



# BOSTON CITY COUNCIL

Committee on Rules and Administration  
Ruthzee Louijeune, Chair

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## REPORT OF COMMITTEE CHAIR

February 5, 2025

Dear Councilors,

The Committee on Rules and Administration was referred the following docket for consideration:

***Docket #0190, Order to implement a nondisclosure agreement prohibition policy for Boston City Council.***

This matter was sponsored by Councilor Benjamin J. Weber and referred to the Committee on January 8, 2025.

### ***Summary of Legislation***

***Docket #0190***, is an order to implement a policy that would prohibit Councilors from requiring staff in their office, as a condition of employment to sign or agree to any nondisclosure, nondisparagement or confidentiality provisions, or any other provision that attempts to restrict disclosure regarding unlawful acts in the workplace, including but not limited to harassment, discrimination, retaliation, or other forms of misconduct. The proposed policy would also prohibit Councilors from seeking to enforce any nondisclosure, nondisparagement, or other similar clause in existing agreements between the City and a City Council staff member that was entered into as a condition of employment.

Under the proposed policy, it would be the responsibility of the Staff Director and each City Councilor or staff designee to ensure that all employees, staff, volunteers, and interns who report to them know about this policy. However, it would be the responsibility of each Council office to ensure that a copy of this policy is provided to all of its employees, staff, volunteers, and interns on or before an employee's start date of hire, and further, to retain a signed record of acknowledgment that all staff members have read and understand the policy. With respect to all Central Staff employees and volunteers, it would be the responsibility of the Staff Director to ensure the same.

The purpose of ***Docket #0190*** is to promote transparency, accountability, and public confidence in the body.

### ***Information Received at Hearing***

The Committee held a hearing on Friday, January 31, 2025. The Committee discussed employment agreements like Nondisclosure Agreements (*legally enforceable contracts that establish "confidential relationships" and prohibit the unauthorized sharing of sensitive information*) and Confidentiality Agreements (*legal documents that require the parties not to share or profit from classified information*). During the hearing, it was proposed that the Council implement a policy preventing such agreements from being a condition of employment, and there was a broad consensus in support.

The Committee discussed the use of such agreements emphasizing that the City Council should uphold the highest standards, fostering an environment where staff feel comfortable raising concerns without fear



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of retaliation. The Committee agreed that such agreements should not be used to conceal unlawful behavior and supported preventing the misuse of these agreements. The Committee also discussed concerns raised and questions asked about ways to preserve the integrity of the policy-making process and protect sensitive information (*such as campaign strategies and other privileged information*) while still ensuring transparency in governance. Discussion highlighted that any proposed policy should strike a balance between safeguarding proprietary information and maintaining transparency, emphasizing that the proposed policy is meant to ensure that no staff member will be required to sign an unlawful agreement that conflicts with the public interest.

The Committee reviewed the proposed policy's language and clarified that the policy would specifically apply to agreements that are a condition of employment for City Council staffers. The Committee agreed that if any (what would be prohibited) agreements currently exist within the City Council, this policy would render them unenforceable by any Councilor moving forward.

Through discussion, suggestions were made to add clarifying language to the policy, including explicit prohibitions against bullying. Additionally, it was suggested that every City Council employee sign the policy on or before their start date. Finally, with respect to implementing and managing the policy it was suggested that the responsibility for retaining acknowledgments of the policy fall to the Staff Director or their designee, in coordination with each Councilor or their designee.

## ***Summary of Amendments***

The proposed policy was amended to include the following into a new draft:

*Policy Statement: language was added to clarify that the policy applies to Councilors and their staff who are employed with the City Council; language was also added to prohibit the requirement of agreements that restrict disclosure of bullying.*

“Councilors shall be prohibited from requiring staff in their office, as a condition of employment with the City Council, to sign or agree to any nondisclosure, nondisparagement or confidentiality provisions, or any other provision that attempts to restrict disclosure regarding unlawful acts in the workplace, including but not limited to harassment, discrimination, retaliation, bullying, or other forms of misconduct. Councilors shall not seek to enforce a nondisclosure, nondisparagement or other similar clause in an existing agreement between the City and a City Council staff member that was entered into as a condition of employment with the City Council.”

*Implementation: language was added to strengthen the administrative procedures around ensuring that all current and future staff members of the City Council are aware of the policy, agree to the policy and that their agreement is adequately retained.*

“It is the responsibility of the Staff Director or their designee and each City Councilor or staff designee to ensure that all employees, staff, volunteers, and interns who report to them are aware of this policy. The Staff Director or their designee and each Councilor or their staff designee will ensure that a copy of this policy is provided to all of its employees, staff, volunteers, and interns on or before an employee's start date of hire, and will retain a signed record of acknowledgment that all staff members have read and understand the policy upon the start of their employment with the City Council. The Staff Director or



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their designee will ensure the same for all Central Staff employees, interns and volunteers upon the start of their employment with the City Council. The Staff Director or their designee and each City Councilor or their staff designee shall ensure that all current employees, interns, and volunteers receive a copy of this policy and sign a record of receipt upon passage of this policy.”

***Committee Chair Recommended Action***

As Chair of the Committee on Rules and Administration, I recommend moving the listed docket from the Committee to the full Council for discussion and formal action. At this time, my recommendation to the full Council will be that this matter **OUGHT TO PASS IN A NEW DRAFT.**

Ruthzee Louijeune, Chair  
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