

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

ADMINISTRATIVE HANDBOOK

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ABOUT THIS HANDBOOK / DISCLAIMER

We prepared this handbook to assist you in finding the answers to questions you may have regarding your employment with the Gulf of Mexico Fishery Management Council (Council). We do not expect this handbook to answer all of your questions. This handbook states only general Council guidelines. Some subjects covered by this handbook, such as benefit plan descriptions, are also described in separate Council documents. These Council documents always supersede any statement made in this handbook or by any member of management. Please consult with your supervisor or the Administrative Officer if you need further assistance.

Neither this handbook nor any other verbal or written communication by a supervisor, is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner, in any given situation, nor does it confer any contractual rights whatsoever. The Council may, at any time, at its sole discretion, modify policies stated in this handbook, with or without notice.

TABLE OF CONTENTS

Welcome Statement	1
1.0 INTRODUCTION	2
2.0 EMPLOYMENT POLICIES & PRACTICES.....	2
2.1 Staffing.....	3
2.2 Employee Classifications.....	3
2.3 Working Hours and Schedule	4
2.4 Timekeeping Procedures.....	4
2.5 Compensatory Leave and Overtime Pay.....	5
2.6 Personnel Files	5
3.0 COMPENSATION POLICIES.....	5
3.1 Salary Compensation	5
3.2 Payroll & Your Paycheck	6
3.3 Performance Evaluations	7
3.4 Merit Awards	7
3.5 Cost of Living Raises.....	7
3.6 Pay Deductions Related to Absences.....	8
4.0 LEAVE POLICIES	8
4.1 Annual Leave	8
4.2 Sick Leave.....	9
4.3 Bereavement Leave.....	10
4.4 Donated Leave	11
4.5 Advance of Leave	11
4.6 Unpaid Leave	11
4.7 Administrative Leave.....	11
4.8 Family and Medical Leave Act (FMLA) Leave	12
4.9 Jury Duty Leave.....	13
4.10 Military Leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA).....	13
4.11 Holidays	14
5.0 BENEFITS	14
5.1 Insurance	14
5.2 Retirement Plan.....	15
5.3 Employee Assistance Program	15
5.4 Professional Development	15
5.5 Break Times for Nursing Mothers (Affordable Care Act Provision)	16
6.0 GENERAL STANDARDS OF ETHICS AND CONDUCT	16
6.1 Rules of Conduct (50 CFR 600.225)	17
6.2 General Employee Standards	17
7.0 HEALTH AND SAFETY	18
7.1 Wellness Program (Affordable Care Act Provision)	18
7.2 Workers' Compensation	18
7.3 General Operation of Vehicles.....	18
7.3.1 Distracted Driving Policy	19
7.4 Non-Harassment Policies.....	19
7.4.1 Workplace Violence.....	20
7.5 Drug, Alcohol, and Smoke-Free Workplace.....	21
8.0 OTHER MISCELLANEOUS POLICIES	21
8.1 Whistleblower and Scientific Integrity Protection.....	21
8.2 Employment of Relatives.....	22

8.3 Publicity/Statements to the Media	22
8.4 Rules Concerning Gifts	22
8.5 Record Keeping Requirements	23
8.6 Freedom of Information Act (FOIA)	23
9.0 TRAVEL POLICIES	23
9.1 Meeting Approval	23
9.2 Meeting Authorizations	24
9.3 Method of Transportation	24
9.3.1 Airlines.....	24
9.4 Airport/ Hotel Shuttles and Taxis	26
9.5 Rental Cars.....	26
9.6 Lodging	26
9.7 Meals & Incidental Expenses (M&IE)	27
9.8 Travel Advances	28
9.9 Foreign Travel.....	28
9.10 Tips and Gratuities	28
9.11 Miscellaneous Costs.....	28
9.12 Required Receipts	28
9.14 Travel Expense Report Certification	2
10.0 INFORMATION TECHNOLOGY POLICIES.....	2
10.1 Use of Equipment and Technology Resources	2
10.2 Use of Social Media.....	31
11.0 SEPARATION FROM COUNCIL	32
11.1 If You Must Leave Us.....	32
11.2 Close-Out Process for Termination of Employment	32
11.3 Exit Interview.....	32
12.0 A FEW CLOSING WORDS	33
APPENDIX A.....	34

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

ADMINISTRATIVE HANDBOOK

Welcome Statement

For those of you who are commencing employment with the Gulf of Mexico Fishery Management Council, on behalf of the Council, we are glad to have you with us and we hope you will enjoy working here.

For those of you who have been with us, thank you for your past and continued service. I extend to you my personal best wishes for your success here at the Council. We understand that it is our employees who provide the services that our stakeholders rely upon. We will help you develop your career skills as you provide us with your best efforts to help manage the fisheries of the Gulf of Mexico.

Dr. Carrie Simmons, Executive Director

1.0 INTRODUCTION

The Gulf of Mexico Fishery Management Council (Council) is one of eight congressionally created regional fishery management councils throughout the U.S. The Gulf Council consists of representatives from Florida, Alabama, Mississippi, Louisiana, and Texas, who recommend fishery management measures to the Secretary of Commerce through the National Marine Fisheries Service. The Council establishes conservation measures for reef fish, shrimp, spiny lobster, coastal migratory pelagics, corals, essential fish habitat, and red drum fisheries in the Gulf of Mexico Exclusive Economic Zone (EEZ). Legal authority for the Council is found in the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended). Fishery management plans (FMPs) prepared by the Council are designed to achieve optimum yield, while preventing overfishing of our valuable resources.

2.0 EMPLOYMENT POLICIES & PRACTICES

The Council is an Equal Opportunity Employer that does not discriminate on the basis of race, color, religion, national origin, age, disability, reprisal, sex, sexual orientation, status as parent, pregnancy, or any additional basis protected by applicable federal, state, or local laws (50 CFR 600.120). Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment. Council staff positions are filled solely on the basis of merit, fitness for duty, competence, and qualifications. Any employee with questions or concerns about equal employment opportunities in the workplace is encouraged to bring these issues to the attention of the Executive Director. Retaliation against those who initiate discrimination complaints, serve as witnesses, or otherwise oppose discrimination and harassment is strictly prohibited.

The Council will endeavor to make reasonable accommodations to the known physical or mental limitations of employees with disabilities unless the accommodation would impose an undue hardship on the operation of business. If you need assistance to perform your job duties because of a physical or mental limitation, please inform your supervisor, or the Administrative Officer. Requests for disability-related accommodations will be processed, where applicable, in accordance with Department Administrative Order (DAO) 215-10, a copy is available from our Administrative Officer.

The Council will endeavor to accommodate the religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the Council's operations. If you wish to request such an accommodation, please speak to your supervisor.

Except for complaints alleging discrimination based on sexual orientation, complaints by employees alleging discrimination on any basis listed above will be processed in accordance with 29 CFR 1614. Employees alleging discrimination on the basis of sexual orientation will have their complaints processed in accordance with Department Administrative Order (DAO) 215-11, where applicable. Employees must contact an EEOC Counselor at NOAA's Office of Civil Rights, 301-713-0500 or 800-452-6728 or 301-713-0982 TDD-within 45 days of the date of the alleged discrimination.

The Council seeks to resolve workplace conflicts in a prompt, impartial, confidential, nondiscriminatory, and constructive manner, and without fear of reprisal. Any issues that arise should be brought to the attention of one's supervisor. If the supervisor is unable to resolve the situation then the issue shall be brought to the attention of the Council's management team (Executive Director, Deputy Executive Director, and Administrative Officer). The final decision regarding personnel issues rests with the Executive Director, after consulting with the Council Chair, Council Vice-Chair, Personnel Committee Chair, and Personnel Committee Vice-Chair to determine a course of action. If deemed necessary, the Council Chair may convene the Personnel Committee to review the issue.

2.1 Staffing

Subject to the Council's practices and procedures and according to personnel authority provided by the Secretary of Commerce, the Council may establish positions, recruit, hire, compensate, and dismiss staff deemed necessary to carrying out the decisions of the Council. Each position must be justified during the budget process described in 2 CFR Part 215, or prior to filling a new position established during the course of the cooperative agreement year.

The Council has authorized the Executive Director, in consultation with the Council Chair, to recruit, hire, compensate, and dismiss all permanent, probationary, and temporary personnel. In the absence of the Executive Director, routine daily activities will be handled by the Deputy Executive Director, and in the absence of both the Executive Director and the Deputy Executive Director, routine daily activities will be handled by the Administrative Officer.

Staff positions, job titles, and names are listed in Appendix A. Other positions may be authorized as deemed necessary by the Council. Experts, consultants, and temporary personnel may be employed to provide additional Council staff support as required.

Authority is provided for temporary transfer of state, local, and federal government employees to the Council staff. The Council may authorize requests for such personnel.

New employees shall be subject to a probationary period of a minimum of six months, which may be extended up to twelve months, during which the individual's fitness for continued employment shall be evaluated.

The Council office, being located in the State of Florida, follows the Florida doctrine of employment-at-will, which permits the Council or the employee to terminate the employment relationship at any time, for any non-discriminatory reason, with or without cause or notice.

2.2 Employee Classifications

Council employees fall within one of the classifications below.

Full-Time Employees (with benefits) - Employees who regularly work at least 30 hours per week who were not hired on a short-term basis.

Part-Time Employees (with no benefits) - Employees who regularly work fewer than 30 hours per week who were not hired on a short-term basis.

In addition to the above classifications, employees are categorized as either “**exempt**” or “**non-exempt**” for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same bi-weekly salary regardless of hours worked. Employees are informed of their classifications upon hire and prior to subsequent changes.

2.3 Working Hours and Schedule

Council employees typically work a 40-hour work week, Monday through Friday. An employee is entitled to a lunch break of up to one hour, which is without compensation. Flextime (working 40 hours in less than five days) is permitted when arranged with the immediate supervisor in advance, and with the concurrence of the Executive Director. The hours worked by individual employees may vary depending on the needs and interests of the office and the individual. Employees are expected to observe scheduled work hours. The Council office is open from 8:00 a.m. to 5:00 p.m. on official workdays.

You were hired to perform an important function at the Council. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, your attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive, and place an unfair burden on fellow employees and supervisors. Excessive absenteeism or tardiness could affect your employment status. However, we do recognize that there are times when absences and tardiness cannot be avoided. In such cases, you are expected to notify your supervisor as early as possible.

Unreported absences of three consecutive work days will be considered a voluntary resignation of your employment with the Council.

2.4 Timekeeping Procedures

Employees must record hours worked for payroll and benefit purposes. Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason in increments of 30 minutes. Altering, falsifying or tampering with time records is prohibited.

Each employee must sign their time record to certify the accuracy of all time recorded. Any errors in your time record should be reported immediately to your supervisor.

Employees must take annual, sick, or compensatory leave, as applicable, when hours worked are less than 40 hours per week unless a reduced schedule is approved by their supervisor and Executive Director. Any absence from daily work attendance of 30 minutes or more must be accounted for by taking accrued leave or by making arrangements with your supervisor to make up the absence during the same 40 hour work week (NOAA refers to the latter as Credit Time).

The Council experiences periods of extremely high activity. During these busy periods, additional work is required from all of us. Your supervisor is responsible for monitoring business activity and requesting overtime work, if necessary. Effort will be made to provide you with adequate advance notice in such situations.

2.5 Compensatory Leave and Overtime Pay

Employees whose rates of pay under 5 U.S.C. do not exceed the maximum rate for GS-10 and who are classified as non-exempt are required to receive overtime pay (time and a half) for hours worked beyond the 40-hour work week. Non-exempt employees may elect to receive compensatory time at the time and a half rate in lieu of overtime pay in accordance with the provisions of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

Compensatory leave is leave that is accrued by an employee because they have been required to work more than 40 hours a week due to travel or workload demands that could not reasonably be accomplished during regular working hours. The accrual of compensatory leave must be pre-approved by a supervisor, where practicable, and the required travel or work hours in excess of the 40-hour work week must be documented by the employee.

Employees classified as exempt do not receive overtime pay but may accrue compensatory time. To qualify for exempt status, an employee's job duties generally must meet certain tests and compensation requirements. Employees who are excluded from overtime cash payments (exempt employees) are eligible for compensatory leave at the rate of one hour leave for one hour of work.

A work week is defined as a seven-day period, Saturday through Friday. No more than 120 hours of unused compensatory leave may be accrued at one time. All unused compensatory leave will be forfeited upon termination of service, except at retirement or upon the death of an employee.

2.6 Personnel Files

A file for each employee containing appointment information, security information, biographical data and other official documentation will be maintained by the Administrative Officer under secure and safeguarded conditions as required of files subject to the Privacy Act (5 U.S.C. § 552a(d)(1)). Except as otherwise provided for by law, each employee shall have access to his/her individual file; but files are otherwise available to others only pursuant to the provisions of the Privacy Act and Freedom of Information Act in consultation with NOAA legal counsel.

Please keep your personnel file up to date by informing the Administrative Officer of any changes regarding your home address, emergency contacts, marital status, awards, publications, certifications, etc., as well as any changes to required visas. Certain unreported changes can affect your benefit coverage. Further, "out-of-date" information can affect management's ability to reach you in a crisis and cause a severe health or safety risk or other significant problem.

3.0 COMPENSATION POLICIES

3.1 Salary Compensation

In setting rates of pay for Council staff, the principle of equal pay for equal work shall be followed. All personnel vacancies will be filled competitively on the basis of merit, competence, and qualifications unless unusual circumstances dictate otherwise. Variations in basic rates of pay shall be in proportion to differences in professional experience and in the difficulty and

responsibilities of the work performed. The duties of any new position shall be explained in a position description.

The Council is required to follow federal pay rates for Council staff. The Federal General Schedule pay system is divided into 15 grades, each of which has 10 steps. Council staff pay rates are based on the GS system for the “rest of the U.S.” locality, which are pay amounts that are calculated from figures compiled by the Labor Department based on geographic area. The Council also provides supervisory performance pay of up to one percent per employee supervised with a maximum of six percent as an incentive for supervisors.

Staff salary ranges shall be consistent with pay rates of position grade levels and within-grade step increases as established for federal employees. The position may be filled at any salary level within that range. The Executive Director shall discuss pending personnel actions with the Council Chair. If the Executive Director and Chair determine that circumstances related to a personnel action warrant consideration by the Council, that action will be referred to the Personnel Committee, for consideration.

Employees may be considered for step increases in pay upon completing the required waiting period and if an acceptable level of competence has been attained. The waiting period begins upon the appointment of a permanent employee or upon the effective date of a raise or promotion. The waiting period for within-grade increase eligibility is as follows:

- 52 calendar weeks to be advanced to steps 2, 3, and 4;
- 104 calendar weeks to be advanced to steps 5, 6, and 7; and
- 156 calendar weeks to be advanced to steps 8, 9, and 10.

The Council may deviate from the waiting periods on a case-by-case basis considering the employee’s initial hire step and performance evaluation.

An employee may be considered for grade changes based on a change in duties or other factors, such as when a salary adjustment is needed based on comparable salary analyses.

3.2 Payroll & Your Paycheck

Payroll procedures are established to assure prompt issuance of salary checks/deposits and to provide accurate and timely payroll information to employees. Compensation checks will be issued from the Council office biweekly. Pay records will indicate hours worked (non-exempt employees), total earnings, deductions, and net pay. Your paycheck information is available on the web at www.MyADPResource.com. Access instructions are included in your ADP Welcome folder provided to all new employees.

Your salary will be reduced for certain types of deductions, such as your portion of health, dental, or life insurance premiums; state, federal, or local taxes; social security; or voluntary contributions to a 401(k) plan. Required deductions may also include court-ordered garnishments.

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper

deductions are made, you must review your pay statements promptly to identify and report all errors.

Your pay check detail will differentiate between regular pay received and overtime pay received, if applicable. If you believe there is an error in your pay, notify the Administrative Officer immediately so the matter can be resolved quickly. The Council encourages employees to use direct deposit. Authorization forms are available from the ADP web portal and should be submitted to the Administrative Officer. If you do not elect to have direct deposit of your paycheck, please be advised that your check will be given only to you, unless you request that it be mailed, or authorize in writing for another person to accept your check for you.

3.3 Performance Evaluations

The rating period for performance evaluations is the employee's anniversary date covering the preceding 12 months. Your anniversary date may change in the event of a grade elevation. Ratings are determined by the employee's supervisor(s) with input from other supervisory staff and are discussed with the employee. The rating of the Executive Director is performed by the Chair and Vice Chair of the Council.

All performance ratings are made on approved performance rating forms and in conformance with rating procedures established by the Executive Director, copies of which will be provided to you upon completion of the process and filed in the official personnel folder.

If an incumbent employee receives a less than satisfactory performance evaluation in any rating element of their job description, the employee will be counseled on the deficient area(s) and given, in writing, a detailed list of the area(s) in which performance is unsatisfactory. An incumbent employee will be given 90 days from the date of his/her performance review to correct the deficiencies and become completely competent in the job. If after 90 days there are still areas that are not rated as satisfactory, administrative action will be taken that could include, but is not limited to, a re-evaluation of the job description, reassignment of duties, or termination.

3.4 Merit Awards

Merit awards are awarded annually based on exemplary performance during the past year. The supervisor, in concurrence with the Executive Director, can award up to \$4,000 to each employee in recognition of outstanding performance. These awards are in addition to, but are not part of, the employee's base salary. All awards must be approved by the Executive Director, in consultation with the Council Chair, and contingent upon the availability of funds.

3.5 Cost of Living Raises

Employees may be granted cost of living raises by the Executive Director comparable to the annual cost of living raises granted to federal employees in the same geographic area and within the amount budgeted annually by the Council for that purpose. If any cost of living raise is granted, all staff will be awarded the increase across the board.

3.6 Pay Deductions Related to Absences

Under federal and state law, your salary is subject to a reduction under particular and limited situations. Exempt employees have certain protections from salary reduction, but a reduction in pay may be made for the following reasons:

- For absences of one or more full days for personal reasons other than sickness or disability if no accrued annual or compensatory leave is available;
- For absences of one or more full days due to sickness or disability if no annual, sick, compensatory or donated leave or disability insurance is available;
- To offset amounts employees receive as jury compensation (greater than 10 days), witness fees, or for temporary military duty pay;
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- In the employee's initial or terminal week of employment if the employee does not work the full week; or
- For unpaid leave taken by the employee under the Family and Medical Leave Act.

Any work week in which any work is performed, an exempt employee's salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability;
- Absence because the office is closed;
- Absences for jury duty, attendance as a witness, or military leave in any week in which any work has been performed;
- Any other deductions prohibited by state or federal law.

However, deductions may be made to your annual leave or sick leave for full- or partial-day absences for personal reasons, sickness, or disability.

If you believe you have been subject to any improper deductions, immediately report the matter to your supervisor, the Administrative Officer and Executive Director.

4.0 LEAVE POLICIES

4.1 Annual Leave

Full-time staff members earn annual leave of 13 to 26 days per year, prorated per biweekly pay periods, based upon the collective number of years of creditable service with the Council. Annual leave is accrued incrementally based on a corresponding number of hours per pay period and is granted as follows:

<u>Years of Service</u>	<u>Working Days of Leave per Year (Hours per Pay-Period)</u>	
Under 3	13 days	(4 hours)
3 to 15	20 days	(6 hours)
15 and over	26 days	(8 hours)

Years of service refers to years of Council service, except that up to four years of U.S. military, state, or federal government service may be applied to years of service in computing total years of creditable service for leave determination. Prior service verification is required. Annual leave accrues and is available immediately upon hiring.

Any person hired after December 31, 2016, upon separation of employment, will be paid any applicable unused annual leave in a lump sum payment.

As of January 1, 2017 current employees will have their accrued annual leave grandfathered at the existing level, and will be reduced as it is used, but is not included in the 480 hour annual cap.

Beginning December 31, 2017, accrued annual leave in excess of 480 hours will be converted to sick leave at the end of each calendar year.

Earned annual leave may be taken with approval of your supervisor. Any annual leave in excess of three consecutive business days must be scheduled and documented on an Application for Leave form that is signed by the employee's immediate supervisor and the Executive Director.

Upon separation of employment, an employee will be compensated for unused annual leave at the hourly wage rate in effect at the time of termination. For employees hired prior to January 1, 2017, upon separation of employment or retirement, leave can be paid out either as a lump sum or as a payment every two weeks, at the employee's discretion. Upon separation of employment due to cause, leave will be paid as a lump sum payment only. When leave is paid out as a payment every two weeks, due to separation from employment, accrual of further leave will not be allowed during the pay-out period.

4.2 Sick Leave

Council full-time employees are granted 13 days of paid sick leave annually, prorated per biweekly pay period. Sick leave accrues and is available immediately upon hiring. Sick leave accrual is cumulative throughout an employee's tenure with the Council without limit.

Earned sick leave may be taken upon approval of your supervisor, except when circumstances do not allow for the supervisor's approval such as a medical emergency. Some examples of sick leave use include when an employee:

- (1) Is incapacitated for duty as a result of physical or mental illness, injury, pregnancy or childbirth;
- (2) Receives medical, dental, or optical examinations or treatment;
- (3) Would endanger the rest of the workforce by being present on the job after exposure to a contagious disease as determined by a health care provider or public health authorities;
- (4) Needs to supplement bereavement leave, including ceremonies up to one year after the death;
- (5) Provides care for an immediate family member* who (a) is incapacitated as a result of mental or physical conditions, including pregnancy, childbirth and before/after care of the mother; (b) requires assistance to medical, optical, dental examinations or treatments; or (c) with a serious health condition;

- (6) Is adopting a child;
- (7) Participates in a drug or alcohol counseling program, or other counseling program which is under the auspices of a licensed practitioner and which has been prescribed as treatment by a licensed practitioner; or
- (8) Requires time to replace or repair a prosthetic device, or train in the use of an aid, e.g., a seeing-eye dog.

** Per 5 USC Part 630.201, immediate family is defined as a spouse, spouse's parents, children and their spouses, parents, brothers and sisters and their spouses, domestic partner and their parents, grandparents and grandchildren, and spouses thereof, and others whose close association create the equivalent of a family relationship.*

Sick leave in excess of three consecutive business days shall be supported by administratively acceptable medical or other pertinent documentation.

All unused sick leave will be forfeited upon termination of service, except at retirement or upon the death of an employee. Upon an employee's retirement from Council service, as defined in accordance with the provisions of the Council's retirement plan, or upon the death of an employee, 50% of unused sick leave is payable up to a total of 1200 hours. (For example, if an employee retires with 3000 hours of sick leave, they will be reimbursed for only 1200 hours and forfeit the 300 hours difference between 3000/2 hours and 1200 hours; if an employee retires with 1000 hours of sick leave, they will be reimbursed for only 500 hours.) Payment is based upon the employee's then current pay scale. For employees hired prior to January 1, 2017, upon retirement, leave can be paid out either as a lump sum or as a payment every two weeks, at the employee's discretion. Upon the death of an employee applicable sick leave will be paid out as a lump sum. When sick leave is paid out as a payment every two weeks, due to retirement, accrual of further sick leave will not be allowed during the pay-out period. Any person hired after December 31, 2016, upon retirement, will be paid any applicable unused sick leave in a lump sum payment.

The Council maintains a leave fund to handle expected staff turnover to minimize potential impacts on its operating funds. The Council can make partial payments of sick leave pay-outs if accumulated funding is not sufficient to cover the total amount. If more than one employee is involved and the leave fund is insufficient for immediate pay-out, any partial pay-outs will be prorated to each employee based on their relative percentage of pay-out.

4.3 Bereavement Leave

The Council provides bereavement leave to allow employees to attend to the legal, financial, and emotional needs of their family. An employee may be absent up to three work days without loss of pay in the case of the death of a member of the employee's family. Family includes a spouse, domestic partner, child, parent, sibling, child's spouse, grandparent, grandchild, or any other relation as defined in 5 CFR 630.201 (see also the Federal Employees Almanac: Chapter 5, Section 1, Subsection: Qualifying Family Members). You must inform your supervisor prior to commencing bereavement leave. In administering this policy, the Council may require verification of death.

4.4 Donated Leave

Annual or sick leave may be voluntarily donated by employees of the Council to another employee in the event of an extended medical need. A medical need is defined as a condition of an employee or immediate family member (as defined above) that is likely to result in an extended period of confinement and/or recuperation; is likely to cause a substantial loss of income to the employee; and the employee does not have sufficient sick, annual, or compensatory leave to cover the anticipated leave. To be eligible for leave donation the employee must also have exhausted all of his/her sick, annual, and compensatory leave. Determinations of a medical need shall be made by the Executive Director following a review of the medical certificate or other administratively acceptable evidence. Donated leave will be on an hour-for-hour basis provided that the donating employee's hourly earnings rate is equal to or greater than the receiving employee. If not, the amount donated will be prorated. Donated leave is available solely at the discretion of the Executive Director. There is no waiting period after the initial hire to receive donated leave.

4.5 Advance of Leave

An advance of sick leave of no more than six weeks may be granted to an employee upon approval by the Executive Director only after the employee has exhausted all sick, annual, and compensatory leave, and the employee has not received sufficient leave donations to cover a medical need. Advanced sick leave shall be repaid using sick, annual, and/or compensatory leave as it is accrued. If the employee is still unable to return to work after this extended leave period, the employee may be granted extended leave without pay or terminated, except in the event of a qualified Family and Medical Leave Act situation. A signed promise of repayment must be executed prior to receiving advanced sick leave.

4.6 Unpaid Leave

The Executive Director may grant unpaid leave to an employee for any period as deemed appropriate. The unpaid leave status may be terminated at any time with seven days notification to the employee. Except when the unpaid leave is under the Family Medical Leave Act, or due to a medical condition that extends beyond the Family Medical Leave Act period, the Council's current practice of wholly assuming the cost of health, life, dental, and disability insurance premiums will not continue after the first 30 day period of unpaid leave. The employee must submit a request in writing to continue insurance(s) through the Council's group plan(s) no more than 30 days from the date of entering the unpaid leave status, and the employee shall be responsible for payment of all premiums after the first 30 days. If an employee's payment is more than 15 days late, the Council will send a letter notifying the employee that coverage will be dropped on a specified date unless the payment is received before that date.

4.7 Administrative Leave

The Executive Director shall have authority to grant administrative leave in the event of emergency or other conditions affecting the office or well-being of the staff.

4.8 Family and Medical Leave Act (FMLA) Leave

The FMLA requires employers to provide up to 12 weeks of unpaid, job-protected leave within a 12-month period to eligible employees for certain family and medical reasons. The Council uses the forward-measured 12 month calculation period. Under this calculation method, employees are entitled to 12 weeks of leave in the 12-month period that follows the first date they take FMLA leave. Once this 12-month period has passed, the employee will again be eligible to take another 12 weeks of FMLA leave.

The FMLA also permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances provided both the employer and employee agree. The Council maintains a notice that summarizes FMLA provisions on its information bulletin board in a public work area. Employees should review the FMLA notice or consult with the Administrative Officer for further details. Specific details can also be accessed via the web at [http //www.dol.gov](http://www.dol.gov).

Leave under FMLA is available to eligible employees. To be eligible an employee must have been employed by the Council for at least 12 months (which need not be consecutive) and have actively worked for the Council for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; (Leave, whether paid or unpaid, does not count as hours worked). The FMLA provides eligible employees with a right to leave, health insurance benefits, and job restoration while on FMLA status.

In the case of an eligible employee who is the spouse, son, daughter, parent, or next of kin of a current service member with a serious injury or illness incurred in the line of duty on active duty, up to 26 workweeks of FMLA leave during a single 12-month period can be taken (1) to care for the service member (military caregiver leave); and (2) to allow an eligible employee whose spouse, son, daughter, or parent is a member of the National Guard or Reserves to take up to 12 workweeks of leave for qualifying exigencies arising out of the military member's active duty or call to active duty in support of a contingency operation (qualifying exigency leave).

Sick, annual, or compensatory leave, if available, will be substituted for unpaid leave under the FMLA (except if leave is under Workers' Comp). The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with an employee's FMLA entitlement. Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

The Council may choose not to return highly compensated employees (highest paid 10% of employees at a worksite or within 75 miles of that worksite) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the Council. If you invoke your rights under the FMLA, the Council will notify you if you are determined to be a "highly compensated" employee.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the

Administrative Officer immediately. The Council will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

4.9 Jury Duty Leave

The Council recognizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed up to ten paid working days to perform such civic service as required by law. Jury duty beyond the initial ten days will have to be conducted under paid leave, if available, or unpaid leave if no annual or compensatory leave is available. Employees who are called for jury duty are expected to provide the Council with proper notice of your request to perform jury duty and with your verification of service. You also are expected to keep management informed of the expected length of your jury duty service. If the required absence presents a serious conflict for management, you may be asked to try to postpone your jury duty.

4.10 Military Leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA)

If you are called into active military service or you enlist in the uniformed services, you are eligible to receive an unpaid military leave of absence. The USERRA applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered "service in the uniformed services."

Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty. To be eligible for military leave, you must provide your supervisor with advance notice of your service obligations unless you are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable for you to provide such notice. Provided your absence does not exceed applicable statutory limitations, you will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. The Council will provide, to persons entitled to the rights and benefits under USERRA, a notice of the rights, benefits, and obligations of such persons and such employers under USERRA. If you are required to attend yearly Reserves or National Guard duty, you should give your supervisor as much advance notice of your need for military leave as possible so that we can maintain proper coverage while you are away.

Personnel on extended active duty in the armed forces will be placed on leave without pay from the Council staff. Please ask the Administrative Officer for further information about your eligibility for Military Leave.

4.11 Holidays

The Council generally recognizes holidays as observed for federal employees and employees are granted the day off with pay as shown in the following:

New Year's Day, January 1
Martin Luther King's Birthday, third Monday in January
President's Day, third Monday in February
Memorial Day, last Monday in May
Independence Day, July 4
Labor Day, first Monday in September
Columbus Day, second Monday in October
Veterans' Day, November 11
Thanksgiving Day, fourth Thursday and Friday in November
Christmas Day, December 25
Other national holidays and holiday related administrative leave granted to federal employees

5.0 BENEFITS

5.1 Insurance

A comprehensive health insurance plan is currently provided. Employee costs may vary depending on the insurance carrier and type of plan the Council adopts. Optional coverage for eligible dependents of employees is also available under this plan. The Council currently sponsors a high-deductible health insurance plan and a Health Savings Account to cover part of the medical insurance deductible and to help defray out-of-pocket expenses.

Dental insurance is currently provided for employees and their eligible dependents for basic service through Principal Financial Group at no cost to the employee.

The Council provides \$50,000 in life insurance, at no cost to the employee. A supplementary policy is available which provides a benefit equal to the employee's salary, rounded to the nearest \$20,000 increment, up to a maximum of \$100,000. For example, an employee with a salary of \$50,000 would be entitled to \$50,000 of base coverage and an additional \$60,000. ($\$50,000 + \$60,000 = \$110,000$). An employee earning \$120,000 would be eligible for \$50,000 of base coverage and an additional \$100,000. ($\$50,000 + \$100,000 = \$150,000$). Insurance benefits are reduced by 35%, 60%, and 75% upon attaining the age of 65, 70, and 75, respectively.

The Council currently provides a disability program, at a level of approximately $66\frac{2}{3}$ percent of an employee's base salary. A 90-day elimination period is required after the date of disability before benefits begin.

The Council provides optional benefits to each Council staff employee through the American Family Life Assurance Company of Columbus and Colonial Life. Any election of these benefits is deducted from the employee's biweekly salary.

The Council may, at any time, require employees to pay for a portion of benefits depending on budgetary constraints.

5.2 Retirement Plan

The Council currently contributes 6% of an employee's salary to a 401K retirement program as a base contribution. The Council currently also matches up to an additional 8% of whatever percentage is contributed by the employee. A 20% per year vesting schedule applies to Council contributions with full vesting after five years of service. Employees who work 1,000 hours per plan year (calendar year) are credited with one year of service. Employee contributions are tax deferred. Employees who have reached the early retirement age of 55 and who have a minimum of 10 years of service are eligible, upon taking early retirement, to receive a sick leave payout as outlined in Section 4.2. Employees who have reached the early retirement age and who have a minimum of 20 years of service are eligible, upon taking early retirement, to receive a 75 percent subsidy of medical insurance premiums up to the age of Medicare eligibility.

5.3 Employee Assistance Program

The Council offers an employee assistance program through ADP Resource. This program offers qualified counselors to help employees and their families cope with personal problems they may be facing. Further details can be obtained by contacting an EAP counselor through ADP's Life Solutions Resource. A counselor is available by calling 888.231.7015 Monday through Friday from 8:30 a.m. to 9:00 p.m. eastern time; 24-hour assistance is available for emergencies.

5.4 Professional Development

Professional development is encouraged for all staff and sometimes may be required as a part of our ongoing quality improvement evaluation process. Education or training opportunities may be desirable due to changing technology, a change in job duties, or to improve an employee's job performance or career potential. All such educational endeavors are allowed based on the availability of staff time and funds. Tuition reimbursement may be available for classes taken for certification or a degree, if approved beforehand.

Employees desiring to engage in professional development training or education must submit a written request through their supervisor to the Executive Director before the start of the class or training. The request should contain the details of and justification for the professional development, including relevant costs and how the effort relates to service to the Council. In evaluating a request, the Executive Director will consider the extent to which the training or course of study relates to the work which the employee is currently performing or may reasonably be expected to perform, the relationship between the employee's work schedule and the training/educational schedule, and anticipated costs.

Unless the professional development is required by a supervisor for remedial purposes compensatory time may not be accrued in attending professional development activities. Once the class or training is complete, a grade report, certificate, or document of completion is required to be filed with the Tuition Reimbursement Form. Reimbursements will be given within 60 days upon satisfactory completion of the course or training activity. For graded or

pass/fail classes either a “c” or a satisfactory grade is required for reimbursement. For other trainings a certificate of completion is adequate. Advance payments may be made if the training is required by a supervisor or under other special situations. If an advance payment has been made and the employee withdraws from the class, leaves Council employment before the class is complete, or has a grade lower than a “c” or satisfactory, repayment of the advance payment must be made to the Council within 30 days; otherwise, the Council may deduct the money from the employee’s pay.

Allowable costs include: (a) training materials; (b) textbooks; (c) fees charged by the training/educational institution; and (d) tuition. In some cases, other special fees such as additional instructor fees, special equipment, and other associated educational expenses may be allowable. If an employee receives more than \$5,250 in educational assistance benefits during a calendar year, taxes may need to be paid on the amount over \$5,250. The Council will include in your wages (Form W-2, box 1) the amount that you must include as income.

5.5 Break Times for Nursing Mothers (Affordable Care Act Provision)

The Council will provide a reasonable amount of break time to accommodate an employee desiring to express milk for the employee’s infant child, in accordance with and to the extent required by applicable law.

The Council will make reasonable efforts to provide employees with the use of a private area for the employee to express milk. The private area location may be the employee’s private office, if applicable. The Council will provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has need to express the milk. <http://www.dol.gov/whd/nursingmothers/>. Please advise your supervisor if you need break time and if you do not have an area to use for this purpose.

6.0 GENERAL STANDARDS OF ETHICS AND CONDUCT

Employees are expected to contribute to the maintenance of a productive, harmonious, and cooperative work environment. A basic part of this contribution is performing assigned duties as an effective member of the work team, following the rules, policies, procedures, regulations, and laws governing their work activities. Because most employees operate without close supervision, it is critical that all employees abide by the highest standards of honesty and respect for the fiscal and other resources of the Council.

Council members, as federal officeholders, and Council employees are subject to most federal criminal statutes covering bribery, conflict-of-interest, disclosure of confidential information, and lobbying with appropriated funds. In addition to abiding by the applicable federal conflict of interest statutes, both members and employees of the Council must comply with the standards of conduct cited in 50 CFR Section 600.225 (cited below) and Section 600.227 regulations on lobbying.

6.1 Rules of Conduct (50 CFR 600.225)

The Council is responsible for maintaining high standards of ethical conduct among itself, its staff and advisory committees. In addition to abiding by the applicable federal conflict of interest statutes, both members and employees of the Council must comply with the following standards of conduct:

- 1) No employee of the Council may use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to, or a nomination for, any national, state, county or municipal elective office.
- 2) Council members, employees, and contractors must comply with the Federal Cost Principles Applicable to Regional Fishery Management Council Grants and Cooperative Agreements, especially with regard to lobbying, and other restrictions with regard to lobbying as specified in §600.227 of this part.
- 3) No employee of a Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Magnuson-Stevens Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election, or on account of his or her political affiliation.
- 4) No Council member or employee may pay, offer, promise, solicit, or receive from any person, firm, or corporation a contribution of money or anything of value in consideration of either support or the use of influence or the promise of support or influence in obtaining for any person any appointive office, place, or employment under the Council.
- 5) No employee of the Council may have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.
- 6) No Council member, employee of the Council, or member of a Council advisory group may use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council association that has not been made available to the general public.
- 7) No Council member or employee of the Council shall engage in criminal, infamous, dishonest, notoriously immoral, or disgraceful conduct.
- 8) No Council member or employee of the Council may use Council property on other than official business. Such property must be protected and preserved from improper or deleterious operation or use.

6.2 General Employee Standards

The Council endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense, and fair play.

Employees are expected to:

- 1) Present a neat appearance and to dress appropriately;
- 2) Be courteous and respectful to the public, fellow workers, supervisors, Council members, and others;
- 3) Obtain written approval from his/her supervisor for engaging in outside employment and/or college educational classes to avoid any unanticipated conflict with his/her current position;
- 4) Not engage in insubordination either by direct refusal to perform an assigned job task, or by willful failure to actually perform the assigned duty.

7.0 HEALTH AND SAFETY

The health and safety of employees and others during the course of conducting Council business are important to the Council. Employees must keep work areas safe and free of hazardous conditions and be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to your supervisor immediately. Any suspicion of a concealed danger present on the Council's premises, or in a product, facility, piece of equipment, process, or business practice for which the Council is responsible should be brought to the attention of management immediately.

Periodically, the Council may issue rules and guidelines governing workplace safety and health. All employees should familiarize themselves with these rules and guidelines, as strict compliance is expected.

7.1 Wellness Program (Affordable Care Act Provision)

Incorporating healthy lifestyle habits into a daily routine can be challenging. To help employees stay motivated and achieve their health and fitness goals, the Council offers a voluntary wellness program to all employees. The program includes a quarterly monetary incentive, wellness news, and guidance. This is a voluntary program that requires participants to indicate to the Wellness Coordinator, in writing, their intent to participate and to establish personal health and fitness goals.

7.2 Workers' Compensation

On-the-job injuries are covered by the Department of Commerce's workers' compensation program. If you are injured on the job, no matter how slightly, report the incident to your supervisor immediately. Failure to follow required procedures may affect your ability to receive workers compensation benefits. Employees who need to miss work due to a work-related injury must also request a formal leave of absence, if feasible. Employees are expected to return to work as soon as medically able.

7.3 General Operation of Vehicles

All employees authorized to drive Council-owned or leased vehicles or personal vehicles in conducting Council business must possess a current valid driver's license and maintain an acceptable driving record. Any change in license status or driving record must be reported to the

Administrative Officer or Executive Director immediately.

A valid driver's license must be in your possession while operating a vehicle. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws and regulations. Drivers must demonstrate safe driving habits at all times. Council-owned or leased vehicles may be used only as authorized.

7.3.1 Distracted Driving Policy

Employees who drive on Council business must abide by all state or local laws prohibiting or limiting portable communication device use, including cell phones, while driving. "Use" includes, but is not limited to, talking or listening to another person, setting up GPS navigation while in motion, or sending, or reading an electronic or text message.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs. Since this policy prohibits a traveler on Council business from using a portable communication device while driving, travelers who are charged with traffic violations resulting from the use of their portable communication device while driving will be solely responsible for all liabilities that result from such actions.

In order to increase staff safety, eliminate unnecessary risks, and to be in compliance with the 2009 Federal Executive Order addressing "Federal Leadership on Reducing Text Messaging While Driving," the Council has adopted the following distracted driving policy that applies to any traveler operating a Gulf Council-owned or leased vehicle or a private vehicle while conducting Council business:

- Do not text, e-mail, or read e-mails while operating a vehicle regardless if the vehicle is in motion or stopped at a traffic light.
- If a driver needs to text or e-mail, he/she must pull over safely to the side of the road or another safe location.
- A driver wishing to use the phone while driving must first pull over a safe location.
- Driving any vehicle on company business while under the influence of drugs or alcohol is strictly forbidden.
- If for any reason anyone traveling on Council business does not feel well (light headed, nauseous, etc.) or needs to leave the office due to illness, call a cab or have a coworker drive you to your destination. Your safety is paramount, and the cost of transportation will be reimbursed.

7.4 Non-Harassment Policies

It is the Council's policy to prohibit intentional and unintentional harassment of any individual by another person in any manner. The purpose of this policy is to ensure a safe and comfortable work environment.

The Council has a zero-tolerance policy for harassment on the basis of race, religion, color national origin, sex, age, sexual orientation, disability and reprisal. Any employee who believes he or she has been harassed should report the harassment to a supervisor or officer. The supervisor or officer should then follow, where applicable, the steps set forth in Department

Administrative Order, DAO 202-955. Any complaints of harassment on the basis of sexual orientation should be handled in accordance with DAO 215-11, where applicable. The provisions of these DAOs are entirely separate from EEO complaint process, and must be followed whether or not an employee has files an EEO complaint. The Council's Harassment Policy extends beyond staff and includes members of the Council with regard to all interactions with staff, including the conduct of Council members, staff members, and the public during the course of official Council meetings, advisory body meetings, or committee meetings.

Sexual harassment is particularly egregious. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic material, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching or sexually related comments. Any form of harassment among co-workers, whether the employees are on or off duty, violates company policy and such complaints will be aggressively resolved and subject the offending employee to discipline, possibly including termination.

If you believe you have been subjected to conduct which violates any harassment or workplace violence policy, immediately report the matter to your supervisor, the Administrative Officer or Executive Director. If, for any reason, you are unable to contact this person, or if you have not received a satisfactory response within five business days after reporting any incident, please contact the Executive Director. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Council will not allow any form of retaliation against individuals who report unwelcome conduct or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action. Employees must cooperate with all investigations.

7.4.1 Workplace Violence

Workplace violence is an extreme form of harassment and a major disruption to the functioning of the Council office. Threats, threatening language, or any other acts of aggression or violence made toward or by any Council employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of domination or intimidation. Guns or other weapons are not allowed in the Council office, Council vehicles or Council meetings.

All potentially dangerous situations, including threats by co-workers, should be reported immediately to your supervisor. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation, or disciplinary action as a result of reporting a threat in good faith under this policy.

If you are the recipient of a threat made by an outside party, please follow the steps detailed in this section. It is important for us to be aware of any potential danger in our offices. We want to take effective measures to protect everyone from the threat of a violent act.

7.5 Drug, Alcohol, and Smoke-Free Workplace

To help ensure a safe, healthy and productive work environment, to protect Council property, and to ensure efficient operations, the Council has adopted a policy of maintaining a workplace free of illegal drugs, alcohol, and smoke. Such use is prohibited on Council premises and in all Council vehicles.

This policy applies to all employees and other individuals who perform work for the Council. All Council employees must also adhere to the provisions of the Drug Free Workplace Act of 1988 and the federal regulations which became effective March 18, 1989. The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale, or distribution of controlled substances, drug paraphernalia, or alcohol by an individual anywhere on Council premises, while on Council business (whether or not on Council premises) or while representing the Council, is prohibited.

Employees and other individuals who work for the Council are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, except when the controlled substance use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work.

The Council will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and will not discriminate against those who have a medical history which reflects treatment for substance abuse conditions. An employee having a drug problem is required to seek assistance, and will be allowed to use accrued sick, annual, compensatory leave, or leave without pay to participate in a drug abuse assistance or rehabilitation program.

Employees must notify the Council within five calendar days, if possible, if they are convicted of a criminal drug or alcohol violation.

8.0 OTHER MISCELLANEOUS POLICIES

8.1 Whistleblower and Scientific Integrity Protection

The Council recognizes the importance of protecting those who report violations of Council policy, and strictly adheres to The Whistleblower Protection Enhancement Act of 2012. This act ensures that an employer cannot engage in reprisal against an employee for reporting fraud or other violations of Council policy.

Generally, a person with personnel authority must investigate and take appropriate personnel action when a disclosure is made about an employee or applicant with regard to a violation of a law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a

substantial and specific danger to public health or safety.

The Council also adheres to the protection guidelines provided under the NOAA Scientific Integrity Policy (<http://nrc.noaa.gov/ScientificIntegrityCommons.aspx>), which provides strong protections for those who uncover and report allegations of scientific and research misconduct. We are fully committed to providing information about whistleblower protections to Council employees. If any employee feels they cannot resolve such complaints through normal Council channels, a complaint can be filed with the U.S. Office of Special Counsel or the Department of Commerce Office of Inspector General.

8.2 Employment of Relatives

Employment of relatives is discouraged and will only be approved on a case-by-case basis at the discretion of the Executive Director, provided that such employment does not fall under the line of supervision of an incumbent employee.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

8.3 Publicity/Statements to the Media

All media inquiries regarding the Council's position on any issues must be referred to the Public Information Officer or Outreach Specialist. Only the Executive Director is authorized to make or approve public statements on behalf of the Council. No employees, unless specifically designated by the Executive Director, are authorized to make those statements on behalf of Council. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the Council must first obtain approval from the Executive Director.

8.4 Rules Concerning Gifts

Gifts from non-employees or outside sources are prohibited except for incidental and occasional meals.

In keeping with the guidelines in the Summary of Ethics Rules for Employees of the National Oceanic and Atmospheric Administration, one should not offer a gift to a supervisor or accept a gift from a subordinate unless one of the following exceptions applies:

- 1) The gift is for a special, infrequent major event (such as the birth or adoption of a child, recovery from a serious illness, retirement, or a wedding);
- 2) The gift is worth \$25 or less, given occasionally;
- 3) It is food shared in the office;
- 4) It is personal hospitality at one's home; or
- 5) It is a gift to a host or hostess (such as wine or flowers).

8.5 Record Keeping Requirements

Council records must be handled in accordance with Department of Commerce and NOAA records management office procedures. The Council will abide by the terms of the NOAA Records Management Guide; the NOAA Records Disposition Handbook; and the following records management authorities: NAO 205-1 NOAA Records Management Program; DAO 205-1 Program for Records Management; Federal Records Act of 1950; 44 U.S.C. Chapter 31 Records Management by Agency Heads; 44 U.S.C. Chapter 33 Disposal of Records; DAO 205-16, Managing Electronic Records; DAO 205-3 Removal of records and Other Documents, and 44 U.S.C. § 101 Federal Management and Promotion of Electronic Government Services.

All records and documents created or received by Council employees, while in active duty status, belong to the Federal government. When employees leave the Council, they may not take the original or file copies of records with them. Before any records are disposed of, Council members and employees will coordinate with the NOAA records management office.

In the event of litigation, compilation of an administrative record for a court case will be under the direction of NOAA General Counsel.

8.6 Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA) provides that any person has a right, enforceable in court, to obtain access to federal agency or Council records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions. A FOIA request can be made for any agency or Council record and can be submitted by submitting an online request at <https://foiaonline.regulations.gov/foia/action/public/home>. Such requests are forwarded to the Department of Commerce and/or NOAA Fisheries FOIA official who will advise the Council on responding to the request.

9.0 TRAVEL POLICIES

According to Department of Commerce guidance, persons authorized to perform travel for the Council are expected to exercise the same care when incurring expenses that a prudent person would exercise if traveling for personal reasons. Travel expenses for which reimbursement will be made are confined to those expenses necessary to the transacting of the official business. Travelers are encouraged to submit Travel Expense Reimbursement forms no later than 60 days from the last day of travel.

9.1 Meeting Approval

All travel must be authorized and approved in advance by the Executive Director, the Council Chair, Vice Chair, or by Council vote.

Travel performed by Council members, staff, or others for the Council is classified into special travel requiring Council Chair or Vice Chair approval or routine travel requiring approval by the Executive Director. Special travel includes approval of Council members to attend any meeting

that is not a meeting of the Council, or other Council committee meeting. Routine travel in support of Council business includes the approval of staff, SSC members, AP members, and consultants.

9.2 Meeting Authorizations

All travel, except for staff travel to local meetings with other nearby agencies, will be documented in a meeting authorization which will indicate the names of the authorized travelers and their approximate dates of travel, accompanied by travel guidelines and the Travel Expense Report which is used by the traveler to request reimbursement for travel costs.

All anticipated travel including regularly scheduled Council, SSC, and AP meetings, should be conveyed to the Travel Coordinator via e-mail as soon as the travel is approved by your supervisor and the Executive Director. Meeting authorizations are issued prior to the performance of travel and provided to the traveler as soon as possible but at least three weeks prior to a Council, SSC, or AP meeting.

After travel is approved by the Executive Director, authorization documents are issued by the Administrative Officer or Travel Coordinator.

Meeting announcements may precede the issuance of a meeting authorization. All travelers are encouraged to make hotel and flight reservations upon receiving the meeting authorization or meeting announcement, except for Council meetings where the Travel Coordinator handles all aspects of lodging.

Points of travel are indicated on the meeting authorization, and deviations from these points of travel must have prior approval for payment or reimbursement. When a person, for his or her own convenience, interrupts the official route of travel by an indirect route, any extra expenses shall be borne by the traveler. The Travel Coordinator can, upon request, prepare a cost comparison prior to travel approval to assist the traveler.

9.3 Method of Transportation

Travel on official business shall be by the method of transportation that will provide the greatest advantage to the Council, where practicable. Travel may be performed by common carrier (air, bus, etc.), Council vehicle, rental vehicle, privately owned vehicle, or other means. If a traveler chooses a means of travel that results in a higher cost than the prevailing airfare rate, the traveler may not be reimbursed for the difference, depending on the circumstances.

9.3.1 Airlines

Flights should be booked after meeting agendas have been finalized but no less than 14 days from the scheduled date of departure whenever possible, to avoid excessive airfare which may not be reimbursable. Non-refundable tickets should be selected. First-class and business class airfares are prohibited and will only be paid in unusual circumstances and with prior written approval. However, miscellaneous fees and taxes, including early boarding and seat selections fees (except as noted above) are considered reimbursable expenses.

Flights booked directly with an airline are reimbursed upon receipt of an airline ticket receipt along with your travel expense reimbursement claim at the conclusion of your travel. Flights booked through our travel management center will be billed to the Council's account. Flights that are booked directly with an airline are considered "personal tickets" until travel has commenced, and may not be reimbursed prior to travel or should you need to cancel your trip. Change fees may also be disallowed depending on the situation.

Fees for the first checked bag generally will be reimbursed; fees for the second and subsequent bags may be reimbursed when it is deemed necessary. Travelers should provide written justification for the charge of more than one bag when submitting travel expense report.

When travelers find they will not or cannot use their booked travel arrangements, they should release them within the time limits specified by the carriers. Failure to cancel reservations without justification may require the traveler to pay for assessed penalties and/or cancellation fees.

Staff attending Council meetings will coordinate dates of travel with their supervisors/Deputy Executive Director to ensure necessary personnel is available to assist with handling meeting logistics, and the appropriate technical staff are available during the meeting. The Deputy Executive Director will advise the Travel Coordinator of the approved staff travel schedule to book flights/transportation accordingly. Itineraries will be provided to staff immediately upon confirmation of flights.

For all other travel, staff may reserve their own hotel accommodations, flights, and rental cars (if required and approved) for attendance at meetings approved by the Executive Director. Staff electing to make their own travel arrangements must forward meeting information, a detailed description of their itinerary, and hotel confirmation to the Travel Coordinator and their supervisor, along with the Executive Director's or Deputy Director's written authorization for the travel. The Travel Coordinator can book hotel and flight arrangements when requested.

For multi-day series of public hearings or scoping workshops, please coordinate with the Travel Coordinator for help in determining the most cost effective and convenient lodging and routes. Availability of meeting locations may dictate the sequence in which each destination is chosen.

9.3.2 Privately Owned Vehicles

Use of a privately owned vehicle can sometimes be more expensive than air travel, therefore, such use must be justified by cost or price comparison with use of common carrier, with considerations being given to total distance of travel, number of points visited, and the number of travelers. Mileage will be paid at the prevailing federal rate for the number of miles shown and as verified by Google Maps. When a privately owned vehicle is used as a matter of personal preference and is not advantageous to the Council, reimbursement will be limited to the lesser of amounts as determined by cost comparison. The GSA City Pairs airfare will be used in conducting the cost comparison along with consideration of any additional expenses such as lodging and meals. Travelers should contact the Travel Coordinator to obtain the applicable comparative fare and allowable costs prior to confirming method of transportation.

Council staff have the availability of a van which should be used for staff travel whenever feasible. If an employee chooses to use their private vehicle for travel when the Council van is available the mileage reimbursement will be reduced to the rate comparable to federal employees when they have access to a government-furnished automobile (in 2016 the comparable mileage rate was \$0.19 per mile—see <http://www.gsa.gov/portal/content/100715>).

When two or more approved travelers travel together in a rented or privately owned vehicle, the name of each traveler should be listed on their respective travel reimbursement expense report. Airport, hotel, and other parking fees incurred while the traveler is away from their official duty station are allowed. Receipts are required for all private vehicle related expenses, such as tolls and parking fees. Valet parking is discouraged.

Private vehicle mileage to and from the airport is an allowable expense when traveling on a meeting authorization. Mileage to and from local meetings outside the Council office is also an allowable expense.

9.4 Airport/ Hotel Shuttles and Taxis

Reimbursement is allowed for usual taxi, hotel, and airport shuttles incurred for the conduct of business. Courtesy transportation furnished by hotels should be used as a first source of transportation when practical. Tipping is reimbursable up to 20% of the fare. Taxi fares to restaurants are prohibited unless a restaurant is not available or near the hotel or the temporary duty location. Reimbursement for taxicab fares plus tip is also allowable from the traveler's home or office to the airport on the day of departure for an official trip requiring at least one night's lodging, and from the airport to the traveler's home on the day of return from the trip.

9.5 Rental Cars

The use of rental cars can be costly and is generally discouraged. With the exception of a trip involving multiple meeting locations, travelers who want to use a rental car must submit a written request to the Travel Coordinator for cost comparison and prior authorization must be obtained from the Executive Director to determine if circumstances justify the need. A mid-size or lower class vehicle is allowable unless a different size class is less expensive (documentation is required). Otherwise, if rental of another vehicle class is procured and extenuating circumstances are not present, the traveler must provide written justification. The Council will not reimburse the costs for collision damage waiver, collision damage insurance, or liability insurance available in commercial rental contracts, except when foreign travel is involved. Arrangements for such insurance coverage for rental cars must be made in advance through the Council office under the federal car rental contracts.

9.6 Lodging

The Travel Coordinator will make all hotel reservations and arrange for master billing for staff and Council members for each Council meeting. Hotel confirmation numbers will be forwarded to travelers with their meeting authorization.

For AP and SSC meetings, members and other travelers must make their own hotel reservations with a personal credit card. However, rooms will be posted to the Council's master account

upon departure, if possible; travelers are only responsible for incidentals and any no-show or early departure fees that are incurred.

Council members and other authorized travelers, while in a travel status, may select lodging accommodations of their choice, but are reimbursed only for the actual amount of the lodging costs and up to the maximum amount for lodging determined by the Council or the Council Chair or Vice Chair unless extenuating circumstances exist. When travel is 50 miles or less from the traveler's origination, lodging is allowed on a case-by-case basis upon approval by the Executive Director. When a traveler decides, as a personal preference, to occupy less expensive lodging at a location other than the one selected by the Council, the savings can be used to offset any commuting costs between the meeting location and the separate place of lodging, otherwise commuting costs are not allowed. Unusual circumstances that prohibit use of previously assigned meeting hotel accommodations and that result in higher lodging costs may be approved by the Executive Director for payment in the higher amount, but only on a case-by-case basis.

9.7 Meals & Incidental Expenses (M&IE)

When on travel status, lodging and meal costs are reimbursable in amounts as generally allowable in the GSA Travel Regulations or as authorized by the Council or Council Chair or Vice Chair for reimbursement amounts that exceed GSA limits. Travel status begins when the traveler leaves their home or office and ends upon their return. For travel that extends beyond 24 hours, a new travel day begins at 12:00 a.m. each day.

All travelers, unless they indicate otherwise on their Travel Expense Report, will be reimbursed the M&IE per diem allowance for travel according to the per diem limits in the General Services Administration (GSA) Travel Regulations (<http://www.gsa.gov/portal/category/100120>). A travel day of less than 12 hours will be paid at 75% of the applicable M&IE allowance. A travel day of 12 hours or more will be paid at 100% of the M&IE.

Example: A traveler leaves the office on Tuesday at 1:00 p.m. For that day, travel status begins at 1:00 p.m. and ends at midnight (11 hours on travel status = 75% M&IE). The traveler is on travel status all day Wednesday (24 hours on travel status = 100% M&IE). The traveler then returns to the office at noon Thursday (12 hours on travel status = 100% M&IE).

The 2016 M&IE allowance ranges for most locations within the Council's normal range of travel vary from \$51 to \$74 per day, depending on the city. Any meals provided by a common carrier or a complimentary meal provided by a hotel or other non-government organization does not affect the per diem. However, your M&IE allowance must be adjusted for meals furnished to you by the Council, any government agency, or included in a conference registration fee (for example: a full sit down breakfast, working lunch, or banquet dinner) by deducting the appropriate amount shown in the chart below.

Staff commuting to local meetings may claim mileage if a Council vehicle is not available and carpooling is not practicable. There is no meal or mileage reimbursement for in-office meetings.

9.8 Travel Advances

Only Council staff who are issued a meeting authorization may receive a travel advance upon submission of a written request to the Travel Coordinator and approval by the Administrative Officer.

The amount of any travel advance will not exceed the allowable expenses for transportation, hotel accommodations, meals, and incidental expenses as indicated on the meeting authorization and for the travel period noted. Airfare is not eligible for a travel advance if travel can be made through the Council's travel agency.

If an employee who receives a travel advance for attendance at a meeting, conference, etc., that is cancelled, the traveler is unable to attend such meeting, or the advance is not used for any other reason, the traveler must repay to the Council the full amount of the travel advance within 60 days of the scheduled end of such meeting. If an employee receives a travel advance and fails to repay any outstanding balance within 60 days or terminates his/her employment with the Council at any time with an outstanding travel advance, the amount owed to the Council will be deducted from the employee's subsequent or final pay.

9.9 Foreign Travel

With the exception of travel to Canada and Mexico, all foreign travel must be approved in advance by the National Oceanic and Atmospheric Administration. The Council shall comply with the provisions of the Fly America Act (<http://www.gsa.gov/portal/content/103191>).

9.10 Tips and Gratuities

Tips to waiters, dining room stewards, housekeepers, porters, baggage handlers, and bellboys are included in the M&IE allowances. Gratuities or tips to taxi and shuttle drivers, and others providing necessary services to the traveler will be limited to no more than 20% of the basic charge.

9.11 Miscellaneous Costs

Incidental travel costs submitted for reimbursement (telephone, Internet service, supplies, services, etc.) should have adequate explanation of the nature and purpose of the expense and show that the cost is reasonable and related to the conduct of official business. Expenses for laundering of clothing are allowed only if the approved and actual travel duration involves at least four consecutive nights and the expense is incurred during the authorized travel period.

9.12 Required Receipts

While receipts are not required for all items of travel expenses, receipts are necessary for the following:

Common carrier fares (airline, bus, train, etc.)
Travel itinerary showing points of travel
Baggage fees
Taxi/limo/shuttle fees

Lodging (zero balance required)
Registration fees
Car rental agreements with final receipt
Car rental associated expenses

Parking
Toll receipts
Shipments, freight or express
Excess baggage
9.13 Disallowances

Baggage or property storage
Equipment rentals
Laundry

Disallowances to a reimbursement claim may occur at the time the travel expenses are processed for payment. This may result because of a missing receipt, a discrepancy between a cost comparison and the expenses submitted, an error in the computation of costs shown on the Travel Expense Report, an insufficient description of a questionable item in the claim, etc. Amounts disallowed may be reconsidered for payment upon presentation of the necessary receipt, after providing the requested additional information, or after taking other necessary corrective measures.

9.14 Travel Expense Report Certification

All claims submitted by travelers for reimbursement of travel expenses must contain a certification by the traveler that expenses claimed are valid official costs and do not include personal expenses. The certification also assures that the period of travel shown is accurate and that costs claimed will not be presented for reimbursement elsewhere, which would result in dual reimbursement.

Because the payment of salaries to Council members is based on the travel time indicated in the Travel Expense Report, it is essential that the actual hours and dates of departure and return be reported. Travel time that is not for the conduct of official business must be identified and explained so that proper payment can be made.

The traveler should include additional explanations on the Travel Expense Report when it is possible that any portion of the claim might appear questionable or different from the norm.

10.0 INFORMATION TECHNOLOGY POLICIES

10.1 Use of Equipment and Technology Resources

The Council's communication and computer systems are intended for business purposes. This includes voice mail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to their use of these systems. Any use of Council communications resources is made with the understanding that such use may not be secure, is not private, and is not anonymous.

An authorized representative of the Council, upon approval by the Executive Director, Council Chair or Vice Chair, may access office computers, voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Council deems it appropriate to do so. The reasons for which the Council may obtain such access and review the records therein include, but are not limited to:

- maintaining the system;
- preventing or investigating allegations of system abuse or misuse;
- assuring compliance with software copyright laws;
- complying with legal and regulatory requests for information; and
- ensuring that Council operations continue appropriately during an employee's absence.

Further, the Council may review Internet usage to ensure that such use of Council property, or communications sent via the Internet with Council property, is appropriate.

All employees, upon request, must inform the IT Coordinator or their supervisor of any private access codes or passwords that are used to access Council documents, Council vendor accounts, and any other information deemed by the Executive Director as owned by the Council.

No employee may access, or attempt to obtain access to, another employee's communication or computer systems without authorization from the Executive Director. Access to an employee's computer or communication is limited to the Administrative Officer, Executive Director, and an employee's direct supervisor.

As contractors maintaining agency records with access to personally identifiable information and NOAA IT resources, employees are required to be aware of and comply with all applicable data confidentiality laws and regulations, including the Privacy Act of 1974, Computer Fraud and Abuse Act of 1988, NOAA Information Technology (IT) Security Policy, and the NOAA Rules of Behavior. All users must complete the annual IT Security Awareness Training course to obtain and/or continue access to IT resources.

The Council will store electronic communications for a period of time after the communication is created, pursuant to NOAA record retention requirements. The Council's policies prohibiting harassment, in their entirety, apply to the use of Council's communication and computer systems. No one may use these systems in a manner that may be construed by others as harassing or offensive.

Personal use of the Council's communication and computer systems can interfere with official duties, adversely affect the employee's performance, pose a security risk, and consume excessive resources and is thus highly discouraged.

Prohibited uses of communication and computer systems include, but are not limited to:

- Using the Council network to gain unauthorized access to other systems.
- Creating, downloading, viewing, storing, copying, or transmitting sexually oriented materials.
- Using the Council network for outside employment or business activity, or for other non-Council commercial purposes.
- Using the Council network to transmit a personal endorsement of any product, service, or enterprise (including professional organizations).
- Using the Council network to engage in any private lobbying activity, or to engage in any political activity prohibited by the Hatch Act.
- The intentional unauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information including computer software, personally identifiable

information, copyrighted or trademarked material, or data with other intellectual property rights (beyond fair use), proprietary data, or export controlled software or data.

- Engaging in any activity prohibited by law or regulation.
- Engaging in any activity that would discredit the Council, disrupt the workplace, or violate the public trust.
- Engaging in deliberate activities that overload network resources, such as downloading large files for personal use.

Accessing Council resources via any unmanaged IT computer/mobile device, including external and removable devices and media (e.g., flash drives, memory keys, thumb drives, floppy discs, CDs, and DVDs) is discouraged. Employees accessing network resources with equipment not owned and maintained by the Council must follow the same security protocol, including password, security, and file safety that is required internally. Protected or personally identifiable information may not be stored on these devices/media under any circumstances. All mobile devices must be password protected or have a pattern to lock the screen when not in use.

Employees are responsible for keeping track of property assigned to their custody. All lost, missing, or damaged equipment must be reported to either the Executive Director or the employee's direct supervisor immediately upon discovery. The discovery of possible issues or concerns related to communication and computer systems should be directed to Administrative Officer.

10.2 Use of Social Media

The Council respects the right of any employee to participate in the use of social media. Social media includes all means of communicating or posting information or content of any sort on the Internet, including a blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board, or any other form of electronic communication, regardless of whether it is Council related. However, to protect Council interests, employees must adhere to the following rules:

Employees may not use Council communication or computer systems to post on or participate in social networking during work hours unless it is work-related and consistent with the Council's Information Technology Policies. All rules regarding confidential and proprietary business information apply. Council e-mail addresses may not be used to register on social networks, blogs, or other online forums for personal use.

If an employee expresses a personal opinion regarding the Council or its actions, the poster must specifically state that the opinion expressed is his/her personal opinion and does not reflect the Council's position. An employee who includes links to the Council website from a personal blog, website or other social networking site must disclose that they are a Council employee. Only employees instructed to do so may represent themselves as a spokesperson for the Council.

The Council prohibits taking negative action against an employee for reporting a possible deviation from this policy or for cooperating in an investigation. Nothing in the Council's Social Media Policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Council employees have the right to engage in or refrain from such activities.

Any conduct that is prohibited under the law if expressed in any other form or forum is prohibited if expressed through a blog, web page, social networking, or similar site. The Council encourages all employees to keep in mind the speed and manner in which information posted on the Internet is received and often misunderstood by readers.

If you have questions or need further guidance, please contact the IT Coordinator, Public Information Officer, Administrative Officer, or Executive Director.

11.0 SEPARATION FROM COUNCIL

11.1 If You Must Leave Us

Should you decide to leave the Council, we ask that you provide your supervisor with at least two (2) weeks advance notice of your departure. Your thoughtfulness will be appreciated. All Council property including, but not limited to, keys, security cards, parking passes, laptop computers, etc. must be returned upon separation, as well as all of the Council's Confidential Information. To the extent permitted by law, employees will be required to repay the Council (through payroll deduction, if lawful) for any lost or damaged Council property.

11.2 Close-Out Process for Termination of Employment

- 1) Executive Director ensures that measures are undertaken to prevent a terminated employee from having access to or being able to damage Council property, including, but not limited to, equipment, records, network data, and intellectual property;
- 2) The employee's supervisor and the Administrative Officer or Executive Director meets with employee and reviews the list specified in Clearance of Employee Accountability form;
- 3) Employee relinquishes all Council-owned items in possession, and/or;
- 4) Supervisor/Executive Directors are notified if issues remain outstanding;
- 5) Administrative Officer, supervisor, or other management personnel and the Executive Director sign off on the certification along with employee;
- 6) Administrative Officer or Executive Director cancels all forms of charge cards (car rental, phone).

11.3 Exit Interview

Employees who resign are requested to participate in an exit interview with the Administrative Officer and/or Executive Director. Exit interviews are important to provide feedback to management as to why the employee is leaving and to gain knowledge about ways in which the work environment with the Council can be improved.

12.0 A FEW CLOSING WORDS

This Administrative Handbook is intended to give you a broad summary of the policies, rules, and benefits that guide employment with the Council. Please consult with any member of management if you have specific questions not covered by this Administrative Handbook. While we intend to continue the policies, rules, and benefits described in this handbook, the Council, in its sole discretion, may always amend, add to, delete from, or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Please do not hesitate to speak to management if you have any questions about the Council, Council operations, or its personnel policies and practices.

APPENDIX A

STAFF FUNCTIONS

The Executive Director carries out the decisions of the Council and reports to the Council through the Council Chair or Vice Chair. The Executive Director manages Council programs and coordinates input to the Council from advisory, scientific, technical, and other committees. All staff functions and staff personnel are under the direction of the Executive Director.

Current staff positions are as follows:

Staff Officers

Carrie Simmons	Executive Director
Vacant	Deputy Executive Director
Beth Hager	Administrative Officer

Technical Staff

Steven Atran	Acting Deputy Executive Director
Assane Diagne	Economist
Matthew Freeman	Economist
John Froeschke	Fishery Biologist/Statistician
Morgan Kilgour	Fishery Biologist
Ava Lasseter	Anthropologist
Ryan Rindone	Fishery Biologist/SEDAR Liaison
Zeenatul Basher	Coral and Habitat Biologist

Public Information Staff

Emily Muehlstein	Public Information Officer
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Administrative Staff

Karen Hoak	Administrative/Financial Assistant
Jessica Matos	Administrative Assistant
Kathy Pereira	Meeting Planner/Travel Coordinator
Bernie Roy	Office Manager
Charlotte Schiaffo	Research and HR Resource Librarian
Camilla Shireman	Administrative and Communications Assistant

Position descriptions for the Executive Director and for each member of the staff are available at the Council headquarters in Tampa, Florida.

CERTIFIED CORRECT

Executive Director



Administrative Officer

