



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

**EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES
SETTLEMENT POLICY
June 2025**

I. INTRODUCTION

The Healey-Driscoll Administration seeks to encourage the amicable settlement of civil actions involving agencies and/or employees of the executive department. The Executive Office of Housing and Livable Communities (EOHLC) is hereby establishing a policy that will require its settlement processes to be consistent, fair, and transparent.

This policy will promote the efficient use of taxpayer funds, promote confidence in government, and avoid disruption in public services.

II. DEFINITIONS

Settlement Agreement: An agreement between EOHLC and another party, or parties, to resolve actual or threatened litigation.

Party: An employee, class of employees, or labor union.

Non-disclosure Agreement (NDA): A term or condition in a settlement agreement that would prevent a claimant from disclosing or discussing the underlying facts and circumstances of their claim or the existence of a settlement.

Non-publication: A term in a settlement agreement that the union or EOHLC will not publish, advertise or publicly display an agreement made on behalf of an employee or group of employees.

III. GENERAL PROVISIONS

- A. EOHLC is required to adhere to the requirements of the Executive Department Settlement Policy issued on January 27, 2025, appended hereto.
- B. Absent unusual privacy concerns, settlement agreements shall contain language providing that the agreement will be considered a public record in its entirety. EOHLC may consider settlement language agreeing to limited redactions only when: (i) required by statute; or (ii) the language is requested by a claimant to address a significant privacy or safety concern. Where a party has requested language in an agreement limiting disclosure as a public record, the language must be

approved by EOHLC's General Counsel. The party's preference for the language must be memorialized in the settlement agreement.

- C. NDAs in settlement agreements are prohibited. Non-publication clauses are permissible in agreements where the parties include EOHLC and the union.
- D. A settlement agreement on behalf of an employee that does not fully resolve all claims related to a dispute against EOHLC shall require the approval of EOHLC's General Counsel.
- E. EOHLC shall follow the Secretary of State's Statewide Records Retention Schedule related to the retention of settlement agreements.
- F. No settlement term shall be agreed upon that would amend or supersede a term of a collective bargaining agreement.
- G. No settlement term shall make a representation about an employee's entitlement to retirement, the group insurance commission or the tax treatment of a settlement.
- H. This policy does not apply to settlements of union grievances or unfair labor practice charges.

IV. ROLES AND RESPONSIBILITIES

- A. Settlements of less than \$20,000. Settlement agreements obligating the Commonwealth to pay less than \$20,000 in total, and that do not involve a workers compensation claim, require the advance approval of the Secretary or their designee.
- B. Settlements of \$20,000 or more. Settlement agreements obligating the Commonwealth to pay \$20,000 or more in total must be approved in advance as required by the Executive Department Settlement Policy of January 27, 2025.
- C. Settlements of workers compensation claims of less than \$20,000. Workers' compensation settlement agreements obligating the Commonwealth to pay less than \$100,000 require the advance approval of the Secretary or their designee and the Secretariat Human Resources Officer.
- D. Settlements of workers compensation claims of \$20,000 or more, but less than \$100,000. Workers' compensation settlement agreements obligating the Commonwealth to pay \$20,000 or more, but less than \$100,000 require the advance approval of the Secretary or their designee, the Secretariat Human Resources Officer, and the Director of the Human Resources' Workers Compensation Litigation unit.
- E. Settlements of workers compensation claims of \$100,000 or more. Workers' compensation settlement agreements obligating the Commonwealth to pay \$100,000 or more in total must be approved in advance as required by the Executive Department Settlement Policy of January 27, 2025.
- F. Settlements involving the Attorney General's Office. Where EOHLC is represented by the Attorney General's Office or by a Special Assistant Attorney General, EOHLC may agree to settle litigation only with the approval of the Attorney General's Office. In addition, settlements over \$2,500

arising under G.L c. 258 require the Attorney General's Office approval regardless of representation.

- G. EOHLC shall adhere to the requirements of the Office of the Comptroller and shall establish a process for submitting settlement agreements to the Office of the Comptroller for payment in a timely manner.

V. PROCEDURES OR INSTRUCTIONS

- A. EOHLC shall track settlement agreements, other than settlements of labor grievances and affirmative litigation, that result in a payment to an identified EOHLC employee. The tracking shall include: (i) the claimant's name; (ii) the date of settlement; (iii) the amount of settlement; and (iv) the type of claim alleged by the claimant. The tracker maintained by EOHLC shall be treated as a public record.
- B. For any settled matter, other than settlements of labor grievances or affirmative litigation, EOHLC shall maintain within the personnel file of the employee to which the settlement agreement pertains, subject to the applicable records retention period, the following records: (i) the underlying claim or complaint; (ii) the settlement agreement; (iii) any settlement recommendation memoranda and attachments; (iv) all documentation submitted or received from the Office of the Comptroller under 815 CMR 5.00 *et seq.*, and the Comptroller's Settlements and Judgments Policy; (v) documentation of all required approvals; and (vi) documentation of payment of the claim.
- C. When responding to public records requests for settlement agreements, EOHLC shall apply the personnel records exemption where applicable. EOHLC's General Counsel shall be notified of a public record or media request for settlement agreements involving EOHLC employee(s).

VI. RELATED POLICIES OR RESOURCES

Executive Department Settlement Policy, 1/27/25
Secretary of State's Statewide Records Retention Schedule
815 CMR 5.00 *et seq.*
G. L. c. 4, § 7, cl. 26(c)

VII. DOCUMENT HISTORY

Date Issued	Action	Effective Date	Next Review Date
6/16/2025	Original policy issued	6/16/2025	
	Policy Review		