

**MANAGEMENT COUNCIL  
ADMINISTRATIVE HANDBOOK**

*Subject to change by Council action*

(Revisions Approved by SOPPs Committee March 2018)

(Revisions for Consideration shown in Track Changes; Staff was directed to pull all potential changes from the Gulf Council Handbook that could be useful to the South Atlantic Council)

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## **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

### **ADMINISTRATIVE HANDBOOK**

The South Atlantic Fishery Management Council (Council) is one of eight congressionally created entities with the administrative office located in North Charleston, South Carolina. The Council consists of representatives of the states of North Carolina, South Carolina, Georgia, and Florida; the NMFS Regional Administrator; four nonvoting members (ASFMC, Coast Guard, US FWS, and U.S. State Department); and an administrative support staff. The Council establishes conservation measures for the fisheries in the Atlantic Ocean seaward of the territorial boundaries of these states out to 200 miles encompassing the U.S. 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 prepared by the Council are designed to produce optimum yield, while preventing the overfishing of our valuable resources.

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 for Management, Deputy Executive Director for Science/Statistics, 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.

## **I. COUNCIL MEMBERS**

### **A. Composition**

There are 13 voting members; 8 appointed by the Secretary of Commerce for 3-year terms, 4 are the principal state officials with marine fishery management responsibility (or their designees) and the Regional Administrator of the National Marine Fisheries Service for the Southeast Region or their designee. There are 4 non-voting members of the Council: The Southeast Regional Director of the U.S. Fish and Wildlife Service or a designee; the Commander, Seventh Coast Guard District, or a designee; the Executive Director of the Atlantic States Marine Fisheries Commission, or a designee; and a representative the U.S. Department of State or a designee.

### **B. Officers and Terms of Office**

The Council elects a Council Chairperson (Council Chair) and a Vice Chairperson (Vice Chair) annually and they serve until a successor has been elected. Elections are held at the first meeting of the Council after August 11th. Generally, the South Atlantic Council Chair and Vice Chair serve for 2 years and the Vice Chair then becomes the Council Chair for 2 years.

## **II. SUPPORT STAFF**

The Council appoints an Executive Director and other administrative and technical staff, as it deems necessary. The Personnel Committee recruits, conducts interviews, and makes recommendations to the Council relative to appointing an Executive Director. The Executive Director is responsible to the Council, and the staff is responsible to the Executive Director. The support staff are not federal employees and are not subject to federal benefits or Civil Service regulations.

Executive Director. As chief executive officer of the Council, the Executive Director is responsible for managing all administrative and technical aspects of Council operations and such other responsibilities or duties as may be delegated by the Council Chair. The Executive Director reports to the Council through its Council Chair. The Executive Director is responsible for the overall supervision of the staff. The Executive Director recruits, conducts interviews and hires staff on behalf of the Council. The Executive Director may delegate these responsibilities to appropriate staff to ensure smooth Council operations. The Executive Director is responsible for the day-to-day administration of the Council staff and reports to the Council on personnel matters through the Council Chair. Senior management consists of the Executive Director, Deputy Executive Director for Management, Deputy Executive Director for Science/Statistics, and Administrative Officer. In the absence of the Executive Director, routine daily activities will be handled by the Deputy Executive Director for Management in consultation with the remaining members of the team; if both are absent, routine daily activities will be handled by the Deputy Executive Director for Science/Statistics in consultation with the Administrative Officer; and if all three are absent, routine daily activities will be handled by the Administrative Officer.

Staff. The staff consists of positions as recommended by the Executive Director and authorized by the Council.

1. Position Acquisition. Prior to the establishment of a position by the Council, the Executive Director shall consult with the Personnel Committee concerning the need for such a position and the duties for which the position will be responsible.
2. Appointment. The Executive Director conducts interviews of qualified applicants for positions. Appointment is made by the Executive Director on behalf of the Council. Employees serve at the pleasure of the Council. An employee who satisfactorily performs the job can expect continued employment.

Employees are subject to a 12-month probationary period.

New hires and employees promoted from within the Council staff to another position will serve the probationary period in the new position. During the probationary period, an employee's job performance and qualifications are evaluated, and unsatisfactory performance may result in termination. During the probationary period Council rules governing disciplinary action, suspension and dismissal do not apply.

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3. Temporary Appointment. The Executive Director may appoint an individual to a position for a limited term, not to exceed one year. Such appointments may carry some benefits as selected by the Executive Director and grant the employee no grounds for appeal upon termination.
4. Permanent Part-time Appointment. The Executive Director may place employees in permanent part-time positions on a continuing basis for as much as half-time. Employees receiving such appointments may receive some benefits as selected by the Executive Director.

5. Detailed Government Employees. When deemed advisable, the Executive Director may recommend to the Council that a position be filled by a detailed government employee (i.e., someone on loan from the state or federal government). Such detailed employee(s) will be employed subject to applicable regulations and may be terminated by the Executive Director and returned to federal or state service at the convenience of the Council.

6. Experts and Consultants. When the Executive Director determines that technical assistance not available from NOAA is needed, the director may contract with appropriate outside individuals to provide the needed technical assistance, provided budgetary approval from the Council. However, the Council must notify NOAA General Counsel before seeking outside legal assistance.

7. Classification. Council employees fall within one of the classifications below:

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

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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.

8. 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.

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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.

9. Expenses to Interview. The Council generally does not pay the cost of travel to an interview. Interviews will be conducted in-person (at the applicants expense), via phone, and via the internet (e.g., Skype). The Council may cover travel expenses for finalists to be interviewed at their discretion.

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10. Moving Expenses. The Council will reimburse expenses related to a move up to \$5,000.

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### III. SALARY AND WAGE ADMINISTRATION

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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 as per 50 CFR 600.120.

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#### A. Salary Range

All staff positions are subject to the salary ranges recommended by the Executive Director and approved by the Council within the Council salary schedule. The Council salary schedule is the *Schedule for Federal Employees* as set forth in 5 U.S.C. 4703, the *Alternative Personnel Management System* for the U.S. Department of Commerce. The Schedule used will reflect the Locality Pay Area of the Rest of the U.S. (RUS) or the city in which the Council headquarters is located if provided in the schedule. The Executive Director will determine entry-level salaries, annual and merit increases, and hiring at or above the entry level in order to secure exceptionally qualified personnel. Approval of all personnel actions is subject to the availability of funds. No action may be taken by the Executive Director that would exceed funds budgeted by the Council.

The minimum salary range for a position shall normally be the entry level. Rates above the minimum may be paid when:

- A tight labor market exists, and sources of recruitment have been exhausted.
- The applicant possesses exceptional qualifications above the minimum requirements of the job description.
- Salary inequities would not be created.

An employee's salary may be reduced by the Executive Director within the established range for inefficiency in the performance of duty or for better utilization of individual ability. Salary reductions may also be necessary due to non-availability of funds.

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#### B. Pay Status

An employee is in pay status when working, when exhausting annual, compensatory, sick leave, or when drawing workmen's compensation, on disability or when on other approved leave with

pay. An employee is not in pay status after the last day of work when separated because of resignation, dismissal, death, retirement, reduction in force, and military leave without pay or any other reason.

### C. Payroll & Your Paycheck

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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 deposited 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.Paycheckflex.com](http://www.Paycheckflex.com).

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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) and/or Roth 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. If you believe there is an error in your pay, notify the Administrative Officer immediately so the matter can be resolved quickly. Council employees use direct deposit. Authorization forms are available during the hiring process and should be submitted to the Administrative Officer.

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### D. Work Schedule

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The Executive Director is responsible for compiling a record of the work schedule of all employees. The established work hours for the office are 8:00 a.m. to 5:00 p.m. daily. An employee is entitled to a lunch break of up to one hour, which is without compensation. However, the Executive Director may allow an employee to work a flexible schedule as long as the employee works 40 hours per week. No employee may work more than 40 hours in a week without advance approval by employee's supervisor or the Executive Director.

- A tight labor market exists and sources of recruitment have been exhausted.
- The applicant possesses exceptional qualifications.

If an employee wishes to work at home, they must obtain the approval of an immediate supervisor in advance. In the event an immediate supervisor is not available, approval may be obtained from the Executive Director.

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- In advance means, at least the day before the day employee wishes to work at home.
- If special circumstances exist (i.e., sick child, etc.) the employee may request approval the day they wish to work at home.
- The employee must provide their supervisor with a reason for request.

- Salary inequities would not be created.

Employees may only work at home a maximum of one day per week. If circumstances exist that justify working at home more than one day per week, the employee may request approval from the Executive Director.

An employee's salary may be reduced by the Executive Director within the established range for inefficiency in the performance of duty or for better utilization of individual ability. Salary reductions may also be necessary due to non-availability of funds.

If the employee is approved to work from home, they must provide the Administrative Group (in an email) the phone number where they can be reached. Employees must be available at that number during the entire work day.

Supervisors and the Administrative Group must be notified if there is any change in the “working at home” status.

Employees are hired to perform an important function at the Council. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, each employees’ 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 an employee’s 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.

Employees must record hours worked for payroll and benefit purposes. 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 employees. Each employee’s supervisor is responsible for monitoring Council activity and requesting overtime work, if necessary. Effort will be made to provide each employee with adequate advance notice in such situations.

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## E. Separation

Separation from Council service occurs when an employee leaves the payroll for reasons listed below or upon death.

1. Resignation. An employee may terminate his or her services by submitting a resignation to the Council. Normally, it is expected that an employee gives at least two weeks’ notice prior to the last day of work. Employees exempt from wage and hour provisions of the Fair Labor Standards Act are expected to give at least 30 days’ notice prior to their last day of work.

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2. Retirement. The earliest age of retirement is 59-1/2 years.
3. Reduction in Force. An employee may be separated whenever it is necessary due to a shortage of funds or work, or due to material changes in the duties of the Council.
4. Dismissal. Dismissal is involuntary separation for cause and should be made in accordance with the provisions of Section VI, Employee Conduct.

Payment. Employees who are separated from Council service will be paid in a lump sum for unused annual leave (see V. B. 1.). Sick leave will not be paid upon separation (except at retirement, see Section V. B. 2. Sick Leave). Compensatory leave will be handled in accordance with provisions of section V. B. 3. Compensatory Leave.

#### F. Salary Increases and Awards

1. Cost of Living Adjustment (COLA). Annual COLA and geographic differential increase will generally be given within the same time frame as federal employees receiving their COLA and locality pay increases. If any COLA is declared by the Federal government, all staff will be awarded the increase across the board.
2. Performance Review. An annual performance review for each employee by their supervisor is required. The Executive Director will be reviewed annually by the Council Chair of the Council in consultation with the Personnel Committee and other Council members, as the Council Chair deems appropriate. The annual performance review period for employees will be from January through December each year and will be conducted in December each year. The Council's Annual Performance Appraisal form will be used in evaluating employees. Performance reviews must include discussion involving the employee and his or her supervisor. The Executive Director will review the performance appraisal. The annual review generally serves as a basis for determining merit salary increases and annual review of the existing position description.
3. Merit Increases. Merit salary increases will be considered in conjunction with the employee's annual performance review. All salary increases will be determined by the Executive Director within the limits established in the budget. Employees will be eligible for a merit increase at the time they receive their annual performance evaluation if they receive an average rating of three (3) or greater under Duties Performance and meet the requirements specified under General Performance of the Annual Performance Appraisal form. 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 a specific period of time from the date of his/her performance review to correct the deficiencies and become completely competent in the job. If after this period of time, 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. In certain/limited circumstances, a merit

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increase may be awarded during the course of the year, for example, if there are additional responsibilities added to the job description.

A merit increase represents an increase in the employee's base salary and represents a permanent increase in costs to the Council.

4. Geographic Differential. All employees will receive a geographic differential increase at the same time locality pay is provided to federal employees. The differential shall be the same as defined in the federal Rest of the U.S. (RUS) schedule or the city in which the Council headquarters is located if provided in the schedule.

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All employees will receive the annual cost of living increase when it occurs. Cost of living changes will occur at the same time of year as the federal changes take place and the amount of increase will be that approved for federal employees. ¶

5. Cash Awards. Cash awards (one time cost to the Council) may be given in lieu of a merit increase (permanent increase in cost to the Council) to an employee who has demonstrated sustained superior performance, outstanding task accomplishment, or for other reasons relative to exceptional job attributes. A cash award is a one-time payment and does not become a part of the employee's base salary. The amount of the cash award will be determined by the Executive Director within budget constraints after consultation with the Council Chair. Cash awards may be given at any time as deemed appropriate.

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6. Promotions. A promotion to a new job classification may be made anytime during the year. All promotions must be approved by the Council Chair. When recommending an employee for promotion the Executive Director will provide the Council Chair with a job description for the new position, justification for the promotion, and the appropriate salary level (within budget limitations).

7. Overtime Compensation. Governing rules for overtime compensation are contained in the Fair Labor Standards Act.

### G. 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:

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- 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;

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- 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.

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#### IV. **EMPLOYEE BENEFITS**

##### A. **Insurance, Retirement, and Other**

It is the policy of the Council to provide its full-time employees (30+ hours each week) the opportunity to participate in group medical insurance, life insurance, long term care insurance, a retirement plan and such other benefits as designated by the Council.

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1. Medical Insurance. A medical insurance program is provided for qualifying employees. Individual and family coverage premiums are fully paid by the Council. (The health insurance contract contains the details of coverage.)
2. Post-Retirement Health Insurance. The Council will pay for a portion of the employee's medical insurance after retirement if the employee has served 10-years of continuous Council service and retires from the Council after the age of 65. If a retiring employee meets these requirements, the Council will pay 85% of the retiree's costs for Medicare B, F, and D or other federal government insurance, such as Tricare.

Gulf Council offers the following post-retirement health insurance benefit: the Committee should discuss whether this should be included in the SAFMC package – Employees who have reached the early retirement age of 55 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.

3. Life Insurance. Fully paid term life coverage is provided for eligible employees. The amount of insurance is prescribed by the terms of the contract with the insuring company. (The contract contains the details of insurance levels and coverage.)

4. Disability Insurance. Fully paid short and long-term disability coverage is provided for eligible employees. Coverage is prescribed by the terms of the contract with the insuring company. (The contract contains the details of insurance levels and coverage.)

5. Retirement Plan. The Council sponsors a 401k retirement plan in which employees are eligible to participate. Employees may make pre-tax or after-tax (Roth) contributions to the plan, and the Council matches employee contributions up to 4% of the employee's annual salary subject to funding availability; this amount can change depending on funding. Pre-tax contributions and ALL Council match contributions are taxed upon withdrawal. If an employee chooses the Roth option, taxes are paid upfront through regular payroll tax deductions. Additionally, the Council makes a safe harbor contribution in the amount of 3% of the employee's annual pay. This contribution is non-discretionary, non-matching, and 100% vested. Lastly, the Council makes a contribution of 7% of eligible compensation to a fixed pension fund (this is different from a defined benefit plan in that the employee is only entitled to receive the amount contributed plus any increase or decrease in value over time.). After 5 years of service, an employee will be 100% vested.

At retirement time, a one-time allowance is authorized for financial planning not to exceed \$2,000 to assist an employee's transition to retirement in terms of structuring the distribution of retirement accounts.

6. Long Term Care Insurance. Fully paid long-term care coverage is provided for eligible employees up to specified limits. Employees may purchase additional coverage (beyond the specified limits covered by the Council) at their own expense.

7. Other. Additional benefits may be instituted and made available for employees as the Executive Director/Council deem appropriate.

8. Employee Assistance Program. The Council offers an employee assistance program through our health insurance provider, Starmark. 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 Starmark.

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9. 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.

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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.

10. 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.

**B. Types of Leave.**

Types of leave authorized by the Council include annual leave, sick leave, compensatory leave, family leave, military leave, administrative leave, holidays, civic leave and leave without pay. Abuse of leave privileges is cause for disciplinary action (see V. C.).

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1. Annual Leave. Annual leave will be accrued by full-time employees on the following schedule:

•0-2 years + 364 days of service - Accrued at the rate of 4 hours per biweekly pay period.

•3-14 years of service - Accrued at the rate of 6 hours per biweekly pay period except for the last pay period of the year, when 10 hours are accrued.

•15+ years or more of service - Accrued at the rate of 8 hours per biweekly pay period.

Annual leave may be taken only upon approval by an employee's supervisor who shall review requests in view of office workload and determine approvability. For purposes of leave entitlement, prior work experience related to the professional position occupied may be creditable as determined by the Executive Director. This provision will apply only to those employees determined to be exempted from the hours of work and overtime pay provisions of the Fair Labor Standards Act.

Employees may carry up to 480 hours of annual leave from one year to the next. Amounts above this maximum not taken at the end of the calendar year are to be forfeited. 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 restoration must be obtained from the Executive Director. This carryover must be used within the first 6 months of the following year. Additionally, forfeited annual leave may be donated to reduce another employee's negative sick leave balance 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. (See 9. Leaving Sharing.)

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Upon termination, employees will be paid for any accumulated annual leave (not to exceed the 480 hours allowable accumulation plus leave earned to date in a given calendar year) in a lump sum payment. This payment is for annual leave hour only (i.e., no medical, retirement, etc.). The Council maintains a separate account to cover the expected costs of annual and sick leave pay-outs.

The Executive Director may advance annual leave not to exceed the amount an employee can earn during the subsequent 12-month period if there is reasonable assurance that the employee will return to duty for a sufficient period of time to accrue leave in amounts equal to the advancement. In the event that the employee terminates prior to repaying the advanced leave, the employee will reimburse the Council for the amount of outstanding leave either through salary reduction of the last wage payment or if insufficient wages are available, through direct payment or a combination of both. A signed promise of repayment must be executed prior to receiving advanced annual leave.

2. Sick Leave. Full-time employees accrue sick leave at the rate of 4 hours per biweekly pay period (13 days). There is no limit on the accumulation of sick leave. Deleted: E

The Executive Director may advance sick leave not to exceed the amount an employee can earn during the subsequent 12-month period if there is reasonable assurance that the employee will return to duty for a sufficient period of time to accrue leave in amounts equal to the advancement. In the event that the employee terminates prior to repaying the advanced leave, the employee will reimburse the Council for the amount of outstanding leave either through salary reduction of the last wage payment or if insufficient wages are available, through direct payment or a combination of both. A signed promise of repayment must be executed prior to receiving advanced sick leave.

Sick leave may be granted for:

- Illness or injury which prevents an employee from performing their usual duties (may include attending to, or death of, members of immediate family).
- Medical appointments.
- Quarantine due to contagious disease in the employee's immediate family. Deleted: '
- Family leave.

The Executive Director may require a statement from a medical doctor or other acceptable proof that the employee was unable to perform work.

Sick leave without pay may be granted by the Executive Director for an extended illness after sick, annual, and compensatory leave have been exhausted. A need for sick leave in excess of available balances may be supplied by donated leave (see 9. Leave Sharing).

Upon their retirement or death, Council staff members (or their survivor) will receive compensation for 100% of their accrued unused sick leave with a cap of 1200 hours to be paid as a lump sum or over a period of time at their option. The contribution amount will be calculated on the average daily rate of pay for the past three-year's annual earnings. The Council maintains a separate account to cover the expected costs of annual and sick leave pay-outs.

3. Compensatory Leave. Compensatory leave is earned when an employee is directed by or has the prior approval of his/her supervisor to work overtime (hours in excess of 40 hours a week). Travel on a weekend or holiday which substantially disrupts the employee's schedule will be counted as 8 hours of compensatory time. Overtime may include both approved work and required travel time.

Use of compensatory leave requires prior approval of the employee's supervisor and shall be granted only when the use of such leave does not unduly disrupt Council operations. The Executive Director's compensatory leave will be directed by the Council Chair.

Compensatory leave earning rates are determined based on whether an employee is considered exempt or non-exempt under the Fair Labor Standards Act:

Non-exempt employees

--Earn compensatory leave at the rate of one and one-half hours for each hour of approved overtime worked.

--Receive compensatory leave in lieu of overtime compensation

--May not accrue more than 240 hours of compensatory leave. Additional overtime hours worked will be paid in accordance with Council policy.

--Upon termination, will be paid for accrued compensatory leave in accordance with the Fair Labor Standards Act.

Exempt employees

--Earn compensatory leave at the rate of one hour for each hour of approved overtime worked.

--Upon termination, will forfeit all accrued compensatory leave.

4. 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>.

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.

**Commented [GW3]:** This language is a part of FMLA (see Attachment A). The Committee/Council should discuss. The employee can be advised at the start of employment as well.

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.

5. Military Leave. 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 Uniformed Services Employment and Reemployment Rights Act (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.' Military leave with pay shall be granted employees for the following period of service:

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- Annual active duty for training to include related activities such as advance rear detachments, command and staff visits when elements of the same organization have annual active duty for training at different times; leave with pay shall not exceed 12

working days in any calendar year; any additional time will be treated as military leave without pay unless the employee wishes to use annual leave.

- Unannounced practice alerts when they occur on an employee's normal workday.
- Attendance at service schools in lieu of annual active duty for training not to exceed 12 days.

Military leave without pay shall be granted for periods of active duty with the Armed Forces of the United States as a result of involuntary draft or military conscription plus 90 days immediately following said enlistment period. Such leave will also be granted for special duty or call up to aid civil authorities in the event of civil disorders or disasters.

Employees desiring military leave shall submit a copy of their orders to the Executive Director as evidence of the required military duty. For leave without pay, the employee shall make available to the Executive Director a copy of the orders to report for active duty and shall advise the Executive Director of the effective date of leave and the probable date of return. Employees are responsible for making application for reinstatement within 90 days from the date of separation from the service and shall notify the Executive Director of any change in the expected date of return or decision not to return.

6. Approved Holidays. Employees receive holidays in accordance with the federal schedule as approved by the Council. Additional holidays may be established either on a temporary or permanent basis as recommended by the Executive Director and approved by the Council.

7. Administrative Leave. Administrative leave may be granted employees for emergency and other reasons as determined necessary and prudent by the Executive Director (e.g., inclement weather, local or national disaster, etc.).

8. Civic Leave.

a. Jury Duty. When employees serve on a jury they are entitled to civic leave with pay for the period of absence required. 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.

Commented [GW4]: Does the Council want to add this?

b. Court Attendance. When employees are subpoenaed or directed by proper authority to appear as a witness, they shall be granted civic leave with pay. Employees who are called to appear in court are expected to provide the Council with proper notice of your request to appear in court and with your verification of appearance. You also are expected to keep management informed of the expected length of your court attendance. If the required absence presents a serious conflict for management, you may be asked to try to postpone your court attendance.

Commented [GW5]: Does the Council want to add this?

9. Leave Sharing Leave may be donated directly from one employee to another under certain medical conditions. Donation of leave is voluntary, and donors remain anonymous. An employee is prohibited from threatening or coercing anyone relative to donation or receipt of donated leave. A violation will be considered misconduct and subject to disciplinary action. To be eligible to use donated leave, an employee must have been employed by the Council for 12 months and exhausted all available leave.

Leave may be used for absence due to:

- Personal illness or disability.
- Exposure to a contagious disease.
- Employee dental or medical care.
- Dental or medical care, accident, illness, death of a family member.

Donated leave may not be used for medical conditions which are compensable under Worker's Compensation benefits or incurred in the course of committing a felony or assault. Donated leave may not be used during disciplinary suspension or while receiving disability insurance benefits.

A request (Council designated form) for donated leave is initiated no more than 40 days prior to a need. The request includes a statement of the medical problem, certification from a physician or licensed health care provider, and projected absence. The request is given to the Executive Director for review and approval. After approval, a solicitation (Council designated form) is circulated to all applicable employees.

A recipient may use no more than 200 hours donated leave per medical occurrence. Leave beyond the 200 hours may be requested of the Executive Director who may require additional medical certification. During use of donated leave, annual and sick leave accrual occurs and is to be used as accumulated prior to use of the donated leave. Prior to return to duty following use of donated leave, the employee must furnish medical authorization of ability to perform the functions of their job. No more than 40 hours of unused donated leave may be retained when returning to duty. Excess hours will be returned to donors' pro-rata.

A donor may contribute any amount of annual, sick, or compensatory leave up to a maximum of 120 hours per year. A donor must have a minimum balance of 60 hours each of annual and sick leave immediately following donation. A donor provides the appropriate form (Council designated form) to the Executive Director authorizing the reduction of leave from their record and surrenders any future claim to the leave.

(See office files for the prescribed request, solicitation, and donor certification forms.)

10. Leave Without Pay. An employee may request through their supervisor leave without pay when time off the job is necessary and they have no available leave resources. This status for

more than 30 days can jeopardize the employee's benefits. Leave without pay status can be assigned an employee for an unauthorized absence or for time off for disciplinary reasons.

## V. EMPLOYEE CONDUCT

### A. Rules for Conduct

Rules for conduct can be found in the publication *Rules of Conduct for Employees, Advisors, and Contractors of Regional Fishery Management Councils*.

### B. Grievances

1. Procedure. An employee with a grievance shall first discuss the problem with their supervisor. If within 30 days they do not feel their grievance was appropriately addressed, they may then discuss their grievance with the Executive Director. The Executive Director shall respond to the employee's grievance within fifteen working days or advise the employee of the conditions which prevent an answer within fifteen working days and when an answer is to be expected.

2. Appeal to the Personnel Committee. If the employee is not satisfied with the decision of the Executive Director or if the employee fails to receive an answer within the designated period, the employee may request that the Personnel Committee consider the matter. The Personnel Committee will decide whether the grievance has merit. Decisions of the Personnel Committee may be reviewed by the Council upon a majority vote of the Council's voting members. Decisions of the Council are final.

### C. Disciplinary Action, Suspension and Dismissal

1. Policy. Employees can be discharged, suspended or reduced in pay or position for just cause by the Executive Director.

2. Written Statement. In cases of such disciplinary action, the employee, before the action becomes effective, shall be furnished with a statement in writing setting forth in numerical order the specific acts or omissions that are the reasons for the disciplinary action and the employee's appeal rights.

Notwithstanding the above, an employee may be suspended without warning for causes relating to personal conduct detrimental to Council service pending the giving of written reasons in order to avoid undue disruption of work or to protect the safety of persons or property or for other serious reasons.

3. Appeals. An employee shall be permitted 15 days from the date the statement is delivered to appeal to the Personnel Committee. Notice of appeal shall be sent by registered mail to the Council Chair of the Personnel Committee.

The Personnel Committee shall determine the merit of the appeal within 30 days of receipt of the appeal. If the appeal is found without merit, the employee shall be notified in writing and the matter considered closed. If the appeal is found with merit, then the Personnel Committee Council Chair shall schedule a committee meeting in which the employee may present evidence in their behalf. At the conclusion of the evidence presented by the employee and any evidence presented by the Executive Director, the Committee shall go into executive session to discuss the merits of the employee's appeal. The Committee shall review the evidence and respond in writing to the employee.

Decisions of the Personnel Committee may be reviewed by the Council upon a majority vote of the voting members. A decision by the Council shall be final.

4. Dismissal or Suspension Relating to Performance of Duties. An employee who is dismissed for unsatisfactory performance of duty shall receive at least two warnings prior to dismissal. These warnings must be written, and copies placed in the personnel file of the employee. The employee should also be informed that they may file a rebuttal statement in their file in response to the written warning. The causes for dismissal or suspension of Council employees are, but not limited to, the following:

- a. Inefficiency or incompetence in the performance of duties;
- b. Negligence in the performance of duties;
- c. Physical or mental incapability for performing duties;
- d. Careless, negligent or improper use of Council property or equipment;
- e. Failure to maintain satisfactory and harmonious working relationships with the public and employees;
- f. Absence without approved leave;
- g. Improper use of leave privileges;
- h. Pattern of failure to report for duty at the assigned time and place.

5. Dismissal Relating to Personal Conduct. An employee may be dismissed for personal conduct detrimental to Council service. Causes for dismissal are, but not limited to, the following:

- a. Insubordination
- b. Conviction of a felony
- c. Conviction of a criminal act
- d. Misuse of Council funds or property
- e. Falsified job information to secure position
- f. Participation in any action that would in any way seriously disrupt or disturb the normal operations of the Council
- g. Trespassing on the home of any Council member or employee for the purpose of harassing or forcing dialogue or discussion from the occupants
- h. Willful damage or destruction of Council property
- i. Reporting to work under the influence of alcohol or drugs, or partaking of such things on the job

- j. Acceptance of gifts in exchange for "favors" or "influence"
- k. Engaging in incompatible employment or serving a conflicting interest
- l. Gross misconduct or conduct unbecoming a Council employee
- m. Conduct which undermines or otherwise impedes the effective performance of the Council or Council staff in its duties and/or responsibilities.
- n. Activities not in accordance with existing conflict of interest legislation.

**D. Standards of Conduct**

1. Political Activity. Participation and restrictions relative to political activities is governed by the requirements as contained in the publication *Rules of Conduct for Employees, Advisors, and Contractors of Regional Fishery Management Councils*.
2. Financial Interest. No employee may have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her duties.
3. Consulting. Employees may engage in consulting activities outside of their Council duties if approved by the Executive Director. When outside consulting is anticipated, the employee will review the activity with the Executive Director. The Executive Director will ensure that the intended activity does not constitute a conflict of interest nor interfere with the employee's performance of duties with the Council. The Executive Committee will be advised of the consulting activity.
4. Drug and Alcohol-Free Workplace. The Council maintains a drug and alcohol-free work environment.
5. Security Investigations. If an employee must have access to information that is classified, they will be required to receive an appropriate security clearance from the Office of Investigations and Security of the United States Department of Commerce.
6. Sexual Harassment. See South Atlantic Fishery Management Council Statement of Organization Practices and Procedures (SOPPs) for policy.
7. Receipt of Materials. Each employee will be provided a copy of the South Atlantic Fishery Management Council Statement of Organization Practices and Procedures (SOPPs), the South Atlantic Fishery Management Council Administrative Handbook, and the publication *Rules of Conduct for Employees, Advisors, and Contractors of Regional Fishery Management Councils*. A Receipt of Materials forms will be signed and dated by the employee at the time of receipt and maintained as part of their personnel file.

**E. Software and Equipment Use**

All computer equipment and software are the property of and for the sole use of the Council. Software is licensed to the Council and use of software that is licensed solely to the Council is illegal. Software that is loaded into Council computer equipment that is not licensed to the

Council could subject the Council to penalties. Installing or downloading unauthorized software can introduce viruses into the computer system. Copying software or data for personal use is theft. Loading any kind of software without authorization of the Executive Director is forbidden. Alterations to hardware and software may only be done under authorization of the Executive Director. Personal use of computers is not allowed. Violators are subject to disciplinary procedures.

**F. Internet Use.**

Internet access is provided for Council duties and tasks. The internet system is monitored, and use can be traced. Accessing or posting information, which is considered offensive or inappropriate; as determined by the Executive Director is prohibited. Use of the internet for commercial or personal purposes including but not limited to political lobbying, sending or retrieving pornographic or objectionable material is prohibited. Posting of information that expresses personal views and opinions that give the appearance of Council support is forbidden. Violators are subject to disciplinary procedures.

**G. Social Media.**

As the Council social media accounts are all considered official media outlets, the Outreach Team has the sole authority to post and comment. On occasion, Outreach staff will ask members of the staff to address issues pertinent to their areas of expertise.

**VI. Personnel Records Administration**

**A. Maintenance of Records.**

The Executive Director is responsible for maintaining the Council personnel records. This is the only "system of records" maintained by the Council which contains information about an "individual" subject to the Privacy Act of 1974 (Public Law 93-579).

In maintaining the records, the Executive Director shall collect only information that is relevant and necessary for the sound administration of the Council personnel system. The Executive Director shall also see that these records are maintained in accordance with the "Privacy Act". Records are retained for five years following employment termination.

The provisions of this section apply to potential, current and former employees of the Council.

**B. Sources of Information.**

Information used in making determinations about employment or other personnel actions are to the extent practical to be obtained directly from the individual. Where it is necessary to obtain information from other sources it should be obtained directly from those sources. In securing information from employees and potential employees, the Executive Director shall see that the individual is informed of the following:

- The authority that authorized the solicitation of the information.
- The purpose for which the information will be used.
- The effect of the individual not providing the requested information in whole or in part.

**C. Examination of Records.**

The Executive Director shall respond within five working days to any request by an individual concerning whether the Council maintains records pertaining to that individual. In the event the Council does maintain such records, the individual and authorized representative shall be allowed to examine the individual's records and make copies.

**D. Amendment of Records.**

Any individual that the Council maintains records on may request in writing the Executive Director to amend such records and shall set out in such request reasons for amending the records. The Executive Director shall respond to such requests within 10 working days. In the event such a request is refused, the individual shall be informed of the right to appeal to the Personnel Committee. The Personnel Committee shall review requests to amend personnel records and respond to the request within 30 days of receipt of the request.

**E. Access to Information in Personnel Files.**

All information in an employee's personnel file is confidential, however it may be examined by a Council member or the Executive Director and other Council employees on a need to know basis as determined by the Executive Director.

**VII. COUNCIL STEERING COMMITTEES**

Steering Committees must be composed of at least three members appointed by the Council Chair. One member is designated by the chairperson to chair the committee. The committee chairperson will appoint a vice chairperson. Committees may be composed of voting and non-voting Council members. Non-voting Council members will be allowed to vote on the steering committees. Council members from other Councils may be appointed to committees where the fisheries extended into that Council's area of jurisdiction. These members will be allowed to vote on committee motions. The Council Chair or Vice Chair may serve on a committee as an ex-officio member with voting privileges when necessary to form a quorum.

Prior to the annual election of Council officers, the Executive Director will provide each member with a committee-assignment-preference questionnaire, so they may indicate which ~~Deleted: questionnaire~~

steering committees they prefer to serve on. Based on this information, the Council Chair will determine steering committee appointments.

The following working committees have been established by the Council. Committee membership lists are available from Council.

**A. Executive/Finance Committee**

The Executive/Finance Committee is composed of the Council Chair, the Vice Chair, the immediate past Council Chair, the Personnel Committee chairperson and one other Council member named by the Council Chair. If this composition results in less than five members on the Executive/Finance Committee, the Council Chair shall appoint the appropriate number of individuals to assure the membership of the Executive/Finance Committee is five. The Council Chair serves as committee chairperson. The Executive Director serves in an advisory capacity.

Working in conjunction with the Executive Director, the Executive/Finance Committee is responsible for establishing the direction and goals for the Council and addressing issues that arise outside of normal Council operations. The Committee reviews and approves the activities schedule for the year and the draft budget prior to Council consideration and approval. It reviews on a regular basis all Council expenditures and reports to the Council. Through the budget process, the committee approves the funding of all contracts entered into by the Council. Subject to federal regulations, the Committee may recommend to the Council the transfer of funds from one budget item to another.

**B. Personnel Committee**

The Personnel Committee is responsible for overseeing the administration of the Council's employment practices.

**C. Information and Education Committee**

The Information and Education Committee is responsible for the overall guidance and recommendations for dissemination of information on Council activities and accomplishments.

**D. Statement of Organization Practices and Procedures (SOPPs) Committee**

The SOPPs Committee will periodically review the Statement of Organization Practices and Procedures and make recommendations to the Council on any changes necessary to facilitate operations of the Council.

**E. Advisory Panel and Selection Committees**

The Advisory Panel Selection Committee is responsible for reviewing the qualifications of individuals, based on their knowledge and experience in the fisheries being managed by the Council, and making recommendations for appointments to the Council's advisory panels. (See Appendix II for composition and policy on advisory panels.) The Council may delegate authority for advisory panel appointments to other Council Committees, to address special circumstances such as the Citizen Science or SEDAR advisory panels, as detailed in Appendix II.

**F. Law Enforcement Committee**

The Law Enforcement Committee is responsible for addressing the enforcement aspects of fishery management plans, amendments and associated regulations.

**G. Habitat and Environmental Protection Committee**

The Habitat and Environmental Protection Committee is responsible for addressing the habitat and environmental aspects of fishery management plans and amendments, issues that affect the essential fish habitats (EFH) of species being managed by the Council, and other environmental concerns. This committee also serves as the Coral Steering Committee.

**H. Fishery Management Plan Steering Committees**

Species oriented steering committees are appointed as the need arises, based on the Council's or another Council's fishery management activities. These committees are responsible for the formulation and development of fishery management plans and amendments. Members of these committees interact with Council staff, plan development teams and other Councils.

**I. Scientific and Statistical Selection Committee**

The Scientific and Statistical Selection Committee is responsible for reviewing the qualifications of individuals, based on their scientific expertise in disciplines that will provide technical guidance to the Council, and making recommendations for appointments to the Council's Scientific and Statistical Committee. (See Appendix I for composition and policy on the Scientific and Statistical Committee.)

**J. Highly Migratory Species Committee**

The Highly Migratory Species (HMS) Committee is responsible for reviewing and providing input on HMS species, which the Council does not manage; however, HMS species interact with a number of the Council's fisheries and are an important component of the ecosystem.

**K. Protected Resources Committee**

The Protected Resources Committee is responsible for reviewing and providing input on protected species.

**L. SEDAR Committee**

The South Atlantic Council's SouthEast Data, Assessment, and Review (SEDAR) Committee is responsible for reviewing and providing input related to stock assessments (priorities, timing, workshops, etc.) to the SEDAR Steering Committee comprised of Council Chairs and Executive Directors of the South Atlantic, Gulf of Mexico, and Caribbean FMCs, NMFS Southeast Regional Administrator, NMFS Southeast Fisheries Science Director, HMS representative, and the Executive Directors of the Commissions (ASMFC and GSMFC).

**M. Data Collection Committee**

The Data Collection Committee is responsible for reviewing and providing input on data issues.

**N. Citizen Science Committee**

The Citizen Science Committee is responsible for the Council's Citizen Science Program.

**O. Ad Hoc Committee**

The Council Chair will appoint committees on an as needed basis to serve for a limited period of time for the purpose of dealing with issues as they arise.

**VIII. TRAVEL POLICY**

**A. Authorization**

Travel is performed under the authorization of the Executive Director and the Council Chair. Travel to other than specific council sponsored functions must be approved by the Executive Director and/or Council Chair. A Council member may request travel compensation to attend such a function without pay. If a request for travel is denied, the Council member may appeal to the full Council. Approved travel orders will be furnished to individuals to cover each travel incidence.

**B. Duration and Purpose**

The duration and purpose of travel to be performed will be determined prior to each occurrence. Any deviation from an approved itinerary and/or dates must be explained upon submission of a

reimbursement claim and is subject to disapproval. To the maximum extent possible, prior approval for alterations to approved itineraries should be obtained.

### **C. Subsistence**

The maximum daily subsistence shall be as prescribed in the federal travel regulations and established by Council. The prevailing hotel room rate for Council meetings will be as negotiated by staff (or other organization as appropriate) with the lodging facility. Cost of lodging, meals, and incidental expenses are to be itemized on a travel claim form for each day of travel. Reimbursement will be in accordance with the GSA Travel Regulations.

### **D. Transportation**

Travel by common carrier is presumed to be the most advantageous method of transportation. A contract carrier must be used when available. Use of non-contract carriers, which result in additional costs, will be borne by the traveler. Coach or tourist fare may be used in lieu of a contract carrier if seating is not available or the schedule does not allow efficient use of time or a non-contract carrier offers a lower fare. The most direct route for travel is to be utilized. Airline reservations must be arranged through the Council's designated travel office to insure the lowest fares available are used. In cases where a traveler wishes to travel first class, reimbursement will be determined by ascertaining the lowest fare available for the days the travel occurred and the traveler will be reimbursed that amount.

Excess airline costs associated with personal travel outside the authorized dates indicated on the travel order are to be paid for by the traveler. For example, if authorized to travel beginning on Friday but the traveler books a ticket for Thursday to accommodate a personal side trip and the Friday ticket is \$50 cheaper than the Thursday ticket, the traveler is expected to pay the additional \$50. Any additional costs resulting from a change in travel, for routine personal reasons, is expected to be paid for by the traveler. All travel will conform to the Fly America Act.

Use of a privately-owned vehicle in lieu of commercial transportation is permissible if approved by the Executive Director. Use of privately owned automobile will be reimbursed at the rate as established in federal travel regulations not to exceed the cost of the lowest available airfare unless approved in advance by the Executive Director. Odometer readings are required.

In order to increase staff safety, eliminate unnecessary risks, and to be in compliance with the Executive Order addressing Federal Leadership on Reducing Text Messaging While Driving, SAFMC has enacted a Distracted Driving Policy, effective July 26, 2012 as follows to any staff operating a SAFMC funded rental vehicle or company-issued cell phone while operating a personal vehicle:

- Staff may not text, email, or read while operating a vehicle – whether the vehicle is in motion or stopped at a traffic light.

- If staff needs to text or email, they must pull over safely to the side of the road or another safe location.

Use of privately owned plane is acceptable and a claim must be for direct air route mileage between itinerary points and is reimbursable at the rate as established in federal travel regulations. Reimbursement will not exceed the cost of the lowest available airfare unless approved in advance by the Executive Director.

#### **E. Other Expenses**

Use of a rental car is only permitted if authorized on the travel order. The rental must be arranged with the Council's designated travel office. Insurance coverage is provided through the Council's vehicle rental insurance policy.

Parking fees, road tolls, official phone calls, taxi and limousine fares, and miscellaneous expenses (explained on travel order) are reimbursable.

#### **F. Unscheduled Expenses**

If a traveler on official business must adjust their travel itinerary due to illness or for other unplanned circumstance, the traveler may be eligible for travel expense reimbursement for additional travel days/costs. Compensated members will not be eligible for compensation for those days. To the maximum extent possible, the traveler is to request prior approval through the Executive Director and/or Council Chair and in any event, must provide adequate justification with submission of travel expense claim. In the event that circumstances are such that prior approval is not possible, the Council Chair will review the costs/circumstances and approve or disapprove reimbursement. A medical expense incurred while traveling on official business is not reimbursable by the Council.

#### **G. Per Diem Guidelines**

When filling out Travel Orders for Per Diem reimbursement, authorized travelers are required to adhere to the following:

1. On days when travel only occurs for part of the day (i.e., a split day), breakfast and lunch reimbursement is  $\frac{1}{4}$  each and dinner is  $\frac{1}{2}$  of the daily total respectively.
2. Authorized travelers are only allowed to claim an amount if in actual travel status away from home. For example, if the authorized traveler's flight leaves from Charleston, SC at 3:00 p.m. to a location that has a daily per diem of \$56, the traveler is only permitted to claim \$28 for dinner, as the traveler was in Charleston for breakfast and lunch.
3. The only exception to this is for local meetings where interaction with Council/AP/SSC members is expected and encouraged; staff are authorized lunch reimbursement of \$14 and possibly dinner authorization on case-by-case basis.

4. Additionally, if returning from a distant meeting and are authorized a full day, but arrive mid-afternoon, dinner reimbursement should not be requested.

#### **H. Submission of Claims**

Claims for reimbursement are to be submitted on specified forms to Council headquarters within 30 days following completion of travel. Claims received 30 days or more following completion of travel will not be reimbursed unless there are exceptional circumstances (provided in writing) and reimbursement is approved by the Executive Director. In no case will claims be reimbursed 30 days after the end of a grant period. In evaluating claims for reimbursement, if travel performed is different than that authorized, a cost comparison for alternate travel form will be completed comparing costs incurred as a result of alternate travel and/or transportation mode (e.g., private vehicle in lieu of common carrier) including per diem to approved travel. In the case of Council members, Council paid compensation if claimed, will be considered. The least cost to the Council will be the amount reimbursed.

#### **I. Foreign Travel**

To the extent possible information regarding anticipated foreign travel is to be included in the annual funding request. Detailed description of the travel including destination, duration, purpose, and estimated costs should be included. Approval of the budget will convey travel approval. In the event foreign travel arises after budget approval, requests are to be submitted to the NMFS Regional Grants Office.

#### **J. Performance of Duties (Council Members)**

Actual performance of duties is construed to mean, but not limited to:

- Days spent in actual attendance at a meeting of the Council or jointly with another Council.
- Travel on the day preceding or following a scheduled meeting that precluded the member from conducting normal business on that day.
- Meetings of standing committees of the Council if approved in advance.
- Individual member meeting with scientific and technical advisors when approved in advance and a substantial portion of a day is needed.
- Conducting or attending hearings when authorized in advance.
- Participating in a webinar when designated to do so by the Council in advance.
- Other meetings involving Council business when approved in advance.

## **IX. MEETINGS AND HEARINGS**

### **A. Briefing Book**

The South Atlantic Council recognizes that not all material is on the same deadline as the Council's for completion of meeting materials. If material is being developed specifically for the Council meeting, then it needs to be completed by the Briefing Book deadline. If material is being developed outside of the Council meeting process, and action will occur prior to the next meeting that impacts fisheries or the Council, or the comment period ends prior to the next meeting, and material is completed between Briefing Book deadline and Council meeting start, then the material will be posted to the Council's website to allow public access/review and can be discussed at the meeting with approval of the Council Chair. If material is being developed outside of the Council meeting process, and action will not occur prior to the next meeting, and material is completed between Briefing Book deadline and Council meeting start, then material will be discussed at the following Council meeting, time permitting.

All materials, experimental fishing permits, and presentations for each Council meeting must be received by Council staff prior to the briefing book deadline (Monday, 3 weeks prior to each Council meeting). The briefing book is posted to the Council's website by noon on Friday two weeks prior to each Council meeting.

Late briefing book materials – Council staff strive to have all materials in the briefing book when posted two weeks prior to the meeting. The Council Chair will review any late materials and determine whether to approve their distribution after the Briefing Book deadline or whether the information will be re-scheduled for the following Council meeting. In the event there are late materials, they will be included in a "Late Materials" folder in each Committee's materials and a date in the document name to separate it from the original version is to be included.

### **B. Formal Meetings**

Formal business of the Council is conducted at scheduled meetings and hearings. Public notice is provided through appropriate media channels of the meeting and items to be addressed. Proper notice of the meeting must also be published in the Federal Register and meet the requirements of the Magnuson-Stevens Act. Meetings are open to the public and interested persons are permitted to present oral or written statements regarding matters on the agenda within reasonable limits. Minutes of meetings are maintained and are available for public inspection - *subject to confidentiality of matters discussed*. An administrative fee may be charged for research and copying of records in response to FOIA requests.

The Council may close a meeting, which pertains to classified information, personnel, or other internal administrative matters. Closed meetings preclude public attendance and written proceedings are not available for public inspection.

### C. Informal Meetings

The purpose of holding informal meetings is to allow the public an opportunity to participate in two-way communication with the Council in a relaxed setting where they can ask questions and share information.

1. Scheduled by Council. All meetings scheduled by the Council or Council members for the purpose of meeting informally with fishermen to discuss fisheries related matters must be properly noticed in the Federal Register, advertised through the appropriate media channels and recorded as part of the official Council administrative record.

- a. Informal meetings may be held in conjunction with public hearings.
- b. A Council member or members may schedule informal meetings at other times with the approval of the Council Chair. These meetings must be coordinated with the Executive Director to provide for appropriate public notice and recording of these meetings. The Council member(s) attending the meeting must report the results to the Council at the next scheduled Council meeting.
- c. Council members that attend informal meetings scheduled by the Council are eligible for travel reimbursement and compensation if approved in advance by the Council Chair.

2. Scheduled by constituent group. Council members may attend meetings scheduled by a constituent group to informally discuss fisheries related matters if the Council member is an invitee and is representing themselves or is sent to the meeting by the Council Chair as a representative of the Council. The agenda would be established, and the meeting conducted by the constituent group scheduling the meeting. A Council member attending the meeting will receive information and answer questions where appropriate, but not make commitments on behalf of the Council. These meetings are not required to be noticed in the Federal Register, advertised or recorded.

- a. The Council member(s) attending the meeting will report the results to the Council at the next scheduled Council meeting.
- b. A Council member attending an informal meeting scheduled by a constituent group representing themselves is not eligible for travel reimbursement or compensation. A Council member sent to meetings by the Council Chair as a representative of the Council is eligible for travel reimbursement and compensation.

### D. Webinar Council Meetings

The Council welcomes use of webinar meetings to increase transparency and efficiency while reducing costs of conducting meetings in person. The Council prefers in-person meetings with the ability to freely discuss and exchange information. However, budget and time constraints may require more use of webinar meetings. The Council supports the continued use of webinar

meetings for Council meetings (and Committee meetings if needed), primarily to address specific issues that are time sensitive.

The Council supports a limited exemption for Council members to participate and vote during an in-person meeting if they are participating via webinar. The Council Chair, Vice Chair, and Executive Director will evaluate requests for an exemption for Council members to participate and vote during an in-person meeting if they are participating via webinar.

#### **E. Public Comment at Council Meetings**

The Council welcomes public comments at each Council meeting. A formal public comment period is generally scheduled for Wednesday afternoon beginning at 4:30 pm during each Council meeting.

Written comments received by close of business the Monday before the meeting will be compiled, posted to the website as part of the meeting materials, and included in the administrative record. The public is encouraged to use the online comment form (link provided for each meeting) to ensure comments are posted immediately to the Council's website and available for Council consideration.

Individuals that wish to submit comments after the Monday before the meeting must use the Council's online form (link provided for each meeting). Comments will automatically be posted to the website and available for Council consideration. Comments received prior to noon on Thursday of the Council meeting will be a part of the meeting administrative record.

A link is provided for each meeting where Council members and the public can view comments.

#### **F. Exempted Fishing Permits (EFPs)**

The Council considers Exempted Fishing Permits (EFPs) at each Council meeting. The Council requires a complete proposal to be received from NMFS prior to the Council briefing book deadline (Monday three weeks prior to each Council meeting) for inclusion in the meeting materials. NMFS will present an overview of the completed proposal(s) during an appropriate Committee meeting prior to the public comment period at each Council meeting that generally begins at 4:30 p.m. on Wednesday. The Council will discuss, evaluate, and provide recommendations for NMFS consideration during the Council session beginning on Thursday or Friday at each meeting.

#### **X. MANAGEMENT PLAN DEVELOPMENT**

There are several options the Council may utilize in the development of management plans. The Council, after evaluating available technical resources in Council staff, NMFS, the States, universities, and in private research firms, will select the most cost effective and efficient

method of plan development. Briefly, the following options, either singly, or in combination, are available to the Council:

- a. Use of an interdisciplinary plan development team consisting of State, Federal, and non-government specialists.
- b. Use of an interdisciplinary team of NMFS specialists.
- c. Use of a contractor who will assemble an interdisciplinary team of specialists to develop the plan.
- d. Use of Council technical staff.

**Commented [GW6]:** Council staff was directed to work with NOAA GC to clarify how State representatives can participate on interdisciplinary plan development teams as outlined in the handbook.

## **XI. RECORD KEEPING**

Financial records are handled in accordance with OMB Circular A-110 (§14.20-§14.28). Documents created or received by Council employees, while in active duty status, belong to the federal government. When an employee leaves the Council, original or file copies of records may not be removed and retained by them; to do so violates federal law.

Permanent records designated as permanent files are not authorized for destruction. Examples are EIS files, annual report files, and meeting files.

Personnel files are Privacy Act (PA) records and are maintained under appropriate safeguards. Disposition of PA records is in accordance with federal regulations. Examples are:

- Membership files containing biographical data on members. Cut off when member leaves Council and destroyed five years later.
- Time and attendance files are retained for three (3) years following the final financial report for each grant year in accordance with OMB Circular A-110 (§14.53).

## **XII. FINANCIAL MANAGEMENT**

The Council and its sub-contractor's administrative operations and grant activities are governed by OMB Circular A-110 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations and OMB Circular A-122 Cost Principles for Non-Profit Organizations. OMB Circular A-110 prescribes standards for financial management systems, procurement, property management, financial reporting, cash depositories, grant closeout procedures, insurance, contracts, reporting, recordkeeping, and other administrative procedures. A-122 addresses cost allowability standards. The Council is required to comply strictly with the provisions of the circulars and

terms and conditions of the cooperative agreement. Assets with a value of \$1500 or greater will be capitalized.

#### **A. Cooperative Agreement**

The Council receives funds through cooperative agreements for administrative operations to cover expenses, such as salaries, office space, utilities, travel, state liaison activities, and contracts for development of FMPs (including amendments) or FMP oriented information.

1. Operating Costs. Funding for Council administrative and technical support operations is included in the budgets of NOAA and NMFS through the Department of Commerce. Funding is subject to regular budgetary review procedures. Cooperative agreements provide federal funds as are necessary to the performance of the functions of the Council and consistent with budgetary limitations.

2. Application for Cooperative Agreement. The Council must submit a formal application (Standard Form 424, Federal Assistance Short Form) to the Grants Office through the NMFS Southeast Regional Administrator or through the Silver Spring Grants Office (for Coral). The application includes a budget, program narrative statement, statement of general assurances, and a budget summary worksheet. The program narrative statement describes in appropriate detail the purpose for the funds. The NOAA Grants Office provides detailed information regarding required documentation and the NMFS Budget Office provides information relative to funding availability.

#### **B. Procurement and Contract Procedures**

The Executive Director is responsible for all procurement and contract activities. Procedures are in accordance with OMB Circular A-110 (§14.40-§14.48). Procurements within budget limitations as approved by Council are documented by purchase order, contract, letter of agreement, or such other means as deemed appropriate by the Executive Director. The Council is responsible for the settlement and satisfaction of all contractual and administrative issues relative to procurement.

Competitive procurements can be made through bid or negotiation. Goods and services may be secured through noncompetitive procurement when competitive procurement is not feasible (sole source). Transactions, to the maximum extent practicable, are in open and free competition. When appropriate, an analysis of lease versus purchase is made to determine which would be the most economical and practical method of purchase. Positive efforts should be made to utilize small and minority owned business. Some form of cost or price analysis to determine reasonableness and allowability will be made and documented in the files in connection with every procurement action. Price analysis may be by comparison of price quotations, market price, etc. All vendors will be checked against the Excluded Parties List System, [www.epls.gov](http://www.epls.gov), to ensure the vendor is an approved source of supplies and equipment.

Procurements of \$100,000 or more will be made by competition. Procurements of less than \$100,000 may be made by competition as deemed appropriate and necessary by the Executive

Director. Vendor selection will be based on the most advantageous cost to the Council, price and other factors considered. (See office files on Contracts Procedures for detailed information.)

### **C. Property Management**

Property is managed by the Administrative Officer, in accordance with OMB Circular A-110 (§14.30-§14.37). A perpetual inventory system listing Council property is maintained. Items are marked as Council property and sensitive items are safeguarded. Assets with a value of \$5000 or greater will be capitalized. A formal inventory will be conducted every two years. Property theft should be reported to local law enforcement personnel, including the FBI.

Property, which is determined to be surplus to the Council needs, may be transferred, traded, sold, or discarded. Items may be transferred to another Council, Federal, state or local entity. Items may be traded for needed supplies, equipment, or for other considerations with another Council, Federal, state or local entity, or commercial vendor. Items may be sold to another Council, Federal, state or local entity, or commercial vendor at a fair market value. Any item that is no longer functional may be discarded in any manner deemed appropriate by the Executive Director.

### **D. Space Management**

Economy is exercised in the amount and cost of space obtained by the Council. In acquiring space, Council may use:

- General Services Administration leasing assistance.
- Southeast Regional Office assistance.
- Direct negotiations.

### **E. Accounting**

The Council maintains a document-oriented obligation accounting system (with accruals, as necessary, for budget projection purposes). Customary and usual accounting records are maintained. Obligations are documented to provide quick access and verification by auditors. The system provides fiscal control over expenditures in line with the budget object classes. Financial records are handled in accordance with OMB Circular A-110 (§14.21, §14.22, §14.52 and §14.53). Cash disbursements are approved by the Executive Director. Checks require two signatures, the Executive Director and other(s) as designated. Funds are received into the Council bank account through an electronic fund transfer from ASAP.gov. Draw down frequency and amounts are in accordance with the funding award terms and conditions and U.S. Treasury requirements.

**F. Audits**

See OMB Circular A-133.)

**G. Financial Reports**

See OMB Circular A-110 § 14.50-§14.53.)

**APPENDIX I**

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**SCIENTIFIC AND STATISTICAL COMMITTEE POLICY**

**Objectives and Duties**

When requested by the Council through the Executive Director

1. The Scientific and Statistical Committee (SSC) shall provide expert scientific and technical advice to the Council on the development of fishery management policy, on establishing the goals and objectives of fishery management plans (FMP) or amendments, and on the preparation of such plans or amendments.
2. When requested by the Council, the SSC shall supply the Council with a critical review of the scientific information necessary to make management decisions, such as stock assessments or other reports on stock status, socioeconomic impacts of management measures, sustainability of fishing practices, and habitat and ecosystem status. Such information may include fishing level recommendations including OFL and ABC, where appropriate, based on the best scientific information available.
3. The SSC shall assist the Council in the development, collection, and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of any FMP and specification of annual catch limits.
4. The SSC shall assist the Council in determining what statistical, biological, economic, social or other scientific information is needed for the development of an FMP or amendment that meets the requirements of the Act; and shall advise the Council as to the best way of obtaining this information, including identifying entities with ongoing research programs that may be able to develop the needed information.
5. The SSC shall advise the Council on preparing comments on any FMP or amendments prepared by the Secretary or Secretary's delegate or other Councils, which are transmitted to the Council pursuant to the Act.
6. The SSC shall comment on, if requested by the Council, any proposed regulations, which the Council deems necessary to implement any FMP or any amendment to a FMP which is prepared by the Council.
7. The SSC shall assist the Council in establishing criteria for judging FMP effectiveness.

8. The SSC shall submit to the Council such reports as the Committee deems appropriate and such reports as are requested by the Council.
9. The SSC shall perform such other necessary and appropriate duties as may be requested by the Council to carry out its functions under the Act.

### **Membership Composition**

1. The SSC of the South Atlantic Fishery Management Council shall be appointed by, and serve at the pleasure of, the Council.
2. The SSC shall be composed of experts in the biological, statistical, economic, social, and other relevant disciplines from the Federal, State and private scientific communities and whatever other source the Council deems appropriate. Members appointed by the Council to the scientific and statistical committee shall be federal employees, state employees, academicians, or independent experts who are not employed by nor receive any compensation from advocacy or interest ~~groups and~~ shall have strong scientific or technical credentials and experience.
3. The SSC shall be composed of 19 members; Council may add additional seats as need and resources allow.
4. The SSC shall include among its membership a representative of each state agency represented on the Council.
5. The SSC shall include among its membership at least one social scientist, one economist, and one additional representative from either of these specialties.
6. The SSC shall elect a chairperson and vice chairperson from among its members to serve terms of 2 years or until a successor is elected. SSC members that are employed by NMFS cannot serve as chairperson or vice chairperson of the SSC.
7. A Social-Economic Panel composed of SSC and/or non-SSC members will serve as a sub-panel of the SSC to address social and economic issues related to council actions and develop advice and recommendations related to social and economic analyses presented to the Council. This panel will be chaired by a Panel member who is also an SSC member, elected from among its members. The Socio-Economic Panel will report its findings to the SSC and will develop guidance for consideration by the Council and SSC.

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### **Terms of Members**

1. Members of the SSC shall be appointed for 3-year terms by the Council.
2. Membership terms shall be staggered, with 1/3 of the terms ending annually.
3. Membership terms begin on July 1 of each year.

4. Non-SSC members of the SEP will serve 5-year terms.

#### **Termination of Membership**

An SSC member may be replaced at the Council's discretion if:

1. They transfer employment or move to a different location.
2. They are absent from two consecutive meetings without giving adequate notification or reason to the Council Executive Director.
3. They appear unable or unwilling to fulfill their obligations as an SSC member.
4. Their area of expertise is no longer required.
5. The Council determines they should be removed for just cause (e.g., violation of marine resource law and felony conviction, etc.; these examples are not all inclusive).

#### **Appointment/Replacement of Members**

Annual Appointment Process

1. SSC members whose term will expire shall be notified by the Executive Director and invited to reapply if interested. Members will be asked to submit a current resume and cover letter indicating their desire to continue service.
2. The Executive Director shall announce the annual appointment process through the news media, Council mailing lists, NOAA Fisheries mailings and other such means deemed appropriate to solicit qualified nominees. Interested persons will be requested to provide a resume, completed financial disclosure form, cover letter highlighting their qualifications and indicating receipt of the SSC Job Description and other supporting material relative to their qualifications and area of expertise.
3. The Scientific and Statistical Selection Committee will review the qualifications of the existing members seeking reappointment as well as any new nominees and make recommendations for appointments to the SSC to the Council. The Scientific and Statistical Selection Committee may consult with SSC members prior to making recommendations to the Council.
4. Applications for those not receiving appointments will be kept on file until the next appointment period.

When vacancies occur on the SSC due to resignation or Council action removing a member:

1. Vacancies will be filled at the next scheduled Council meeting.

2. Vacancies of state agency designated seats will be filled by a representative of that agency; vacancies of designated expertise seats (sociologist or economist) will be filled by an applicant with similar expertise.
3. Vacancies of other seats will be filled from the pool of applicants on hand at the time the vacancy occurs.

#### **Administrative Provisions**

1. The SSC meetings shall be scheduled by the Executive Director, with the approval of the Council Chair, as often as necessary to fulfill the Committee's responsibilities, within time and budgetary constraints.
2. The SSC shall report to the Council through the Executive Director (or designee).
3. The Council Executive Director shall provide such staff and other support, as the Council considers necessary for SSC activities, within budgetary limitations.
4. Eligible SSC members will receive a stipend payment of \$250 per day with payment frequency and eligible activities in accordance with the policies applicable to Council members. They will be paid their expenses for travel incurred in the performance of their duties for the SSC in accordance with Council policy.
5. The SSC shall follow the Council's procedures covering confidentiality of data.
6. A Council Member will be appointed by the Council Chair to serve as an SSC Liaison. The Liaison will attend SSC meetings to clarify Council requests, needs, and positions as necessary. Other Council members in attendance may also ask questions. The SSC chairperson will use their discretion if the discussion becomes extensive.
7. The SSC generally reaches decisions by consensus but may also vote as needed and as determined by the SSC Chair.

#### **Webinar Meetings**

The Council welcomes use of webinar meetings for the SSC and SEP to increase transparency and efficiency while reducing costs of conducting meetings in person. The Council prefers in-person meetings with the ability to freely discuss and exchange information. However, budget and time constraints may require more use of webinar meetings. The Council supports the continued use of webinar meetings for SSC and SEP meetings, primarily to address specific issues that are time sensitive. SSC and SEP members operate by consensus, so voting is not an issue.

**Public Comment**

The Council welcomes public comments to the SSC.

**Written comment:**

Written comment on SSC agenda topics is to be distributed to the Committee through the Council office, similar to all other Council briefing materials. Written comment to be considered by the SSC shall be provided to the Council office no later than one week prior to an SSC meeting. Submit written comments via the online comment page on the Council's website or mail comments to:

SAFMC – SSC Comments  
4055 Faber Place Drive  
Suite 201  
North Charleston, SC 29405

**Verbal comment:**

Two opportunities for comment on agenda items will be provided at set times during SSC meetings. The first will be at the beginning of the meeting, and the second near the conclusion. Those wishing to comment should indicate such in the manner requested by the SSC Chair, who will then recognize individuals to provide comment.

An opportunity for comment on specific agenda items will also be provided as each item come up for discussion. Comments will be taken after all the initial presentations are given and before the SSC starts the discussion of the agenda topic. As before, those wishing to comment should indicate such in the manner requested by the SSC Chair, who will then recognize individuals to provide comment. All comments are part of the record of the meeting.

## **APPENDIX II**

### **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

#### **ADVISORY PANEL POLICY**

The Advisory Panels, which constitute the fishing industry advisory committee (FIAC) as required by the Act, are charged with carrying out the objectives and duties listed below for a specific fishery management plan (FMP) or management problem. The Council may establish or abolish such Advisory Panels, as it deems necessary.

#### **Objectives and Duties**

1. The Advisory Panels shall offer the Council continuing advice on the assessments and specifications contained in the FMPS/amendments for each fishery within the Council's geographical area of concern, with particular regard to:
  - (a) The capacity and the extent to which the fishing vessels of the United States will harvest the resources considered in the FMPS.
  - (b) The effect of such FMPS on local economies and social structures.
  - (c) Potential conflicts between user groups of a given fishery resource.
  - (d) Enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.
2. The Advisory Panels shall offer advice and/or prepare comments for the Council on:
  - (a) FMPS or amendments during preparation of such plans or amendments by the Council,
  - (b) FMPS prepared by the Secretary or other Councils and transmitted to the Council for review, and on
  - (c) The effectiveness of plans and amendments that have been implemented.
3. Advisory Panel members shall keep the Council advised of current trends and developments in fishery matters.
4. The Advisory Panels shall perform such other necessary and appropriate duties as may be requested by the Council to carry out its functions under the Act.

#### Membership Composition

1. The Advisory Panels of the South Atlantic Fishery Management Council shall be appointed by, and serve at the pleasure of, the Council.
2. The Advisory Panels shall be composed of persons who are either actually engaged in the harvest of or are knowledgeable or interested in, the conservation and management of the fishery or group of fisheries to be managed. The Panels shall also reflect expertise and interest from the standpoint of geographical distribution, industry and other user groups, and the economic and social groups encompassed in the Council's geographical area of concern.
3. Each Advisory Panel shall elect a Council Chair and Vice Chair from among its members who may serve as Council Chair for a period of three years with the option for reappointment.
4. As a general rule, no person may serve on more than one advisory panel at a time.

#### Terms of Members

Members shall be appointed by the Council for three-year terms and may, at the pleasure of the Council be reappointed for two additional terms not to exceed three terms in succession. If the Council determines no qualified persons have applied for the open position, then the Council may reappoint the outgoing member to an additional 3-year term. In such case, each new term shall be viewed as if it were a third term. This term limit policy does not apply to the SEDAR or Citizen Science APs (Pools). A member may be reappointed to the same advisory panel after having been off the advisory panel for at least one year.

#### Inactive Advisory Panels

When the Council determines that an advisory panel will not meet during the upcoming calendar year, members of the advisory panel will be notified by letter. When possible, the members will also be notified as to when the Council anticipates the advisory panel will be activated in the future. Any annual inactive period will not be counted against a member's three-year term.

#### Termination of Membership

An advisory panel member will be replaced at the Council's discretion if:

1. They transfer employment or move to a different location.
2. They are absent from two consecutive meetings without giving adequate notification or reason to the Council Executive Director. Note: This provision does not apply to members of AP pools (SEDAR and Citizen Science).

3. They appear unable or unwilling to fulfill their obligations as an advisory panel member.
4. Their area of expertise is no longer required; or
5. The Council determines they should be removed for just cause (e.g., violation of marine resource law and felony conviction, etc.; these examples are not all inclusive).

#### Appointment/Replacement of Members

When vacancies occur on advisory panels due to creation of a new panel, adding members to an active panel, resignation, or Council action removing a member:

1. The Executive Director shall announce the specific advisory panel vacancy(s) through the news media, Council mailing lists, NOAA Fisheries mailings and other such means he deems appropriate to solicit qualified nominees.
2. The Executive Director will send each nominee a Council Advisory panel questionnaire to complete and return to the Council or require the applicant to submit a resume to the Council depending on the nature of the advisory panel on which the vacancy exists.
3. The Advisory Panel Selection Committee will review the qualifications of the nominees and make recommendations for appointments to the Council. Nominees may not be eligible for appointment if they have had a marine resource violation in the past three years.

#### Administrative Provisions

1. Advisory panels may establish such subpanels as they deem necessary to facilitate their duties with approval of the Executive Director.
2. Advisory Panel meetings shall be scheduled by the Executive Director, with the approval of the Council Chair as often as necessary to fulfill the panel's responsibilities, taking into consideration time and budget constraints.
3. Advisory panels shall report to the Council through the Council staff. The Executive Director, or a Council staff member designated by the Executive Director, shall coordinate all assignments and activities with the panel chairperson.
4. The Council Executive Director shall provide such staff and other support, as the Council considers necessary for panel activities, within budget limitations.

5. Members of Advisory Panels shall serve without compensation. They may be paid their actual expenses for travel incurred in the performance of their duties for the Council in accordance with Council policy.

Special Provisions for Advisory Panels that serve as membership pools

The Council may create specialized Advisory Panels that serve as “pools” from which individuals are selected to participate on subpanels for specific projects. Examples, described below, include the SEDAR and Citizen Science Advisory Panel Pools. Advisory Panel pools are governed by the same requirements as those noted above for all other Advisory Panels, where applicable, and except as specifically noted in the following special provisions:

1. Advisory Panels pools shall not meet as a panel.
2. Advisory Panel pools shall not elect chairpersons.
3. There is no limitation on the number of members on an Advisory Panel pool.
4. Advertising of openings on a pool may be done, as needed for a specific project or as part of a general call for applications on other Council Advisory Panels.
5. Participation on an Advisory Panel pool does not prevent appointment to another Council Advisory Panel.
6. Appointments to Advisory Panel pools are not subject to length of term limitations.

SEDAR Advisory Panel Pool

1. The Council will also establish a SEDAR Advisory Panel Pool (also known as the SEDAR Pool or SEDAR AP) composed of individuals approved by the Council to participate in the SEDAR stock assessment process. Approved participants (panelists and appointed observers) for each SEDAR workshop shall only be selected from the SEDAR Pool. All duly appointed advisory panel members are included in the SEDAR Pool and are eligible to be appointed to participate in a SEDAR workshop as a panelist or observer.
2. Appointments to the SEDAR Advisory Panel Pool will be made by the SEDAR Committee.

Citizen Science Advisory Panel Pool

1. The Council will also establish a Citizen Science Advisory Panel Pool (also known as the Citizen Science Pool or Citizen Science AP) composed of individuals approved by the Council to participate in the Citizen Science process. Approved participants for Citizen Science working groups and subpanels shall only be selected from the Citizen

Science Advisory Panel Pool. All duly appointed advisory panel members are included in the Citizen Science Pool and are eligible to be appointed to participate on a Citizen Science group.

2. Appointments to the Citizen Science Advisory Panel Pool will be made by the Citizen Science Committee.

### **Webinar Meetings**

The Council welcomes use of webinar meetings for the Advisory Panels to increase transparency and efficiency while reducing costs of conducting meetings in person. The Council prefers in-person meetings with the ability to freely discuss and exchange information. However, budget and time constraints may require more use of webinar meetings. The Council supports the use of webinar meetings for Advisory Panel meetings, primarily to address specific issues that are time sensitive.

If an Advisory Panel meets via webinar, members can vote. If an Advisory Panel meets in-person, members participating remotely can vote. The Council's preference is that all Advisory Panel members attend in-person but recognize this is not always possible. Remote participation counts as present for attendance requirements.

### **Public Comment**

The Council welcomes public comments to Advisory Panels.

#### **Written comment:**

Written comment on Advisory Panel agenda topics is to be distributed to the Advisory Panel through the Council office, similar to all other Council briefing materials. Written comment to be considered by an Advisory Panel shall be provided to the Council office no later than one week prior to an AP meeting. Submit written comments via the online comment page on the Council's website or mail comments to:

SAFMC – AP Comments  
4055 Faber Place Drive  
Suite 201  
North Charleston, SC 29405

#### **Verbal comment:**

Two opportunities for comment on agenda items will be provided at set times during AP meetings. The first will be at the beginning of the meeting, and the second prior to recessing each day if the meeting runs more than one day. Those wishing to comment should indicate such in the manner requested by the Advisory Panel Chair, who will then recognize individuals to provide comment. All comments are part of the record of the meeting.