

**MID-ATLANTIC COUNCIL**  
**Planned Council Meeting Topics**

**2015**

**December 7-10, 2015 – The Westin, Annapolis, MD**

- Adopt SSCs 5-year Research Priority Plan
- Approve Non-fishing Habitat Policies
- Golden Tilefish Framework – Meeting 1
- Review and adjust Spiny Dogfish Specifications
- Approve list of species and management alternatives for public hearing document and NEPA analysis for Unmanaged Forage Species Amendment
- Summer Flounder Goals and Objectives Workshop
- Review 2016 Summer Flounder, Scup, Black Sea Bass Commercial Management Measures
- Adopt Summer Flounder, Scup, Black Sea Bass Recreational Specifications for 2016
- Approve 2016 Implementation Plan
- Adopt Blueline Tilefish Public Hearing Document and any preferred alternatives
- Scup GRA Framework - Meeting 1

**2016**

**February 9-11, 2016 – Doubletree by Hilton New Bern Riverfront, New Bern, NC**

- Joint Omnibus Industry Funded Monitoring Amendment Update
- Review Draft EAFM Guidance Document
- Collaborative Research Program Update
- Black Sea Bass Amendment Update
- Summer Flounder Amendment Update
- Golden Tilefish Framework – Meeting 2
- Scup GRA Framework – Meeting 2
- Approve Unmanaged Forage Public Hearing Document



**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  
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

## Framework Actions - Summary

(last updated 5/6/2014)

### INTRODUCTION

Framework actions facilitate expedient modifications to certain management measures. Framework actions can modify existing measures and/or those that have been previously considered in a fishery management plan (FMP) or FMP amendment. While amendments may take several years to complete and address a variety of issues, frameworks generally can be completed in 6-8 months and address one or a few issues in a fishery. An "omnibus framework" may address the same/similar issue(s) across multiple FMPs.

### PROCESS

If appropriate, the Council may at any time initiate a framework action to add or adjust management measures within an FMP per the goals and objectives of the FMP. Usually a motion at one meeting will initiate development and consideration of a framework at the following two Council meetings (with decision making at the last meeting). This involves three Council meetings with just initiation at the first meeting, but a separate initiation meeting is not explicitly required. Initiation could occur at one meeting with decision making at the next, but in this case relevant management options and analyses would need to be presented at the meeting when initiation took place. Per the applicable regulations, the Council must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first Council meeting and prior to and at the second Council meeting.

Coordination with NMFS is primarily achieved by communication between Council staff and NMFS plan coordinators and NMFS National Environmental Policy Act (NEPA) staff. Other NMFS staff may become involved depending on the nature of the action and required analyses. The Council-NMFS Operating Agreement specifies that the Council will develop "Action Plans" for frameworks that delineate required analyses and responsibilities for framework development.

### 1<sup>st</sup> Framework Meeting

A committee meeting can count as the first framework meeting, but to maximize transparency and opportunities for public input, NMFS has recommended that both framework meetings be full Council meetings. Alternatively, a noticed full Council meeting via webinar between regularly scheduled in-person Council meetings could constitute the first framework meeting if time is of the essence.

(1<sup>st</sup> Framework Meeting continued)

Council staff develops initial alternatives with preliminary analyses before the first framework meeting. The documentation for the first framework meeting should at a minimum include: a Purpose and Need Statement, a timeline for action, a description of the alternatives, a description of the relevant fisheries, relevant constituent communications, and any staff recommendations. Staff works with the Council to come out of the first framework meeting with a clear range of alternatives. The Council should identify preliminary preferred alternatives if possible.

### 2<sup>nd</sup> Framework Meeting

Staff may suggest minor changes for alternatives leading up to the second meeting, as long as the changes match the intent of alternatives discussed at the first framework meeting. Minor modifications to alternatives may also be made by the Council during the final framework meeting. However, the analysis supporting Council decision-making must be complete before decision-making.

The environmental analyses supporting a framework action usually take the form of an Environmental Assessment (EA), but sometimes a Categorical Exclusion (CE) can be utilized if the action is primarily administrative in nature. This document is usually presented in near-final form to the Council at the 2<sup>nd</sup> framework meeting, but additional document perfection typically occurs via review with NMFS staff before finalization.

As part of the Council's recommendations regarding any management measures, the Council must also specify whether the measures should be implemented via a final rule or proposed rule, along with supporting rationale.

### RANGES OF FRAMEWORK ALTERNATIVES

The Council's FMPs vary in terms of the range of management options that may be added or modified via frameworks. The details of various frameworkable options in each FMP may be researched at <http://www.nero.noaa.gov/regs/fr.html>, but the Council's FMPs can be placed into three conceptual categories from more to less flexible in terms of frameworkable actions. Mackerel/Squid/Butterfish, Summer Flounder/Scup/Black Sea Bass, Bluefish, and Spiny Dogfish have the most flexibility (anything currently in the plan can be modified via a framework), tilefish has an intermediate amount of flexibility (a sizable list of frameworkable options), and surfclam/ocean quahog has the least flexibility (a shorter list of frameworkable options). The Council may want to consider generalizing the frameworkable options across plans at some point in the future via an Omnibus Amendment.

Issues that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require an amendment of an FMP instead of a framework adjustment. So even if an action is identified as generally frameworkable, if it creates enough change or impacts, Council staff or NMFS staff may advise that the action should be undertaken via an FMP amendment versus a framework. Also, each FMP contains a list of measures that may be modified via annual specifications, and the applicable regulations can be consulted when deciding whether actions should be undertaken via an amendment, framework, or annual specifications.



## State of New Jersey

### DEPARTMENT OF ENVIRONMENTAL PROTECTION NATURAL AND HISTORIC RESOURCES

Office of the Assistant Commissioner

MAIL CODE 501-03A

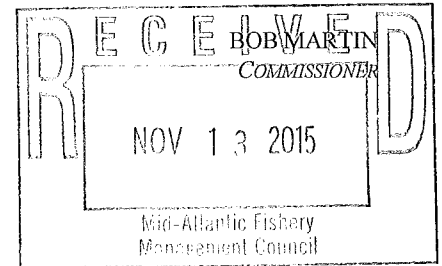
PO Box 420

Trenton, New Jersey 08625

609-292-3541/Fax: 609-984-0836

CHRIS CHRISTIE  
GOVERNOR

KIM GUADAGNO  
Lt. Governor



November 6, 2015

Dr. Christopher M. Moore  
Executive Director  
Mid-Atlantic Fishery Management Council  
800 N. State Street, Suite 201  
Dover, DE 19901

Dear Dr. Moore:

I am writing to the Mid-Atlantic Fishery Management Council (MAFMC) to initiate the process for Special Management Zone (SMZ) designation for New Jersey's 13 artificial reefs in federal waters. I would like to request some time on the agenda for MAFMC's December 2015 meeting in Annapolis to discuss the potential for moving forward with the SMZ designation, including presentation of any materials the MAFMC deems appropriate to initiate this discussion.

Since the inception of New Jersey's Reef Program in 1984, and increasingly as reef development intensified and habitat increased, we have received complaints from individuals, head boat and charter boat captains, grassroots organizations and state legislators on behalf of their constituents that there is too much commercial gear on our reefs. The deployment of this gear severely limits recreational access to these reefs and makes unviable the intended hook-and-line use of these sites.

New Jersey's Reef Program was funded primarily through the U. S. Fish and Wildlife Service's (USFWS) Sport Fish Restoration Program (SFR), which is a "user pays, user benefits" program. Following several requests by the USFWS to resolve these user conflict and access issues, on April 12, 2011 SFR funding for the Reef Program and all reef construction and monitoring activities was discontinued for failure to address the issue. USFWS officials stated that funding to the Reef Program would be restored once these issues are resolved.

For the past two years, NJDEP has been working diligently with representatives from the recreational and commercial fishing sectors to develop regulations that balance access on our reefs located in marine State waters (Sandy Hook and Axel Carlson Reefs). This week, we promulgated regulations that will limit commercial gear to only small sections of these reefs. In addition, we also are proposing a new reef in marine State waters where commercial gear will be completely prohibited. While we have taken the necessary steps to restore recreational access on our State water reefs, recreational

access to our 13 reefs in federal waters is still severely limited by commercial gear. Therefore we are requesting an SMZ designation that would completely prohibit commercial potting gear on all 13 of these reefs.

In June 2011, for its five reefs located in federal waters, the State of Delaware formally requested an SMZ designation from the MAFMC through the Black Sea Bass provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. Following the necessary procedural steps—including evaluating the State's request, producing and evaluating a report by the MAFMC's SMZ Monitoring Committee, holding public hearings, making a recommendation to the Nation Marine Fisheries Service Regional Administration, and ultimately a decision by the Regional Administrator in July 2015—four of the five reefs were granted the SMZ designation.

New Jersey is aware there are a several necessary logistical and regulatory steps that need to occur during this process and we will fully support and respect the MAFMC process, Monitoring Committee's evaluation and final determination by the Regional Administrator. However, I am hopeful that the Council will recognize the importance of SFR funding to our fisheries management activities in New Jersey and fully support this request. Again, we are willing to provide any additional information you believe is necessary for the December meeting.

My staff and I look forward to interacting with the MAFMC on this issue. Thank you for your consideration of this important request. If you would like to discuss this matter prior to the December meeting, please contact Brandon Muffley, Marine Fisheries Administrator, at (609) 748-2020.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Boornazian", followed by a horizontal line.

Richard Boornazian  
Assistant Commissioner  
Natural and Historic Resources

WASHINGTON, DC OFFICE:  
1517 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: (202) 225-3826  
FAX: (202) 225-3143



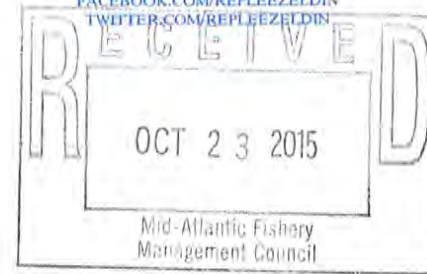
PATCHOGUE OFFICE:  
31 OAK STREET, SUITE 20  
PATCHOGUE, NY 11772  
PHONE: (631) 289-1097  
FAX: (631) 289-1268

COMMITTEE ON FOREIGN AFFAIRS  
COMMITTEE ON VETERANS' AFFAIRS  
COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE

**Congressman Lee M. Zeldin**  
**First Congressional District of New York**

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October 16, 2015

John K. Bullard  
Regional Administrator, Greater Atlantic Region  
NOAA Fisheries  
55 Great Republic Drive  
Gloucester, MA 01930

Dr. William Karp  
Science and Research Director, NOAA Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543

Honorable Richard B. Robbins  
Council Chairman, Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

Dear Administrator Bullard, Dr. Karp, and Chairman Robbins,

On behalf of all fishermen in both the recreational and commercial sectors throughout New York and the Northeast region, including many who rely upon the summer flounder (fluke) fishery for their livelihood, we urge you to readdress the burgeoning 2016 fluke quota crisis before it is too late.

The August 2015 vote by the Mid Atlantic Fishery Management Council (MAFMC) to lower the fluke quota by 29% for the next three years, and the data from the Science and Statistical Committee (SSC) used to base this decision, must be reviewed and reconsidered. The economy, history, and culture of our fishing communities in our state and region rely upon fluke among other critical fisheries, and we appreciate your prompt attention to this important priority for our constituents.

The MAFMC's decision, a three-year constant 29% cut over 2015 fluke quota levels, will have severe consequences to fishermen throughout New York and the East Coast who are already struggling to make ends meet. The impact of this cut, though an improvement over the 47 % reduction initially considered, will create severe financial hardships for fishermen in our state who rely upon summer flounder, also known as fluke, to support their families.




We urge the MAFMC to remand the Science and Statistical Committee's (SSC) decision and run additional analyses with a lower CV. Immediate reanalysis of the SSC's decision, and the ability of the council to readdress the quota cut based upon the SSC's reanalysis, is essential to ensure the summer flounder fishery is managed in a fair and sustainable manner during the 2016 fishing year.

Over the medium and long term the fluke fishery's underlying data issues must also be addressed. Simply put, summer flounder needs a new benchmark assessment. We are requesting to put fluke on the Northeast Fishery Science Center's fishery benchmark assessment docket as soon as possible, but no later than the spring of 2016. The Statistical Assessment Workshop 57 (SAW 57), completed in 2013, was the last benchmark to take place for fluke. Recent data regarding sex specific natural mortality and sexually dimorphic mortality and size were not included, and cannot be introduced by an update until a new benchmark is initiated. By completing this benchmark prior to the beginning of the 2016 fishing year, fishermen will not have to suffer needlessly based on overly rigid quotas should the benchmark prove the fluke stock to be more robust than the update shows.

We believe strongly in the responsible management of fisheries that is fact based and driven by sound and current data with a strong layer of protection from overfishing. It is also essential that accurate data and science be used to make any drastic decisions. Commercial fishermen within the Empire State have for too long suffered under an unfair management regime for summer flounder that has driven business into neighboring states where quotas were more generous. These upcoming cuts could force New York's fluke fishery into bycatch only status, thereby destroying their ability to market their fluke effectively compared to fishermen from surrounding states. That is in direct contradiction to National Standard Four of the Magnuson Stevens Act, and as such, the 29% cut should be kicked back to the council by the NMFS. For New York's recreational and charter fishermen, who have finally found parity in catch to other anglers from New Jersey and Connecticut, any quota reduction solution should maintain the regional approach so that there isn't a similarly unfair state-by-state competition as that which has tied NY's commercial fleet's hands since 1995.

We agree strongly with the laudable goal of protecting critical stocks from overfishing such as the summer flounder. At the same time, we also must protect fishing as a way of life and as an important aspect of New York's coastal economy. Thank for your work on this issue. Should you have any questions or concerns, please contact Kevin Dowling in my Washington office at 202-225-3826 or [kdowling@mail.house.gov](mailto:kdowling@mail.house.gov).

Sincerely,



Lee Zeldin  
Member of Congress



Peter King  
Member of Congress



Chris Collins  
Member of Congress

## 2015 FALL NRCC MEETING AGENDA

Hotel Providence—Providence, Rhode Island

*All times are approximate*

### Tuesday, November 17

0900

1. Welcome, introductions, modifications and additions to agenda, announcements  
(Bullard, Karp, Gilbert)

0905-1045

2. Priority Discussion  
NEFMC, MAFMC, and ASMFC outline priorities
  - Discuss prioritization and coordination of resources, as needed
  - Consensus from the 2015 Fall NRCC meeting was to bring draft plans, regardless of where each group is in the process, so there can be a more detailed discussion on priorities and potential conflict resolutions
  - Fishery Dependent Data Visioning (FDDV) recommendations may involve additional adjustments to priorities (FDDV presentation on Day 2)

*Break 1045-1100*

1100-1330

3. Assessment Process and Improvements  
Discussion leader: Karp
  - Progress on improvements to stock assessment process
    - Efficiency and standardization initiatives
    - Consistency in review membership
    - Operational assessments – successes and lessons learned
  - Incorporating aspects of the Alaska Fishery Science Center model
  - Discuss need to shift workload from assessments to research that will improve assessments

*Working lunch break 1200-1220*

1330-1500

4. Planning for Cod Benchmark Assessments  
Discussion leader: Karp
  - Update on cod stock structure working group (NRCC on Action Item #2 from Spring 2015 meeting)
  - Outlining initial process for benchmarks

*Break 1500-1515*



1515-1545

5. Confirm Terms of Reference for Cumulative Discard Methodology Review

Discussion leader: Karp

- Update NRCC on Action Item #1 from Spring 2015 meeting

1545-1700

6. Review Current Assessment Schedule established at Spring 2015 NRCC meeting

- Update, as needed, on previously established 2016 and 2017 schedule
- Draft tentative 2018 schedule
- Briefly discuss planned 2017 review of an ecosystem model – how will that affect setting of ABCs in the fall of 2017?

1700-1715

7. Management Strategy Evaluations

Discussion leader: Karp

- Introduce this process and seek participation from NRCC partners

*1715-Day 1 Wrap Up; Prep for Day 2 Discussions*

*1730-Adjourn Day 1*

1830: Dinner at Shula's 347 Grill, 21 Atwells Ave

- Cocktails at 6:30pm, with dinner at 7pm
- The restaurant is located a few blocks from Hotel Providence
- Complimentary parking is available, for those who do not want to walk

**Wednesday, November 18**

0900-0930

8. SAW Working Group Composition

Discussion leader: Karp

- Review how policy worked for the winter SARCs
- Discuss SSC member participation

0930-1015

9. FDDV Discussion

Discussion leader: Pentony

- Inform Councils of FDDV recommendations

1015-1030

10. Update on Implementation of SAFE Report Process

Discussion leader: Pentony

- Update NRCC on Action Item #5 from Spring 2015 meeting

1030-1045

11. Update from MSA Section 313 Working Group

Discussion leader: Robins

- Update NRCC on Action Item #3 from Spring 2015 meeting

*Break 1045-1100*

1100-1130

12. Observer Coverage in the Lobster Fishery

Discussion leader: ASMFC

- Discuss collaboration between ASMFC, GARFO, and NEFSC on changes to observer sampling framework and data collected for both state and federal programs
- Agree to a timeframe for changes in the observer programs for the 2016 fishery

1130-1200

13. Blueline Tilefish Science and Management in the Mid-Atlantic

Discussion leader: Moore

*Working lunch break 1200-1220*

1220-1305

14. Update on Progress of Trawl Advisory Panel Charter

Discussion leader: Karp

- Review charter and consider potential changes

1305-1330

15. Rebuilding Winter Flounder Stocks

Discussion leader: ASMFC

- Discuss how to collaborate across partners to rebuild the stocks with particular concern for the Southern New England/Mid Atlantic stocks

1330-1445

16. NRCC Planning Discussion

- Discuss ideas on how to be more proactive with respect to priority setting and assessment scheduling
  - i. Conference calls prior to NRCC meetings to discuss upcoming priorities and potential assessment change requests?

1445-1515

17. Meeting wrap up

- Complete any unfinished discussions or unresolved new business
- Review action items and assignments
- Identify mid-term call date/time (ca. mid-January to early February 2016)

- Confirm May 10-11, 2016 Spring meeting date (NEFSC host) and identify Fall 2016 (ASMFC host) meeting date
- Adjourn meeting

Note: hard stop for all participants at 4:00 pm



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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.