



**Mid-Atlantic Fishery Management Council**  
800 North State Street, Suite 201, Dover, DE 19901-3910  
Phone: 302-674-2331 | FAX: 302-674-5399 | [www.mafmc.org](http://www.mafmc.org)  
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** December 7, 2015  
**To:** Council  
**From:** Chris Moore  
**Subject:** Statement of Organization Practices and Procedures

Enclosed is an excerpt from the Council's Statement of Organization Practices and Procedures (SOPP) with several revisions for Council consideration. These revisions have been proposed to address and clarify issues related to employee benefits, retiree benefits, unused leave, and travel reimbursement. The Council will review these changes during the Executive Director's Report (Thursday, December 2015) at the upcoming Council meeting. Complete versions of the current and revised SOPPs are available on the December 2015 Council Meeting page: <http://www.mafmc.org/briefing/december-2015>.

### Summary of Proposed Revisions

- **Section 4.4.3 Wage Increases for Full-Time Employees:** The revisions in this section would change the timing for employee wage increases from the beginning of the federal fiscal year to the beginning of the calendar year (January 1 – December 31).
- **Section 4.5 Leave:** A new section has been added (4.5.8) to address post-severance payment for unused leave. This section describes what types and amounts of leave employees are entitled to receive payment for upon separation and defines the processes through which retirees and non-retirees may receive such payments.
- **4.6.1 Health Insurance:** This section has been divided into two sub-sections for *Employee Health Insurance* (no changes) and *Retiree Health Coverage*. The latter includes new information about health insurance coverage for retired employees and their spouses.
- **5.0 Travel Reimbursement:** This section has been revised and reorganized to bring it into consistency with the Council's recently approved travel guidelines.

### Revision Key

Inserted Text

~~Deleted Text~~

~~Moved Text~~ (original location)

Moved Text (new location)

requested. The Council will request a salary range appropriate to the position within the labor market of the Council's office and a determination of the applicability of the Fair Labor Standards Act. The Council may fill the position at any salary level within that range, except that, unless recruitment of exceptionally qualified employees is hampered, the policy of hiring at the beginning rate shall be recognized. After a position has been filled, the employee may be promoted annually and be recognized for superior performance within the specified salary ranges in accordance with the Council policies.

#### **4.4.2 Pay Bands**

Each position shall have assigned to it a pay band for compensation purposes. The pay of employees shall be according to the published rates as set forth in the Alternative Personnel Management System for the U.S. Department of Commerce (62 FR 67434). A part time employee working on a regular and continuous schedule of less than 37.5 hours per week shall be paid the hourly rate appropriate to the pay band of the employee for the hours actually worked. Such schedule shall be established as the work situation requires, with the approval of the Executive Director.

#### **4.4.3 Wage Increases for Full-Time Employees**

All wage increases shall occur at the beginning of the new federal fiscal calendar year. Those employees who have been employed six (6) months or longer shall be eligible for pay raise advancement. Those employees with less than six (6) months service shall not be eligible for pay raise advancement until the following budget year. The Council has the discretion to adjust pay rates and pay increases based on cost of living (COLA) differentials in their geographic locations. No pay adjustment based on geographic location shall exceed the COLA and locality pay adjustments available to Federal employees in the same geographic area.

Employees will be entitled to promotions and associated pay raises solely on the basis of merit and performance. The Executive Director, acting for the Council, shall conduct performance reviews at least biennially with each Council employee and will approve promotions and raises based on the employee's performance, length of service, or special accomplishments. Pay raises and performance evaluations for the Executive Director will be accomplished through a review process involving the Council Chair and/or members of the Council designated by the Chair. Career development, including formal training, will be supported by the Council, subject to budgetary limitations, when directly beneficial to both the employee and the Council.

#### **4.4.4 Incentive/Special Act and Service Awards**

Incentive Awards are designed to motivate employees to increase productivity and creativity by rewarding those whose job performance and ideas benefit the Council and are substantially above normal job requirements and performance standards. Cash awards for outstanding service may be granted to full-time employees in addition to salary increases at any time during the year. A cash award may be granted in any amount ranging from \$25 to \$5000 and will be determined by the Executive Director within budget constraints after consultation with the Chairman. A cash award is a one time, lump sum payment and not a part of the basic annual salary of the employee. The payment is subject to Federal and State withholding taxes, and social security and Medicare deductions. Cash awards are not subject to retirement fund contributions. Cash awards may be granted for various reasons such as: a) completion of short-term project in less time than expected or where there were unusual difficulties to overcome; b) development of new/revised procedures or other contribution toward improvement of office productivity; c) handling an unusually heavy workload, such as when coworkers are absent or vacant positions are not filled immediately; d) completion of significant special assignment outside normal job responsibilities; and e) contribution that improved public awareness and/or understanding of programs.

#### 4.4.5 Work Schedule and Overtime Pay

- (a) The standard work week for all full-time employees shall be 37.5 hours. The standard work day shall be 8:00 A.M. to 4:30 P.M. with a one hour lunch period. Deviation may be authorized by the Executive Director to meet operational needs through the use of flex-time or telework.
- (b) Cases of continuing or permanent schedule deviation shall be subject to the approval of the Executive Director or Council. Employees in supervisory, executive or professional positions shall not be eligible for overtime cash payments. However, they shall be eligible for compensatory leave at the rate of one hour leave for one hour's work.
- (c) Compensatory leave must be taken within six (6) months of the date from which it was earned. Employees other than supervisory, administrators, executives or professionals shall be eligible for cash overtime payments at the rate of one hour's pay for each hour up to 40 hours per week or in excess of 7.5 hours per day and 1.0 hours worked in excess of 40 hours per week or in excess of 8 hours per day.
- (d) Overtime payments shall be made in accordance with the provisions of the Fair Labor Standards Act (FLSA) 29 U.S.C. § 201 *et. seq.* Employees eligible for cash overtime may elect to receive compensatory time in lieu of cash overtime. Such requests must be in writing and approved by the Executive Director prior to the end of the pay period in which it is earned. Requests for compensatory time in lieu of cash overtime may not exceed 75 hours at any one time and must be taken within 6 months of the time that it was earned.

#### 4.4.6 Recruitment

All personnel vacancies should be filled on a competitive basis, unless unusual circumstances clearly dictate otherwise. For this purpose, the Executive Director may use the vacancy advertising system operated by NOAA through the servicing Regional Office or any other recruitment tool, including newspapers and local employment agencies.

### 4.5 Leave

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#### 4.5.1 Annual Leave

- (a) Full-time employees of the Council shall be entitled to annual leave in accordance with the following schedule. Part time employees accrue leave at the same rate, per hours worked.
  - (1) Up to 3 years of service: 13 days per year (2 hours leave per 40 hours).
  - (2) 3 to 15 years of service: 20 days per year (3 hours leave per 40 hours).
  - (3) Over 15 years of service: 26 days per year (4 hours leave per 40 hours).
- (b) Prior Federal, State or local government service will be credited for the purpose of determining leave accrual of individual employees.
- (c) Though accruing, employees shall not normally be granted paid annual leave until the completion of six (6) months of continuous service.
- (d) At the end of the calendar year, employees may carry over up to 30 days unused annual leave from one year to the next. Amounts remaining above 30 days will be forfeited. Employees who were authorized to carry over 40 days in accordance with Council SOPPs prior to December 11, 1980, may continue under such policy. Under certain conditions, forfeited annual leave may be restored if it was properly scheduled for use and circumstances beyond the employee's control caused the forfeiture. Approval for this restoration must be obtained from the Executive Director, who will refer to the NOAA Personnel Regulations and other source documents for guidance.

- (e) Employees shall request annual leave as per the guidelines established by the Executive Director.

~~Lump sum reimbursements not to exceed 30 days plus current year earnings of unused leave are authorized upon employee separation. Lump sum reimbursements not to exceed 40 days carryover plus current year earnings of unused leave are authorized upon employee separation for those employees authorized to carry over 40 days of unused leave. In the case of the death of an employee, the employee's estate shall be paid in cash for any accumulated annual leave.~~

#### **4.5.2 Sick Leave**

- (a) All employees except temporary, seasonal, and emergency shall accrue paid sick leave credit at the rate of 13 days per year (two hours leave per 40 hours). Permanent part time employees shall accrue sick leave at the same rate, per hours worked. Sick leave credit may be accumulated without limit.

~~Distributions of accumulated funds for unused sick leave may be made to the employee upon his or her retirement, or to his or her estate upon his or her death. Eligibility criteria for retirement is age 60 or 20 years of service.~~

- (b) An employee eligible for sick leave with pay may use such sick leave for absence due to illness or death of a member of the employee's immediate family requiring the employee's personal presence. In addition, sick leave can be used for appointments with doctors, dentists, or other recognized medical practitioners, subject to prior approval of the Executive Director.
- (c) An employee, at his option, may also use sick leave to provide full regular pay during periods when he is paid less than full pay under workmen's compensation provisions. Such leave shall be charged in proportion to the difference between workmen's compensation pay and full pay. Employees cannot take sick leave with pay in excess of the days actually accrued.
- (d) An employee needing sick leave shall inform his immediate supervisor of the fact and the reason in advance when possible, or otherwise as soon as practicable; failure to do so may be cause for denial of pay for the period of absence.
- (e) Before approving pay for sick leave, the Executive Director may require either a medical practitioner's certificate or a written statement signed by the employee setting forth the reason for the absence. In the case of an absence of more than three (3) consecutive days, a medical practitioner's certificate may be required as a condition of approval.
- (f) In meritorious cases, the Council may advance up to one year's earnings of sick or annual leave when it is reasonably expected that the advanced leave will be repaid by the employee. This must be approved by the Council Chair or an individual to whom the Chair has designated this authority in writing.

#### **4.5.3 Paid Holidays**

Paid holidays shall be official Federal holidays plus one holiday designated by the Executive Director.

#### **4.5.4 Administrative Leave**

The Executive Director may grant any employee administrative leave for jury duty (no limit); inclement weather (at the discretion of the Executive Director); military duty (not to exceed 15 days each calendar year); military induction examination; and blood donation (up to 4 hours); and for such other reasons as the Executive Director may designate.

#### **4.5.5 Personal Leave**

Upon a permanent employee's written request, the Executive Director may approve a leave without pay, not to exceed three (3) months. Such leave may be renewed for an additional period not to

exceed three (3) months by formal action of the Executive Director and written approval by the Chair of the Council.

#### **4.5.6 Maternity Leave**

Maternity leave may be charged against any accumulated leave credits. After all leave credits are exhausted the employee may continue on maternity leave without pay for a period not to exceed 14 weeks after parturition.

#### **4.5.7 Family and Medical Leave**

Full-time employees of the Council shall be entitled to family leave in accordance with the U.S. Department of Labor Family and Medical Leave Act (FMLA) 29 CFR Part 825. Employees are eligible to receive up to a total of 12 workweeks of unpaid leave during any 12 month period for one or more of the following reasons:

- (a) For the birth and care of the newborn child of the employee;
- (b) For placement with the employee of a son or daughter for adoption or foster care;
- (c) To care for an immediate family member (spouse, child, parent) with a serious health condition; or
- (d) To take medical leave when the employee is unable to work because of a serious health condition.

#### **4.5.8 Post-Severance Payment for Unused Leave**

When a salaried full-time employee of the Council permanently severs from employment, he or she is, or may become, entitled to a payment for unused leave as stated below.

##### *4.5.8.1 Retirees*

- (a) If a full-time employee of the Council has completed at least 20 years of service or attains age 60 and permanently severs from employment, he or she is entitled to receive payment for unused annual leave days and unused sick days credited under the Council's practices and procedures that remained credited as of the Eligible Retiree's severance from employment. There is no payment regarding unused family-and-medical leave, parental-absence leave, or other leave.
- (b) The amount to be paid is equal to the number of credited unused days described above multiplied by a daily wage rate. That rate is the Eligible Retiree's highest salary that was in effect at least 90 days before his or her retirement divided by 260.
- (c) Beginning with the calendar year that next begins after the Eligible Retiree's severance-from-employment date, the Council shall pay the payment amount in annual installments over up to five years. Each year's installment is the lesser of the remaining payment amount or \$25,000. If, after four years' installments of \$25,000 each year, the remaining payment is more than \$25,000, the fifth installment is the whole remaining payment amount so that payments are completed in no more than five installments.
- (d) If the Eligible Retiree dies before full payment is made, the Council shall pay the duly appointed and currently serving personal representative of the Eligible Retiree's estate.

##### *4.5.8.2 Non-Retirees*

- (a) If a full-time employee of the Council permanently severs from employment before attaining eligibility for retirement, he or she is entitled to receive a lump sum payment for unused annual leave upon separation. There is no payment regarding sick leave, unused family and medical leave, parental-absence leave, or other leave.

- (b) Payment for unused annual leave shall not exceed 30 days plus current year earnings. Employees authorized to carry over 40 days of unused leave are entitled to receive lump sum reimbursements not to exceed 40 days carryover plus current year earnings of unused leave.
- (c) The payment amount for unused leave is calculated by multiplying the number of unused annual leave days by a daily wage rate. That rate is the employee's highest salary that was in effect at least 90 days before the end of his or her employment divided by 260.
- (d) In the case of the death of an employee, the employee's estate shall be paid in cash for any accumulated annual leave.

#### ~~4.5.8~~ 4.5.9 Leave and Retiree Health Insurance Accounts

Accounts shall be maintained to pay for unused sick or annual leave and retiree health benefits as authorized. The accounts will be funded from the Council's annual operating allowances. Funds will be deposited into these accounts each year based on an actuarial report of future insurance needs for retirees and the availability of funds. Interest earned on this account will be maintained in the account, along with the principal, for the purpose of payment of unused annual and sick leave only. This account, including interest, may be carried over from year to year. Budgeting for accrued leave will be identified in the "Other" object class categories section of the SF-424A.

### 4.6 Employee Benefits

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#### 4.6.1 Health Insurance

##### 4.6.1.1 *Employee Health Insurance*

- (a) The Council will pay the basic rate for the employee and his family under the plan chosen, including the blood bank.
- (b) Surviving spouses of employees will be considered eligible to participate in group health benefits at their own expense and at no cost to the Council for a period of up to one year.

##### 4.6.1.2 *Retiree Health Coverage*

~~Full-time employees of the Council who retire from the Council with a minimum of 20 years of service are eligible to receive health benefits on a cost share basis of 75% Council and 25% employee.~~

- (a) If a full-time Employee of the Council has completed at least 20 years of service or attains age 60 and permanently severs from employment [an "Eligible Retiree"], he or she is, or may become, entitled to health insurance coverage as stated below ["Retiree Health Coverage"].
- (b) This Plan does not cover any active employee. This Plan is separate from every plan that covers or could cover an active employee.
- (c) Retiree Health Coverage may include the Eligible Retiree and his or her spouse. Retiree Health Coverage does not include a dependent who is not the Eligible Retiree's spouse.
- (d) Retiree Health Coverage meets 75% of the premium cost of the coverage provided under this Plan. Any coverage otherwise provided by this Plan is not provided if the Eligible Retiree has not paid his or her portion of the premium cost for the coverage.
- (e) For an Eligible Retiree who attained age 60 on or before his or her retirement, his or her Retiree Health Coverage begins with the first month for which the Retiree is no longer covered as an employee. For an Eligible Retiree who had not attained age 60 on or before his or her retirement, Retiree Health Coverage begins with the first month that begins after the Retiree attains age 60.

- (f) If an Eligible Retiree's coverage has begun under the preceding paragraph, Retiree Health Coverage for his or her spouse begins with the first month that begins after the spouse attains age 60.
- (g) Retiree Health Coverage for a Retiree ends with (the earliest of): (1) the Retiree's death, (2) age 65, (3) eligibility for Medicare, or (4) eligibility for Medicaid. However, for a Retiree covered by Medicare who is not covered by Medicaid, Retiree Health Coverage is 75% of the premium cost of Medicare Supplement Insurance Part D and Part F.
- (h) Retiree Health Coverage for a Retiree's spouse ends with (the earliest of) (1) the Spouse's death, (2) attainment of age 65, (3) eligibility for Medicare, (4) eligibility for Medicaid, or (5) the Retiree's death. However, for a Retiree's spouse covered by Medicare who is not covered by Medicaid, Retiree Health Coverage (if it has not ended under the preceding sentence) is 75% of the premium cost of Medicare Supplement Insurance Part D and Part F.

#### **4.6.2 Life Insurance**

The Council will pay for employee life insurance coverage at the rate of one times salary, with a minimum coverage of \$50,000.

#### **4.6.3 Retirement**

- (a) The Council will pay a base of ten (10) percent of an employee's salary into a deferred compensation plan.
- (b) Depending on availability of funding, the Council will contribute an additional match of up to four (4) percent beginning January 1, 2012.
- (c) Vesting will be 100 percent. In the case of the death or disability of an employee, the employee or the employee's estate or beneficiary shall be paid in cash for 100% of the employee's deferred compensation plan.

#### **4.6.4 Long Term Disability Insurance**

The staff is eligible for coverage by a disability plan similar to that provided by the Federal Government to its employees.

### **4.7 Experts and Consultants**

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- (a) As long as funding is available in the Council's budget, the Executive Director may, in consultation with the Council Chair, contract with experts and consultants as needed to provide technical assistance not available from NOAA at a rate that does not exceed the first step of GS 15 plus travel.
- (b) A Council must notify the NOAA Office of General Counsel before seeking outside legal advice, which may only be for technical assistance not available from NOAA. If the Council is seeking legal services in connection with an employment practices question, the Council must first notify the Department of Commerce's Office of the Assistant General Counsel for Administration, Employment and Labor Law Division. A Council may not contract for the provision of legal services on a continuing basis.

## 5.0 TRAVEL REIMBURSEMENT

### 5.1 General

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- (a) The Federal Travel Regulations (FTR), found at 41 CFR Part 301, apply to all travel.
- (b) Detailed procedures covering processing reimbursement claims for travel expenses are described in the Mid-Atlantic Fishery Management Council Travel Guidelines available at [www.mafmc.org/travel](http://www.mafmc.org/travel) or by contacting the Council office. These procedures are updated regularly but are consistent with the following guidelines and other matters in this SOPP document.
- (c) All non-federal members of the Mid-Atlantic Fishery Management Council (Council), the Council's Scientific and Statistical Committee, Advisory Panels, technical teams, work groups, ad hoc committees, staff, special consultants, and other individuals with specific invitation to travel are eligible to receive reimbursement for permissible travel expenses when away from home or their work location. Payment for NOAA personnel from Council funds is not authorized.
- (d) Travel status begins when the traveler leaves their home/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.

### 5.2 Reimbursement

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#### 5.2.1 Procedures

- (a) All travel must be authorized and approved in advance by a Travel Authorization (TA) before any travel reimbursements are issued. Points of travel are indicated on the TA, and deviations from these points of travel must have prior approval for payment or reimbursement.
- (b) The Council will reimburse the method of transportation which results in the greatest financial advantage to the Council, considering cost, travel time, convenience, and other factors.
- (c) All claims for reimbursement, other than those expenses covered by M&IE, must be supported with receipts (other than meals) except those expenses that individually amount to less than \$50.
- (d) Travel expense claim forms must be submitted within 60 days from the last day of travel.

#### 5.2.2 Allowable Expenses

- (a) ~~Expenses reimbursed by the Government include:~~ Travel expenses for which reimbursement is allowable will be confined to those expenses essential to transacting official Council business, including:
  - (1) transportation by common carrier (air coach, rail coach, bus), ~~or~~ privately owned vehicle (automobile or private plane reimbursed on a per mile basis), rental car, or other means;
  - (2) lodging and meals in accordance with the FTR and GSA's established lodging per diem rate; ~~and~~
  - (3) meals and incidental expenses (M&IE) in accordance with the GSA's established M&IE per diem rate; ~~rates (hereinafter referred to as per diem rate); and~~
  - (4) incidental expenses such as taxi fares, parking, and telephone calls on official business.
- (b) M&IE and lodging will be reimbursed in accordance with GSA's current M&IE and lodging rates unless prior approval is granted by the Executive Director for costs above the limit for the area.



- (c) The Executive Director shall be housed at the same hotel as the Council during Council and committee functions unless exempted by the Council Chair. Council staff attending a meeting shall be housed at the same hotel as the Council during Council and committee functions unless exempted by the Executive Director.
- (d) The per diem limits and/or actual expense requirements described above also are applicable to non-Council personnel traveling at Council expense.

~~If flying, coach air transportation must be utilized when available. Travel via first class air must be justified on the reimbursement voucher and approved by the Council Chair or his/her authorized representative, after ensuring compliance with the FTR and 2 CFR Part 200.~~

~~If driving, privately owned vehicles (POVs) may be authorized when other modes of transportation are either unavailable or inconvenient. When a POV is authorized for the convenience of the traveler, the reimbursed costs must not exceed the costs of coach air fare.~~

~~Accommodations equivalent to other than first class must be utilized in the unlikely event that water vessel transportation is required.~~

~~When substantial savings can be realized by utilizing rail travel, this mode of transportation should be considered when available and adequate.~~

## **~~5.2 Council, AP, SSC Members~~**

~~Sections 302(d) and (f) of the Act provide that the voting members of the Council, the Executive Director of the Marine Fisheries Commission on the Council, and members of advisory groups and committees will be reimbursed for actual expenses incurred in the performance of Council duties. They are not bound by the per diem rates established by GSA. They are subject, however, to the total reimbursement limits established by the FTR for actual expenses, and they must itemize their actual expenses up to the specified limit each day. Lodging receipts are required. The limits are included in the FTR. Federal employees serving in the above capacities are subject to the reimbursement rules of their agencies.~~

## **~~5.3 Council staff, members of plan teams, and others~~**

~~Members of the Council staff and plan teams, invited experts, consultants, or others specifically invited, unlike those described in Section 5.2, must adhere to the per diem rates or actual expense requirements set forth in the FTR. The Executive Director shall be housed at the same hotel as the Council during Council and committee functions unless exempted by the Council Chair. Council staff attending a meeting shall be housed at the same hotel as the Council during Council and committee functions unless exempted by the Executive Director.~~

## **~~5.4 Reimbursement~~**

~~Official telephone calls, taxis, privately owned vehicle mileage, parking, porters, etc., will be reimbursed in the amount of actual expenditure.~~

## **~~5.5 Receipts~~**

~~All claims for reimbursement, other than those expenses covered by M&IE, must be supported with receipts (other than meals) except those expenses that individually amount to less than \$50.~~

### **5.65.3 Foreign Travel**

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- (a) Foreign travel must be approved, in advance, by the Assistant Administrator for Fisheries or designee and by the Grants Officer. Requests for foreign travel approval should be submitted, in writing, at least 30 days in advance to the Assistant Administrator, through the NMFS Office of Management and Budget and the Grants Officer. Routine across the border travel to Canada is exempt.
- (b) The Council Chairman, or his or her authorized representative(s), may approve routine travel to Canada for Council members and employees within specified Federal rates. ~~Domestic invitational travel for non-Council personnel may be approved by the Council Chairman or his/her authorized representative.~~
- (c) Foreign invitational travel must be approved as described in paragraph (a) of this section. ~~The per diem limits or actual expense requirements described above also are applicable to non-Council personnel traveling at Council expense. Payment for NOAA personnel from Council funds is not authorized.~~

### **5.75.4 Invitational Travel**

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The Executive Director may accept in-kind and/or actual invitational funds for Council staff travel (including his/her own), only after (1) notifying the NMFS Regional Administrator of the origin and purpose of such funding, and (2) directing such gifts to the Administrator. 50 CFR § 600.125(c). Domestic invitational travel for non-Council personnel may be approved by the Council Chairman or his/her authorized representative.