



# ***Executive Committee Meeting***

**April 16th, 2021**

**8:30 A.M.**

**Zoom**

## **Agenda**

**1) Call to Order**

**2) Public Comment**

Members of the public in attendance of today's meeting have an opportunity to provide public comment on today's agenda items.

**3) Approval of February 2nd, 2021 BACTS Executive Committee Meeting Minutes (Attachment A)**

**4) BACTS Personnel Policies and Procedures (Attachment B)**

**Staff Report**

Staff has completed a full review and update of the current Personnel Policies and Procedures. Staff have highlighted new policies to the manual in Attachment A.

Staff would like to discuss the process regarding approving Personnel Policies and Procedures.

**5) Unified Planning Work Program Budget (Attachment C)**

**Staff Report**

Staff has completed a full financial review of the current UPWP budget. Staff will review the current budget, trends, and forecast with the Executive Committee and discuss options for budget adjustments.

**6) Upcoming Meetings**

Policy Committee - April 20th, 2021

Transit Committee - May 5th, 2021

## Attachment A



# ***Executive Committee Meeting***

**February 2nd, 2021**

**2pm  
Zoom**

## **Minutes**

<b>Committee Members</b>	<b>Affiliation</b>
John Theriault	Bangor
Belle Ryder	Orono
Linda Johns	Brewer
Rob Yerxa	Orono
Sara Devlin	BACTS
Paige Nadeau	BACTS

### **1) Call to Order**

Meeting called to order by John Theriault at 2:09 P.M.

### **2) Public Comment - None**

There were no public comments.

### **3) BACTS Policy Committee Priority Setting - Update**

At the August Executive Committee meeting, staff outlined areas of focus for the next several months. Today staff will provide an update on the status of the prioritized work. The Committee will discuss and make any necessary amendments and/or additions to the prioritized work.

- BACTS Bylaws - Done and adopted.
- Transportation Improvement Program Scoring Criteria - Staff have put together proposed changes and will be working on through Spring 2021.
- Transit Restructuring Analysis - Consultant is currently working on.
- Priority Setting for the Long Range Plan Update (2023) - Will be a full rewrite. BACTS staff would like to make a more focused organized document for going forward. Sara Devlin has requested member feedback utilizing surveys, but has proven difficult getting

productive feedback. Rob Yerxa suggested scheduling individual meetings with communities to talk about the questions asked in surveys. May encourage more open communication lines. Sara Devlin agrees and would appreciate this Committee's feedback to create the list of talking points. Linda Johns and John Theriault agreed. This process would help scope out this project which will be big in the next few years.

UPWP will start taking up more staff time later this year. BACTS would like to develop a budget that has more milestones to help make sure we are fiscally on track and utilizing funds as much as possible.

John Theriault inquiring about transit. Sara Devlin said there continues to be issues, specifically around receiving requested information in a timely manner. Sara Devlin is hoping the Transit Committee can take more of a lead and show the importance of receiving information in a timely fashion and helping increase effective communication between the Community Connector, BACTS, and members. Sara Devlin also mentioned that, at the retreat back in July, it was decided that regular information was to be shared with BACTS from the Community Connector and BACTS would disseminate the information from there.

Sara Devlin would like to check in with the Executive Committee at least once every three months, Belle Ryder thinks a quarterly meeting would be beneficial.

#### **4) Unified Planning Work Program (UPWP) Budget**

Staff has completed a full financial review of the current UPWP budget. Staff will review the current budget, trends, and forecast with the Executive Committee and discuss options for budget adjustments.

Paige Nadeau provided an overview of the current forecasted budget for the 2020-2021 UPWP. Per forecasted trends there is an estimated \$60,000 remaining in budget. Sara Devlin suggested the following areas to use this funding;

1. Purchase Streetlight (\$10,000) - This is a very useful data gathering tool that members would be able to utilize.
2. MySidewalk (\$6,500) - Another useful software that could benefit BACTS and its members.
3. Conducting a 'short' study - Ideally would finish up before the end of the UPWP contract in December
  - a. Traffic Signal Light Inventory
  - b. Collector Paving Inventory

Belle Ryder mentioned that Orono has had success using Streetlight and finds it to be a very useful tool. Sara Devlin mentioned that even if BACTS did choose not to purchase the software, there may still be limited access due to contacts at the State who would work with staff. The State has been approached by the MPO's to purchase this software and make it available to the MPO's as well.

Linda Johns suggested that BACTS put together a presentation for Streetlight including how to use it and the benefits of the software.

Rob Yerxa inquired whether a carryover may be an option - Sara Devlin explained that MaineDOT does not allow carryover for planning funds. The State has been a little more flexible where they may allow some funds to be carried for specific projects that encounter issues that cause delays

Linda Johns asked if there are any other studies that can be done to help with the Long Range Plan? Sara Devlin relayed that the bicycle/pedestrian plan was completed recently, and a long range study was also completed not long ago. A large portion of funding received has historically been utilized for asset management, and as such having a solid inventory for either collector paving or traffic signals would be beneficial. John Theriault asked if both studies could be completed? Sara Devlin responded that there is likely not enough funding or time for both to be completed. These studies could help make a comprehensive area for data which could be used in the future to validate reasons for increasing funding. Sara Devlin mentioned that BACTS can use holding WIN funds for the collector paving analysis. Rob Yerxa agrees that there is a strong need to create a comprehensive inventory listing. Sara Devlin responded that there are a number of consultants who can perform asset management / inventory analysis. John Theriault asked how old the current signal inventory was, Sara Devlin responded it was from 2007. Rob Yerxa mentioned wanting to be ready for when the State does their signal study.

Sara suggested putting together bullets for an RFP for a signal inventory project at the recommendation of the executive committee at the policy committee meeting.

#### **5) Scoping 2022-2023 Unified Planning Work Plan**

Staff needs to begin drafting the 2022-2023 Unified Planning Work Plan. As part of that effort, planning studies and transit planning activities need to be identified, scoped, and budgeted. Today, the Executive Committee will discuss the solicitation for potential studies and transit planning activities.

Sara Devlin started the discussion, MaineDOT likes to have a draft by October at the latest.

Sara Devlin asked for the Committee's feedback for any studies they have in mind for the next UPWP or the current selection process. Sara Devlin also inquired about if there are any thoughts on how to scope the FTA funds specifically.

Sara Devlin mentioned that for the Long Range Plan, the majority of work will be done by staff but BACTS may hire a consultant if needed. Sara Devlin also mentioned including a Collector Paving Inventory study to be added.

Rob Yerxa mentioned that the bicycle/pedestrian study identified a need to create a field guide that could be used by communities for implementing bike/ped safety into their structure, to help improve consistency. Sara Devlin informed that group that this is in the current UPWP, but MaineDOT is developing this guidebook currently. The State has asked MPO's to hold off on this project until the State has finished their version.

Sara Devlin suggested identifying a 'bucket' for studies and then having a discussion at a later date to pick specific studies. John Theriault said no specific studies come to mind in the next year or so in the Bangor area. Linda Johns mentioned Brewer may be interested in a study on the traffic pattern impact after the I-395 connector road is completed.

Linda Johns inquired whether any studies can be done in conjunction with bus stops? Sara Devlin clarified that those projects would have to be funded with transit funding. Sara Devlin recommended having funding programmed for the technology portion of the bus stops. There is a grant currently in place to implement bus stops, but you can't implement the technology until the 'basic' stops (i.e. sign and a bench or whatever basic setup is decided on) are in place. Belle Ryder stated she would love to see the plan and that the Black Bear Orono Express is ready to adopt whenever the plan is put in place. Sara Devlin clarified that

the major focus for next UPWP transit funding should be the tech and implementation and studies associated.

#### **6) BACTS Financial Policies and Procedures**

Staff has completed a full review and update of the current Accounting (suggested new title of Financial) Policies and Procedures Manual. Staff will review a few of the areas where a number of internal controls in place have been updated / improved upon.

Discussion ensued regarding some of the significant changes. Minor edits were suggested regarding clarification of a couple of areas. The final copy will be reviewed and approved at the annual board meeting.

#### **7) Upcoming Meetings**

Transit Committee - February 3rd, 2021

TIP Subcommittee - February 11th, 2021

Policy Committee - February 16th, 2021

Sara Devlin let the Committee know that MPO's have been flat funded since 2004-2005, and Maine DOT has received an increase related to 'admin' costs. Sara Devlin said MPO's are writing a letter and they would like their Committee Chairs to sign, if they are willing. John Theriault said he would be happy to sign.

Sara Devlin also let the committee know the majority of the MPO's of the State are planning on writing another letter to the MaineDOT regarding the stimulus package. The MPO's are hoping to shift projects that have been prioritized to be funded through a stimulus package and allow MPO's to shift funding accordingly in order to accomodate 'shovel ready' projects. John Theriault expressed an interest in seeing this letter and suggested Sara Devlin share this letter with the full Policy Committee at the next meeting.

## Attachment B

Track changes used for significant verbiage / policy updates.

Blue highlights are new policies, primarily adopted from City of Bangor / State of Maine (not previously included in the policies and procedures)



# Personnel Policies and Procedures

September 2013

Revised - April 2021

## Table of Contents

<b>Introduction</b>	<b>6</b>
Welcome	6
Personnel Policies and Procedures Acknowledgement Form	7
<b>1. General Provisions</b>	<b>8</b>
1.1 Purpose	8
1.2 Management Authority	8
1.3 Disclaimers	8
1.4 Safety in the Workplace	8
1.5 Non-Discrimination	9
<b>2. Employment</b>	<b>9</b>
2.1 Anniversary Dates	9
2.2 Employment Categories	9
2.3 Probationary Period	10
2.4 Recruitment	10
2.4.1 Equal Employment Opportunity	10
2.4.2 Announcement of Available Positions	10
2.4.3 Selection Policy	10
2.4.4 Nepotism	11
2.5 Outside Employment	11
2.6 Social Media	11
<b>3. Personnel Actions</b>	<b>11</b>
3.1 Performance Evaluation	11
3.1.1 Executive Director Performance Evaluation	12
3.1.2 Merit Pay Increase	12
3.2.1 Personnel File Content	12
3.2.2 Personnel Data Changes	13

3.3 Promotions	13
3.4 Demotions	13
3.5 Disciplinary Procedures	13
3.5.1 Causes for Disciplinary Procedures	13
3.6 Reductions in Workforce	15
3.7 Resignation	15
3.7.1 Final Responsibilities	15
<b>4. Employee Benefits</b>	<b>15</b>
4.1 Holidays	15
4.2 Vacation Leave	16
4.2.1 Requests for Vacation Leave	16
4.2.2 Unused Vacation Leave	17
4.2.3 Vacation Leave Payment on Retirement or Separation	17
4.3 Workers' Compensation	17
4.4 Unemployment Compensation	17
4.5 Sick Leave	18
4.5.1 Family and Medical Leave	18
4.6 Bereavement Leave	19
4.7 Jury Duty	20
4.8 Court Proceedings and Subpoenas	20
4.9 Military Leave	20
4.9.1 Armed Forces Reserve and National Guard Training	20
4.10 Personal Leave	20
4.11 Insurance	21
4.11.1 Health Insurance	21
4.11.2 Supplemental Life Insurance	21
4.11.3 Income Protection Plan (IPP)	22

4.11.4 Dental and Vision Insurance	22
4.11.5 Benefits Continuation (COBRA)	22
4.12 Retirement Plan	22
4.13 Professional Organizations	22
<b>5. Working Conditions</b>	<b>23</b>
5.1 Standard Work Week	23
5.2 Compensatory Time	23
5.3 Timekeeping	23
5.3.1 Pay Periods	24
5.3.2 Pay Corrections	24
5.3.3 Pay Deductions	24
5.4 Storm Policy	24
5.5 Solicitation	24
<b>6. Travel Policy</b>	<b>25</b>
6.1 Travel Guidelines	25
6.1.1 Air Travel	25
6.1.2 Ground Travel / Car Rentals	25
6.1.3 Personal Autos	25
6.1.4 Parking and Tolls	26
6.2 Per Diem Reimbursement	26
6.2.1 Meals & Beverages	26
6.2.2 Gratuities	26
6.3 Partner Accompaniment	26
6.4 Expense Report Preparation	27
<b>7. Miscellaneous Provisions</b>	<b>27</b>
7.1 Safety Regulations	27
7.1.1 General Safety Rules	27

7.1.2 Driver Safety Rules	27
7.1.3 Security Inspections	28
7.1.4 Emergency Protocols	28
7.2 Employee Cellular Phone Usage	29
7.3 Drug Free Workplace Policy	29
7.4 Policy Against Harassment	30
7.5 Personal Appearance	30
7.7 Data Storage	31
7.8 Confidentiality	31
7.9 Email	31
<b>8. Ethics</b>	<b>31</b>
8.1 Conflict of Interest	31
8.2 Accepting Gifts	32
8.3 Political Activities of Employees	32
8.4 Report of Any Illegal or Unethical Behavior	32
8.5 Whistleblower Protection	32
8.5.1 Handling of Reported Violations	33
8.5.2 Acting in Good Faith	33
<b>9. Civil Rights Policy</b>	<b>33</b>
9.1 Additional Title VI Assurances	34
9.2 Civil Rights Complaint Process	34
9.2.1 Policy / Procedure: Filing Complaints	35
9.3 Civil Rights Internal Complaint Process	35
9.3.1 Complaint Review Process	35
9.4 LEP Compliance	36
9.4.1 Policy / Procedure	36

## **Introduction**

### **Welcome**

On behalf of your colleagues, I welcome you to the Bangor Area Comprehensive Transportation System (BACTS). BACTS acts as the Metropolitan Planning Organization (MPO) designated by the federal and state government to carry out transportation planning in the greater Bangor urbanized area.

We believe that each employee contributes directly to BACTS's growth and success, and we hope you will take pride in being a member of our team.

These personnel policies and procedures were prepared and provided to guide you and your fellow employees in your daily activities, including your responsibilities, rights, and benefits as an employee of BACTS.

Sincerely,

Sara Devlin

Executive Director

## **Personnel Policies and Procedures Acknowledgement Form**

The BACTS Personnel Policies and Procedures details important information regarding employee expectations, rights, and responsibilities as an employee of BACTS.

I understand that I should consult the Office Coordinator or the Executive Director regarding any questions concerning policies not answered in the handbook.

The information, policies, and benefits described herein are subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Executive Director of BACTS (with the approval of the Executive Committee) has the authority to adopt any revisions to the policies or procedures as outlined in this handbook.

I acknowledge that this handbook is neither a contract of employment nor a guarantee of employment or the policies, procedures, or benefits described herein. I understand that my employment at BACTS is on an at-will basis and that my employment can be terminated at any time, with or without cause, at the option of either BACTS or me. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

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Employee Signature

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Date

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Employee's Name (Typed or Printed)

Note: Please sign and return this form to the Office Coordinator for your Personnel File.

## **1. General Provisions**

### **1.1 Purpose**

This document is designed to acquaint you with BACTS and provide you with information about working conditions, employee benefits, and policies affecting your employment. As an employee of BACTS, it is your responsibility to read, understand, and comply with all policies and procedures as outlined in this document. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

### **1.2 Management Authority**

Except as may otherwise be specifically limited by the BACTS By-Laws and/or by this document, the authority to administer and manage the day-to-day operations of BACTS shall remain with the Executive Director. This authority shall include the right to take such administrative action they deem necessary or appropriate. Such authority shall also include, but is not limited to, the operation of the various divisions, direction of work, establishment of work schedules, introduction of new or improved methods, techniques or facilities, the right to hire, discharge, or suspend, to change assignments, to promote, to reduce or expand the working force, to transfer, and to maintain discipline.

### **1.3 Disclaimers**

Although rules outline the rights, responsibilities, and benefits of BACTS employees, the document does not create legally enforceable rights. The following disclaimers are included to provide notice to that effect:

- This document is neither a contract of employment nor a guarantee of employment and nothing in the document affords employees any contractual rights. Employment at BACTS is on an at-will basis, which means that either the employee or BACTS can terminate the employment relationship at any time, with or without cause.
- Where this document contains descriptions or references to insurance or other benefit plans, the specific provisions of the benefit plan will take precedence and govern should a conflict arise concerning interpretation, application, or benefit level.
- BACTS may change, amend, repeal, or modify any of these policies and procedures at any time. Employees will be notified of these changes as they occur.
  - Changes to the policies and procedures outlined in this document will be drafted by the Office Coordinator and submitted to the Executive Director for review. Once reviewed by the Executive Director the draft will then be submitted to the Executive Committee for review and approval.

### **1.4 Safety in the Workplace**

BACTS recognizes that promoting the health and welfare of its employees in the workplace is not only legally required, but is mutually beneficial to BACTS and its employees. BACTS is committed to the goal of providing a safe place of employment

and sound operating practices designed to result in safe and efficient working conditions. Likewise, BACTS expects that its employees will do their part to work safely and properly use safety equipment, see Section 7.1 for further information.

## **1.5 Non-Discrimination**

BACTS shall administer and implement these policies and procedures in a manner that shall not discriminate unlawfully against any person because of race, color, religion, gender, gender expression, national origin, age, physical or mental disability, genetic information, or sexual orientation.

## **2. Employment**

Every BACTS employee will be classified according to work status, position, schedule, and job responsibilities. For benefit purposes, any change in an employee's status will be effective only on or after the date proper authorization is recorded and submitted to the Office Coordinator. The effective date of any employment action is always a Sunday (except termination of employment or the commencement of a leave of absence.)

### **2.1 Anniversary Dates**

Employment Anniversary - The date on which the employee is most recently hired by BACTS. This date shall remain constant unless the employee separates from BACTS and is subsequently rehired. The employment anniversary date may be used to compute any benefits for which the employee is eligible.

Merit Anniversary - The date on which the employee may be eligible for consideration of a merit pay increase. This generally occurs at twelve-month intervals and may or may not coincide with the anniversary date. A promotion, demotion, leave of absence, or extended use of Workers' Compensation, or a change of employment status, may change the merit anniversary date.

### **2.2 Employment Categories**

Full Time (FT): A regularly scheduled position normally requiring 37.52 or more hours of work each week is eligible for full benefits.

Part Time (PT): A regularly scheduled position normally requiring at least 24, but fewer than 37.52 hours of work each week. Eligibility for pro-rated benefits is assessed on a case by case basis by the Executive Director.

Temporary and/or Contracted: A position which requires fewer than 12 months per year. Employees with this status are not eligible for benefits, except those mandated, including Worker's Compensation and Unemployment Compensation.

Exempt: An exempt employee is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). To be considered exempt, the employee must have a weekly salary of at least \$684, work must be executive, administrative or professional in nature, requiring the regular exercise of discretion and judgment. Exempt employees are paid on a salary basis.

Non-Exempt: A non-exempt employee performs work other than that work defined by the FLSA as Exempt. Non-exempt employees are paid on an hourly basis and receive overtime pay for any hours worked in excess of 40 per week.

## **2.3 Probationary Period**

All new and rehired employees shall serve a probationary period for the first 180~~90~~ days after their date of hire. The employee should understand that they are an employee-at-will and that employment may be terminated at any time with or without cause during their probationary period, as well as following the completion of the probationary period. Any time spent on leave without pay, Workers' Compensation or layoff, shall not count toward the probationary period.

Employees who are promoted or transferred within BACTS must complete a secondary probationary period of the same length with each reassignment to a new position. An employee who, in the judgement of the Executive Director or Executive Committee, is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee may be allowed to return to their former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and BACTS's needs.

## **2.4 Recruitment**

### ***2.4.1 Equal Employment Opportunity***

BACTS shall continue to pursue a policy of non-discrimination in all employment actions, practices, procedures, and conditions of employment.

1. Employment decisions will be based on the principles of equal employment opportunity. Recruitment, testing, selection, and promotion will be administered without regard to race, color, religion, sex, national origin, age, disability, sexual orientation, or any other characteristic protected by law.
2. Reasonable accommodations for any qualified individuals, applicant or employee, will be made in accordance with the provisions of the American with Disabilities Act (ADA).

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the Office Coordinator or Executive Director. Employees can raise concerns and make reports without fear of reprisal. Any individual found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### ***2.4.2 Announcement of Available Positions***

BACTS will advertise publicly any available positions. Applications for employment shall be directed to the Office Coordinator through the submission of a completed BACTS application, resume, and any other document required, as listed in the job posting. Failure to complete these forms fully and truthfully shall be cause for rejection of the application and/or termination of employment.

### ***2.4.3 Selection Policy***

BACTS policy is to select the best qualified applicant for vacant positions. Hiring decisions shall be based upon the ability of the applicant to meet the requirements of

the position, the level and degree of prior job related experience, the strength of the applicant's employment history, the applicant's educational background as it specifically relates to the position sought, the quality of references, and such other facts as may be related to the applicant's ability to perform the duties of the position in question.

#### **2.4.4 Nepotism**

Hiring of immediate family members of any BACTS employee is prohibited due to potential conflicts, issues with favoritism, and employee morale.

For the purpose of this policy, immediate family is defined to include mother, father, spouse, children, grandparents, grandchildren, brother or sister, mother-in-law, father-in-law, brother-in-law, sister-in-law and domestic partner.

### **2.5 Outside Employment**

No employee shall, during non-work hours, be engaged in any employment, activity or enterprise that is incompatible or in conflict with their duties, functions and responsibilities with BACTS. All BACTS employees will be judged by the same performance standards and will be subject to BACTS's scheduling demands, regardless of any existing outside work requirements.

If BACTS determines that an employee's outside work interferes with performance standards and /or the ability to meet the requirements of BACTS, the employee may be asked to terminate the outside employment if they wish to remain employed by BACTS.

Any contemplated outside employment should be screened for potential conflict of interest through discussion with the Office Coordinator or the Executive Director for actual, potential or perceived adverse impact on BACTS. Any employee who bids on any contract currently being sought by BACTS shall be subject to immediate termination.

### **2.6 Social Media**

Personal use of social media outside of work is subject to First Amendment protections. However, where such personal use is related to subject matter pertinent to BACTS employment, it must be conducted in such a manner that no impression is created that the employee is speaking on behalf of BACTS.

## **3. Personnel Actions**

### **3.1 Performance Evaluation**

The Executive Director and staff are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. The Executive Director and each staff member meet on a quarterly basis for a brief check in on current year goals which are created at the annual evaluation. New staff, or staff who are rehired, promoted, or otherwise subject to a probationary period, meet with the Executive Director at the end of the probationary period for a formal evaluation. The annual evaluation is typically held in November and provides the Executive Director and staff a time to discuss job responsibilities, expectations, and employee performance. The annual evaluation includes a formal written evaluation which is signed by both the Executive Director and the staff and later retained in the personnel file.

The purpose of the performance evaluation is

- to develop and provide an opportunity for open and constructive communication between employee and their supervisor,
- provide an opportunity for self-reflection on employee performance and goal setting / meeting
- and promote employee development

### **3.1.1 Executive Director Performance Evaluation**

The Executive Director is evaluated on an annual basis by the Executive Committee. Any specific details pertaining to the Executive Directors annual performance evaluation may be outlined in the employment contract of the Executive Director or by the Executive Committee.

### **3.1.2 Merit Pay Increase**

When evaluations result in a recommendation for a merit increase, the decision to award such an adjustment is dependent upon numerous factors, including the information documented by the annual evaluation process. Such merit-based pay adjustments will not exceed the cap adjustment which is annually approved by the Executive Committee. Any such merit increase, if applicable, will be included on the final copy of the formal written annual evaluation which is signed by the Executive Director and staff.

## **3.2 Personnel Files**

BACTS maintains a personnel file for each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance evaluations, salary increases, and other employment records.

Employee personnel files are considered confidential documents. Only those persons with the right or need to know may have access to the personnel files. Any employee has the right to view their personnel file. Employees who wish to review their own personnel file should contact the Office Coordinator, with reasonable written advance notice. An employee may obtain a copy of documents in their own personnel file by paying, in advance, for the copies at a cost of \$0.25 per page.

### **3.2.1 Personnel File Content**

Personnel files are maintained by the Office Coordinator, they are kept in a locked cabinet. Files contain information and documentation verifying the positions held by an employee. Personnel files contain, but are not limited to including, the following information, when applicable; signed job description, copy of appropriate licenses and/or certifications, copy of diplomas or other educational items related to requirements of job description, signed and dated Personnel Policies and Procedures Acknowledgement Form, all performance evaluations and supporting documentation, documents generated during employment hiring process (including interview notes, completed BACTS application, resume, references), signed employment offer letter, and emergency contact information.

### *3.2.2 Personnel Data Changes*

BACTS employees are responsible to notify the Office Coordinator of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, and other such information should be accurate and current at all times.

### **3.3 Promotions**

In the event of a vacancy, present qualified employees may apply for an opening within BACTS. See 2.4.2 Announcement of Available Positions for BACTS policy regarding posting of job openings. An employee who is selected as the candidate for the job opening will be subject to the probationary period, as discussed in Section 2.3. Any pay or benefit changes, which will be stated in the offer letter, will be effective the date of the signed and authorized offer letter.

### **3.4 Demotions**

On occasion, circumstances may arise where an employee shall be demoted. An employee may be demoted for any of, but not limited to, the following reasons; inability to satisfactorily perform the duties and responsibilities of their job classification or related to disciplinary reasons. Such reasons may result in a job classification with a lower pay rate than assigned to their current job classification.

Upon such demotion, the employee may be required to serve the probationary period, as discussed in Section 2.3.

### **3.5 Disciplinary Procedures**

Except as outlined in an individual employees contract, all BACTS employees shall be subject to the disciplinary action as provided in these rules and regulations or in other disciplinary regulations set by the Executive Director or Executive Committee.

Unless limited by applicable law or contract, any employee may be reprimanded verbally or in writing, suspended with or without pay, reduced in pay, demoted or discharged by the Executive Director, or Chair of the Executive Committee, if applicable. A written statement of the reason(s) for any suspension, demotion, or discharge shall be submitted to the Office Coordinator to retain in the personnel file and to each employee who is suspended, demoted, or discharged.

Nothing in these rules shall limit BACTS's right to suspend or discharge a probationary employee during the employees probationary period with or without cause. Nothing in these rules shall limit BACTS's right to discipline, suspend, or terminate any non-probationary employee with or without cause as provided in an applicable individual employment contract. These rules do not limit the right of BACTS to suspend or discharge employees for non-disciplinary reasons, e.g., lay off; lack of work; elimination of job position; reductions in workforce, or budget constraints.

#### *3.5.1 Causes for Disciplinary Procedures*

The following are declared to be among the causes for disciplinary action, which may include reprimand, suspension, reduction in pay, demotion or discharge. Disciplinary action may be based on other justifiable causes other than those enumerated herein:

- a) That the employee is incompetent or inefficient in the performance of their assigned duties.
- b) That the employee has violated or failed to obey any personnel rule or any lawful and reasonable direction given them by a supervisor, when such violation or failure to obey amounts to insubordination or serious breach of discipline.
- c) That the employee has solicited or taken for personal use a fee, gift or other valuables in the course of their work or in connection with it.
- d) That the employee has violated any Local Ordinances, or State or Federal Laws or has been convicted of a crime in connection with such violation. The provisions of this section shall not apply to minor traffic offenses, Class E Offenses under the Maine Criminal Code, or violations of the law not punishable by confinement where a maximum fine of \$500 may be imposed unless the violation occurs on the job or affects the job.
- e) That the employee, through negligence or willful misconduct, has caused damage to BACTS property or equipment.
- f) That the employee has hindered the regular operation of the department or division because of absenteeism.
- g) That the employee has been in possession, under the influence of, or has used alcohol or any illegal substance while on duty, or has violated BACTS's Drug Free Workplace Policy.
- h) That the employee has intentionally falsified a time record or has made a false claim or has failed to report their absence from duty to the Executive Director or other designated individual.
- i) That the employee, after employment, has been found to have made a false statement in, or material omission from, the application for employment.
- j) That the employee has been consistently tardy in reporting for duty or has been absent from duty during regular working hours without authority.
- k) That the employee, without proper reason, refused to perform a reasonable amount of work outside normal working hours when directed to do so by a supervisor.
- l) That the employee, during off duty hours, has engaged in employment, activity or enterprise that is incompatible or in conflict with duties, functions, and responsibilities as an employee of BACTS.
- m) That the employee has engaged in physical violence, or has threatened violence against any fellow employee, supervisor or member of the public while on duty.
- n) That the employee has been unable to maintain a cooperative attitude or working relationship with colleagues or members of the public.
- o) That the employee, after hearing, is found to have violated applicable provisions of the BACTS Ethics Policy as outlined in Section 8.

### **3.6 Reductions in Workforce**

BACTS will *always* attempt to avoid a forced reduction in worked hours or the need to reduce the active workforce through layoff(s). If despite these efforts BACTS is required to reduce the workforce, it will consider the following practice.

Where there may be more than a single active employee with the same job title and in the same work area affected, seniority will serve as a primary basis for selection. Past performance is a secondary factor; however it may take precedent over seniority in the case of an active employee who is a marginal or low performer as determined by the Executive Director.

A minimum of two weeks advance notice will be given to the affected employee(s). Consideration may be given to the payment of wages in lieu of notice. Full time employees being laid off will be allowed if possible during their final one to four weeks to work no more than a 32 hour work week and be paid for forty hours to allow time for job search and interview(s).

### **3.7 Resignation**

Resignation is a voluntary act initiated by the employee to terminate employment with BACTS. BACTS requests written notice of resignation at least **ten** working days prior to the effective date of resignation. Failure to comply with this procedure may result in denying the employee's future employment by BACTS.

#### **3.7.1 Final Responsibilities**

The effective date of resignation shall be at the close of business on the date specified in the employees written resignation. Separating employees shall return all BACTS owned property in their possession. Separating employees shall leave a forwarding address with the Office Coordinator for purposes of forwarding Internal Revenue forms and any remaining checks for unpaid compensation.

## **4. Employee Benefits**

Eligible employees at BACTS are provided a wide range of benefits, outlined in the following section. Benefit eligibility is dependent upon a variety of factors, the Office Coordinator can identify the programs for which you are eligible.

Individual employment contracts and/or agreed upon items as detailed in annual evaluations may supersede the benefits as outlined below.

### **4.1 Holidays**

BACTS will grant holiday time off to all eligible employees on the holidays listed below:

New Year's Day

Labor Day

\*Martin Luther King, Jr. Day

\*Indigenous Peoples Day

\*President's Day

\*Veterans Day

\*Patriot's Day

Thanksgiving Day

Memorial Day

Day after Thanksgiving Day

Independence Day

Christmas Day

\*These days are considered floating holidays. Full-time employees may trade these days to use at another time, if utilizing a float holiday prior to the date of the actual holiday, the employee must request and receive written authorization from the Executive Director. A copy of this authorization is to be retained in the personnel file.

Part-time employee holiday pay will be calculated based on the employee's pro-rata share pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (e.g. vacation, sick leave) holiday time off will be provided instead of the paid time off benefit that would otherwise have applied.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime for non-exempt hourly employees.

#### **4.2 Vacation Leave**

All regular, full-time employees who are working the standard work week shall accumulate time as noted below. Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits.

The amount of paid vacation time employees receive each year is as follows (Note: figures will be prorated for part time employees)

	<u>Years Served</u>	<u>Vacation Days</u>	<u>Hours Accrued / Pay Period</u>
Executive Director	0 - 3	15	4.62
	3 - 8	18	5.54
	8+	20	6.16
Staff	0 - 3	10	3.08
	3 - 8	15	4.62
	8+	20	6.16

##### **4.2.1 Requests for Vacation Leave**

For vacation leave requests less than 3 business days, employees are expected to put these times on the BACTS Scheduling calendar. Employees do not need to formally request the use of vacation time for less than 3 business days.

For vacation amounts greater than 3 business days, employees are expected to communicate with the Executive Director their request in addition to putting this time on the BACTS Scheduling calendar.

As a general rule, annual leave shall not be taken by an employee for more than two (2) consecutive weeks at any one time.

BACTS provides a generous amount of vacation leave for eligible employees. However, in the event an employee would like to borrow vacation time, the Executive Director may advance no more **than 20 hours**, giving the employee a negative accrued balance. Once an advance has been granted, **the employee will not be eligible to use vacation time until their accrued balance is positive once more. During this circumstance, the employee must provide a request signed by the Executive Director stating they are being advanced XX number of hours and they understand they will not be eligible to use any vacation time until their accrued balance is positive once more.** This request will be kept in the employees personnel file.

#### *4.2.2 Unused Vacation Leave*

Employees will be allowed to carry a maximum of 80 hours of vacation time from one fiscal year to the next. Any additional vacation time an employee has accrued as of December 31st will not be carried forward to the next calendar year. The employee is responsible to be aware of their accumulated vacation leave balance.

Annual leave shall not be accrued by an employee during a leave of absence without pay (including workers' compensation absence), a suspension, or when the employee is otherwise on a non-pay status.

#### **4.2.3 Vacation Leave Payment on Retirement or Separation**

Upon retirement or separation from BACTS, employees shall receive a lump sum payment of all unused vacation leave up to the maximum total vacation leave accrual. Such payment shall be made at the employee's regular rate of pay at the time of retirement or separation.

### **4.3 Workers' Compensation**

Employees who sustain work-related injuries or illnesses must inform the Executive Director or Office Coordinator immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither BACTS nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by BACTS.

BACTS shall not make additional compensation available during the period that employee receive workers' compensation benefits. A certificate from the attending physician is required for leave of absence and/or return to work.

#### **4.4 Unemployment Compensation**

Unemployment compensation benefits are governed by State Law. BACTS contributes these benefits to employees in accordance with the Unemployment Compensation Insurance laws. Employees or former employees who may have specific eligibility questions should contact the nearest Maine Employment Security Office regarding their status.

## **4.5 Sick Leave**

BACTS provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illness, injury, or to attend routine appointments that can only be scheduled during work times related to an employee's personal or preventative health care, such as doctors, dentists, or other health providers. All full-time eligible employees accrue 3.08 hours per pay period (10 days per year). Part-time employees may be eligible to accrue on a prorated basis. Sick leave shall be calculated based on the employee's base pay rate at the time of absences. Sick leave shall not be paid on any paid holiday established under this rule. Sick leave is tracked on the BACTS Employee Vacation-Sick-Holiday Tracking document maintained by the Office Coordinator.

An employee's abuse of sick leave may result in disciplinary action up to and including dismissal.

Paid sick leave can be used in minimum increments of one-quarter hour. Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of an immediate family member (See Section 2.4.4 for definition of immediate family member).

Sick leave shall not be accrued by an employee during a leave-of-absence without pay, a suspension, while the employee is absent and is receiving workers' compensation benefits, or when the employee is otherwise on a non-pay status.

If you are calling in sick or if you are having a problem reporting to work at your scheduled time, you should contact the Executive Director or Office Coordinator by telephone or email. The Executive Director or Office Coordinator must also be contacted on each additional day of absence. A written doctor's certification may be required when sick leave is used.

Employees will be allowed to carry a maximum of 120 hours of sick time from one fiscal year to the next. Any additional sick time an employee has accrued as of December 31st will not be carried forward to the next calendar year.

In addition to bereavement leave (Section 4.6), the Executive Director may authorize an employee to take up to three (3) days of accrued sick leave in the event of a death in the immediate family of the employee (See Section 2.4.4 for definition of immediate family member) as well as the birth or adoption of a child.

Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

### **4.5.1 Family and Medical Leave**

In the case of serious illness or other qualifying reasons for leave, of the employee, the employee's child, spouse or parent, or the birth or adoption of a child, BACTS shall, upon request, grant unpaid Family Medical Leave to regular full-time employees for up to a total of twelve (12) weeks in any twelve (12) month calendar period provided that the employee has been employed by BACTS for twelve (12) consecutive months. In order for regular part-time and non-regular employees to qualify, they must have worked for twelve (12) months and 1,250 hours in the last twelve (12) months. Final approval shall be given by the Executive Director.

## **Serious Illness**

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following: hospital care, absence plus treatment, pregnancy, chronic conditions requiring treatment, and permanent/long-term conditions requiring supervision. Further explanation and detail is available in Federal Regulations, Part 825.112 and 825.113, Family and Medical Leave Act of 1993, as may be amended.

## **Notice**

The employee must give at least thirty (30) days notice of the intended date upon which Family Medical Leave will commence and terminate, unless prevented by medical emergency from giving that notice.

## **Certification**

The BACTS may require certification from a physician to support the need for Family Medical leave due to a serious health condition affecting the employee or immediate family member.

## **Maintenance of Employee Benefits**

During any unpaid Family Medical Leave taken under this section, BACTS shall offer to continue group health insurance coverage on the same terms as if the employee had continued to work. The employee shall be responsible for paying their share of the premiums. There shall be no accrual of vacation time, sick time, holidays or any other paid leave. Family medical leave shall not be counted as a break in service for purposes of vesting or eligibility to participate in benefit programs.

### **4.6 Bereavement Leave**

If an employee wishes to take time off due to the death of a family member, the employee should notify the Executive Director or Office Coordinator immediately.

Up to three (3) days of paid bereavement leave will be provided to eligible employees in the following classification(s):

- Full-time employees

- Part-time employees (pro-rated according to work schedule)

- Probationary employees

Employees may receive up to three (3) days leave with pay if required to make necessary arrangements and attend the funeral of immediate family members (See Section 2.4.4 for definition of immediate family member).

In addition to bereavement leave, the Executive Director may authorize an employee to take up to three (3) days of accrued sick leave in the event of a death of an immediate family member of the employee.

For funeral attendance of the following relatives, the employee will be given one (1) day off with pay: uncle, aunt, nephew, niece, and first cousin.

Vacation may also be used in conjunction with the bereavement leave.

#### **4.7 Jury Duty**

A leave of absence with pay shall be granted to regular employee required to perform jury duty. Such leave of absence shall not be charged against the employee's accumulated vacation leave. An employee required to serve on jury duty will receive compensation from BACTS equal to the earnings they normally would have received in that pay period. An employee is not required to submit certification of payment(s) received from the Court, for the purpose of deduction from their regular wage(s).

To be eligible for this pay, you must inform your supervisor as soon as possible of the expected period of absence; you must be available to BACTS for work when excused (by the Court) by contacting your supervisor, immediately. BACTS will continue such jury duty compensation for periods up to 90 days.

BACTS reserves the right to request the courts to excuse vital employees from jury duty in order to maintain proper levels of staffing.

#### **4.8 Court Proceedings and Subpoenas**

If an employee has been subpoenaed or otherwise appears as a witness for BACTS, they will continue to be paid for the witness duty based on their work time status.

Subpoena for other court appearances should be shown to the Executive Director immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee must be available to BACTS for work whenever the court schedule permits.

#### **4.9 Military Leave**

Military leave and rights to re-employment after such leave are available to employees in accordance with applicable Federal and State law. Any person eligible for re-employment under such law shall be restored to service with no loss of seniority.

##### ***4.9.1 Armed Forces Reserve and National Guard Training***

A full-time employee who, by reason of membership in one of the United States Military Reserve Components, or National Guard is required to perform field duty or attend training sessions shall be granted leave of absence upon presentation of a copy of official orders. Such leave may be with pay for up to two (2) work weeks in any one calendar year. Leave granted under this section shall not be charged against the employee's accumulated vacation leave. To be eligible for two (2) weeks paid leave, the employee shall reimburse BACTS in an amount up to the total amount of compensation received by the employee from the military during such paid leave up to the amount of pay received from BACTS.

Any additional leave shall be without pay. All employees who take leave in accordance with this section shall notify the Executive Director within forty-eight (48) hours after being notified by the appropriate authority as to the dates they shall be absent from their employment.

#### **4.10 Personal Leave**

BACTS provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations after one year of service.

As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their supervisor.

Personal leave may be granted for a period of up to 30 calendar days every two (2) years. Personal leave is not to be used until an employee has used all available vacation and sick leave balances.

Requests for personal leave will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits may be provided by BACTS until the end of the month in which the approved personal leave begins. At that time, employees will become responsible for the full cost of these benefits if they wish coverage to continue. When the employee returns from personal leave, benefits will again be provided by BACTS according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, BACTS cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, BACTS will assume the employee has resigned.

## **4.11 Insurance**

### *4.11.1 Health Insurance*

BACTS offers health insurance to full time employees through Maine Municipal Employees Health Trust (MMEHT) Employees should consult their health insurance booklets for details on their chosen plan. BACTS and the employee share in the cost of the premium with the employee's share being contributed through payroll deductions. Dependent or spouse coverage is available, if so elected. The cost-sharing levels for plans offered by BACTS is determined on an annual basis.

BACTS's participation in the cost of coverage begins the first full month following the employee's date of hire. Coverage by the health insurance plan is not automatic and employees must initiate a request for benefits according to their eligibility in order to obtain coverage. Further specific information regarding coverage and costs is available by contacting the Office Coordinator.

### *4.11.2 Supplemental Life Insurance*

BACTS makes available participation in Supplemental Life Insurance through MMEHT for eligible full-time employees. This benefit is entirely employee paid through payroll deductions. Further specific information regarding coverage and costs is available by contacting the Office Coordinator.

#### *4.11.3 Income Protection Plan (IPP)*

BACTS pays the IPP premium for all full time eligible employees offered through MMEHT. The IPP is for if an employee becomes disabled as the result of a non-work related illness or injury, they may be eligible to receive IPP benefits for up to 52 weeks per period of disability. Further specific information regarding coverage and costs is available by contacting the Office Coordinator.

#### *4.11.4 Dental and Vision Insurance*

BACTS makes available participation in dental and vision insurance through MMEHT. If selected, this coverage begins the first full month following the employee's date of hire. The cost of any coverage shall be paid by the employee through payroll deductions. Participation in this benefit is not automatic and employees must initiate a request to become enrolled. Further specific information regarding coverage and costs is available by contacting the Office Coordinator.

#### *4.11.5 Benefits Continuation (COBRA)*

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under BACTS's health plan when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce, and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at BACTS's group rate plus an administration fee.

BACTS maintains a relationship with their health insurance provider to comply with the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). A sample contract can be obtained from the Office Coordinator which explains in detail the benefits available when a qualifying event would normally result in the loss of eligibility. The specific details of the COBRA program are available from the Office Coordinator.

#### **4.12 Retirement Plan**

BACTS makes available participation in a Simple IRA Plan with an Employer match for qualified employees. Specific information regarding eligibility, contributions, or other questions is available by contacting the Office Coordinator.

#### **4.13 Professional Organizations**

BACTS will pay the cost of membership in professional organizations if that membership is necessary to achieve BACTS tasks and goals, at the discretion of the Executive Director.

## **5. Working Conditions**

### **5.1 Standard Work Week**

Hours of work for any employee may be established by the Executive Director or Executive Committee, when applicable. For purposes herein, the term 'work week' shall be the calendar week commencing on Sunday at 12:00 a.m. and expiring on Saturday at midnight.

Full time employees are expected to work 40 hours per week. BACTS allows employees the flexibility to adjust their work schedule in a given week, within reason, so long as the employee is able to accomplish their given workload. Any significant changes in an employee's schedule are to be discussed and approved by the Executive Director.

### **5.2 Compensatory Time**

BACTS understands that, at times, an employee may be required to work more than 40 hours in a given work week in order to accomplish their given workload. In these circumstances BACTS offers compensatory time (commonly referred to as 'comp time') equal to the amount exceeding the exempt full time employee regularly scheduled 40 hours. Part time employees or non exempt employees are not eligible for compensatory time, they will be compensated in accordance with the Fair Labor Standards Act (FLSA), they will be compensated for hours worked in excess of forty (40) in any work week at the rate of one and one-half (1.5) times the employee's straight pay rate.

Compensatory time will not be earned in weeks where holiday, vacation, or sick time is used.

Exempt full time employees who work in excess of forty (40) hours in any work week are eligible for compensatory time. Compensatory time will be granted on an hour-for-hour basis and is to be used in the pay period earned, if possible. If an employee's current workload does not allow for an employee to use the compensatory time within the same pay period, the employee may request to carry the compensatory time balance to the next pay period, with written authorization from the Executive Director. A copy of the authorization is to be submitted to the Office Coordinator for retention in the employees personnel file. Employees may not carry a balance more than one pay period past the period the time was accrued.

Any earned compensatory time at the time of an employee's termination or retirement is not eligible to be paid out to the employee.

### **5.3 Timekeeping**

Federal and State laws require BACTS to keep an accurate record of time worked in order to calculate employee pay and benefits.

Altering, falsifying, tampering with time records, or recording time on another employee's timesheet is prohibited and considered a major offense which could result in suspension, or discharge depending on the circumstances.

The employee is responsible to sign their time record to certify the accuracy of all time recorded. The Executive Director (or Policy Chair, in the case of the Executive Director's timesheet) will review, verifying the accuracy of the time sheet to the best of their

knowledge, and then sign the timesheet before saving it to the appropriate folder on GoogleDrive for the Office Coordinator to use for payroll processing.

#### ***5.3.1 Pay Periods***

All employees are paid bi-weekly. Each paycheck will include earnings for all work performed during the stated pay period.

#### ***5.3.2 Pay Corrections***

The employee should promptly bring any discrepancy in their pay to the immediate attention of the Office Coordinator so that corrections can be made as quickly as possible.

Corrections will be handled on a case by case basis.

#### ***5.3.3 Pay Deductions***

The law requires that BACTS make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. BACTS also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security wage base. BACTS contributes to the overall amount of Social Security taxes paid on behalf of each employee.

BACTS offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Office Coordinator can assist in having your questions answered.

### **5.4 Storm Policy**

In the event of a major weather event, BACTS encourages employees to exercise good judgement and to ensure their personal safety in making decisions to travel during a weather event. If an employee is unable to work, i.e. can not travel and unable to work from home, power outage, etc, the employee may be eligible to charge this time to 'Indirect' with a note regarding the reason for not being able to work, this usage of time requires written authorization by the Executive Director.

### **5.5 Solicitation**

BACTS recognizes that employees have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time.

If employees have a message of interest to the workplace, they may submit it to the Executive Director for approval. All approved messages will be posted by the Executive Director or Office Coordinator in the break room common areas.

## **6. Travel Policy**

The purpose of this policy is to provide uniform guidance covering business travel and conference expenditures and to set forth guidelines to request travel arrangements and to provide procedures for the preparation and reporting of travel expenses for all employees.

The objective of this policy is to ensure that employees are reimbursed for all necessary and reasonable business expenses incurred, in a timely fashion, and that BACTS is provided sufficient documentation.

The employee is solely responsible to understand and comply with the provisions of this policy regarding the incurring and reporting of business related expenses.

**All overnight business travel must be approved in advance by the Executive Director.**

### **6.1 Travel Guidelines**

Once travel is approved by the Executive Director, notify the Office Coordinator as soon as possible. The Office Coordinator is primarily responsible for booking travel, i.e flights, hotels, transportation (if applicable). If travel is no longer needed, i.e. conference is cancelled or an employee can no longer attend, the employee is responsible to notify the Executive Director and the Office Coordinator as soon as possible.

#### ***6.1.1 Air Travel***

The Office Coordinator is responsible for booking flights for employees using the following guidelines;

1. Domestic air travel will be limited to coach class
2. International travel may be business class
3. First class travel is prohibited

BACTS provides group insurance coverage for accidental injury or death of all employees traveling on company business. Any purchase by the traveler of flight or luggage insurance is a non-reimbursable expense.

#### ***6.1.2 Ground Travel / Car Rentals***

Rental cars are authorized when the amount of business mileage per day precludes the benefit and efficiency of public transportation or if no other means of transportation is available.

Employees should notify the Office Coordinator if they think a car rental will be necessary for their travel. If deemed necessary the Office Coordinator will book an economy size rental car. Should the employee deem it necessary to purchase collision damage waiver and personal accident insurance, BACTS will pay the premium cost.

#### ***6.1.3 Personal Autos***

The current allowance for personal auto mileage is kept on record with the Office Coordinator.

Any employee using their personal automobile for business travel will be required to furnish proof of insurance with related liability limits to the Office Coordinator.

All traffic violations, moving or stationary, are not reimbursable.

#### *6.1.4 Parking and Tolls*

All airport parking should be in a long-term lot. Tolls, metered parking, and garage parking fees incurred while on company business are reimbursable.

### **6.2 Per Diem Reimbursement**

Per diem is the allowance for lodging (excluding taxes), meals, and incidental expenses. The General Services Administration (GSA) establishes rates for destinations within the continental United States. For specific rates please contact the Office Coordinator.

The Office Coordinator books any lodging needed for the employee, keeping in mind the per diem allowance for lodging (excluding taxes).

BACTS reimburses employees on a per diem basis for meals and incidental expenses.

#### *6.2.1 Meals & Beverages*

While away from home on company business, BACTS will reimburse the employee at the per diem rate, as set by the GSA for reasonable meal and beverage costs.

Particular attention should be paid to the breakdown of meals and incidental expenses (M&IE) on this site, as only 75% of the allowable costs for meals and incidental expenses will be allowed for the first and last day of the trip. When meals are served by an air carrier, no corresponding meal expense will be reimbursed. When meals are provided at an event, such as a conference, the amount allocated for the meal provided must be deducted from the M&IE total for the day.

Per diem reimbursement does not apply to travel for travel less than 12 hours in duration. In town/State meals and beverages will only be reimbursed under the following circumstances:

1. Legitimate working lunches while attending seminars or business meetings.
2. Meals with an outside business associate.
3. Occasional meals between managers/supervisors and employees to conduct specific business will be reimbursed if the business cannot be conducted during regular business hours. The company will reimburse you for the actual costs incurred to entertain an outside business associate (i.e. customers, potential customers, etc.) for the benefit of the company.

Please note that alcoholic beverages are specifically excluded from per diem reimbursement.

#### *6.2.2 Gratuities*

Tips should not exceed 20% of the total expenses for meals/refreshments, and should be included in the cost of meals.

Tips for baggage handling at airports and hotels should not exceed \$1.00 per bag.

### **6.3 Partner Accompaniment**

Employees who travel on business for BACTS may invite their partner to accompany them. All expenses incurred by the partner are non-reimbursable.

## **6.4 Expense Report Preparation**

In order to account for all expenses and to comply with IRS regulations, the authorized Expense Report form must be properly completed before BACTS can reimburse you for travel expenses.

The following guidelines should be used when completing expense reports:

- Expense reports must be submitted to the Executive Director within seven (7) calendar days after the date of return from a business trip. The Executive Director must submit their expense report to the Office Coordinator for review (The Policy Chair will receive a copy of the expense report for review with the Executive Director's reimbursement check, which must be authorized by them.)
- Expense reports must be entered in the BACTS expense report template, printed, and signed by the employee requesting reimbursement.
- Original receipts for all items must be submitted with the expense report, **except for any item the employee is being reimbursed at the per diem rate.**

## **7. Miscellaneous Provisions**

### **7.1 Safety Regulations**

Safe working habits and conditions as required by BACTS and under Occupational Safety and Health Administration shall be observed by all employees. BACTS wishes to provide and maintain a safe and healthy work environment.

#### *7.1.1 General Safety Rules*

All unsafe conditions and accidents and injuries will be reported immediately to the appropriate supervisor. Employees are required to fill out an incident report within 24 hours of the accident or injury, and submit it to the Office Coordinator.

The Office Coordinator or Executive Director are responsible for following up on all reports of unsafe conditions, accidents, or injuries within 48 hours of notification.

All work areas, vehicles, machinery, equipment, and accesses of buildings will be kept clean and clear of trash and storage materials.

Firearms, explosives, or unlawful weapons are not allowed on the premises.

Tools and equipment that are not in good working order will be reported to the Office Coordinator and are not to be used until they are repaired.

Employees will wear the personal protective equipment that is needed for their particular job.

Employees can only smoke in designated smoking areas.

#### *7.1.2 Driver Safety Rules*

Any employee who uses a leased vehicle, rented vehicle, or their own personal vehicle on company business must adhere to the following requirements:

- Employees must have a valid driver's license and adhere to license restrictions if applicable.

- Employees must have personal motor vehicle insurance with the minimum limits required by the State of Maine.
- Employees must notify the Executive Director in the event that their license to operate a motor vehicle is under suspension, revocation or administrative restriction and must also cease immediately to operate their motor vehicle. **Failure to do so may result in disciplinary action, up to and including termination.**
- Employees shall ensure that their vehicle is maintained in safe operating condition and that they abide by all federal, state and local motor vehicle regulations, laws and ordinances.

#### *7.1.3 Security Inspections*

Desks, lockers, and other storage units may be provided for the convenience of employees but remain the sole property of BACTS. Accordingly they, as well as any articles found within them, can be inspected by any agent or representative of BACTS at any time, with or without prior notice.

#### *7.1.4 Emergency Protocols*

##### **Office Evacuation**

In the case of an emergency evacuation please follow the guidelines listed below;

- Take only essentials with you (e.g., eyeglasses, medications, identification and cash/checkbook/credit cards) - do not pack belongings
- Turn off unnecessary equipment, computers, and appliances
- Close the door as you exit your room or office
- Exit the building and go to a safe area
- Check in with the Office Coordinator once in a safe location

##### **Fire Emergency**

- Activate a fire alarm or pull station
- Call 911, if no alarm or pull station are in the building
- Follow the steps as listed under Office Evacuation

##### **Chemical Emergency**

- Isolate and secure the spill area
- Warn others in the immediate area
- Based upon the hazard, attempt clean-up if trained and if you have appropriate personal protective equipment
- If assistance is needed, call **911** (give location, type material)
- Evacuate the building, if required (use of public address system preferred or use of building fire alarm system)
- Meet with emergency response personnel, if needed

## **Medical Emergency**

- Call 911
- Provide Dispatcher with:
  - Location of emergency
  - Type of injury,
  - If known brief description of injured person (gender, age, etc.)
- Follow Dispatcher instructions
- If work related, notify the Office Coordinator

### **7.2 Employee Cellular Phone Usage**

Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their cellular phone while driving. Safety must come before all other concerns. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of BACTS phones.

### **7.3 Drug Free Workplace Policy**

In compliance with the Drug-Free Workplace Act of 1988, BACTS has a commitment to provide a safe and productive work environment. Alcohol and drug abuse poses a threat to the health and safety of BACTS employees and to the security of BACTS's equipment and facilities. For these reasons, BACTS is committed to maintaining an alcohol and drug-free work environment.

Whenever employees are working, operating a personal vehicle on BACTS business, present on BACTS premises, representing BACTS, or conducting related work offsite, they are prohibited from;

1. Using, possessing, buying, selling, manufacturing, or dispensing drugs or alcohol
2. Being under the influence of alcohol or any drug as defined in this policy.

**Drug** includes any substance that adversely affects an employee's ability to safely and effectively perform their job duties.

Any employee who is under the influence of alcohol or drugs (as defined in this policy), or who possesses or consumes alcohol or drugs on the job or in the workplace has the potential for disrupting their own, as well as their co-workers', safe and efficient performance of duties. Such employees shall be subject to disciplinary action up to and including termination of employment.

Any illegal substance found in the workplace will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

Any employee who is convicted of a criminal drug statute violation occurring on the job or in the workplace shall notify the Executive Director no later than five (5) days after such conviction.

BACTS understands that substance abuse issues are sensitive and must be handled with care and confidentiality. While action will be taken to prevent harm or potential harm to the employee, co-workers, clients, and others, immediate referrals should be made through BACTS Employee Assistance Program.

Employees with drug or alcohol problems that have not resulted in and are not the immediate subject of disciplinary action, may request approval to take unpaid time off to participate in a rehabilitation or treatment program through BACTS's health insurance benefit coverage, if applicable.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with the Executive Director or Office Coordinator without fear of reprisal.

#### **7.4 Policy Against Harassment**

BACTS's policy is to create and maintain a working environment free from all forms of harassment and intimidation. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated. Sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Any employee who wants to report an incident of sexual or other unlawful harassment should **promptly** report the matter to the Executive Director or Office Coordinator. Employees can raise concerns and make reports without fear of reprisal.

Any staff member who becomes aware of possible sexual or other unlawful harassment is required to promptly advise the Executive Director or Office Coordinator, who will handle the matter in a timely and confidential manner.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

#### **7.5 Personal Appearance**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image BACTS presents to customers and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions.

#### **7.6 Personal use of BACTS Equipment**

Employees on non-work time are allowed limited use of office equipment for personal uses that involve only negligible expense to BACTS (such as electricity, sheets of paper, ink, and ordinary wear and tear) and do not interfere with business services. For purposes of this policy, office equipment includes copy machines, computers, and printers.

Loading personally-owned software (such as tax preparation programs, computer games, etc.) on BACTS machines is prohibited. All software on BACTS machines is to be installed by BACTS's IT consultant. If an employee finds they need a new software program to successfully complete their work, they may request this software to the

Office Coordinator. The Office Coordinator will coordinate with the contracted IT consultant to ensure proper installation.

Employees may not use official stationery, envelopes, or postage for personal purposes under any circumstances.

### **7.7 Data Storage**

All information that is generated in support of BACTS business, is the property of BACTS, and as such, must be stored in a manner that ensures that it is backed up regularly. Data must be secure from unauthorized access, theft, loss and viruses. Employees are expected to maintain files related to their work in an organized and secure manner. The Executive Director retains the right to request any and all support related to an employee's current or past work, the employee is to provide this information in a timely fashion.

### **7.8 Confidentiality**

Wherever possible, employees will protect confidential information stored on any electronic media.

When not in use, computers are to be locked or shut down.

BACTS confidential information is not to be stored or transferred on any removable media. Do not leave confidential papers in unsecured areas such as on desks, in unlocked file drawers, copy machines, or printers.

Notify supervisors of any suspected attempts by unauthorized personnel to obtain confidential data.

### **7.9 Email**

All information/data and communications of any nature on any BACTS device or system is deemed to be the property of BACTS and may be accessed, utilized, deleted or otherwise controlled exclusively by BACTS. No individual utilizing BACTS's system shall have any rights of privacy on the system. BACTS reserves the right to monitor all email transactions in the system, as there is no expectation of privacy when using BACTS owned equipment.

## **8. Ethics**

Each employee must apply professional ethics of the highest standard which extend beyond compliance with applicable laws and regulations. Each employee has a responsibility to apply common sense in business decisions where specific rules do not provide the answers and to seek guidance from the Executive Director when in doubt.

### **8.1 Conflict of Interest**

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for an immediate family member (see Section 2.4.4 for definition of immediate family member) as a result of BACTS's business dealings.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases,

contracts, or leases, it is imperative that they disclose to the Executive Director, as soon as possible, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which BACTS does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving BACTS.

## **8.2 Accepting Gifts**

Employees are not to accept gifts from any person or business that conducts business, or expects to conduct business, with BACTS. Gifts do not include advertising items of nominal value such as calendars, pens, or pencils. However, any goods or services which involve a benefit of monetary value should be considered gifts. Gifts include but are not limited to meals, drinks, entertainment expenses, or anything with any monetary value.

## **8.3 Political Activities of Employees**

The Bangor Area Comprehensive Transportation System is comprised of member communities who voluntarily join with BACTS to improve government services to the citizens of municipalities within the greater Bangor urbanized area. To maintain this service function, BACTS must remain non-partisan. As a §501(c)3 organization, BACTS may “not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office” [§503(c)3]. Further restrictions beyond this IRS rule may be imposed by the Executive Director and the Policy Committee. If you are involved politically on a personal basis, you are responsible for ensuring that it is clear that you are not acting on behalf of BACTS.

## **8.4 Report of Any Illegal or Unethical Behavior**

Observed potential illegal or unethical behavior believed to violate BACTS’s policies must be reported to the Executive Director or the Office Coordinator. Reports of alleged misconduct will be investigated, and employee cooperation with internal investigations is required. Substantiated allegations are resolved through appropriate corrective action and/or discipline. Retaliation is prohibited for reports of alleged misconduct made in good faith.

## **8.5 Whistleblower Protection**

BACTS will not take disciplinary action, threaten, retaliate, or treat an employee differently because the employee has;

- a. reported a violation of the law
- b. reported something that risks someone's health or safety
- c. refused to do something that will endanger the employee’s life or someone else’s life and the employee has asked for it to be corrected
- d. been involved in an investigation or hearing held by the government

An employee is protected by this law only if the employee has informed the Executive Director or Office Coordinator and allowed a reasonable time for the issue/concern to be corrected, or the employee has a good reason to believe that BACTS will not correct the problem.

An employee should report a violation, unsafe condition or practice, or an illegal act as an employee should contact the Office Coordinator, Executive Director, or the Policy Committee Chair, if deemed necessary.

#### *8.5.1 Handling of Reported Violations*

The Office Coordinator shall address all reported concerns and immediately notify the Executive Director of any such report. The Office Coordinator will notify the sender and acknowledge receipt of the concern within five business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted concerns.

All reports will be promptly investigated and appropriate corrective action will be recommended to the Executive Committee, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the complainant for complete closure of the concern.

The Office Coordinator has the authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

#### *8.5.2 Acting in Good Faith*

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of the Ethics Policy. The act of making allegations that prove to be unsubstantiated and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

### **9. Civil Rights Policy**

The Bangor Area Comprehensive Transportation System is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants and to ensuring that the public-at-large is afforded access to our programs and services.

1. To that end, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any BACTS program or activity on the grounds of race, color, religion, national origin, income, sex, sexual orientation, age, disability, gender identity or expression, limited English proficiency, or any other characteristic protected by law. BACTS assures all its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not.

2. BACTS conducts its Title VI/Environmental Justice Program in a team approach involving all BACTS personnel. The Title VI Coordinator is responsible to ensure BACTS's compliance with the Title VI/EJ implementing regulations.
3. Inquiries concerning BACTS's policies, investigations, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI/Environmental Justice may be directed to the Title VI Coordinator.
4. This policy statement must be circulated throughout BACTS and be included by reference in all contracts, agreements, programs and services administered by BACTS.

### **9.1 Additional Title VI Assurances**

BACTS certifies that, as a condition of receiving Federal financial assistance under federal transit laws and civil rights act of 1964, as amended, it will ensure that:

1. No person, based on race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. BACTS will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR, Part 21.9.
3. BACTS will make it known to the public that those persons or persons alleging discrimination based on race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the FTA and/or the U.S. Department of Transportation.

### **9.2 Civil Rights Complaint Process**

The BACTS Office Coordinator has overall responsibility for the discrimination complaint process and procedures. The Office Coordinator may, at their discretion, assign a capable person within BACTS to investigate the complaint.

The Title VI/Environmental Justice and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding BACTS's programs, activities and services as required by statute. The purpose of the discrimination complaint procedures is to describe the process used by the Office of Human Resources (OHR) for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes. The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint (see Title VI Complaint Form). All complaints, however, must be signed by the complainant and/or by the complainant's representative. The complainant shall make themselves reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

### *9.2.1 Policy / Procedure: Filing Complaints*

Applicability - The complaint procedures apply to the beneficiaries of the BACTS programs, activities and services including, but not limited to, the public, contractors, subcontractors, consultants and other sub-recipients of federal and state funds.

Eligibility - Any person who believes that they have been excluded from participation in, denied benefits or services of any program or activity administered by BACTS or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI/EJ and Related Statutes.

Time Limitation and Filing Options - Title VI/EJ complaints of discrimination may be filed with: BACTS, Maine Department of Transportation, Federal Highway Administration, or the U.S. Department of Transportation.

In all situations, the BACTS employees must contact the BACTS's Office Coordinator immediately upon receipt of a Title VI/EJ complaint.

Complaints must be filed no later than 180 days after;

- the date of the alleged act of discrimination;
- or the date the person became aware of the alleged discrimination;
- or where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to a BACTS employee, or other person authorized to receive complaints on behalf of BACTS, shall interview the person. If necessary, the authorized person will assist the person in writing the complaint for the person or the person's representative to sign.

Designated BACTS special emphasis area operating elements will require the sub-recipients they serve to forward to the Office Coordinator any complaint of discrimination made to them about their own actions or actions of sub-grantees or contractors.

## **9.3 Civil Rights Internal Complaint Process**

Special emphasis program area representatives serve as BACTS's resources for members of the public who wish to file a discrimination complaint under Title VI/EJ and related statutes. As resources, they will provide complainants with: an explanation of their filing options; the discrimination complaint process; and a Title VI/EJ and Related Statutes Discrimination Complaint Form.

### *9.3.1 Complaint Review Process*

The complaint shall be investigated, unless:

- the complaint is withdrawn;
- the complainant fails to provide required information;

- the complaint is filed beyond the 180-day timeframe;
- the complainant is not part of a protected group;
- or the complaint is determined to be more appropriately under a jurisdiction other than BACTS. If this is the case, the complainant will be directed to the appropriate agency.

Upon determination that the complaint warrants a BACTS investigation, the complainant is sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator.

The respondent – the person alleged to have committed the discrimination is notified by mail that they have been named in a complaint. The letter also includes the investigator's name and informs the respondent that they will be contacted for an interview.

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

#### **9.4 LEP Compliance**

Compliance with Title VI includes Limited English Proficient (LEP) persons. Language barriers prohibit people who are LEP from obtaining services and information relating to BACTS services and programs. It is essential that the BACTS personnel, transportation providers, professionals, and other sub-recipients of federal funds become informed about their diverse clientele from a linguistic, cultural and social perspective. These individuals should become culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate transportation services with more knowledge and confidence.

##### *9.4.1 Policy / Procedure*

U.S. DOT guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The recipient has to take “reasonable steps” to remove barriers for LEP individuals.

Reasonable steps will depend on:

1. Number and proportion of LEP persons potentially served by the recipient's programs or activities and the variety of languages spoken in the recipient's service area.
2. Frequency with which LEP individuals are affected by the program or activity.
3. Resources available to the recipient and whether the recipient has budgeted for provision of special language services.

## Attachment C

BACTS UPWP DOT Contract - Figures updated through 03/31/2021													
	Update Monthly					Contract to Date Trend			Forecasted Trend				
TASK	PROJECT	Total Allotted	Total Spent	In Kind	Total Remaining	Actual % Usage	Amount spent should be as of 03/31	Variance	Total Remaining (Less In Kind)	Projected Salary	Projected Indirect	Projected Direct Expenses	Est. Remaining
1	Administration/Coordination	\$290,414	\$189,384	\$0	\$101,030	65.21%	\$181,509	-\$7,876	\$101,030	\$45,657	\$56,611	\$217	-\$1,456
2	Professional Development	\$40,000	\$16,729	\$0	\$23,271	41.82%	\$25,000	\$8,271	\$23,271	\$1,867	\$2,315	\$1,300	\$17,789
3	Data Collection & Database Management	\$115,000	\$50,145	\$0	\$64,855	43.60%	\$71,875	\$21,730	\$64,855	\$3,406	\$4,223	\$519	\$56,707
4	GIS and Demographic	\$55,000	\$26,648	\$0	\$28,352	48.45%	\$34,375	\$7,727	\$28,352	\$3,065	\$3,800	\$5	\$21,481
5	Public Outreach	\$9,000	\$18,699	\$0	-\$9,699	207.77%	\$5,625	-\$13,074	-\$9,699	\$3,216	\$3,987	\$26	-\$16,929
6	Bicycle and Pedestrian Planning	\$30,000	\$2,675	\$0	\$27,325	8.92%	\$18,750	\$16,075	\$27,325	\$1,113	\$1,379	\$12	\$24,821
7	Transportation Safety	\$5,000	\$1,162	\$0	\$3,838	23.23%	\$3,125	\$1,963	\$3,838	\$273	\$338	\$0	\$3,227
8	Traffic Incident Management	\$28,000	\$9,296	\$0	\$18,704	33.20%	\$17,500	\$8,204	\$18,704	\$3,530	\$4,376	\$9	\$10,789
9	TIP Development	\$35,000	\$33,470	\$0	\$1,530	95.63%	\$21,875	-\$11,595	\$1,530	\$7,220	\$8,952	\$9	-\$14,652
10	Metropolitan Transportation Plan Update	\$5,000	\$913	\$0	\$4,087	18.26%	\$3,125	\$2,212	\$4,087	\$1,103	\$1,368	\$22	\$1,594
11	Performance Measures	\$12,000	\$3,316	\$0	\$8,684	27.63%	\$7,500	\$4,184	\$8,684	\$2,579	\$3,198	\$31	\$2,876
12	Studies	\$156,000	\$60,193	\$0	\$95,807	38.59%	\$97,500	\$37,307	\$95,807	\$2,951	\$3,659	\$42,800	\$46,397
	<b>FHWA PL SUBTOTAL</b>	<b>\$780,414</b>	<b>\$412,630</b>	<b>\$0</b>	<b>\$367,784</b>	<b>52.87%</b>	<b>\$487,759</b>	<b>\$75,128</b>	<b>\$367,784</b>	<b>\$75,980</b>	<b>\$94,208</b>	<b>\$44,951</b>	<b>\$152,644</b>
13	Transit Planning	\$201,278	\$111,308	\$22,262	\$67,708	66.36%	\$125,799	-\$7,771	\$49,714	\$36,496	\$45,252	\$614	-\$32,648
	<b>FTA 5303 SUBTOTAL</b>	<b>\$201,278</b>	<b>\$111,308</b>	<b>\$22,262</b>	<b>\$67,708</b>	<b>66.36%</b>	<b>\$125,799</b>	<b>-\$7,771</b>	<b>\$49,714</b>	<b>\$36,496</b>	<b>\$45,252</b>	<b>\$614</b>	<b>-\$32,648</b>
	<b>TOTALS</b>	<b>\$981,692</b>	<b>\$523,939</b>	<b>\$22,262</b>	<b>\$435,492</b>	<b>55.64%</b>	<b>\$613,558</b>	<b>\$67,357</b>	<b>\$417,498</b>	<b>\$112,477</b>	<b>\$139,460</b>	<b>\$45,565</b>	<b>\$119,997</b>

Estimated Remaining balance of \$120K does not include the estimated \$50K related to the stop light inventory.