

# MAINE STATE LEGISLATURE

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January 31, 2015

Honorable Michael D. Thibodeau  
President of the Senate  
2 State House Station  
Augusta, ME 04333-0003

Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, ME 04333-0002

Dear President Thibodeau and Speaker Eves:

Pursuant to 5 M.R.S.A., Section §12023, please consider this the letter of transmittal for the required report from Efficiency Maine Trust due by February 1, 2015.

Please contact me if you have any questions or need additional information.

Thank you.

Sincerely,



Michael D. Stoddard  
Executive Director

COPY

Joe Russell  
1/28/15

B. O'Brien  
1/28/15

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Executive Director

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## MEMORANDUM

To: President Thibodeau and Speaker Eves  
From: Michael D. Stoddard, Executive Director  
Re: Title V §12023 Reports  
Date: January 30, 2015

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The Efficiency Maine Trust is submitting its Title V, §12023 reports as attached:

The report of the Trust's FY14 sole source procurements as required in 2.A;

The report of the Trust's FY 14 contributions as required in 2.B;

A copy of the Trust's Investment Policy which is the only new policy for the past year; and

A copy of the amended Travel Policy and amended Personnel Manual as required in 2.C.

There are no other changes to report as required in 2.C.

Efficiency Maine adheres to the *Contract Invoice Process-Roles and Responsibilities*, the *ARRA Monitoring and Compliance Plan, Chapter 1: Contracting Process for Service Providers and Grant Recipients*, the *Travel Policy and Contribution Policy* as approved by the Efficiency Maine Trust Board of Trustees and transmitted to the Legislature last year. In the spring of 2014, the Board approved the *Investment Policy* that is for use by Staff for investment guidance.

The Board monitors compliance through ongoing reports from staff and by relying on the external auditors who report annually to the Board on the Trust's adherence to its policies as part of its annual and A-133 audit of the Trust's financial statements. The audit reports are presented to and adopted by the Board and reported to the State's Office of the Controller.



Efficiency Maine Trust  
Title 5 §12023 FY 14 Reports  
February 1, 2015

Title 5 Chapter 379 §12023 **2.A.** Efficiency Maine Trust has prepared a list of all procurements exceeding \$10,000 for which competitive procurement was waived in Fiscal Year 2014 or previously through:

1. Sole Source Procurement

Public Information and Outreach:

- a. Hygrade Business Group, Inc. Total spent for year: \$35,030.73
- b. Townsquare Media Bangor LLC. Total spent for year: \$25,000.50

2. Sole Source additions in FY 14 to existing sole source contracts

Personnel Services:

- a. ICMA Retirement Corp. Total spent for year: \$101,588

Administrative:

- a. Meadow Park Development Corp (office space lease): Total spent for year: \$83,671
- b. Perkins Thompson. Total spent for year: \$97,949
- c. Time Warner Cable Business Class. Total spent for year: \$17,244

3. Additions in FY 14 to existing contracts originating from a competitive procurement process.

None

Title 5 Chapter 379 §12023 **2.B.** Efficiency Maine Trust has prepared a list of all persons who received contributions (as defined in §12021) greater than \$1,000 in Fiscal Year 2014:

1. Individual persons

None

2. Association Sponsorships – Integral to Program Delivery

- a. Consortium for Energy Efficiency, Inc. Total spent for year: \$17,069
- b. Northeast Energy Efficiency Partnerships, Inc. Total spent for year: \$3,900
- c. New Building Institute. Total spent for year: \$40,000

3. Association Membership – On behalf of the State of Maine

- a. Regional Greenhouse Gas Initiative, Inc. Total spent for year: \$70,770
- b. Forward Capacity Market, ISO-NE. Total Spent for year: \$5,000



## EFFICIENCY MAINE TRUST – INVESTMENT POLICY

Efficiency Maine Trust (the Trust) is entrusted with funds derived from ratepayers and state, regional and federal sources. The Trust has relied on an informal investment practice that has served it well and mirrors municipal investment statutes. Formalizing this practice into a policy will ensure that the principles of good cash management and investing continue with the Board's approval.

The primary objectives, in priority order, of investment activities shall be:

1. Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal will be to mitigate credit risk and interest rate risk.
2. Liquidity - The investments shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.
3. Return – The investments shall be designed with the objective of attaining a market rate of return taking into account the investment risk constraints of safety and liquidity needs.

*(From Government Finance Officers Association's Sample Investment Policy).*

The Trust requires that all bank instruments, such as Certificates of Deposit, and bank deposit accounts such as checking and saving be fully protected or collateralized using one or more of the following methods:

- Federal Deposit Insurance Corporation (FDIC) deposit account insurance protection as provided for public entities;
- Collateral held by a custodian such as:
  - Federal Reserve Bank-joint custody account;
  - Third Party custodian bank
  - Bank's trust department where the collateral is held in the name of the Trust or segregated on the books of the banks for the benefit of the Trust;
- An irrevocable letter of credit issued by a federal home loan bank or other third- party institution whose credit worthiness is rated at a minimum AA or Aa rating.
- Overnight Sweep or repurchase agreements that are fully collateralized by bank holdings that are set aside in the Trust's name.

The following securities are considered acceptable for collateral and investment purposes:

- U.S. Treasury and other governmental obligations that carry the full faith and credit of the U.S. for the payment of principal and interest;
- U.S. Government or agency securities fully guaranteed by the U.S.; or
- Money market mutual funds for securing the Trust's position in regional programs as required.

Minor amendments to this policy may be made by the Executive Director as required with disclosure to the Finance Committee.

# **EFFICIENCY MAINE TRUST**

## **Personnel Manual**

### **Non-State Employees**



**April 30, 2014**

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**PERSONNEL MANUAL FOR NON-STATE EMPLOYEES**

**OF EFFICIENCY MAINE TRUST**

**MANUAL PURPOSE**

This manual sets forth philosophies and practices of employment under which employees of Efficiency Maine Trust (hereinafter referred to as Efficiency Maine) are expected to give their best service. It clarifies the organization's employment policies so that each employee may be treated fairly and equitably. This manual applies to employees who are non state employees. Efficiency Maine employees who retained their status as state employees are covered under a separate manual as well as the State of Maine's Bureau of Human Resource publications and collective bargaining agreements, where applicable.

The effective operation of Efficiency Maine depends on the integrity and competency of its employees and board members and implementing the Triennial Plan adopted by the Board of Trustees. Overall policy is set by the Board of Trustees and administered by the Executive Director. Efficiency Maine reserves the rights to amend, alter, and make exceptions to these policies and procedures at any time. Statements or actions by any employee or agent of the organization that are contrary to these policies are not authorized and, to the maximum extent allowable by law, shall not be binding on the organization.

This document is distributed for informational purposes and does not constitute a contract between Efficiency Maine and its employees.

**RESPONSIBILITY FOR THIS POLICY**

The Efficiency Maine Executive Director is responsible for ensuring the efficient use of systems according to this policy. The interpretation of appropriate use and future revisions of this policy are the responsibility of the Executive Director.

**ADOPTION OF THIS POLICY**

On May 4, 2011 the Board of Trustees at a regular business meeting adopted this policy and authorized the Executive Director to implement the policy and to make technical and minor changes without seeking additional authorization of the Board. The policy will be reviewed by the Governance Committee at least once per fiscal year for non-minor changes and/or updates which will be referred to the Board for final action:



## WORKING AT EFFICIENCY MAINE TRUST

### EQUAL EMPLOYMENT OPPORTUNITY

Efficiency Maine affirms that all persons are entitled to equal employment opportunity, regardless of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or marital status.

Specifically:

- Employment opportunities are and shall be open to all qualified applicants solely on the basis of their experience, aptitudes and abilities.
- Advancement is and shall be based entirely on the individual's achievement, performance, ability, attitude and potential for promotion.

This policy of non-discrimination applies throughout every aspect of the employment relationship, including recruitment, selection, placement, advancement, training, compensation, transfer, layoff, and termination.

### DEFINITIONS

1. **Exempt position** - An exempt position is a position paid on a salaried basis that is exempt from overtime compensation.
2. **Non-exempt position** - A non-exempt position is a position that is paid hourly, with overtime paid for time worked beyond **40 hours during the work week**.
3. **Full-time employees** - Full-time employees work at least 35 hours a week. Full-time employees are eligible to receive all benefits being provided to employees of Efficiency Maine consistent with the terms of those benefits.
4. **Part-time employees** - Part-time employees work fewer than 35 hours a week. Part-time employees are eligible to receive prorated benefits being provided to employees of Efficiency Maine consistent with the terms of those benefits. The proration will be on the basis of the assigned hours relative to a 40 hour work week.
5. **Temporary employees** - Temporary employees are hired to work fewer than 26 consecutive weeks; temporary employees may be exempt or non-exempt and full-time or part-time. Temporary employees are not hired subject to a contract between Efficiency Maine and the employee. Temporary employees are not eligible to receive benefits.
6. **Contract employees** - Contract employees are hired for a set period of time under the terms of a contract between Efficiency Maine and the employee. The terms of the contract may control the amount of pay and benefits paid and other conditions of employment. Contract employees are eligible to receive benefits depending upon their status as full- or part-time employees consistent with the terms of their contract.

7. **Limited period employees** – Limited period employees are hired for a set period of time longer than 26 consecutive weeks and are subject to other limitations on the term of the employment, such as the funding source or completion of a project. Limited period employees are not hired subject to a written employment contract. Limited period employees are eligible to receive benefits consistent with their status as full or part time employees.
8. **Conditions of employment** – Employees are considered employees-at-will unless there is a written contract in place.
9. **Compensatory time** – Compensatory time (comp time) is the grant of time-off with pay in lieu of overtime pay to compensate the employee for time worked in excess of 40 hours in a work week. Efficiency Maine does not provide comp time to employees in lieu of overtime pay nor to exempt employees who work in excess of 40 hours per week.
10. **Regular employment** – Regular employees are those whose employment is not subject to limitations on time or project completion. Regular employees may be exempt or non-exempt and full or part time. Due to limitations on their employment, temporary, contract and limited-period employees are not considered regular employees.
11. **Probationary period** –The probationary period is a six-month period beginning with the first day of work during which the employee’s performance is evaluated.
12. **Active employment** - Employment status is considered **active** when an employee is engaged in work activities and is receiving regular wages. Active status is retained through absence from work for up to 90 calendar days unless the employee absence is due to the terms of the Family Medical Leave Act (FMLA) or other statute which would establish other terms or standards.
13. **Inactive employment** - Any absence of 90 calendar days or more will result in **inactive** employment status during which paid-time off and holiday time benefits are neither paid nor earned unless the employee absence is due to the terms of the Family Medical Leave Act (FMLA) or other statute which would establish other terms or standards.
14. **Voluntary separation** – A voluntary separation occurs when an employee chooses to leave his or her position at Efficiency Maine.
15. **Involuntary separation** - An involuntary separation occurs when Efficiency Maine determines that it is in its interest to have the employee leave his or her position at Efficiency Maine.
16. **Layoff** – A layoff occurs when Efficiency Maine determines that it lacks the funding to maintain an employee’s position or that a particular project for which the employee was hired is completed.
17. **Notice of Employment** – A notice from Efficiency Maine to new employees that includes confirmation of the position, starting salary, effective date of employment, and any other matters agreed to in the employment negotiations. This notice is not a contract for employment.
18. **Personnel Directory Information** – Information about an employee that is available to the public, including but not limited to name, title, office telephone number, , fax number, business email address, and supervisor’s name.
19. **Personnel Confidential Information** – Information about an employee that is not available to the public generally includes but is not limited to home address, home

phone number, personal mobile number, salary, job performance review, personnel actions including disciplinary actions, termination notices. Should a legal determination be made that any or all of this information is public and not confidential, that determination will control Efficiency' Maine's response to any request for such information.

**20. Client or Customer Confidential Information** – Information about a client or customer that participated in an Efficiency Maine program is confidential unless release of that information is a disclosed condition of participation in the program or the client or customer has authorized release of the information. Confidential information includes but is not limited to home or business addresses, home or business phone numbers, personal or business mobile numbers, program or project in which the client or customer participated, source and amount of funding used for the benefit of the client or customer. Should a legal determination be made that any or all of this information is public and not confidential, that determination will control Efficiency' Maine's response to any request for such information.

**21.** For purposes of the **Family Medical Leave Act Policy**, the following definitions will apply:

- a. **"Spouse"** means a husband or wife as defined or recognized under Maine law.
- b. **"Domestic Partner"** means the partner of an employee who:
  - i. Is a mentally competent adult as is the employee;
  - ii. Has been legally domiciled with the employee for at least 12 months;
  - iii. Is not legally married to or legally separated from another individual;
  - iv. Is the sole partner of the employee and expects to remain so;
  - v. Is not a sibling of the employee; and
  - vi. Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.
- c. **"Sibling"** means a sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.
- d. **"Serious Health Condition"** means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

## EMPLOYMENT

### Employment Status

Due to the requirements of Efficiency Maine's enabling legislation, those employees at the Maine Public Utilities Commission who accepted positions at Efficiency Maine Trust had the option of maintaining their state employee status or of leaving state employment. For employees who maintained their status as state employees, their payroll and benefits are governed by the State of Maine law, rule and applicable collective bargaining agreement. Such employees are also subject to state holidays and state shut down or furlough days, or actions which state employees are required to take.

The following apply to all employees unless otherwise agreed in writing. Employment is divided into two broad classifications based upon an employee's job description and responsibilities, which in turn determine the basis for compensation:

- An **exempt** position or
- A **non-exempt** position

Exempt employees are expected to work the amount of time required to do their job. Exempt employees are not eligible for the payment of overtime. Exempt employees who consistently work more than 40 hours per week may request an adjustment in their daily work schedule. An adjustment in daily work schedule is at the sole discretion of Efficiency Maine and the grant or denial of a request shall not constitute a precedent or labor practice for determining the outcome of future requests.

Compensatory time is neither offered nor permitted. Employees may not claim future paid time off for excess hours worked during a work week nor may they be granted the use of compensatory time or other non-worked and paid time due to the accumulation of time worked in excess of 40 hours in any work week.

Exempt and non-exempt positions may be full-time, part-time, temporary, contract or limited period employees as defined above. An employee's status as full time, part time, temporary, contract or limited period employees will determine that employee's access to Efficiency Maine's fringe benefit package. That access is further defined by the employee's status as an active or inactive employee. For employees who take leaves of absence, the continuation of benefits depends upon the type of leave taken and any controlling statutes.

Employment status is considered **active** when an employee is engaged in work activities and is receiving regular wages. Active status is retained through absence from work for up to 90 calendar days. Any absence of 90 calendar days or more will result in **inactive** employment status, during which paid-time off, and holiday time benefits are neither earned nor paid.



## **Conditions of Employment**

Employment at Efficiency Maine is at-will unless a written and authorized employment contract is in place. Continued employment is subject to the availability of funding and satisfactory work performance. All employees are expected to maintain a positive work environment free of harassment or hostility. Employees who create a hostile work environment, in violation of the State of Maine Policy Against Harassment, the Maine Human Rights Act, or applicable federal laws prohibiting discrimination and harassment, will be disciplined and may be separated from employment at Efficiency Maine.

It is Efficiency Maine's intent that supervisory staff will provide employees with notice of deficiencies and opportunity for improvement via a plan of correction developed by the supervisor with the employee. Immediate dismissal may occur when the employee's action or inaction seriously jeopardizes Efficiency Maine as an organization, other employees, or the public interest toward which our mission is directed.

## **Executive Director**

The Executive Director is employed by and accountable to the Efficiency Maine Trust Board of Trustees. The Executive Director has the authority to hire, assign, and terminate employees. The Executive Director also has the responsibility to assure that all Efficiency Maine employees are treated equitably and fairly and with respect and dignity consistent with these policies. The Executive Director has the authority to designate another staff member to act in his/her place for either unlimited or limited periods of time, and for all or select duties and responsibilities, especially when the Executive Director will be out of the office for an extended period of time, such as vacation, extended sick or disability time or other extended absences.

## **Notice of Employment**

Each new employee will receive a notice of employment from Efficiency Maine. The letter will include confirmation of the position title, starting salary, effective date of employment, and any other matters agreed to in the employment negotiations. This notice is not a contract for employment but is meant to assure that the new employee and Efficiency Maine have a shared understanding of the terms under which the employee has been hired. The employee will sign and return a copy of the notice which will become a part of the employee's personnel file.

## **Probationary Period**

Each employee will be hired for a probationary term of six months from the date of hire. The employee may be involuntarily separated from employment during the probationary period for failure to adequately perform. The employee will receive pay and benefits agreed upon at the beginning of employment. During and at the end of the probationary period there will be an evaluation of the job performance in conformance with the job description.

Regular status will begin upon successful completion of the probationary period. If the employee does not successfully complete the probationary period, the employee is subject to dismissal or the probationary period may be extended to allow the employee the opportunity to improve areas of deficiency. The Executive Director has the authority to extend the probationary period, if it is in the interest of Efficiency Maine to do so.

### **Managing Job Performance**

Efficiency Maine ties together a number of methods to help employees do their best work. The process starts at the time of hiring and continues throughout employment at Efficiency Maine.

- 1 Orientation:** There shall be an orientation upon starting work at Efficiency Maine. That orientation should include such things as job description, job training, work goals and priorities, and a general overview of Efficiency Maine policies.
- 2 Evaluation:** The Efficiency Maine evaluation process is a systematic approach to managing work performance to meet the employee's need to know what is expected and how well the employee is performing. It is a positive approach to achieving both productivity and job satisfaction. The evaluation may be a formal written evaluation or an informal written review. Each new employee will be provided a job evaluation before the end of the probationary period. After an employee has completed a satisfactory probationary period and achieves regular employment status, that employee will be provided a job performance at least annually on or about the employee's anniversary date.
- 3 Promotion:** The individual development and growth of each employee is encouraged. The employee is ultimately responsible for his or her own job proficiency and career development, and is encouraged to seek the advice of his or her supervisor regarding interests and qualifications or training for additional responsibilities.

### **Accepting Gifts**

It is against Efficiency Maine policy for an employee to accept gifts from any person or business that conducts business, or expects to conduct business, with Efficiency Maine Trust. Conduct of business in this provision means offering goods or services for pecuniary benefit, or applying for and receiving technical or financial assistance from Efficiency Maine, provided that such assistance that is available on a "first come first served" basis does not constitute conduct of business.

For the purpose of administrative guidance, gifts do not include advertising items of nominal value such as calendars, pens, or pencils. However, goods and services which involve a pecuniary benefit should be considered to be gifts. Further, receipt of gifts from family members or from individuals with whom the employee has a relationship that pre-dates employment at the Trust is allowed.

### **Code of Ethics and Conduct**

Employees of Efficiency Maine Trust will be guided by the standards of the Code of Ethics and Conduct adopted by Executive Order 10 FY88/89 dated April 1, 1989 and incorporated into the State Personnel Policy & Practices Manual at section 6.4 pending any action that Efficiency Maine Trust may take to draft and adopt its own code of ethics and conduct.

## WORK ENVIRONMENT

### Hours of Work

Efficiency Maine is open for business between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The standard work week for full-time employees is 40 hours.

It is expected that non-exempt staff will not be working before or after their regular work schedule unless the Executive Director, or the Executive Director's designee, has given advanced approval. Due to the nature of Efficiency Maine's work, it may be necessary at times for an employee to work overtime or to change scheduled hours. This means that the employee must occasionally be flexible in his or her work schedule. All schedules and compensation will be in compliance with federal and state laws.

Exempt employees are not eligible for the payment of overtime. Exempt employees who consistently work more than 40 hours per week may request an adjustment in their daily work schedule. An adjustment in daily work schedule is at the sole discretion of Efficiency Maine and the grant or denial of a request shall not constitute a precedent or labor practice for determining the outcome of future requests.

### Telecommuting

It is the policy of the Efficiency Maine Trust to support telecommuting opportunities for employees in appropriate circumstances. Telecommuting has the potential to provide benefits by reducing energy consumption and decreasing environmental impacts, including greenhouse gas emissions. In appropriate circumstances, telecommuting may increase productivity through better time management and work quality and improve employee morale, which can improve employee retention and recruitment. It can also reduce the use of sick or personal time off (PTO).

The central office is presently located in Augusta. A satellite office is located in Westbrook. The Executive Director will assign one day of the week as the day on which all staff are expected to work from the central office for an All Staff Meeting and other weekly team meetings. For the other days of the work week, the Executive Director may approve a Flexible Telecommute Assignment, which will consist of the number and specific days of the week that the employee is expected to telecommute, subject to retaining flexibility regarding meetings held at the office or outside the office.

Employees who reside within 10 miles of the satellite office, measured using the most direct route, are expected to work from that office on days that they telecommute, unless an exception is made by the Executive Director. Employees residing 10 or more miles from the satellite office are expected to work from their home on days that they telecommute. On all other work days, an employee is expected to work from the central office.

On a day that an employee must travel for a work-related meeting or event outside of the office, it is expected that the employee will commute to the office that is closest to the location of the meeting or event and that this will determine the employee's Flexible Telecommute Assignment for the specific day of travel. Reimbursable miles of a work-related meeting or event outside of the

office are the total miles traveled minus the miles the employee travels, or would have travelled, commuting to the office closest to the meeting or event.

Employees who work from home are responsible for assuring the protection of any confidential or personal information as well as the equipment assigned to them. Given the vulnerability of security on wireless networks, the exchange or transmission of confidential or otherwise protected information over an unsecured internet connection is prohibited unless all other means of communication have been exhausted and transmission of the information is extremely urgent. In general, transmission of sensitive information should be limited when using public wireless systems.

### **Inclement Weather**

The Efficiency Maine office will be closed when determined by the Executive Director or designee due to inclement weather. When an inclement weather closing is anticipated and working from home is practical, Efficiency Maine staff is expected to work from home.

### **Emergency Closings**

If the office is officially closed prior to or during the workday due to inclement weather or other emergency condition, the employee will be paid a full day's pay. If an employee is called in or needs to remain after a closing and is eligible for overtime pay, the employee will be paid at overtime rates for any approved hours worked after the organization has closed.

The decision to close the office will be made by the Executive Director or the Executive Director's designee. Employees will be notified of closings by a supervisor or a general email notification circulated to employees.

### **Attendance and Promptness**

The employee must advise their supervisor as soon as possible if the employee is going to be absent or more than one-half hour late. If an absence is due to illness that extends to more than 3 consecutive days the supervisor may request medical documentation from the employee's attending physician, as well as a medical authorization to return to work.

### **Work Attire**

Efficiency Maine's office is accessible to the public and employees also perform a number of duties and attend meetings outside of the office. Employees' attire and appearance should be appropriate for a given occasion. The standard for office attire is business casual. The following clothing items are not considered appropriate business casual attire: sweat clothes, workout attire, shorts, flip-flops, and ripped, torn or unclean clothing or other attire that projects a less than professional appearance.

### **Personal Calendars**

Each employee will have shared access to personal calendars maintained on Outlook. Employees are responsible for maintaining their personal calendars up-to-date, especially with planned time out of the office or work from home dates.

Each employee should plan ahead as much as possible and update their calendar when that employee will be out of the office for:

- work at home
- work at other locations when the employee will not be in the office, or
- time off , whether paid or unpaid

Employees should notify their supervisor and the Administrative Secretary when they are out ill. Employees should update their calendars and the Administrative Secretary will send a notification email to the staff concerning the absence only.

### **Safety and Health**

Efficiency Maine provides a safe and healthy work environment. Each employee has a responsibility to ensure that safety and health considerations are an integral part of all operations, thereby preventing injuries, health hazards, and property damage.

Despite these precautions, an employee may have an accident and be injured on the job. If this occurs, the employee should immediately notify his or her supervisor, regardless of the injury's severity. Supervisors who are aware of an accident will take responsive action to assist the employee and decrease the likelihood of other similar or further injuries.

The supervisor who has received notice of an injured employee will immediately inform the CFO and/or the Administrative Secretary who will initiate necessary Workers' Compensation forms.

### **Prohibition of Discrimination and Harassment**

Discrimination against and/or harassment of employees on the basis of race, color, sex, age, national origin, religion, physical or mental disability, sexual orientation, whistleblower activity, or previous assertion of a claim under the Workers' Compensation Act is illegal. In addition, discrimination and/or harassment on the basis of creed, political affiliation, veterans' status, or marital status violates Efficiency Maine Policy. It is the policy of Efficiency Maine that unlawful or otherwise inappropriate harassment of or by employees and others have no place, and will not be tolerated, in the organization. All employees should be free to enjoy a working environment free from all forms of discrimination, including unlawful harassment based upon the protected class statuses listed in equal employment opportunity section of this handbook.

There are many forms of unlawful harassment. Sexual harassment means unwelcome sexual advances or propositions, requests for sexual favors, and similar verbal or physical conduct that is offensive to the individual, harms morale and/or interferes with the effectiveness of the

organization. Unlawful or otherwise inappropriate harassment means unwelcome comments, jokes, acts, and other verbal or physical conduct related to race, color, sex, age, national origin, religion, physical or mental disability, sexual orientation, whistleblower activity, or assertion of a workers' compensation claim that is offensive to the individual, harms morale, and/or interferes with the effectiveness of the organization. Such conduct is prohibited whenever it directly or indirectly threatens an employee with termination or a change in the conditions of employment, is used as a basis for an employment decision, or has the purpose or effect of interfering with an employee's work performance or creating an intimidating and hostile or offensive working environment.

Each employee has the right and is urged to report unlawful or inappropriate harassment that takes place so that appropriate action may be taken. At an employee's request, and to the extent possible, complaints will be handled on a confidential basis. If an employee believes that he or she has experienced unlawful or inappropriate harassment, the employee should report the problem to his or her supervisor or to the Executive Director without fear of jeopardizing the employee's position. Any employee subject to unlawful or inappropriate harassment by his or her supervisor is not required to work through the supervisory chain, but should report such harassment, immediately, directly to the Executive Director.

Notice and training will be provided consistent with 26 MRSA section 807.

## **Smoking**

For the good health of all who work at or visit Efficiency Maine, smoking is prohibited at Efficiency Maine offices and property, and at its functions. Smoking is prohibited within an area of approximately 50 feet from any building entrance or window or as defined either by law or the owner of space leased by Efficiency Maine.

## **Firearms and Weapons**

The use, sale, distribution, possession or presence of firearms or weapons on the premises of Efficiency Maine is prohibited.

## **Drug-Free Workplace**

Alcohol may be consumed, when and where appropriate, in connection with social events on the premises of Efficiency Maine offices that are sanctioned by the Executive Director

The "Drug-Free Workplace Act of 1988" requires that grantees of federal agencies and most federal contractors certify that they will provide and maintain a drug-free workplace. Efficiency Maine maintains a strong commitment to provide a safe and healthy environment for its employees and the public they serve. Consistent with that commitment, Efficiency Maine will implement this policy for all employees to ensure a work environment free from the effects of drug abuse.

Efficiency Maine retains the right and responsibility to expect each employee to report for work and to perform his/her duties in a manner which does not jeopardize the health and safety of co-workers and the public. Work performance impaired by alcohol or drugs poses a threat to the well-being of employees and the public. Some of the drugs which are illegal under federal, state or local laws include marijuana, heroin, hashish, cocaine, hallucinogens, and depressants and stimulants not prescribed for current medical treatment by an accredited physician.

Employees may voluntarily seek assistance in dealing with drug or alcohol problems through the Employee Assistance Program (EAP). The EAP will provide consultation and referral to an appropriate treatment resource. Any employee may participate in the Employee Assistance Program without jeopardizing his/her employment status. However, voluntary participation in the Employee Assistance Program will not diminish appropriate disciplinary action for a violation of this or other policies.

Any employee who is under the influence of alcohol or illegal drugs on the job has the potential for disrupting his or her own, as well as co-workers', safe and efficient performance of duties. Employees under the influence of alcohol or illegal drugs on the job may be subject to disciplinary action up to and including termination of employment.

The illegal manufacture, distribution, dispensing, sale, use or possession of narcotics, drugs, or controlled substances is strictly prohibited on the job or in the workplace and shall constitute a



dischargeable offense. 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.

When any convicted employee is paid from federal funds the organization shall notify its federal funding agency within ten (10) days after receiving such notification. Upon notification of a conviction it shall be the responsibility of the Executive Director to terminate the employee.

It shall be the responsibility of Efficiency Maine to:

- (a) advise and inform employees of the dangers of drug and alcohol use and abuse on the job or in the workplace; and
- (b) advise and inform employees of the Employee Assistance Program and rehabilitation services.

It shall be the responsibility of each employee to abide by the terms of this work rule.

### **Expectations of Behavior**

Employees of Efficiency Maine have frequent interaction with state government officials, federal government officials; federal, state and local elected representatives, business representatives, public interest groups, the media and the general public, and all employees are expected to conduct themselves in a professional and business-like manner. Employees are expected to avoid situations that may create a conflict of interest and are expected to act in such a way as to not compromise the organization's effectiveness.

### **Separation from Employment**

There are several ways employment with Efficiency Maine could be terminated: voluntary separation, involuntary separation, and layoff.

1. **Voluntary separation** – A voluntary separation occurs when an employee chooses to leave their position at Efficiency Maine. Such a termination should be accompanied by a letter of resignation or retirement and include a minimum two-week notice. Employees may not work out their notice period using paid time off.
2. **Involuntary separation** - An involuntary separation occurs when Efficiency Maine determines that it is in its interests to have the employee leave their position at Efficiency Maine. Such a termination is generally immediate in nature, although the Executive Director may determine that another date is appropriate. Separating employees will be paid their earned and available paid time off through their separation date

3. **Layoff** – A layoff occurs when Efficiency Maine determines that it lacks the funding to maintain an employee’s position or that a particular project for which the employee was hired is completed. In the event regular positions must be cut due to lack of funding Efficiency Maine will provide incumbents with as much advanced notice as possible, given the circumstances. Efficiency Maine intends to provide minimum 30-days notice, but reserves the right to provide a shorter notice period if circumstances warrant. The layoff notice will provide the employee with information about any separation package, if such a package is available. It is the intention of Efficiency Maine to pay separating employees their earned and available paid time off through their separation date.

## **COMPENSATION AND BENEFITS**

### **PAY POLICY AND PRACTICES**

#### **Policy**

It is the general policy of Efficiency Maine to pay wages that are competitive with what other organizations pay for comparable jobs and that are within Efficiency Maine's resources, in order to attract and retain excellent employees who perform well.

#### **Payroll**

Employees will be paid bi-weekly by check or direct deposit based upon the employee's submitted and approved bi-weekly time sheet. The employee's timesheet will be submitted to the supervisor before the last day of the payroll period, which shall run from Saturday through Friday. The timesheet will detail the employee's time worked, paid time off and unpaid time off. The employee will allocate the paid hours to the program or programs where the employee is assigned and/or worked.

Detailed information about pay period earnings, year-to-date earnings and deductions from pay will be distributed with the bi-weekly payroll and is also available upon request. As required by law, federal and state income taxes and FICA (Social Security) tax must be withheld.

#### **Overtime**

The federal Fair Labor Standards Act governs overtime pay, and non-exempt (hourly) employees are paid time-and-a-half for above 40 hours in a week. Efficiency Maine attempts to structure the work schedule so that overtime by hourly employees is not normally required. Due to the nature of the work of Efficiency Maine, overtime work may be necessary from time to time, especially to complete special projects.

For non-exempt employees, the Executive Director, or the Executive Director's designee, must approve in advance all hours in excess of 40 per week. Overtime over 40 hours a week or hours worked on a paid holiday will be compensated as a rate of 1-1/2 times the straight hourly rate. Overtime is paid only on total hours actually worked.

Exempt employees are expected to work the hours necessary to meet the responsibilities of their positions without compensation for overtime. It is recognized that this may include working evenings, weekends, and holidays.

## EXPENSE REIMBURSEMENT

Efficiency Maine's travel, mileage reimbursement and use of business credit card policies are fully stated in the Travel Policies. Those procedures and policies are controlling and employees are responsible for following and enforcing those policies.

## TIME OFF

### Holidays

Efficiency Maine observes twelve scheduled holidays for which the office is closed. A schedule of these holidays is published each December for the following calendar year. Provided that one is actively employed the day before and the day after the holiday, a full-time employee will be paid for these holidays. Part-time and temporary employees will be paid only if they are regularly scheduled to work that day.

New Year's Day	Martin Luther King, Jr. Day
President's Day	Patriot's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Thanksgiving Friday	Christmas Day

### Paid Time Off

In lieu of vacation, sick and personal time, employees will be granted paid time off (PTO). Paid time off should be coordinated with and approved by supervisors to assure that the work of Efficiency Maine will continue with minimal disruption. Employees who need to use unplanned PTO must contact the office as soon as possible and report their absence to their supervisor. Should an employee exhaust their available PTO the employee may request the use of unpaid time off, subject to approval of the Executive Director or designee.

PTO will be granted on a fiscal year basis to full time employees. PTO will be granted to part time employees on a prorated basis of their assigned hours relative to a 40 hour work week. The Notice of Employment will include the amount of PTO being granted to each employee.

All employees will accrue earned and available PTO on a pay period accrual basis, and will be able to use earned and available PTO. The use of PTO in excess of an employee's earned and available PTO may be approved on an individual basis and will be netted against future earned and available PTO. The approval of such paid time off is at the discretion of Efficiency Maine and should an employee leave employment either voluntarily or by termination, the employee will reimburse Efficiency Maine for the excess unearned time used. This provision may be waived by the Executive Director at his or her sole discretion.

Employees may carry over earned and available PTO at the end of the fiscal year for six months only. At the end of the six-month period any unused PTO from the prior fiscal year will expire and be deducted from the employee's available time. The use of PTO is on an earned time basis, meaning that the PTO used starts from the earliest earned time.

## Leaves of Absence

### Family Medical Leave and Military Family Leave Entitlements Policy

The contents of this policy are adopted from the State of Maine Family and Medical Leave Policy for Employees of Maine State Government. Efficiency Maine will use the State's policy as guidance in administering its own policy. Anyone contemplating the use of Family Medical Leave or Military Family Leave should discuss the issue and the policy with the Chief Financial Officer as soon as practical.

The purpose of this policy, and the State and Federal Laws on which this policy is based, is to balance the family and work needs of Efficiency Maine employees by providing eligible employees up to 12, and in some circumstances 26, weeks of unpaid leave per year for family and serious health matters, with the assurance that they will be restored to the position, status, benefits, and benefit levels that were in effect for them immediately prior to their leave.

Leave under this policy is computed on a calendar year basis beginning on January 1 of each year. The method for computing time for the purpose of caring for a covered servicemember is covered in the Military Caregiver Leave section of this policy.

The provisions and benefits of this policy are available to all Efficiency Maine employees who, at the time the leave begins or is scheduled to begin, have at least one year of employment (at any time and in any position, including temporary positions). This time does not need to be consecutive. An employee who is not eligible for FML at the beginning of his/her leave may begin FML once s/he becomes eligible.

1. For permanent and limited period positions (full-time and part-time), the one-year employment requirement must include all periods of authorized leave, paid or unpaid. **Note: the number of hours of work is not a consideration. A part-time employee who works for 12 months satisfies the same eligibility requirements as a full-time employee who works for 12 months.**
2. For seasonal positions (full-time and part-time), the one-year employment requirement will include only those months worked during the season. Time on authorized leaves during the season must be counted as time worked for this purpose. As example, a seasonal employee who works four months per season would be eligible at the start of the fourth season.
3. For acting and project appointments to full-time and part-time positions, the one-year requirement must include all employment time from the begin date to the end date.
4. For intermittent positions, the one-year eligibility requirement will be met upon the completion of 2080 hours in intermittent status.

5. If an employee requesting FML for the serious medical condition of a domestic partner has not previously submitted documentation of the domestic partnership for health insurance purposes, the Department may require the documentation for the purposes of determining eligibility for FML.
6. Once an employee is determined to be eligible for FML based on employment status, the medical certification process to determine whether s/he meets the necessary requirements for the type of leave being requested must be implemented.

#### Leave Provided by the Policy

- A. This policy provides eligible Efficiency Maine employees up to 12 weeks of unpaid Family Medical Leave each calendar year:
  - a. For pregnancy or birth of a son or daughter or a domestic partner's son or daughter and to care for the newborn child;
  - b. For placement with the employee or the employee's domestic partner of a son or daughter for adoption or foster care;
  - c. To care for the employee's spouse, domestic partner, son, daughter, sibling, parent, or domestic partner's son or daughter with a serious health condition;
  - d. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
  - e. Because of any qualifying exigency arising out of the fact that the employee's spouse, domestic partner, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
  - f. Because of the donation of an organ by the employee for a human organ transplant.
- B. In addition to the above, eligible employees are entitled to up to 26 weeks of unpaid Military Family Leave Entitlements during a single 12-month period to care for a covered military servicemember with a serious injury or illness if the employee is the spouse, domestic partner, son, daughter, sibling, parent, or next-of-kin of the servicemember.
- C. Eligible employees are also entitled to 15 days unpaid leave if the employee is the spouse, domestic partner or parent of a servicemember who is deployed for military service for a period lasting longer than 180 days when the duty assignment is in a combat theater or in an area where armed conflict is taking place.

#### Military Leave

Employer requirements and employee rights associated with leave for military service are found in the federal *Uniformed Services Employment and Reemployment Rights Act of 1994* (U.S. Code Title 38, Ch. 43), and various Maine statutes.

Employees must be granted military leave to enter military service or participate in training, whether voluntarily or involuntarily, in peacetime or in wartime. The type and duration of military duty will determine whether the employee remains in pay status.

**Military Leave with Pay:** Employees are allowed up to 17 work days in each calendar year without loss of pay or benefits when engaged in any form of military duty.

**Military Leave without Pay:** When military service exceeds the 17 work days authorized for military leave with pay, the employee must be placed on unpaid military leave. Employees may use, but are not required to use, accrued vacation, compensatory, or personal leave when entering unpaid military service. Provisions for the optional use of accrued vacation, compensatory, or personal leave also apply to employees who are called to active state duty by the Governor.

**Re-employment:** The guiding principle of the USERRA and Maine law is that an employee performing military service is not to suffer any detriment in employment and should be treated as if he or she had not left employment. Employees who enter military service retain reemployment rights under both the *Uniformed Services Employment and Reemployment Rights Act of 1994* and Maine law. Exceptions are narrowly restricted to persons who hold temporary, non-recurrent employment. Although certain criteria are required for an employee to exercise his or her reemployment rights, denial of reemployment to a returning service member should be considered an extraordinary situation. The Executive Director should be consulted if any adverse action is contemplated.

An employee who enters military service on a short-term basis would generally be returned to the position that he or she left. Employees who enter military service on a long-term basis would be returned to the position that he or she left or be returned to a position of like status and pay for which he or she is qualified. The Executive Director should be consulted if denial of reemployment for any reason is contemplated.

Upon the completion of service (less than 31 days, including weekend drills) employees are also entitled to reasonable time for return travel, and an eight-hour period of rest, before returning to work. The allotted time to apply for reemployment increases incrementally, depending upon the length of service.

#### Bereavement Leave

The death of someone close is an extremely difficult time. Efficiency Maine recognizes that it is usually better for an employee to be with family and friends than trying to work when thoughts are elsewhere due to the death of someone close to the employee. Efficiency Maine provides up to five days off with pay in the event of the death of a partner or spouse, parent, or child; up to three days off with pay in the event of the death of a mother-in-law or father-in-law, brother or sister; and one day off with pay in the event of the death of any other relative.

#### Jury Duty and Court Appearances

Leave for jury duty and court appearances shall be granted with pay with prior approval of the Executive Director, except for appearances in personal matters. Leave with pay shall not be granted in any personal action initiated by or against an employee that is not work related. The employee will be eligible for the net difference between their normal payroll for the day when jury duty or a court appearance is scheduled and the amount received by the employee from the

court or participants. The amount received will be reported to Efficiency Maine with a copy of the payment and the amount will be netted from the employee's next payroll.

#### Unpaid Personal Leave of Absence

Leaves may be approved for education or special and non-recurring events which require an employee's full-time attention. The request for a leave is directed to the employee's supervisor, who will consider the employee's work record, performance and work conditions at the time of the request. In most cases, a leave will be without pay, and paid time off will not accrue. (See "Employment Status" for more details.) Unless there is written agreement otherwise, the job of an employee on Personal Leave of Absence is not guaranteed when the employee returns from the leave. If positions for which the employee is qualified are not available, employment will be terminated, and the employee will be placed on a waiting list and given preference when such a position becomes available.



## **FRINGE BENEFITS**

### **Retirement Plan**

Efficiency Maine will provide employees with access to a 401(k) retirement plan. Employees will be eligible to enroll and participate in the retirement plan (the "plan") at the beginning of the next month following the completion of 30 calendar days of employment.

Efficiency Maine will match employee contribution up to a maximum of 5% of the employee's earnings. Participation by the employee is voluntary and is restricted to the plan sponsored by Efficiency Maine. The match will only be made into the sponsored plan only, and employees who do not participate in the plan are not entitled to the forgone match through a cash payment, change in earnings or payment into another plan. Employees who participate in the plan but who do not contribute the full 5% match are not entitled to more than the match to their level of contribution through a cash payment, change in earnings or payment into another plan. Employees will be fully vested to receive the employer's match on the first anniversary of their hire date.

Plan documents and a plan summary will be made available as required by law.

### **Section 125 Premium Only and Flexible Spending Plans**

Efficiency Maine will provide employees with access to a section 125 premium only plan and flexible spending accounts.

### **Health Insurance Coverage**

Efficiency Maine will provide health insurance coverage for its full time permanent employees. Health insurance coverage for part time employees will be subject to restrictions by Efficiency Maine's health insurance provider. Efficiency Maine's share of health insurance costs for part-time employees eligible for health insurance will be prorated based upon the employee's assigned hours relative to a 40 hour work week. The premium in excess of Efficiency Maine's share will be the employee's responsibility. Efficiency Maine pays 90% of a single employee premium, and then 60% of the additional premium coverage for spouse, children and family plans. The amount of Efficiency Maine's premium contribution is subject to change each anniversary date for the health insurance policy.

### **Health Insurance Deductible Cap**

Efficiency Maine assists employees by assuming responsibility for a portion of the employee's deductible. Efficiency Maine will reimburse employees a portion of the deductible up to \$2,500 for Employee only coverage and up to \$5,000 for all other coverage levels (Family, Employee & Spouse, Employee & Children). Employees are responsible for the remaining deductible. The Employee will pay for 50% of their portion of the deductible before Efficiency Maine's

reimbursement begins. Once Efficiency Maine's reimbursement portion is exhausted, the Employee will be responsible for the remaining deductible amount.

Example: Employee Only Coverage Deductible \$3,000, All Other Coverage Deductibles \$6,000 (Deductible amounts are intended as examples only, and are subject to change depending on plan year or plan design)

<b>Employee Only Coverage:</b>	<b>All Other Coverage Levels:</b>
Employee pays first \$250 of deductible	Employee pays first \$500 of deductible
Efficiency Maine reimburses \$2,500	Efficiency Maine reimburses \$5,000
Employee pays the final \$250	Employee pays the final \$500

The health plan deductible and Efficiency Maine's participation is subject to change each anniversary date for the health insurance policy.

### **Dental Insurance Coverage**

Efficiency Maine will provide dental insurance coverage for its full time permanent employees. Efficiency Maine will pay the full cost for the employee coverage only and 50% of the cost of additional coverage for spouse, child or family coverage. The employee will be responsible for the remaining portion of the insurance premium. Efficiency Maine's participation is subject to change each anniversary date for the dental insurance policy.

### **Life Insurance Coverage**

Efficiency Maine will provide each full time employee with life insurance equal to one-year's salary at Efficiency Maine's cost. Efficiency Maine's participation in providing this coverage at its cost is subject to change each anniversary date for the life insurance policy.

### **Short-Term Disability Insurance Coverage**

Efficiency Maine will provide each full time employee with short-term disability life insurance coverage at Efficiency Maine's cost. Efficiency Maine's participation in providing this coverage at its cost is subject to change each anniversary date for the short-term disability insurance policy.

### **Long-Term Disability Insurance Coverage**

Efficiency Maine will provide each full time employee with long-term disability life insurance coverage at Efficiency Maine's cost. Efficiency Maine's participation in providing this coverage at its cost is subject to change each anniversary date for the long-term disability insurance policy.

## **PROFESSIONAL ADVANCEMENT AND IMPROVEMENT**

### **Employment Related Seminars and Training:**

Efficiency Maine supports employees' desire for continuing education when their attendance at seminars, and training sessions or courses can be expected to help in the performance of their jobs.

Considerations include:

- Maintaining an appropriate job certification
- Maintaining an appropriate professional certification
- Attaining an appropriate job certification
- Attaining an appropriate professional certification
- Learning about new programs or policies that affect either the job or Efficiency Maine
- Learning about job-related activities or requirements

An employee desiring to attend employment related seminars and/or workshops shall submit a request to the Executive Director via his or her supervisor. If approved, Efficiency Maine will pay in advance for the seminar/workshop. The employee is responsible for attending the event and must reimburse Efficiency Maine if he/she does not attend.

### **Employment Related Professional Associations:**

Employees may also submit a request for a job-related professional association membership. While it is the intention of Efficiency Maine to encourage membership and participation in professional associations and to pay the annual cost of a single professional membership, approval is at the sole discretion of Efficiency Maine.

Memberships in more than one professional association will be considered on an individual case basis. The requesting employee will need to make the case for why membership in more than one professional association is of value to the employee and to Efficiency Maine. Approval is at the sole discretion of Efficiency Maine.

## **OTHER POLICIES**

### **EQUIPMENT POLICIES**

#### **Use of Efficiency Maine branded or identified material, equipment and space**

Employees may use Efficiency Maine branded or identified material, equipment and office or other rented space for job activities only, except as noted below regarding mobile devices. The Efficiency Maine branding and its equipment and materials may not be used for political or personal purposes, or for commercial purposes that are not directly related to the work of Efficiency Maine.

Such branded materials included, but are not limited to:

- Efficiency Maine logo
- Efficiency Maine letterhead stationery
- Employee's title at Efficiency Maine on non-job related communication that could be construed as an endorsement
- Efficiency Maine's name, address, phone and fax numbers, email address
- Efficiency Maine website
- Efficiency Maine endorsement of any good, service, provider, political candidate or other non-job related endorsement
- Efficiency Maine branded advertising give-aways
- Equipment owned or leased by Efficiency Maine
- Space leased or owned by Efficiency Maine

Where there is a question, employees should seek direction from their supervisor or senior management before taking action. All such decisions should err on the side of caution. Any inadvertent misuse of the Efficiency Maine brand should be immediately reported to the Executive Director or designee.

#### **Efficiency Maine Supplied Equipment**

Efficiency Maine will provide employees with the equipment necessary to accomplish the job for which the employee was hired including laptops or personal computers. Employees are expected to use the equipment as intended and to treat it in a manner which will assure its longevity and continued use. Intentional misuse or abuse of equipment will cause the employee to surrender the equipment upon request. All equipment assigned to an employee will be returned in good order, except for normal wear and tear, upon termination or request.

Employees will be provided Internet access for job-related use. Intentional misuse or abuse of Internet access will lead to the termination of access. Efficiency Maine reserves the right to periodically audit the contents of the laptops and personal computers and personal drives to be assured that no unlawful content has been stored on the employee's computer or the server, no matter how the content was delivered. Any unlawful content found will require the immediate surrender of the computer and referral to law enforcement authorities.

Equipment provided and individually assigned may include some or all of the following items:

- Desk or work surface and chair
- Cabinet(s)
- Storage shelves or units
- Desk telephone
- Desk top calculator
- Laptop computer, docking station and monitor with internet access
- Mobile devices (Blackberry, Smart Phones or similar devices) with telephone, internet and email access
- Cell phone
- Virtual Private Network (VPN) access to supplied laptop, only

Employees may not provide or utilize their own equipment to conduct the business of Efficiency Maine except in the case of Blackberry or similar devices or cell phones, with permission of the Executive Director or designee. In the case of approved use of personal mobile devices or cell phones Efficiency Maine will provide at its cost a service plan the same as or similar to the plan being provided for Efficiency Maine provided equipment.

### **Mobile Devices**

Mobile devices may be issued when it is more cost effective and efficient than landlines/desk phones, or pagers or where the employee's ability to communicate remotely from the office is integral to their ability to perform their job. The term mobile device includes mobile phones, cell phones, Blackberry devices, smart phones, and other Personal Data Assistant (PDA) devices, with cellular communications capability. Mobile devices assigned to an employee will be returned in good order, except for normal wear and tear upon termination or request. Employees are required to lock their mobile devices via a PIN or Password when not in use.

Eligibility: Mobile devices shall be issued based on one or more of the following job requirements:

- Employee's job requires field work where landline phones are inaccessible or inefficient
- Employee's job requires immediate or on-call availability
- Employee's job requires travel and availability via cellular device

Efficiency Maine devices are issued to an individual for their job functions and remain the property of Efficiency Maine. The downloading of applications is limited to job-related applications only, and any applications or contents downloaded or stored on the device is the property of Efficiency Maine.

Job-related applications must be approved by a supervisor before the application and any subscription costs are incurred and become the responsibility of Efficiency Maine. If an employee downloads an application that is not job-related and that has a cost either for the download or an ongoing subscription cost, the employee will discontinue the service and will reimburse Efficiency Maine for all costs incurred by the application. Any application, whether or not it is job-related and/or authorized by Efficiency Maine that contains offensive or unlawful material will be removed immediately by the employee without waiting for direction.

Efficiency Maine reserves the right to periodically audit the contents of the device to be assured that no unlawful content has been stored on the device, no matter how the content was delivered to the device. Any unlawful content found will require the immediate surrender of the device and referral to law enforcement authorities.

## **PERSONAL PHONE CALLS**

While Efficiency Maine recognizes the need for personal phone calls, these calls should be kept to a minimum frequency and time length during normal work hours. Under no circumstances is the toll-free number to be used for incoming personal calls. Excessive personal telephone use during normal work hours interferes with work flow.

Employees who are issued a mobile device with a calling plan of unlimited minutes may make personal calls during non-work hours but may not use the device for any political purposes.

## **USE OF CONTACT AND CONFIDENTIAL INFORMATION**

Efficiency Maine staff has a responsibility for protecting confidential information. Such information includes certain personnel, and client or customer information. Confidential client or customer information includes acknowledgement of participation in a program unless release of that information is a disclosed condition of participation in the program or the client or customer has authorized release of the information in a press release, marketing material or other communication.

Prior authorization by the Executive Director, Program Director, Communications Director or Chief Financial Officer, or their designee, is required for all list serve use including email lists and lists of names and addresses.

Employees are not to use Efficiency Maine list serves for non-job related activities, nor are such lists to be sold or conveyed to anyone outside of Efficiency Maine unless the third party is a contractor or consultant with a valid need for access to that list. Approval for access is through the Program Director. In the case of mailing lists that have names and addresses of persons, especially those who have received services through Efficiency Maine, confidentiality and personal privacy are of utmost concern.

Where there is a question, employees should seek direction from their supervisor or senior management before taking action. All such decisions should err of the side of caution. Any inadvertent misuse of the Efficiency Maine list serve should be immediately reported to the Executive Director or designee.

Employees are also required to read and sign an acknowledgement that they agree to and understand a separate Confidential Information Management System policy.

## INTERNET, ELECTRONIC MAIL AND VOICE MAIL POLICY

Electronic Mail (email) and voice mail are corporate assets and critical components of communication systems. The email and voice mail systems are provided by the company for employees to facilitate the performance of company work and their contents are the property of Efficiency Maine. Efficiency Maine management reserves the right to retrieve the contents for any reason, including but not limited to finding lost messages, to comply with investigations of wrongful acts, or to recover from system failure.

Personal use of email or voice mail by employees is allowable, but should not interfere with or conflict with business use. Employees should exercise good judgment regarding the reasonableness of personal use. Any personal use must be of an incidental nature and not interfere with business activities. Personal use must not involve solicitation, must not be associated with any outside business activity or personal gain, must not be libelous or defamatory, must not violate the Efficiency Maine's Policy on Employee Harassment, must not potentially embarrass Efficiency Maine, its Trustees, Executive Director, stakeholders, grantor agencies or its employees or be used for any unlawful purpose. Copyright restrictions and regulations shall be observed. The information communicated over agency e-mail systems is subject to the same laws, regulations, policies, and other requirements as information communicated in other written forms and formats and is not to be utilized for political purposes.

### E-mail Use Privacy and Access

E-mail messages are not personal and private. Managers, supervisors, and technical staff may access an employee's e-mail for reasonable business purposes, including but not limited to:

- for a legitimate business purpose (e.g., the need to access information when an employee is absent);
- to diagnose and resolve technical problems involving system hardware, software, or communications;
- to comply with legitimate requests filed under the Freedom of Access Act or Freedom of Information laws; and/or
- to investigate possible misuse of e-mail when a reasonable suspicion of abuse exists or in conjunction with an approved investigation.

Additional provisions regarding email include:

- An employee, with the exceptions noted above, is prohibited from accessing another user's e-mail without his or her permission.
- *All e-mail messages including personal communications* may be subject to discovery proceedings in legal actions.
- *All e-mail messages sent or received by Efficiency Maine Trust staff and which are not otherwise protected by law, are public documents and may be released to the public under the Freedom of Access Law.*

## **E-mail Security**

E-mail security is a joint responsibility of technical staff and e-mail users. Users must take all reasonable precautions, including safeguarding and changing passwords, to prevent the use of their e-mail account by unauthorized individuals.

## **E-mail Communications Management and Retention**

### Applicable to all e-mail messages and attachments

Since e-mail is a communications system, messages should not be retained for extended periods of time.

Users should:

- remove or archive all e-mail communications in a timely fashion, and,
- delete records of transitory or little value that are not normally retained in record keeping systems as evidence of an agency's activity.

### Applicable to records communicated via e-mail

E-mail created in the normal course of official business and retained as evidence of official policies, actions, decisions or transactions are records and are subject to the records management requirements documented by the Maine State Archives. (A copy of the Maine State Archives' *State of Maine E-Mail and Voice Mail Retention Guide 2008* is available in the office and should be reviewed by employees). Records communicated using e-mail need to be identified, managed, protected, and retained as long as they are needed to meet operational, legal, audit, research or other requirements.

Examples of messages sent by e-mail that typically are records include:

- policies and directives
  - correspondence or memoranda related to official business
  - work schedules and assignments
  - agendas and minutes of meetings
  - drafts of documents that are circulated for comment or approval
  - any document that initiates, authorizes, or completes a business transaction
  - final reports or recommendations
- Some examples of messages that *typically do not constitute records* are:
- personal messages and announcements
  - copies or extracts of documents distributed for convenience or reference
  - phone message notes

## **Roles and Responsibilities**

- Executive management will ensure that the policy is implemented by staff
- The Administration Division will develop and/or publicize record keeping practices in their area of responsibility including the routing, formatting, and filing of records communicated via e-mail. They will train staff in appropriate use, including appropriate personal use of e-mail that does not result in performance issues, and be responsible for ensuring the security of physical devices and passwords.



- The Administration Division is responsible for e-mail security, backup, and disaster recovery.
- Users are responsible for adherence to this policy.

### **Proper Usage**

Including but not limited to the following, all e-mail users will:

- understand that personal use must be of an incidental nature only
- comply with agency and unit policies, procedures, and standards
- protect confidentiality
- be aware that sending e-mail of a political nature (supporting candidates, soliciting contributions, etc.) is against the law and subject to criminal penalties (5 U.S.C. §1501 et seq., and 5 M.R.S.A. §7056-A 5 M.R.S.A §1976)
- immediately delete any chain letters received through the e-mail system
- protect passwords
- respond to e-mail in a timely fashion
- not in any way use e-mail access or transmit prohibited content of a sexual nature
- delete any messages that may contain offensive material and report to management
- remove personal messages, transient records, and reference copies in a timely manner
- not use e-mail for outside business activity or personal gain
- observe all copyright restrictions and regulations
- not use e-mail for any unlawful or illegal purpose
- not use e-mail to promote discrimination on the basis of race, religion, national origin, disability, sexual orientation, age, marital status, gender, or political affiliation
- not create e-mails that may be defamatory or libelous
- consider organizational access and retention requirements before sending, filing, or destroying e-mail messages
- be courteous and follow accepted standards of etiquette
- not use the e-mail system to solicit for causes unrelated to agency business
- not knowingly send or receive e-mails that contain a virus

### **Violations of this policy**

Any violation of this policy could result in disciplinary action up to and including termination.

Use of email and voice mail is limited to employees and authorized vendors, temporaries, or contractors. Employees and authorized users are responsible to maintain the security of their accounts and their passwords.

Efficient use of the email and voice mail systems suggests that messages should be concise and directed to individuals with an interest or need to know.

Misuse of email and/or voice mail can result in disciplinary action up to and including termination. More specifically:

- Transmitting offensive material over any company communication system which violates our harassment policy or creates an intimidating or hostile work environment is prohibited;
- Use of company communications systems to set up personal businesses or send chain letters is prohibited;
- Company confidential messages are to be distributed to Efficiency Maine personnel only Except for authorized contractors such as attorneys representing Efficiency Maine or lawful requests;
- Forwarding confidential message to locations outside is prohibited;
- Accessing copyrighted information in a way that violates the copyright is prohibited;
- Breaking into the system or unauthorized use of a password or mailbox is prohibited;
- Broadcasting unsolicited personal views on social, political, religious or other non-business related matters is prohibited;
- Solicitation to buy or sell goods or services is prohibited.

**As a reminder: Employees should never presume that their email or voice mail messages are personal and private.**

## SOCIAL MEDIA POLICY

### Statement of Policy

Efficiency Maine may use social media technologies to enhance communication, collaboration, and information exchange with citizens under the following guidelines and procedures.

### Purpose

The purpose of this policy is to define the use of social media by Efficiency Maine employees while contributing to or overseeing agency social media sites or providing comments or updates to the agency's social media identities.

In addition to this policy, social media content must be in compliance with all Efficiency Maine policies. This includes policies on harassment and discrimination, confidentiality, ethics, and workplace violence, along with any applicable codes of conduct.

### Guidelines and Procedures

The Communications Division will oversee all social media requests and interactions. Employees shall consult with the Communications Division prior to engaging in social media on behalf of the organization to ensure that participation and representation on social media sites is sanctioned.

### Social Media Use

#### Required Work-Related Use

This includes use of social media that is sanctioned as part of an employee's job function (e.g., when an employee, as part of their job responsibilities, tweets on behalf of Efficiency Maine on the Efficiency Maine's Twitter account). When this type of use is authorized the employee must ensure that:

- Any social media sites used by Efficiency Maine to provide information must be established in the name of Efficiency Maine.
- Any information posted is authorized by the Communications Division.
- Only authorized employees post information on Efficiency Maine sites.
- Personal opinions are not to be posted on Efficiency Maine websites.
- The Communications Division will remove any scandalous, libelous, defamatory, pornographic, etc. material or comments that are posted.
- Any authorized poster will monitor the social media site to ensure compliance with this policy and all other applicable Efficiency Maine policies.

#### Personal use at work

This includes personal use of social media while at work by an employee (e.g. logging onto Facebook and providing personal updates to a Facebook page or Twitter account during work hours using their own or their Efficiency Maine's information technology resources, when such activity is outside of the employee's official job function).

- Excessive personal use of social media during work hours is prohibited.

#### Personal use outside of work

This includes use of social media by an employee in his or her personal capacity:

- outside of work.
- Employees are prohibited from posting official Efficiency Maine information on personal social media sites.
- Employees' personal use should not be attributable to Efficiency Maine or employees' job function at Efficiency Maine.
- Efficiency Maine's harassment and discrimination policies, confidentiality policies, ethics rules, code of conduct, and workplace violence policies are applicable to all social media usage.

Social media participants must abide by laws governing copyright and fair use of copyrighted material owned by others. Entire articles or publications should not be reprinted without first receiving written permission from the publication's author/owner. Never quote more than a short excerpt of someone else's work and, if possible, provide a link to the original. When referencing a law, regulation, policy, or other website, if possible, provide a link or the citation.

#### Applicability

**This policy applies to social media activities at Efficiency Maine. As the technology evolves, this policy may be amended.**

#### Responsibility

The Communications Director will:

- authorize specific employees to post, update and monitor Efficiency Maine's social media identity or page,
- create a policy which will describe how Efficiency Maine intends to manage user contributions to Efficiency Maine's social media site (such as a wiki or a blog). The policy shall also describe the review process prior to posting comments and the selection criteria for comment posting (e.g. on-topic, non-duplicative, not obscene or offensive etc.). Comments shall be monitored by authorized Efficiency Maine staff. The policy must be provided to each employee authorized by the Communications Director to post information on behalf of Efficiency Maine.

## POLITICAL ACTIVITY – HATCH ACT

### General Policy

Efficiency Maine is an independent, state agency that receives federal funding. As such it and its employees, whose positions are federally funded, are subject to the federal Hatch Act. Covered employees may not:

- be candidates for public offices in a partisan election
- use official authority or influence to interfere with or affect the results of an election or nomination; or
- directly or indirectly coerce, attempt to coerce, commend, or advise a state or local employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.

An election is a partisan election if any candidate is to be nominated or elected as representing a political party, for example, the Democratic or Republican party.

Except as prescribed by law, no Efficiency Maine funds or employee time, supplies, or services are to be used for the purpose of aiding any candidate for any elected office whether partisan or non-partisan. If this should occur it may be grounds for disciplinary action which could lead to termination.

### The U.S. Office of Special Counsel

The U.S. Office of Special Counsel is responsible for enforcing the Hatch Act. The U.S. Office of Special Counsel (OSC) is authorized by law to provide Hatch Act advisory opinions. Employees and members of the public are encouraged to write to OSC with specific questions that address permitted and prohibited activities under the Hatch Act. Should there be a question or concern raised about compliance with the Act, the Executive Director may submit a request for an advisory opinion directly to the Office of the Special Counsel, or to the State of Maine Attorney General's Office.

The information below is taken from the U.S. Office of Special Counsel and is provided for guidance.

- A. The Hatch Act restricts the political activity of individuals principally employed by state, county or municipal executive agencies who work in connection with programs financed in whole or in part by federal loans or grants. An officer or employee of a state or local agency is covered by the Hatch Act, if he or she has duties in connection with an activity financed in whole or in part by federal funds. These state and local employees:

- **may** be candidates for public office in nonpartisan elections, i.e., an election where no candidates are running with party affiliation.  
*EXAMPLE: An employee may run for the school board in Washington D.C., as long as the school board elections in Washington D.C. remain nonpartisan.*

- **may** hold elective office in political parties, clubs and organizations.  
*EXAMPLE: An employee may serve as the vice president of the local Democratic or Republican party.*
- **may** be appointed to fill a vacancy for an elective office.  
*EXAMPLE: An employee may be appointed to finish the unexpired term of an elected officeholder. The employee may not run for reelection if the election is partisan.*
- **may** actively campaign for candidates for public office in partisan and nonpartisan elections.  
*EXAMPLE: An employee may campaign for candidates by making speeches, writing letters, working at the polls on election day and organizing political rallies and meetings.*
- **may** contribute money to political organizations.  
*EXAMPLE: An employee may make a monetary contribution to any candidate, political party, club or organization.*
- **may** attend and give a speech at a political fundraiser, rally or meeting.  
*EXAMPLE: An employee may attend and give a speech or keynote address at a political fundraiser.*

B. There continue to be important restrictions on employees' political activity. State and local employees:

- **may** not be candidates for public office in partisan elections.  
*EXAMPLE: An employee may not run for office in an election where any of the candidates are running as representatives of a political party, e.g., the Democratic or Republican Party.*
- **may** not use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.  
*EXAMPLE: A supervisor should not ask a subordinate employee to volunteer for a political party.*
- **may** not directly or indirectly coerce contributions from other state or local employees.  
*EXAMPLE: A supervisor should not advise employees that they may purchase tickets to a fundraising event.*
- **may** not orchestrate a "write-in" candidacy during a partisan election.  
*EXAMPLE: An employee may not solicit voters to write his name on the ballot on election day.*

### **State and Local Employees who are not covered by the Hatch Act**

Individuals who have no duties in connection with federally funded activities and individuals employed by publicly financed educational or research institutions, including state university systems and local public school systems are not covered by the Hatch Act.

**CAUTION:** An employee's conduct is also subject to the laws of the state and regulations of the employing agency. State or local laws do not affect the prohibitions of the Hatch Act.

## DOMESTIC VIOLENCE AND THE WORKPLACE POLICY

### Purpose

The purpose of this policy is to raise awareness of and to provide guidance, education and resources to employees, supervisors and managers to address the occurrence of domestic violence and its effects in the work place.

### Definitions

- A. **Abuser:** An individual who engages in or commits domestic violence.
- B. **Domestic Violence:** A pattern of coercive behavior that is used by a person against family or household members to gain power and control over the other party in a relationship. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, destruction of personal property and animal cruelty. Domestic violence occurs between people of all racial, economic, educational and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners and between other family and household members.
- C. **In The Work Place:** When an employee, whether the employee is the victim or the abuser, is in Efficiency Maine-owned or leased work space or is using the facilities, resources, or services of Efficiency Maine, or is using a vehicle owned or leased by Efficiency Maine, or is traveling on behalf of Efficiency Maine, the employee is considered "in the work place."
- D. **Sexual assault:** An act of sexual violence whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, sexual contact, sexual harassment, ritual abuse, exposure and voyeurism.
- E. **Stalking:** Repeated unwanted contact between two people that directly or indirectly communicates a threat or places the victim in fear. Stalking may occur between intimate partners, acquaintances, or strangers. Stalking behaviors include but are not limited to: following a person; appearing at a person's home or place of business; making harassing phone calls; sending letters or e-mails; leaving written messages or objects; or vandalizing a person's property. In Maine, stalking is a crime and is defined more specifically in the criminal statutes in 17-A M.R.S.A. §210-A.
- F. **Work Place Safety Plan:** A strategy developed in consultation with a victim to implement work place safety options, including, but not limited to: setting up procedures for alerting security or police; temporary relocation of the victim to a

secure area; voluntary temporary transfer or permanent relocation to a new work site; reassignment of parking space; escort for entry to and exit from the work site; responding to telephone, fax, e-mail or mail harassment; and, keeping a photograph of the abuser or a copy of an existing court order in a confidential on-site location and providing copies to designated personnel.

- G. **Victim:** An individual subjected to domestic violence.

### **Statement of Confidentiality**

Efficiency Maine recognizes and respects an employee's need for autonomy and confidentiality. To the extent permitted by law and unless the substance of the employee's disclosure demands otherwise, Efficiency Maine will maintain the confidentiality of an employee's disclosure. Disclosure should be addressed to any supervisor or appropriate human resources staff. If an employee's disclosure indicates that there exists reasonable cause to suspect abuse, neglect or exploitation of children or incapacitated or dependent adults, reporting will be mandatory.<sup>1</sup> Further disclosure may be necessary if the abuser presents a threat to the safety of any person in the work place. Whenever possible, the employee will be given notice of necessary disclosures.

### **Procedure – Increased Employee Awareness**

Efficiency Maine will increase employee awareness of domestic violence and inform employees of available community resources. The methods used may include, but are not limited to, the following:

- A. Posting information on the impact of domestic violence and available community resources at Efficiency Maine work sites. This information may include available sources of assistance such as availability of the state's Employee Assistance Program, domestic violence projects, sexual assault centers and human resources personnel who are trained and available to serve as confidential sources of information, support or referral.
- B. Including information on this policy and domestic violence awareness and services as part of the new employee orientation and in the new employee orientation packet.
- C. Conducting domestic violence awareness activities in staff meetings, programs such as "brown bag lunches" and health and wellness programs.
- D. Distributing to all current employees.

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<sup>1</sup> Certain persons are "mandated reporters" of abuse or neglect of children, and abuse, neglect or exploitation of incapacitated or dependent adults. Mandated reporters include law enforcement officials. See 22 M.R.S.A. § 4011-A; 22 M.R.S.A. § 3477. In addition, any person may make an optional report if that person has reasonable cause to suspect that a child or incapacitated adult has been or is likely to be abused. Victims should be aware that situations involving suspected abuse, neglect or exploitation of children or incapacitated or dependent adults may be reported to outside agencies, as provided by law.



### **Procedure – Employees Affected by Domestic Abuse**

- A. Efficiency Maine seeks to offer support and referrals for assistance to those employees who disclose concerns or request assistance.
- B. Each employee is encouraged to discuss any concerns about being safe at work with a supervisor, manager, or appropriate human resources personnel. An employee who experiences or witnesses violence or threats of immediate violence in the work place, regardless of whether the employee is a victim or not, should report the incident to a supervisor, manager, or appropriate human resources personnel immediately. In all circumstances, to ensure the safety and protection of all Efficiency Maine employees, any employee who has information that there is a threat of violence to any other person in the work place should, as soon as practicable, report the threat to a supervisor, manager, or appropriate human resources personnel.
- C. Efficiency Maine is committed to the effective enforcement of protection orders. In this regard, an employee is encouraged to provide a copy of a protection order issued pursuant to a petition filed by the employee to the employee's supervisor or manager, particularly when the work place is listed on the order so that every attempt can be made to take steps to enforce the order and protect that employee and others. The employee is encouraged to keep a current copy of protection order immediately available in the work place.

### **Procedure – Response and Assistance to Victims of Domestic Violence**

- A. If an employee believes a co-worker is a victim of domestic violence, they are encouraged to contact a supervisor to discuss their concern and appropriate response. If a victim discloses domestic abuse to a co-worker, that co-worker should avoid victim blaming and send the following messages: you are not alone, you are not to blame, there is help available, and I am concerned about your safety. The co-worker may wish to refer the victim to:
  - 1. Available resources including the domestic violence and sexual assault agencies, and the Employee Assistance Program.
  - 2. Other individuals within Efficiency Maine who may be able to provide assistance to the victim such as human resources personnel and the victim's supervisor.
  - 3. Sections of this policy that support safety planning and assistance to victims.
- B. Supervisors are responsible for communicating that domestic violence is behavior that will not be tolerated in the work place and that Efficiency Maine will actively provide information and support to employees who are victims of such abuse.

- C. A supervisor or manager who becomes aware that an employee is a victim of domestic violence shall consult with appropriate human resources personnel to determine an appropriate response. Such response may include:
1. Offering the victim information about appropriate organizations for support, which includes the domestic violence projects listed in Appendix A and that assistance is also available through the Employee Assistance Program.
  2. Offering use of earned leave or leave without pay for the purposes of accessing domestic violence services, counseling, obtaining medical treatment, attending legal proceedings or carrying out other necessary activities to remedy a crisis caused by domestic violence, sexual assault or stalking, in accordance with 26 M.R.S.A., §850, *Employment Leave for Victims of Violence*.
  3. Offering to assist the victim in developing a work place safety plan. If the victim and abuser are both employed by the Department, the work place safety plan should make arrangements to protect the victim from any threat posed by the abuser. The needs of the victim are of primary importance and isolating the abuser from the victim is preferred if relocation for safety purposes is an issue.
- D. Department employees with supervisory responsibilities and any other designated individuals who will respond to victim and abuser will receive training on domestic violence in the workplace.
- E. Performance Issues: This policy recognizes that victims of domestic violence may have performance problems such as inability to concentrate, absenteeism, and productivity issues. When an employee confides to a supervisor or manager that job performance issues are caused by domestic violence, referrals and assistance should be offered in accordance with this policy along with an opportunity to correct the performance issue. Nothing in this policy alters the authority of Efficiency Maine to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave or take other action as it deems appropriate.
- F. Where the other party in an incident of domestic violence or sexual assault involving an employee is an employee of a State agency, the human resources personnel will inform that agency, when there is reason to believe a workplace issue exists, to assure that appropriate responses to the situation are coordinated.

**Procedure – Requirements of and Response to an Employee Who is an Abuser**

- A. If an employee is concerned that a co-worker is a perpetrator of domestic violence, sexual assault, or stalking, the employee should contact the appropriate

human resources personnel. The employee should not approach the co-worker directly.

- B. An employee who is found using any Efficiency Maine resources such as work time, work place telephones, a firearm, facsimile machines, mail, electronic mail, an Efficiency Maine state vehicle, an Efficiency Maine credit card or other means to commit an act of domestic violence, sexual assault or stalking will be subject to disciplinary action, up to and including termination. Similarly, any employee who is arrested, convicted, or issued a court order as a result of domestic violence, sexual assault or stalking, when such action has a nexus/connection to their employment with Efficiency Maine, will be subject to disciplinary action, up to and including termination.
- C. Any employee of Efficiency Maine who is named as a defendant in a protection order must disclose to their supervisor or manager any temporary or permanent order for protection from abuse or harassment with conditions that include:
  - 1. Conditions prohibiting or limiting contact with other employees of the Department.
  - 2. Conditions that may interfere with the employee's ability to perform job duties such as a prohibition against carrying a firearm, or a no-contact order involving any person with whom the employee may come in contact while carrying out the duties of their employment.
  - 3. Failure to disclose the above information may result in disciplinary action up to and including termination.
- D. A supervisor or manager who becomes aware of a protection order or other information regarding an employee who is an abuser shall keep that information confidential to the extent permitted by law and may only discuss the information with those persons who need to be informed.
- E. An employee who is an abuser is encouraged to voluntarily seek assistance from the Efficiency Maine's confidential Employee Assistance Program or from any of the certified batterer's intervention program.

### **Retaliation**

Any retaliatory action resulting from an employee making a complaint or observation of domestic violence, or otherwise asserting rights or responsibilities under this policy or relevant laws is a serious violation of this policy and will be subject to disciplinary action.

### **Documentation**

The Human Resources Office will develop necessary protocols related to maintaining records of domestic violence disclosures.

**Procedure – Employees Affected by Sexual Abuse and/or Stalking**

Those employees who are victims of sexual assault or stalking should be referred to the appropriate sexual assault crisis and support center.

**Conclusion**

Efficiency Maine is committed to providing a supportive and caring work place environment free of domestic violence. Efficiency Maine will respond to and provide assistance to a victim. Victims will be treated with compassion and will not be judged.

## **OUTSIDE COMPLAINTS AGAINST EFFICIENCY MAINE TRUST EMPLOYEES**

Section 7036(28) of Title 5 provides that all state agencies "...establish a policy that makes certain that complaints made by the public against a state employee or group of state employees are addressed by that agency". The following establishes a process to meet the requirements of this law.

### **PROCEDURE**

1. Members of the public with complaints against employees of Efficiency Maine Trust may report such complaints through the mail, email or by telephone.
2. Any employee, who receives a complaint from a member of the public against an employee, or group of state employees, must refer the complaint to the Administration Division head.
3. Upon receipt of the complaint, the Administration Division head, after consultation with the Executive Director, shall determine what action should be taken. The employee shall be notified of the complaint. In the event of a conflict of interest or in other appropriate circumstances, the Executive Director may refer the matter to the Chairman of the Board of Trustees, or the assigned Assistant Attorney General or a designee.
4. Review of complaints will be completed within a reasonable time. If there needs to be an investigation of a bargaining unit employee as that term is defined in the relevant contract, the investigation shall comply with the provisions of applicable law, rule and collective bargaining agreement.
5. All reviews of complaints are to be conducted in a professional and confidential manner.
6. The Findings will be shared with the employee.

### **NOTIFICATION TO THE COMPLAINANT**

Upon final disposition, and if appropriate, the complainant shall be notified that the matter has been looked into and dealt with by the Office. If appropriate, the complainant will be notified of the outcome of any review, to the extent permitted by civil service rules, applicable law, contractual requirements or the personnel manual.

### **ADMINISTRATIVE RESPONSIBILITY**

The Administration Division head shall ensure that:

1. All citizen complaint records and subsequent review of said complaints remain confidential as required by statute.
2. Each complaint and any subsequent review are documented.

3. An annual summary report is prepared for the Executive Director that includes any information or data that will aid in identifying the need for training, supervision, or other actions that may be appropriate.
4. This policy is distributed to all employees of Efficiency Maine by inclusion in the *Efficiency Maine Trust Personnel Manual*, is posted on the Efficiency Maine website, and is otherwise made available to the public.

† Some complaints may contain facts that warrant referral to the Departmental Equal Employment Opportunity/Americans with Disabilities Act Coordinator or to another appropriate local, state or federal agency.

**SIGNATURE PAGE FOR THE EFFICIENCY MAINE TRUST PERSONNEL MANUAL  
FOR NON-STATE EMPLOYEES**

I certify that I have been provided a copy of and read the personnel manual and that if I have any questions regarding any contents listed I can ask my Supervisor.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Printed Name of Supervisor

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

# **EFFICIENCY MAINE TRUST**

## **Travel Manual**



**MAY 4, 2011**

**amended February 27, 2013  
further amended March 26, 2014**



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# Policy

## Introduction

It is the responsibility of all staff involved in travel on behalf of Efficiency Maine Trust (the Trust) to assure that all terms and conditions of the policy are followed and that sufficient documentation is maintained to justify all expenses. The purpose of this policy is to establish the requirements for the Trust payment of expenses for the Trust program and administrative business which require in-state or out-of-state travel.

## Responsibility for this Policy

The Controller for the Trust is responsible for ensuring the efficient use of systems according to this policy. The interpretation of appropriate use and future revisions of this policy are the responsibility of the Executive Director who is authorized by Section 10103(3)(C) of Title 35-A of the Maine Statute to delegate powers and duties to other members of the staff. The Executive Director has delegated responsibility for the travel policy and procedures to the Controller.

## Adoption of this Policy

On May 4, 2011, the Board of Trustees (the Board) at a regular business meeting adopted this policy and authorized the Executive Director to implement the policy and to make technical and minor changes without seeking additional authorization of the Board. The Executive Director has delegated implementation for the travel policy to the Controller. The policy will be reviewed by the Governance Committee when required which will then be referred to the Board for final action.

## General Policy

It is the general policy of the Trust to reimburse all approved job related expenses. It is understood that no set of rules can cover all situations. The Trust's travel policies are intended to create an "accountable plan", as described by IRS Publication 463. The following tests will be applied to all claims for reimbursements:

1. The travel expenses must be business related while performing services as a Trustee, officer, official or employee of the Trust;
2. The expenses must be reasonable under the particular circumstances involved and, be fully documented per the policy;
3. Trustees, directors and employees must return any travel advance within a reasonable period of time, per the policy; and,
4. Directors may not sign-off as Directors on Travel Authorization or Travel Expense Claims for themselves.

## Employee defined

For purposes of this policy, the term "employee" refers to directors, trustees and employees who travel on behalf of the Trust at the Trust's expense. This policy will not apply to independent contractors.

## Compliance with these policies

The following persons must comply with the policies in this chapter:

1. All employees as defined above in section "Employee Defined" who are conducting Trust business at the Trust's expense have the duty to know, to use and to comply with these policies, unless otherwise provided by law; and,
2. Persons other than Trust employees, as defined, whose travel expenses are authorized by statute or the grant and paid through the Trust but the statute or grant is silent as to the process of the reimbursable amount.

### **Responsibilities of Trust management**

Division Directors are to:

1. Ensure that any travel costs incurred are:
  - Directly work related;
  - Obtained at the most economical price; and,
  - Both critical and necessary for the Trust business.
2. Exercise prudent judgment in approving travel-related costs.
3. Follow the requirements of the system for management and control over travel-related costs that includes:
  - Adherence to the policies and procedures which cover the items required in this chapter; and,
  - Authorization or approval of travel costs.
4. Ensure that the Trust employees provide itemized receipts for reimbursements and credit card charges.
5. Ensure that all travel reimbursement requests and post travel settlements are submitted in a timely manner and are properly documented and complete.

### **Responsibilities of the Trust travelers**

A traveler on the Trust business is responsible for:

1. Being familiar with the Trust travel policy and procedures before travelling;
2. Using the same care in incurring expenses and accomplishing the purposes of the travel that a prudent person would do if traveling on personal business. Excess costs, circuitous routes, delays, or luxury accommodations unnecessary or unjustified in the performance of official Trust business travel are not acceptable;
3. Paying any excess costs and any additional expenses incurred for personal preference or convenience;
4. Returning as promptly as possible when the Trust business is completed;
5. Securing prior authorization for travel when required by filling out the Travel Authorization and Advance Form. The employee is at risk of not receiving proper reimbursement for any expenses incurred if they do not follow proper procedure and secure proper authorization for travel;
6. Preparing the Travel Expense Claim Form and providing appropriate itemized original receipts and documentation as required in the Travel Expense Claim Form;

7. Submitting requests for reimbursements within thirty (30) days of the date the expense is incurred. Cash travel advances are authorized for employees, but employees must submit documentation within thirty (30) from the date of their return. Employees will either reimburse the Trust for any advance greater than cost; or request reimbursement from the Trust for costs in excess of the advance; and,
8. Employees who fail to settle up travel advances within thirty days of the date of their return from the trip will not be eligible for any additional travel advance until all prior travel advances are either settled or repaid to the Trust unless there is a compelling reason for the delay. Employees who fail to submit mileage requests within thirty (30) days will forgo payment of the mileage due, unless there is a compelling reason for the delay.

#### **Criteria for selecting and approving travel**

The Division Directors must use the following criteria to determine whether to authorize a person to travel on Trust business and to determine what travel method to authorize:

1. Select the travel method that is most economical for the Trust. This criterion must be used except in the situations noted below. All costs should be considered such as travel, time, etc. in making the determination;
2. Select the travel method that is most advantageous to the Trust when there are additional considerations. The personal travel plans of the traveler shall not influence this criterion;
3. The Trust may use other criterion only in the following situations:
  - To ensure the health and safety of agency travelers; or,
  - To comply with the Americans with Disabilities Act (ADA).

#### **Alternatives to travel**

Trust management is to consider methods of travel, as well as less expensive alternatives to travel. These alternatives should include, but are not limited to:

1. Teleconferencing and video conferencing;
2. Video recordings and published reports;
3. Car-pooling and greater use of public transportation; and,
4. Coordinating with other entities or state agencies for joint travel arrangements when other entities or state agencies are involved.

#### **Health and safety of travelers**

The health and safety of travelers is a top priority in the conduct of travel related activities. Management and the traveling employee will establish and alter travel plans and itineraries with consideration of hazardous inclement weather and other situations that could threaten the health and safety of employees. When this occurs, travelers should:

1. Promptly notify the traveler's Division Director of the change in travel plans; and,
2. Note the reason for any additional expense on the traveler's Travel Expense Claim Form.

#### **Americans with Disabilities Act**

Compliance with the Americans with Disabilities Act (ADA) is required by law and thus considered to be advantageous. All personnel are to be afforded equal opportunity to travel for Trust business,

consistent with their roles and responsibilities, even if the travel costs for disabled travelers will exceed what would normally be most economical to Trust.

Travel authorizations and travel claims should be annotated that the extra costs were required to comply with the ADA. ADA supporting documentation should remain confidential and a statement added to the travel voucher indicating the agency file location.

### **Trust Business Credit Card Program**

The term "Trust Business Credit Card Program" comprises the use of the authorized business credit card issued to individual employees under the Trust credit card relationship. This system has the following components that can be used for travel purchases:

1. The Division Directors are to authorize the use of or approve the issuance of a Trust Business Credit Card ("credit card") to those travelers whose work requires them to travel on Trust business. The individual credit card can only be used for authorized Trust purchases;
2. The issuance of a credit card to an employee is subject to approval by the credit card issuer. The Trust will set a credit limit consistent with the business needs of the employee and the protection of the Trust;
3. The Trust will pay the credit card statement directly, but that payment does not relieve the traveler of responsibility for submitting travel receipts with their Travel Expense Claim Form. A consistent pattern of an employee failing to reconcile travel expenses in a timely manner will impact future travel authorization and/or the continued use of the credit card;
4. An employee who uses the credit card for personal or unauthorized expense will be responsible for the payment of such charges and may lose the right to use a business credit card; and,
5. The traveler is to attach the itemized credit card receipt to the Travel Expense Claim Form.

### **Prior authorization for travel required**

Travelers must receive prior authorization from their Division Director:

1. Whenever a travel advance is required by a traveler; or,
2. For all in-state overnight or out-of-state travel.

Travelers who have not submitted a Travel Authorization and Advance Form may obtain approval from their Division Director by email prior to traveling or obtaining lodging for emergency situations.

Out-of-state travel by Trustees on behalf of and at the expense of the Trust must receive prior authorization for travel from the Board Chair. In the case of the Board Chair, the Board Vice-Chair is the approver. All policies and procedures contained herein apply equally to Trustee travelers.

The requirement for prior authorization is not applicable for Trustees who are traveling to the Trust board meetings, committee or work group meetings, or other meetings where the member is attending in their capacity as a Trustee.

### **Scheduling meetings, conferences, conventions, and training sessions**

When Trust meetings or conferences are necessary, staff must give first preference to locations at publicly owned facilities such as state or local government facilities. Cost effectiveness must be a prime consideration when planning these events and locations must be barrier-free.

When a Trust event is conducted at a rented or leased barrier-free non-state facility, the person responsible for the choice of location and facilities is to review the justification in advance with the Controller for approval.

### **Reimbursable travel costs**

Payment by the Trust for the following types of expenses incurred on Trust business is subject to the requirements and restrictions of this policy.

1. **Lodging**— Actual cost of lodging up to a specified daily maximum based on the federal per diem rate. An itemized receipt is required. (Refer to the Procedures: Lodging Section for more information);
2. **Meals**— Actual cost of meals up to a specified per meal rate. Itemized receipts are required. (Refer to the Procedures: Meals Section for more information).
3. **Transportation**—Costs of necessary Trust business travel using private motor vehicles, rented motor vehicles, railroads, airlines, ships, buses, taxis and other means of conveyance. The Trust will reimburse mileage at the IRS rate (Refer to Procedures: Transportation Section for more information.); and,
4. **Miscellaneous travel expenses**—Other costs essential to the transaction of Trust business are reimbursable to the traveler. (Refer to Procedures: Miscellaneous Travel Expenses Section for more information.)

### **Non-reimbursable travel costs**

The following types of travel-related costs shall not be reimbursed:

1. Alcoholic beverage expenses;
2. The cost of the daily commute between the traveler's residence and their assigned office. Refer to Procedures: Transportation Section.);
3. Certain travel expenses are considered as personal and not essential to the transaction of Trust business. Such non-reimbursable expenses include, but are not limited to:
  - Valet services, defined as the hiring of a personal attendant who takes care of the individual's clothes, car, luggage, etc. except as an ADA accommodation;
  - Entertainment expenses, television rental and other items of a similar nature including transportation to non-business locations;
  - Costs of personal trip insurance (such as personal accident insurance, personal effects insurance, and extended liability insurance), and medical and hospital services; and,
  - Out of pocket charges for vehicle service calls caused by the negligence of the traveler. Examples include service charges for the delivery of fuel, retrieval of keys from locked vehicles, jump starting vehicles when the lights have been left on, etc.

4. Meals and lodging expenses exceeding the maximum rate unless:
  - An exception is specifically provided by statute; or,
  - Within the terms and conditions of a grant-in-aid; or,
  - Approved by the Division Director.

#### **Travel for the convenience of the traveler**

If a traveler would like to couple a vacation or other personal use onto a legitimate business trip it is allowed, where all of the following conditions exist:

1. The primary purpose of the trip is Trust business; and,
2. The traveler uses, where necessary, his or her earned and available paid time off for the vacation or personal part of the trip; and,
3. The Trust does not incur any extra expenses beyond what it would normally incur had the trip occurred without any personal use coupled to the trip.

#### **Leave of absence during travel**

When a traveler takes leave of absence (such as paid time off) of any kind because of being incapacitated due to illness or injury that is work related:

1. The authorized reimbursement for meals and lodging may be continued during the leave period; and,
2. Providing the traveler is able to travel, reimbursement is not to exceed in total the cost authorized for motor vehicle car mileage or common carrier in returning the traveler to the office or residence, whichever is closer, and then back to the assignment.

When a traveler takes leave of absence of any kind as a result of illness or injury that is due to non-business-related activity, the authorized reimbursement for meals, lodging, transportation, and all other travel expenditures may not be continued during the leave period.

Traveler must list the exact hour of departure and return to service on the Travel Expense Claim Form.

#### **Travel expenses reimbursed by other entities**

If Trust business travel expenses are to be paid by a person or entity other than the Trust, travelers are not to be reimbursed more than the actual expenses of travel. The Controller will give prior approval for the travel before an employee may submit payment of Trust travel expenses by an entity other than the Trust. **Ethical issues must be considered when approving Trust business travel costs to be paid for by another entity.**

#### **Budgeting and Reporting**

All travel, meal and entertainment costs are required to be budgeted and accounted for separately from other expenditures in the Trusts' records. The Trust's Board must approve the annual budget for travel, meal and entertainment costs and be provided with periodic reports on actual costs paid directly or reimbursed.



# Travel Reimbursement Procedures

## Lodging

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### General

The Trust will pay for lodging expenses as evidenced by a fully itemized receipt, up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality, unless:

1. An exception is specifically provided by the Division Director in writing; or,
2. Authorized by the Exceptions to the maximum allowable lodging rates Subsection.

Taxes will be paid on lodging in addition to the Maximum Lodging Amounts contained in the Reimbursement Rates Section.

The preferred method for purchasing lodging accommodations while on Trust business is through the use of the Trust's credit card. Travelers requesting reimbursement or paying by Trust credit card are to attach original lodging receipts to the Travel Expense Claim Form for all lodging charges.

Travelers should apply for all exemptions offered by state or local governments to governmental travelers.

Travelers are advised to check their lodging choice with the bedbug registry.

### Exceptions to the maximum allowable lodging rates

In the following situations, the daily maximum allowable lodging amounts may not be adequate and the Division Director may approve payment of lodging expenses exceeding the applicable daily maximum amounts listed in the Reimbursement Rates Section

1. When a traveler is assigned to accompany an elected official, or others and is required to stay in the same lodging facility;
2. When costs in the area have escalated for a brief period of time either during special events or disasters;
3. When lodging accommodations in the area of the destination location are not available at or below the maximum lodging amount, and the savings achieved from occupying less expensive lodging at a more distant site are consumed by an increase in transportation and other costs;
4. When the traveler attends a meeting, conference, convention, or training session where the traveler is expected to have business interaction with other participants in addition to scheduled events. Further, it is anticipated that maximum benefit will be achieved by authorizing the traveler to stay at the lodging facilities where the meeting, conference, convention, or training session is held; and,
5. When the traveler needs ADA accommodations, or when the health and safety of the traveler is at risk as provided for in other sections of this policy.

When any exception to the Daily maximum allowable lodging amount is used, the traveler is to select the most economical room available under the circumstances.

Include the written approval for the exception, signed by the Division Director, as part of the payment document. Also provide an explanation describing why an exception was necessary.

**Lodging for employee meetings, conferences, conventions, and training sessions**

When the Trust arranges for off-site meetings, conferences, conventions, and training sessions, it will arrange for overnight lodging as-needed. To the extent possible, the Trust will arrange to receive direct invoicing from the facilities for the lodging costs.

**Non-reimbursable lodging costs**

Reimbursement of lodging expenses incurred at a lodging facility located near either the office or traveler's residence is prohibited except:

1. As an allowable moving cost; or,
2. In extraordinary situations that require an employee to remain at his/her work station.

**Lodging expenses for the normal return night may be reimbursed in certain situations**

The Trust may reimburse a traveler for lodging expenses for the normal return night to allow the traveler to remain overnight away from the office or residence under one of the following three conditions:

1. When the overnight stay is more economical to the Trust. Complete justification should be referenced or attached to the traveler's Travel Expense Claim Form; or,
2. The health and safety of travelers is considered advantageous to the Trust and can be used to justify an overnight stay. The definition of health and safety, approval process and documentation requirements are included in Health and safety of travelers Subsection; or,
3. Compliance with ADA is considered advantageous to the Trust and can be used to justify an overnight stay. The Travel Expense Claim Form should be annotated that the extra costs were incurred to comply with the ADA. Refer to the Americans with Disabilities Act Subsection.

## Meals

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### General

Meal payments, whether by reimbursement or for a Trust credit card charge, are not flat rates and only amounts actually expended may be claimed, not to exceed the Trust's meal rate..

All reimbursements and credit card charges listed on the Travel Expense Claim Form must be supported by an itemized receipt listing individual items purchased.

Reimbursements or Trust credit card charges for alcoholic beverages are prohibited.

### Payment for meal costs

Meal expenses will be paid by the Trust for:

1. Employees who travel out-of-state;
2. Employees who travel in-state and are on Trust business;
3. Employees who attend or staff all-day meetings, conferences, events or workshops where meals are not provided;
4. Employees who attend or staff half-day meetings, conferences, events or workshops where meals are not provided.
5. Employees who request accommodations for special dietary restrictions.

Meal expenses may be paid for meetings regardless of travel status upon prior approval by their Division Director if they meet the following criteria:

1. The purpose of the meeting is to conduct Trust business, **and**;
2. The meals are an integral part of the business meeting, **and**,
3. The Division Director approves payment for the meals **in advance** of the meeting where attendance by Trust employee(s) or others, and payment for the meals regardless of travel status, is advantageous to the Trust.

Meal expenses may be paid for employees who are hosting visiting officials when approved by the Division Director.

In-state and out-of state meal expenses will not exceed the Trust's meal rate:

- The breakfast meal rate is \$10 for all locations;
- The lunch meal rate is \$20 for all locations; and
- The dinner meal rate is \$30 for all locations.

Meal payments by the Trust are not required to be reduced or eliminated due to meals served on airlines. Similarly, meal payments are not required to be reduced for continental breakfasts which may be included in the lodging rate or registration fee of a meeting, conference, convention, or formal training session. Travelers should review IRS tax regulations regarding the taxation of these payments.

Meal costs include:

1. The basic cost of a meal;
2. Any incidental expenses;

3. Any applicable sales or meal tax.

## **Transportation**

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### **General**

Allowable transportation expenses include the costs of all necessary business travel whether in private motor vehicles, rental motor vehicles, railroads, airlines, ships, buses, taxis, and other usual means of conveyance.

Use of personal credit cards for Trust travel should be used only when needed and charges will not exceed \$1,000 per trip. Only original itemized personal receipts will be reimbursed.

### **Reimbursement for privately-owned motor vehicle use**

Division Directors may authorize the use of a privately-owned motor vehicle in the conduct of business when it is more advantageous or economical that a person travel by a privately-owned vehicle rather than a rental motor vehicle or a common carrier. The Trust's Business Auto insurance will provide coverage in addition to the owner's vehicle insurance in the event of a collision or other damage. The Trust's Business Auto Insurance Policy may be viewed in the Travel folder on the S-drive.

Reimbursement for the use of a privately owned motor vehicle on business is to be at the IRS mileage reimbursement rate in effect at the time of travel. Mileage is to be documented using trip meters or web-based map applications. All mileage must be net of commuting mileage.

### **Calculating Mileage**

For employees who are assigned to a satellite office on a stated day, that office is their assigned office for calculating mileage for that day. Because the satellite office is provided as a convenience, employees assigned to a satellite office will not be reimbursed for mileage when they travel to the main office for Trust meetings or business at the Trust office; such mileage is considered commuting and the office assignment for that day will be considered to be the main office.

Traveling to the office during hours or days that the employee is not normally scheduled to work **does not** entitle the employee to reimbursement for transportation mileage expenses unless approved by the Division Director.

Reimbursement for the use of a privately owned motor vehicle is payable to the vehicle owner when two or more travelers are traveling in the same motor vehicle on the same trip.

Mileage will be computed from the assigned office to the destination, net of actual commuting mileage. Calculating mileage from home may be used only when it is determined to be closer to the destination. Examples are provided on Appendix A.

### **Use of a rental motor vehicle**

A rental motor vehicle may be used for Trust business under the following conditions:

1. The use of the rental motor vehicle is advantageous or more economical than other conveyances; or
2. Use has been approved in advance by a Division Director.

### **Restrictions and requirements on rental motor vehicle use**

If the traveler does not have access to a Trust credit card, the traveler's personal financial resources

may be used to obtain the rental motor vehicle.

The traveler will attach the original rental agreement and the itemized receipt for the costs to the Travel Expense Claim Form. Record the date and purpose of the trip on the Travel Expense Claim Form.

Transporting of passengers not engaged in official Trust business in a rental vehicle is considered a personal decision. The Trust will not provide excess liability protection to any such passengers in the event of an accident.

It is the Trust's policy that the rental of motor vehicles charged to or reimbursed by the Trust does not authorize vehicles to be used for other than Trust business. Therefore, when a traveler couples a personal vacation with business, the traveler is expected to execute a personal contract to rent a motor vehicle for the vacation portion of the trip.

The Trust provides insurance for "hired" or rented vehicles, therefore travelers should not request insurance coverage and the Trust will not bear the additional cost of this coverage. Any additional health insurance will not be reimbursable as the traveler should be covered by the existing employee health plan or will be covered under Worker's Compensation coverage.

#### **Purchasing airline tickets**

The traveler must research and present to the Division Director three possible flight itineraries for approval. Ticket will be purchased after the Travel Authorization and Advance Form is approved.

The Trust will purchase tickets in advance using its credit card and take advantage of any available discounts, when the following conditions are met:

1. The rules of the ticket purchase allow for a partial or full refund in the event that the ticket is not used;
2. Airport of departure is local unless travel to another airport is deemed more economical; and
3. Seats are in the tourist or equivalent section unless traveler requires ADA accommodations.

The inconvenience, travel risk and lost time of using connecting flights should be considered when pricing out direct flights.

Tickets may be purchased on day of departure in an emergency situation with prior approval of the Division Director.

#### **Non-air travel**

The maximum reimbursement for transportation expenses via non-air common carriers is the lowest applicable fare not to exceed the lowest class air-fare unless traveler requires ADA accommodations or this provision has been waived by the Division Director.

## Miscellaneous Travel Expenses

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### Reimbursable miscellaneous travel costs

Miscellaneous travel expenses essential to the transaction of Trust business are reimbursable to the traveler. Reimbursable expenses include, but are not limited to:

1. Taxi, shuttle, or limousine fares (including a customary tip or gratuity), motor vehicle rentals, parking fees, and ferry, turnpike and bridge tolls;
2. Registration fees required in connection with attendance at approved conventions, conferences, and official meetings;
3. Rental of room in a hotel or other place that is used to transact Trust business. The room rental is reimbursable as a separate item from lodging when authorized by the Controller or designee;
4. Charges for necessary facsimile (fax) services for Trust business;
5. Charges for Internet usage as long as they are the most cost effective and are for work related purposes. ; or,
6. **Mandatory** fees charged by lodging facilities for items.
7. Any usual and customary tip or gratuity, not to exceed 20%. Tips in excess of 20% will require the approval of the Division Director for payment by the Trust.

# FORMS

## **Travel Authorization and Advance Forms**

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### **The purpose of the form**

The Travel Authorization and Advance form is designed to:

1. Document the authorization and estimated cost of overnight travel within the State of Maine;
2. Document the authorization and estimated cost of out-of-state travel;
3. Document the approval of travel related expenses for all travel; and,
4. Describe the purpose or accomplishments of the trip in enough detail to document that the travel is essential to carry out the necessary work of the Trust.

### **Completing the form**

1. Determine the mode of transportation that is cost effective and is in the Trust's best interest;
2. Download the maximum rates for both meals and lodging for the destination, print and attach to the Travel Authorization and Advance Form;
3. Identify all estimated costs on the Travel Authorization and Advance Form using maximum rates; and,
4. Sign (wet), date and obtain Division Director's signature (wet) on Travel Authorization and Advance Form.

The form may be electronically completed and is located on the S drive: 2-10 travel documents - in Excel. Sections in light green are unlocked for input. The "Mode of Transportation" has a drop down menu to select from. On the bottom right is an area for the traveler to enter the fund and org code and the project code with a drop down menu available for convenience. Additional org/project codes may be added after printing. Form must have a wet signature. A copy of this form is available and includes detailed instructions.

This form may also be printed as an Adobe Acrobat document and manually filled.

## **Travel Expense Claim Form**

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The Travel Expense Claim Form is used to:

1. Collect and document all travel related expenses;
2. Reconcile any travel advances;
3. Determine credit card charges paid separately by the Trust; and,
4. Determine the amount due to or from the traveler.

### **Completing the Travel Expense Claim Form**

The traveler has the following responsibilities for completing the Travel Expense Claim Form and certifying travel expenses:

1. Responding to the level of detail requested on the form;
2. Attaching itemized receipts and documentation required by The Trust's travel policy
3. Submitting the Travel Expense Claim Form to the Division Director to approve reimbursements in accordance with the requirements of this manual.

**For the Trust's credit card travel purchases, a copy of the itemized credit card receipt attaches to the credit card statement and the original credit card itemized receipt attaches to the Travel Expense Claim Form.**

### **Travel expense advances**

The Trust may make a travel expense advance to defray some costs the traveler may incur while traveling on business.

1. The advance is to cover a period not to exceed 30 days;
2. The traveler receives the advance no more than 10 days before the start of travel;
3. The employee must expend the travel advance only to defray necessary reimbursable costs while performing official duties;
4. No travel advance shall be considered for any purpose as a loan to an employee, and any unauthorized disbursement of a travel advance is to be considered as a misappropriation of Trust monies by the employee; and,
5. The traveler shall submit the Travel Expense Claim Form with the travel advance reconciled within 30 days of return. Travel advance funds due back to the Trust must be paid at the time the Travel Expense Claim Form is submitted.

### **Internal Revenue Service regulations affecting travel expenses and travel advances**

The U.S. Internal Revenue Service (IRS) has implemented tax rules affecting travel advances. The IRS requires travelers receiving travel advances to substantiate their travel expenses and to return to their employer any unspent portions of the travel advance within a reasonable time period. If the traveler does not substantiate the travel expenses or does not return any unspent portion of a travel advance within a reasonable time period, the traveler's employer is required to report the amount of the travel advance as income in Box 1 of Form W-2. This payment is subject to applicable payroll withholding taxes.

Following the lead of state travel regulations, if a traveler substantiates a travel expense in accordance with the Trust's travel policies on a Travel Expense Claim Form within thirty (30) days of return, the traveler will have met the reasonable time period requirement.



## Federal Links for travelers

### Reimbursement rates

The per diem and maximum lodging allowances set by the U.S. General Services Administration (GSA):

1. Meals and Incidental Expenses (general):  
<http://www.gsa.gov/portal/content/101518>
2. Meals and Incidental Expenses Maine Locations:  
<http://www.gsa.gov/portal/category/100120>
3. Meals and Incidental Expenses – search by destination  
<http://www.gsa.gov/portal/category/21287>
4. If the travel location is not listed the traveler can determine the county where the destination is located by using the following address:  
[http://www.naco.org/Counties/Pages/NACo\\_FindACounty.aspx](http://www.naco.org/Counties/Pages/NACo_FindACounty.aspx) and then search the data base by county.
5. Per diem and maximum lodging allowances for non-foreign overseas locations including Alaska, Hawaii, and US Territories and Possessions set by the U.S. Department of Defense. The rates are revised monthly and can be accessed at the following address:  
<http://www.defensetravel.dod.mil/perdiem/perdiemrates.html>
6. Per diem and maximum lodging allowances for foreign locations set by the Department of State. The rates are revised monthly and can be accessed at the following address:  
[http://aoprals.state.gov/content.asp?content\\_id=184&menu\\_id=78](http://aoprals.state.gov/content.asp?content_id=184&menu_id=78)
7. For a listing of possible tax exempt sites please use the GSA website  
<http://www.gsa.gov/portal/content/104878> <sup>1</sup>

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<sup>1</sup> From time to time hyperlinks may change or be replaced. If Staff finds that a hyperlink is not working, please contact the Controller

## APPENDIX A

### MILEAGE REIMBURSEMENT RULES

(adapted from SAAM 10.50 (Travel: Transportation), State of Maine)

1. When an employee travels between the main office and his home in either direction without stopping at a satellite office the employee's mileage is never reimbursable.
2. All miles are reimbursable when an employee travels between satellite offices.
3. When an employee travels from the main office to a satellite and back to the main office, all miles are reimbursable.
4. When an employee travels round trip directly between his home and a satellite office and back to his home, he is reimbursed for the lesser of the round trip miles between his home and the satellite or the round trip miles between his main office and the satellite.
5. When an employee travels as part of a triangle between his home and a satellite, in either direction, he is reimbursed for the lesser of the miles from his home to the satellite or from his main office to the satellite.
6. When an employee travels as part of a triangle between a satellite and his main office, in either direction, all miles are reimbursable.
7. If an employee travels between his main office and his home as one leg of a triangle, those miles are not reimbursable.
8. If there is one or more satellite between an employee's home and main office in a straight line, reimbursement is made in accordance with #5 and #6.