or sale of lottery tickets and pull-tab bingo. However, subject to the restraints stated in the Standards of Conduct and JER, certain gaming activities are allowed, i.e., slot machines in overseas locations and stateside bingo. Raffles are permitted when within compliance with Chapter 271, Mass. Gen. Laws, §§ 7A&8 and 18 U.S.C. § 1301, upon the written permission of the installation commander and legal review. In the past, the legal office has not recommended approval of any raffle games on the installation since stringent state laws must first be met before approving raffles. Monte Carlo events are not permitted where money is the prize, however, para. 8-8, AR 215-1, authorizes MWR activities to host four Monte Carlo events a year and authorized private organizations one event but para. 8-18, AR 215-1 prohibits lotteries. While the military is permitted to participate in limited gambling situations, none of the activities are permitted during duty time. Where MWR bingos, Monte Carlo’s, or raffles are conducted in the United States, it appears that such activities are located at military installations where a large military community resides and can support such activities during off-duty time. For this latter reason, it appears very unlikely that the Natick installation will participate in any on-installation gambling activities.