

**TRANSPORTATION AGENCY  
FOR  
MONTEREY COUNTY  
(TAMC)**

**Administrative Policies  
And Procedures**

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**REVISED AND APPROVED  
BY THE TAMC BOARD ON APRIL 27, 2005  
As amended on October 26, 2005  
As amended on January 25, 2006  
As amended on March 6, 2006  
As amended on February 27, 2008  
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As amended on June 22, 2011  
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## **Board Compensation and Expense Reimbursement Policy**

The Transportation Agency for Monterey County shall adhere to Government Code Sections 53232 through 53232.4 when dealing with issues of Board member compensation and reimbursement.

### **COMPENSATION:**

Board members shall be eligible to receive compensation for the following:

- a) Attending a Board meeting of TAMC;
- b) Attending a Committee meeting of TAMC;

Board members who are not on the staff of their appointing agency shall receive \$50 for attendance at Agency Board meetings and \$50 per month for attendance at one or more Agency committee meetings, plus the actual and necessary travel expenses as may be authorized by the Board. Total compensation, excluding necessary travel expenses, for meetings attended shall not exceed \$100/ calendar month for each appointing agency. Alternates and ex-officios are not eligible for the above.

### **REIMBURSEMENT OF EXPENSES:**

Board members and alternates are eligible to receive reimbursements for travel, meals, lodging, and other reasonable and necessary incidental expenses for attending Board and committee meetings, conferences, and other Board approved business on behalf of the Agency. Reimbursement rates shall coincide with current rates set by the State of California. Ex-officio members are not eligible for reimbursement of expenses.

Any and all expenses that do not fall within the adopted reimbursement policy or the current State reimbursable rates are required to be approved by the Board of Directors of the Agency in a public meeting prior to the expense(s) being incurred.

Expenses that do not adhere to the adopted reimbursement policy or the State reimbursable rates, and that do not receive prior approval from the Board of Directors in a public meeting prior to the expense being incurred, shall not be eligible for reimbursement.

The Agency shall provide expense reimbursement report forms to Board members who attend the above functions on behalf of the Agency, which shall document that expenses adhere to this policy. Receipts are required to be submitted in conjunction with the expense report form. Failure to submit necessary receipts will result in denial of the reimbursement claim. Expense reports should be submitted within 60 days after completion of the event. Claims that are not submitted within 60 days will be treated as taxable income.

Board members attending functions consistent with the above occurrences or other prior approved event

shall provide a brief written or oral report on each meeting attended, other than Board and Committee meetings, at the next regularly scheduled Board Meeting. A Board member can give a group report on behalf of one or more Board members who attended the same meeting.

It is against the law to falsify expense reports. Penalties for misuse of public resources or violating this policy may include, but are not limited to, the following:

- a) The loss of reimbursement privileges;
- b) Restitution to the agency;
- c) Civil penalties for misuse of public resources pursuant to Government Code Section 8314; and Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code, penalties for which include 2, 3 or 4 years in prison.

## CREDIT CARD (TAMC)

1. The existing administrative policies on purchasing and travel apply to all credit card usage. The use of the credit cards must be in accord with TAMC's Administrative policies and procedures.
2. Credit cards may be issued to Executive Director and Deputy Executive Director to use for TAMC related travel and other work related expenditures.
3. Credit cards may be issued to the Senior Administrative Assistant and the Administrative Assistant to purchase food for committee meetings and office supplies and equipment.
4. All users of the credit cards must turn in itemized receipts to the finance department for all purchases, meals etc with supporting documentation for the purpose of the purchase such as meeting agendas and business purpose.
5. The credit card statements are included with the monthly report to the Board on TAMC check payments.
6. Relating to travel: TAMC Credit Cards shall be used in accordance with the TAMC travel policies and current State reimbursement limits unless there are mitigating circumstances such as no hotels or restaurants available at the current State rates and conferences being held at a given hotel with no nearby alternatives meeting the criteria, or meetings held at a given restaurant.
7. Limit on expenses: Credit cards shall never be used to circumvent established competitive purchasing procedures. All purchases shall be made in accordance with TAMC procurement policies.
8. Office/food purchases: shall be reserved for official TAMC functions and committee meetings; with the exception of purchase of food during travel or out-of-office meetings.
9. The primary responsibility for ensuring the appropriate use of credit cards lies with each employee assigned a card. Charging personal expenses on the Agency credit cards is a misuse of Agency funds. Agency credit cards are for official business use only. **Charging personal expenses, even if the intent is to reimburse the Agency later, is prohibited.** Doing so will result in disciplinary action, up to and including termination.

10. Cardholders are responsible for ensuring that the issuing bank and the finance department are notified immediately if the card is stolen or lost. Failure to do so may result in making the cardholder responsible for any fraudulent use of the card.
11. Cardholders will immediately surrender their card upon request of the finance department or supervisor. An employee who separates from the Agency is responsible for surrendering the credit card to the Human Resources department. Use of the credit card for any purpose after an employee's separation from the Agency or after its surrender is prohibited.
12. Employee shall reimburse TAMC for the actual loss where the employee voluntarily chooses not to travel and does not inform the Executive Director or designee of that decision with adequate time to cancel or change the travel plans. No reimbursement is required where, upon approval of the Executive Director, an alternate employee or Board member assumes the original employee's place.

## **Deputy Executive Director Development Plan**

The purpose of this plan is to assure that that the Deputy Executive Director is capable and qualified to act as Executive Director on an interim or permanent basis. This document supports the Management Succession Plan by providing an opportunity for the Deputy Executive Director to gain the skills and experience that the Board has deemed prerequisites for a permanent appointment as Executive Director. Completion of the plan will provide documentation to the Board of the Deputy Executive Director's qualifications.

### **1.Administration:**

- a. Become familiar with details of agency budget process, including contracts, work elements, personnel costs and benefit levels.
- b. Provide policy input on the development of the draft agency budget, including 3-year budget and contingency plans under various funding scenarios.
- c. Oversee the update of the agency rules and regulations and administrative policies to better conform to applicable laws and desired operating procedures.
- d. Demonstrate an ability to address complex contracting issues, including fee disputes or scope of work delinquencies.
- e. Demonstrate familiarity with Brown Act, conflict of interest and public records act requirements.

### **2.Personnel:**

- a. Become familiar with (via experience or coursework) legal requirements for personnel evaluations and disciplinary procedures, including hiring and firing.
- b. Initiate training program to develop skills and experience necessary for promotion of one or more Senior Planners to Principal Planner position, as qualified.
- c. Assist the Executive Director with implementation of a Board and staff goal-setting session(s).

### **3.Understand TAMC Vision and Member Agency Needs:**

- a. Initiate and participate in TAMC Annual Update to member agency governing bodies.
- b. Participate in Executive Director orientation for new TAMC Board members, as applicable.
- c. Regularly attend Executive Committee meetings and participate in TAMC pre-meetings with TAMC Chair, Vice Chair and Executive Directors.

**4. Technical Skills:**

- a. Complete coursework in contract law and liability issues.
- b. Complete coursework or demonstrate proficiency in personnel matters: rewards, evaluations, discipline.
- c. Complete coursework or demonstrate proficiency in project management
- d. Participate in professional society activities: Transportation Research Board, American Planning Association, and American Public Works Association

**5. External Relationships:**

- a. Develop a strong working relationship with the County Administrative Officer and City Managers through presentations to and regular attendance at the Monterey Bay City Managers Group meetings.
- b. Improve knowledge of other special district issues through presentations to and regular attendance at Special District Managers meetings.
- c. Develop relationships with business leaders through participate in Business Council and Chamber of Commerce events.
- d. Demonstrate an ability to reach agreement in cases of conflict among parties with diverse interests.

**6. Leadership Skills:**

- a. Complete one of the leadership programs within Monterey County.
- b. Complete the Management Excellence Series training.

*Adopted by the TAMC Board of Directors on April 27, 2005*



## DISPOSITION OF SURPLUS PROPERTY

### POLICY

1. "Surplus property" shall be defined as supplies, materials, or equipment no longer used or needed by TAMC, or which have become obsolete or worn out.
2. Each item to be declared as surplus property shall be identified by description, serial number or other identification number, acquisition date, original acquisition cost, funding source, percentage of federal participation in the cost of the item, item location, use and condition, and other disposition data including the anticipated date of disposal and sale price, as appropriate.
3. The Board of Directors shall declare appropriately identified items as surplus property by resolution prior to disposition.
4. The Executive Director or his/her designee shall implement the most appropriate, cost-effective disposal procedures in accordance with any one or combination of the following methods:
  - (a) Participation by TAMC in another local agency's public agency auction sale, where participation requires no or minimal payment by TAMC to the coordination agency, and where TAMC may realize reasonable profit;
  - (b) Conveyance of surplus property to other government agencies, school, or non-profit organizations by direct negotiated sale;
  - (c) Donation of surplus property to other government agencies, schools, or non-profit organizations if it is for a public purpose of, and of benefit to, TAMC;
  - (d) Disposition of remaining items to local landfill.
5. Employees may **NOT** participate in any public auction sale that includes TAMC surplus property.

Adherence to the Code of Federal regulations is required for surplus property that was originally grant funded. The Code of Regulations (49 CFR 18.32(e)) states that "(1) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency. (2) Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from the sale by awarding agency's share of the equipment."

## PROCEDURES

<u>Responsible Staff</u>	<u>Action</u>
Administrative Section	Periodically evaluates TAMC’s fixed asset physical inventory and prepares a listing of all supplies, materials or equipment, which are no longer functional, used, or needed.
Administrative Section	Finalizes Listings of Proposed Surplus Property and appropriate resolution and presents these documents to the Board of Directors for review and approval.
Board of Directors	Approves or denies Listing of Proposed Surplus Property. Approval is designated by adoption of resolution.
Executive Director or his/her Designee	Determines most appropriate, cost-effective method for disposing of items declared “surplus” by the Board of Directors , in accordance with disposition methods outlined in policy above. Directs staff appropriately.
Administrative Section	Maintains file of all surplus property disposed of in accordance with this policy; ensures that surplus property is appropriately deleted from the Fixed Asset Physical Inventory Listing following disposition.

## ELECTRONIC COMMUNICATIONS

### POLICY

TAMC owns, operates, leases, and maintains various “electronic communications systems” to be utilized by or provided primarily to support the operative and administrative functions of TAMC. TAMC has established this policy for the appropriate use of said systems by TAMC officers and employees (“Employees”). The term “Electronic Communications Systems” as used herein shall include, but is not limited to, the following:

- computing and telecommunications networks, routers, gateways, and switches
- computing equipment
- telephone equipment, including cell phones
- voice mail
- facsimile devices
- imaging systems, cameras, and scanners
- electronic mail (e-mail)
- Internet World Wide Web access
- modems
- video conferencing equipment
- tape recording equipment
- other technologies and equipment used to convey information

“Electronic Communications” as used herein shall mean any communications made using the Electronic Communications System. Upon Board approval, TAMC may change the policies and procedures set forth in this administrative policy at any time.

Employees should be aware that all records, whether on paper or computerized, are subject to the mandatory public disclosure requirements of the Public Records Act, subject to the exceptions provided under the Act or under applicable discovery statutes. Employees should also be aware that all electronic communication may continue to be stored on a network even after deleting the electronic communication from the electronic communications system.

If an Employee has any questions regarding the implementation of this Policy, contact the Director of Finance & Administration.

**1. Employees shall use Electronic Communications primarily for official business.** Official business may include communications within recognized TAMC employee associations, official retirement parties, notices of bereavement and work-related social events such as lunches, retirement parties and birthdays. Employees shall primarily use electronic communications during Employees’ regularly scheduled work hours for purposes directly related to work being performed by that Employee. The occasional, infrequent, and minimal use of electronic communications for unofficial business is permitted prior to and following Employees’ scheduled work hours, including break time

and lunch. The occasional use of electronic communications for unofficial business is a privilege that can be revoked by TAMC at any time. Use of electronic resources may be restricted if the resources consumed interfere with the utilization of the system for business purposes. The agency is not responsible for any loss or damage incurred by an individual as a result of personal use of the agency's Electronic Communications Resources.

**2. Information on the Electronic Communications System is not private.** The Electronic Communications System and all Electronic Communications are the property of TAMC. TAMC has a right, but not a duty, to inspect or audit any and all Electronic Communications, at any time, for any lawful purpose, without notice to any Employee. Accordingly, no Employee shall have any expectation of privacy regarding the content of any Electronic Communications.

**3. The Electronic Communications System shall be used in a professional manner.** In the use of the Electronic Communications System, Employees shall comply with all relevant TAMC regulations. Employees shall prepare Electronic Communications in a lawful, ethical, professional, and businesslike manner. Language that is insulting, offensive, disrespectful, demeaning, or sexually suggestive will not be tolerated. Harassment of any form, sexual, religious, or ethnic slurs or other derogatory or inflammatory remarks, and obscenities or any representation of obscenities is prohibited. Sending a copy of these types of offensive E-mail messages is prohibited. Illegal material, such as child or other pornography, from any source, will not be tolerated or further distributed. Reports or complaints of possible illegal material will be investigated by appropriate law enforcement agencies. The use of Electronic Communications Systems is a privilege, which may be revoked by TAMC at any time.

**4. Employees shall protect the security of the Electronic Communications System.** Employees shall take all reasonable and necessary efforts to protect the confidentiality of information which is placed in their control or care, minimize the likelihood of inadvertent transmission of confidential information to unintended recipients, prevent unauthorized persons from accessing the Electronic Communications System, and prevent the introduction or spread of computer viruses. Reasonable precautions include, but are not limited to the use of an anti-virus program and the review of all e-mail messages for unanticipated or unknown attachments prior to opening them. Employees shall obtain authorization from the Director of Finance & Administration prior to installing or removing any software on a TAMC-owned computer. Employees shall not copy, transfer, or utilize any software or electronic materials in violation of copyright, trademark and/or licensing agreements. The copying of software that has not been placed in the public domain and distributed as "freeware" is expressly prohibited. Employees, who access, copy, transfer and/or use "shareware" shall abide by the requirements of the shareware licensing agreement. No Employee may inspect, change, alter, copy, or distribute proprietary data, programs, files, disks or software without authorization from the computer system manager.

Employees may be assigned passwords for E-mail usage, but the assignment of a password does not imply the granting of privacy rights of any kind in the computer usage for which the password is required. The password belongs to TAMC and may be accessed for any purpose by TAMC. All

system passwords and encryption keys must be available to TAMC management, and Employees may not use passwords that are unknown to TAMC management or install encryption programs without prior approval and turning over encryption keys to TAMC.

## **PROTECT CONFIDENTIAL INFORMATION**

Most communication among TAMC employees is not considered confidential. However, certain communications, such as police investigations, personnel records and communications from TAMC Counsel, may be confidential or contain confidential information. At times when an Employee possesses “confidential” information, the Employee has an obligation to take all reasonable and necessary steps to protect the confidentiality of the information, and minimize the likelihood of inadvertent transmission of the confidential information to unintended recipients. If an Employee has any question regarding the implementation of this section, contact the Director of Finance & Administration.

**1. Determine if the information is “confidential.”** Employees shall treat all information as “confidential” if there is any possibility that the information could be considered personal (such as personnel or medical records), or private (such as proprietary or financial information received in confidence from a third party with the expectation, expressed or implied, that such information will be kept confidential), or if it could potentially expose TAMC to liability if released to the public.

**2. Minimize use of E-mail to transmit confidential information.** For the communication of sensitive and confidential information, Employees shall minimize the use of E-Mail and maximize the use of alternative communication media (such as face-to-face conversations, telephone, hard copy memos, and facsimile).

**3. Identify the people who are authorized to receive the confidential information.** Employees with the care and custody of confidential information shall be responsible for determining which other Employees (or possibly private attorneys or consultants hired to represent TAMC) are authorized recipients of the information. Generally, only people with a “need to know” the confidential information are authorized recipients. Employees with any questions as to who is an authorized recipient for confidential information shall contact the Director of Finance & Administration. Employees shall not forward a confidential E-mail to any unauthorized recipient.

## **GENERAL USE OF E-MAIL SYSTEM**

**1. All User E-Mails.** The E-Mail system is capable of simultaneously transmitting information to all users of the E-Mail System. Employees shall make sure that only intended recipients receive all user E-Mail. All agency communications sent via e-mail will be sent to the agency address. Agency employees must use the official agency e-mail, instead of their private e-mail address (such as yahoo, hotmail etc) when communicating agency business via e-mail.

**2. Do not attempt to disguise the origin of E-Mail.**

No employee shall attempt to disguise the origin of his/her E-Mails. No Employee shall send electronic communications, which hide the identity of the sender or misrepresent the sender as someone else unless authorized in writing by the Executive Director.

**3. Do not access other Employees' E-Mail.** No Employee shall access another Employees' E-Mail unless: (1) authorized by the Executive Director, or (2) as part of the Calendar software for the purpose of setting up meetings, or (3) specifically authorized by the employee.

**APPLICATION OF PUBLIC RECORDS ACT**

All information created or received for work purposes and contained in TAMC computing equipment files, servers, or E-mail depositories are public records and are available to the public unless an exception to the Public Records Act applies. Requests for electronic records under the Public Records Act or under discovery statutes shall be immediately forwarded to TAMC Counsel for review.

**VIOLATION OF POLICY**

Violation of this policy is subject to discipline up to and including termination.

AUTHORIZATION FOR RELEASE OF INFORMATION BY  
ELECTRONIC COMMUNICATIONS SERVICE PROVIDER  
AND WAIVER OF LIABILITY

I, \_\_\_\_\_, understand and acknowledge that the Transportation Agency of Monterey County (“TAMC”) provides me with access to Electronic Communications Resources to facilitate the performance of Agency work. I may use these resources for incidental personal purposes provided that such use does not burden the agency with incremental costs or interferes with the Agency’s operations and my employment or other obligations to the agency. However, the agency’s Electronic Communications Resources are the property of the agency and are not confidential. I have no expectation of privacy when using the agency’s Electronic Communications Resources and acknowledge that the agency has the right to retrieve and make proper and lawful use of all electronic communications and data contained in and transmitted through the agency’s network and through outside providers of wireless or electronic communications services.

Accordingly, I hereby authorize any Electronic Communications Service to release to the Agency any information the agency may request relating to electronic communications and/or any other form of instant or delayed messaging sent and/or received by me on any Electronic Communications Resource maintained by the agency that delivers or receives electronic communications including, but not limited to, cellular telephones, pagers, personal digital assistants, smart phones, Blackberry devices, computers/laptops, telecommunications devices, video and audio equipment, voicemail, wireless networks and data systems. “Electronic Communication Service” means any service, which provides to users thereof the ability to send or receive wire or electronic communications.

I hereby release, discharge and hold harmless the Agency and the person, firm, company, corporation or other third party to whom this Authorization is directed, including their agents, representatives and employees, from any and all liability of every nature and kind arising out of their providing the information, records and other matters authorized above pursuant to this Authorization.

A photocopy of this Authorization and Release shall be accepted with the same validity as the original.

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

\_\_\_\_\_  
Print Full Name of Employee

\_\_\_\_\_  
Date

## **EXIT INTERVIEW**

### **POLICY**

The TAMC Executive Director or his/her designee will conduct an exit interview with all terminating TAMC employees. The exit interview shall be confidential and include:

1. Discussion of departing employee's viewpoint as to work experience, interaction with colleagues, management leadership, training opportunities and recommendations.
2. Recommendations for future work by TAMC.
3. Reassignment of departing employee's workload to other employees.
4. Recommendations on employee morale and teamwork.
5. How did the employee feel about his/her salary and benefits?
6. If the departing employee is leaving to take another position, how does TAMC salary and benefits compare with new employer?
7. How well did the departing employee get along with his/her supervisor?
8. How well did supervisor handle any complaints or grievances employee may have had?
9. How did employee feel about his/her progress with TAMC?
10. What did employee like best about his/her job?
11. What did employee dislike about his/her job?

Refer employee to Administrative Section to pick up check for final pay and vacation, arrange for termination of health benefits, and return office keys and any other Agency property or equipment.



## **FRAUD/MISUSE OF AGENCY ASSETS**

### **PURPOSE AND SCOPE**

To establish policies and procedures for clarifying acts that are considered to be fraudulent, describing the steps to be taken when fraud or other related dishonest activities are suspected, and providing procedures to follow in accounting for missing funds, restitution and recoveries.

The Transportation Agency for Monterey County is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of the Transportation Agency for Monterey County to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the Agency and, when appropriate, to pursue legal remedies available under the law.

### **DEFINITIONS**

- A. Fraud – Fraud and other similar irregularities include, but are not limited to:
1. Claims for reimbursement of expenses that are not job-related or authorized by the Agency's expense reimbursement policy;
  2. Forgery or unauthorized alteration of documents (checks, promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.).
  3. Misappropriation of Agency assets (funds, securities, supplies, furniture, equipment, etc.).
  4. Improprieties in the handling or reporting of financial transactions.
  5. Authorizing or receiving payment for goods not received or services not performed.
  6. Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of Agency-owned software.
  7. Misrepresentation of information on documents.
  8. Any apparent violation of Federal, State, or Local laws related to dishonest activities or fraud.
  9. Seeking or accepting anything of material value from those doing business with the Agency including vendors, consultants, contractors, lessees, applicants, and grantees.

- B. Employee – In this context, employee refers to all employees of the Agency, as defined in the Agency’s Human Resources Rules & Regulations, and any volunteer who provides services to the Agency through an official arrangement with the Agency.

### **PROCEDURES TO DETER FRAUD**

- A. Each department head is responsible for instituting and maintaining a system of internal controls to provide reasonable assurance for the prevention and detection of fraud, misappropriations, and other irregularities.
- B. Department managers who supervise and/or have approval authority over expenditure of Agency funds should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

### **INVESTIGATION OF POTENTIAL FRAUD**

- A. It is the Agency’s policy to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, length of service or relationship with the Agency of any party who might be or become involved in or becomes the subject of such investigation.
- B. Whenever any Agency employee has a reasonable suspicion that fraud may be occurring, that employee shall report the activity to their immediate supervisor, or if the supervisor is the person suspected, to the next highest level within the department.
- C. When any suspected fraud is reported, whether by an Agency employee or any other individual, the appropriate department manager should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.
- D. If the department manager believes there may be dishonest or fraudulent activity, they should immediately report it to the Agency’s Executive Director who shall initiate an investigation in conformance with the Agency’s Human Resources Rules & Regulations. Depending on the allegations and circumstances, the investigation may include the Agency’s Director of Finance & Administration, Agency Counsel and any outside investigators or auditors as deemed appropriate. All Agency employees shall fully cooperate with any such investigation.
- E. If the results of the investigation indicate violation of this policy, discipline, up to and including termination from employment will be initiated as provided for in the Agency’s Human Resources Rules & Regulations. In addition, if the results of the investigation indicated potential criminal acts, the matter should be reported to the Police Department.

- F. All investigations involving Agency employees shall be conducted in accordance with the Agency's Human Resources Rules & Regulations. This means, for example, that standard procedures for protection of whistleblowers, privacy rights and due process rights shall be in effect during and after the investigation.
  
- G. The Agency will pursue every reasonable effort, including court ordered restitution, insurance claims, etc., to obtain recovery of Agency losses from the offender, or other appropriate sources.

## **Grant Support Policy**

### **PURPOSE**

In order to assist staff in responding to requests for letters of support for grant proposals.

### **POLICY**

1. Requests for letters of support should be received by the Transportation Agency for Monterey County at least one month prior to the deadline for submitting letters of support in order to insure sufficient time for the Agency Board to take action on the request.
2. Staff may provide letters of support for grant proposals that are consistent with adopted legislative program and the goals and objectives adopted in the Regional Transportation Plan.
3. Grant proposals that are not clearly consistent with the legislative program or goals and objectives of the Regional Transportation Plan, or are controversial in any way will be agendaized for Transportation Agency Board of Directors consideration at their next meeting.

*Adopted by TAMC Board of Directors on May 26, 2010*

## **Management Succession Plan**

A succession plan is designed to prepare the agency in the event that the Executive Director position becomes vacant. The purpose of this plan is to:

- Promote the continuity of agency's vision and programs;
- Create a smooth and predictable succession process;
- Minimize uncertainties and disruption to agency staff and operations; and,
- Provide a road map of decisions points for the Board of Directors.

The Board may, at its discretion, alter or deviate from this plan.

1. It is the responsibility of the Executive Director to ensure that that the Deputy Executive Director is capable and qualified to act as Executive Director on an interim or permanent basis.
2. To assure that the Deputy Executive Director is capable and qualified in this role, the Executive Director will prepare and the Deputy Executive Director will execute an Executive Director Development Plan. The plan will be based on the skills and experiences that the Executive Director and Board deem necessary for the Executive Director position.
3. To ease the transition period and allow sufficient time for recruitment and planning, under normal circumstances the Executive Director will notify the Executive Committee of his/her intentions to retire or otherwise vacate the position within an appropriate lead time, generally considered to be at least six months.
4. In the event that the Executive Director indicates his intent to retire or otherwise vacates his position, the Executive Committee will first give consideration to appointing the Deputy Executive Director as the permanent Executive Director without an outside recruitment, provided that he/she has completed the Executive Director Development Plan prior to the effective date of the appointment.
5. If the Deputy Executive Director is selected to be the new Executive Director, an immediate priority is to hire a replacement Deputy Executive Director. While hiring staff is generally a management responsibility, the Board may choose to provide input into the selection process.
6. If the Board decides not to appoint the Deputy Executive Director as the permanent Executive Director, then an outside recruitment may be conducted. If an outside recruitment is conducted, the Board is advised to select the services of an independent recruiting firm. The Board will determine whether the scope of the recruitment effort will be national, statewide or regional. Advertisements will be placed in industry publications as appropriate. Applications will be screened and qualified candidates will be invited to participate in a series of interviews with the Board and key staff.
7. Once the new Executive Director is appointed according to either method described above, the Board in collaboration with the appointee will establish performance objectives and evaluation criteria within 60 days. Established procedures call for annual review of the Executive Director according to these adopted performance objectives and evaluation criteria.

*Adopted by the TAMC Board of Directors on April 27, 2005*

## **MEDIA GUIDELINES**

### **POLICY**

The employee who is most knowledgeable and informed about a particular issue or project is the best agency spokesperson. Any employee who speaks to the media is responsible for what he/she says.

While any employee may answer a question from a reporter, media questions involving policy issues beyond straightforward, factual information should be referred to the Executive Director or Deputy Executive Director.

Agency employees must inform the Executive Director or Deputy Executive Director when contacted by the media.

Agency employees should understand that their comments on public issues will be interpreted as Agency's point of view. To the public, especially press and media representatives, each employee is the Agency.

When the media calls:

1. Respond promptly
2. Take a minute to:
  - Decide what your message is
  - Check your facts
  - Offer to call back in a few minutes so as to give yourself time to collect your thoughts
3. Ask what the point of the story is; it may be completely different than you think.
4. Stick to your message and the facts. Never speculate.
5. Do not let the reporter feed you a quote or talk you into saying something.
6. Everything is "on the record" so choose your words carefully.
7. For T.V. interviews, do a quick minor appearance check. Do you look professional? Borrow a blazer if needed.
8. Suggest a Board member they can talk to (Board Chair, appropriate Committee Chair, or designated Board member re presentation), and suggest they talk to the Board member first. Let the Board member be the heroes; staff take the heat. Staff will immediately notify the Board member of the media contact and the subject of the interview.
9. At the interview's close, ask when they expect the story to appear.

Media releases must be reviewed by the Executive Director or Deputy Executive Director before release. Board member quotes must be cleared with the Board member.

No employee will be required to talk with the media. Employees who are uncomfortable talking with the media should refer the call to the Executive Director or Deputy Executive Director.

## **OFFICIAL TRAVEL AND TRAINING -EMPLOYEES**

### **POLICY**

- A. Travel and/or training will be authorized where there is a clear benefit to TAMC, including professional growth of employees, and which warrants the cost and time away from regular duties.
- B. Travel and training budget will be approved during the annual budget process. Approved budget for travel and training will not be exceeded without the express approval of the Executive Director.
- C. It is the Agency's policy to follow the Fair Labor Standards Act provisions in order to compensate employees for the above.

### **PROCEDURES**

- A. A Travel Request will be submitted in advance for all training and/or travel requests.
- B. The employee's supervisor must approve all travel and/or training requests with the following exceptions:
  - 1) The Executive Director must approve reimbursement for:
    - a. Lodging expenses that exceed the current State approved rate. An 'Excess Lodging Rate Request/Approval' form must be completed prior to travel;
    - b. A travel request that exceeds \$1,000
  - 2) The Executive Committee must approve all out-of-state travel and/or training.
- C. Use of Agency vehicles for travel is preferred; use of private vehicles may be authorized when:
  - 1) TAMC vehicles are not available.
  - 2) A combination of the distance and duration of trip results in uneconomical tie-up of an official vehicle.
  - 3) Specifically approved by Executive Director.
  - 4) If the employee is authorized by the TAMC Board to receive a car allowance, that employee is expected to use his/her vehicle for work-related trips within the County (unless he or she is utilizing an alternative means to travel to and from work that day) and may only claim mileage reimbursement for work-related trips out of Monterey

Due to liability concerns, non-agency employees should not ride as passengers in Agency vehicles when the travel is not directly related to agency business.

## COMPENSATION

### **Overtime- Exempt Employees**

Overtime exempt employees will be paid for 8 hours of work for each day worked up to a maximum of 40 hours per week, regardless of travel time. Hours may be recorded on time sheets based on the policies listed below for non-exempt employees, for record-keeping purposes only.

### **Overtime-Non-exempt Employees**

#### Home to Work Travel

Travel from home to work and back is not compensable.

#### Travel During Regular Working Hours

Travel to and from meetings or work assignments away from the office during normal working hours are compensable.

#### One-Day Trips Extending Beyond Regular Working Hours

Travel time and conference, training or meeting time associated with one-day, local or out-of-town travel that extends beyond regular working hours is compensable. A manager must approve such travel ahead of time. Travel time to the work event starts when the employee leaves work (or home) and ends when the employee reaches the work event. Travel time from the work event starts when the employee leaves the event and ends when the employee arrives at home or work (whichever occurs first). Normal home-to-work travel time (if travel starts from or ends at home) and meal periods shall be excluded from the hours recorded for compensation. Employees must take a minimum of a half hour lunch period.

#### Multi-Day Trips

Employees must obtain a manager's written approval of estimated travel time and work time prior to taking a multi-day trip. If an employee travels overnight, the employee will be paid for time spent in traveling (except for meal periods) during their normal weekday working hours (e.g. 8:00 a.m. to 5:00 p.m.) on their non-working days, such as Saturday, as well as, on their regular working days. In the case of travel across time zones, actual time will be counted and not the "artificial" time indicated by clock changes.

Travel time (on non-working days or regular working days) as a passenger on an airplane, train, boat, bus or automobile outside of regular working hours is not considered work time unless the



employee performs actual work while traveling. Permission to work while traveling must be approved in writing ahead of time by a manager.

Employees must take a minimum of a half hour lunch period.

Conference, training or meeting time associated with multi-day trips, that extends beyond regular working hours is generally compensable.

**Reimbursable expenses include:**

- 1) Necessary transportation to include actual cost of rail, bus, airline (coach-class) tickets; airport, bus or limousine services; and taxi charges incidental to official meetings.
- 2) Actual cost of rented automobile;
- 3) Actual cost of hotel accommodations. Use of accommodations exceeding the current single- room State approved rates must be authorized by the Executive Director. For out of state travel, lodging will be paid at Internal Revenue Service approved rates. Use of accommodations exceeding the IRS rates must be authorized by the Executive Director. For out of country travel, the Agency will follow the current California Department of Transportation travel rules.
- 4) Baggage handling at terminals and hotels.
- 5) Official telephone and incidental expenses directly related to the trip or conference.
- 6) Registration fees for conferences, seminars, and related meetings.
- 7) Meals for overnight trips, including tips, will be reimbursed for actual expenses up to the most updated State approved per diem rates, unless there are mitigating circumstances such as no hotels or restaurants available at the current State rates and conferences being held at a given hotel, or meetings held at a given restaurant. Per state law, employees may not claim reimbursement for lunch when there is no overnight stay, unless it is an official meeting in which lunch is only a portion of the overall cost. Meals within the County of Monterey are not reimbursable. Itemized receipts for meals purchased, for who purchased, and the business purpose or agenda must be submitted.
- 8) Parking charges and toll bridges.
- 9) Where use of a private vehicle is authorized, reimbursement will be made at the current IRS rate per mile for published distances between travel points, not to exceed the minimum commercial air round trip fare.

At the request of the traveler, advance funds may be furnished based upon 75% of the estimated expenses.

A Travel Expense Report will be prepared, signed by traveler; approved by the employee's supervisor (and Executive Director if required), and submitted to the Administrative Section for settlement within 60 days following completion of travel. The Travel Expense Report will be prepared in sufficient detail to show time and nature of expenses incurred. Receipts are required for rail, bus, airline tickets, hotel rooms, meals, parking receipts, and other expenses for which receipts are normally obtainable. Meeting/conference agendas will be attached. Claims that are not submitted within 60 days will be treated as taxable income. Deputy Executive Director or Director of Finance & Administration must approve the Executive Director's expense report.

Monthly claims for Local Mileage will be submitted for expenses incurred in local area and approved by employee's supervisor.

No personal gain to the employee shall occur as a result of this policy. If the Agency pays the employee's expenses or wages, any expenses or compensation (e.g honorariums etc) paid by another organization will be reimbursed to the Agency.

These guidelines are not intended to address every issue, exception or contingency that may arise in the course of Agency travel or attendance at meetings. Accordingly, the basic standard that should always prevail is to exercise good judgment in the use and stewardship of the Agency's resources.

The Agency reserves the right to deny reimbursement of travel related expenses for failure to comply with Agency policies and procedures.

Current State rates are available at: [www.dot.ca.gov/hq/asc/travel/ch3/13lodging.htm](http://www.dot.ca.gov/hq/asc/travel/ch3/13lodging.htm) and [www.dot.ca.gov/hq/asc/travel/ch3/14mealincd.htm](http://www.dot.ca.gov/hq/asc/travel/ch3/14mealincd.htm) (Bargaining Unit 12 Employees)

## **PAPER REDUCTION**

1. In “Correspondence” section of TAMC agenda packet, include only letters specifically addressed to and from TAMC. All other media items, reports, and correspondence not addressed to TAMC, post electronically on the TAMC website.
2. Whenever possible post all Board Report attachments on the website, and eliminate printed copy from the agenda packet.
3. For Request for Proposals (RFPs)/Qualifications items in the agenda, include only the Scope of Work in the printed agenda, and post electronically on the website the RFP, the contract, and any other RFP related attachments. Send notices to potential RFP respondents, with link to website location of RFP, instead of mailing printed copies of RFP.
4. Since the TAMC Board has approved a standard agreement for Professional Services, only include in TAMC Board packets the Scope of Work, Payment Provisions, Deliverables and services length.
5. Annually purge agenda mailing lists and encourage recipients to change to website e-mail notices of agendas.
6. Charge the most recent fees approved by TAMC Board for all mailings of full packets, agenda and minutes, agenda only, meeting highlights, TAMC Reports, and published documents. Those exempt from paying fees are TAMC Board members, committee members, alternates, public agencies, and Brown Act-required agenda posting sites.
7. Print double-sided from computers whenever possible.

## **PURCHASING OF GOODS**

This policy is being updated and will be brought back to the Board for consideration. Agency staff has developed a more comprehensive Consultant Procurement and Management checklist to be consistent with applicable State guidelines and to supplement existing policy. A copy of this checklist is attached as Exhibit A. Pending final adoption of the updated policy, the checklist will be used for procurement of goods & services.

### **POLICY**

1. All purchases will be made according to the financial limits described in paragraphs 1.1 through 1.5 below.
  - 1.1 Small purchases of \$200.00 or less may be made from petty cash or Agency credit card.
  - 1.2 Micro purchases of \$201 to \$2,000 require approval by either the Deputy Executive Director or the Director of Finance & Administration.
  - 1.3 Purchases of \$2,001 to \$10,000 require approval by Executive Director and may be made after informal bidding procedures, which shall be documented. Generally, a minimum of three bids is required unless the item is proprietary and there are no substitutes.
  - 1.4 Purchases of \$10,000 or more require approval by the Agency Board of Directors and shall be offered for competitive bid, on the basis of written specifications. Award will be made to the lowest bidder unless advantages of standardization or ultimate economy are clearly evident.
  - 1.5 Purchases that exceed the amount budgeted for a specific cost category require the approval of the Executive Director to authorize a fund transfer between budgeted cost categories.
2. No TAMC employee or agent shall either solicit or accept gratuities, favors, or anything of monetary value from suppliers or potential suppliers.
3. Choose products that have a limited impact on environment quality whenever possible. E.g buying recycled paper for most printing, copying, faxing etc.

### **PROCEDURES**

1. For purchase of any item over \$200, staff submits a procurement form to either the Deputy Executive Director or the Director of Finance & Administration about the item to be purchased, justification for the purchase, and a list of suppliers when known for approval.

2. The Deputy Executive Director or the Director of Finance & Administration either deny the request or, if approved, sign and send to the Project Manager.
3. The Project Manager receives the request from either the Deputy Executive Director or the Director of Finance & Administration and obtains the necessary information as to suppliers, price, and delivery time.
4. The Project Manager verifies that funds are available in the TAMC budget. If there are insufficient funds within a budget category to make the purchase, the Finance Officer obtains approval of the Executive Director to transfer funds between line items within the budget.
5. The Project Manager obtains informal or competitive bids either directly and/or through the applicable Program Managers and directs the Administrative Assistant to prepare a Purchase Order if applicable.
6. The Project Manager orders the items after required approval is obtained or can have the Senior Administrative Assistant place the order.

## **PURCHASING OF SERVICES**

This policy is being updated and will be brought back to the Board for consideration. Agency staff has developed a more comprehensive Consultant Procurement and Management checklist to be consistent with applicable State guidelines and to supplement existing policy. A copy of this checklist is attached as Exhibit A. Pending final adoption of the updated policy, the checklist will be used for procurement of goods & services.

### **POLICY**

1. Contracts for services and annual extensions of such contracts for \$10,000 or less may be approved by the Executive Director, if the revenue source for the specific contract is in the approved Agency budget or has been approved by a specific Agency Board action.
2. Contracts for services and annual extensions of such contracts in excess of \$10,000 require prior approval by the Agency Board of Directors before execution.

Contracts in excess of \$10,000 for technical, consulting, or other professional services may not be let without soliciting proposals/quotations from typically, at least three firms or individuals unless there is clear evidence to demonstrate that the proposed Contractor:

- (a) Is the sole qualified supplier of required services;
  - (b) Has unique qualifications or experience in the specific work involved; or
  - (c) Is a Federal, State, or other public agency or not-for-profit corporation, which will perform the services at actual cost.
3. Unsolicited proposals for services in excess of \$10,000 may not be considered and evaluated without compliance with the below Contract procedures.
  4. The TAMC Legal Counsel shall approve as to form all contracts.
  5. The Executive Director is authorized to make non-financial changes to contracts that do not substantially change the scope of work previously approved by the Board of Directors.

### **PROCEDURES**

The Project Manager will submit a request for consultation services to the Executive Director or his/her designee. The request will include:

1. The proposed Scope of Services.

2. The TAMC Overall Work Program work tasks to be completed.
3. The estimated cost.
4. The proposed funding source.
5. The proposed time of performance.
6. The proposed method of procurement:
  - a. Competitive
  - b. Sole Source - with justification
7. Proposed type of contractor:
  - a. Public Agency or Not-for-Profit Corporation
  - b. Other

## I. APPROVAL

1. The Executive Director or his/her designee will review the recommendation and forward it to the Director of Finance & Administration for a determination as to the availability of funds.
2. If funds are available, the Director of Finance & Administration will so certify and return the request to the Executive Director or his/her designee. If funds are not available the Director of Finance & Administration will return the request to the Project Manager with a written statement that funds are not available from the proposed funding source.
3. The Executive Director or his/her designee will determine if the requested work is consistent with the TAMC Overall Work Program and approve or disapprove.
4. If the request is approved and the estimated cost is over \$10,000, the Executive Director will put the proposed contract on the agenda of the Board of Directors. If the proposed contract is for more than \$10,000, and is not a sole source procurement, the solicitation and selection procedure described below will be followed before action by the Board of Directors.

## II. SOLICITATION

1. The Project Manager will prepare the Request for Proposal or Qualifications.
2. The Contract Selection Committee will rank the offerors. The Project Manager will prepare a memo on the ranking of the offerors, and submit the recommendation to the Deputy Executive Director, who then will then submit it to the Executive Director for approval.
3. The Executive Director or his/her designee will review the Contract Selection Committee's recommendation and select the consultant. If the selected consultant is not the consultant recommended by the Contract Selection Committee, the Executive Director or his/her designee will prepare a memo explaining the selection. If Board approval is required, the Project Manager will prepare the Board Report requesting TAMC approval

of the recommended consultant.

4. The Project Manager will notify all unsuccessful offerors that their offers have not been selected for award.

Upon request, the Project Manager will notify an unsuccessful offeror of the reasons for rejection. The unsuccessful offeror may also talk to the Executive Director about any questions regarding the consultant selection process.

The successful offeror's proposal may be reviewed by interested parties at TAMC offices.

### III. PREPARATION

1. The Project Manager will prepare the contract and forward it to Legal Counsel for approval.
2. The Legal Counsel will review the proposed contract and approve after changes, if any, are completed.
3. If required by the funding agency, the Project Manager will forward the contract to that agency for approval.
4. The Project Manager will prepare the Board Report and contract to be presented to the Board of Directors for approval as required if contract amount is \$10,000 or more.
5. Upon Board approval the Project Manager will make arrangements for a pre-award audit, if required. A pre-award audit applies to Caltrans or federally-funded projects if over \$150,000 after selection of consultant and before signing of consultant agreement.
6. The Project Manager will monitor the progress of the pre-award audit, to assure that the pre-award audit is completed within a 30-day turn around, and receipt of final pre-award audit.
7. The Project Manager will secure Caltrans approval of the selected consultant, if required.

### IV. EXECUTION

1. The Project Manager will forward two copies of the contract (or more if required) to the contractor for signature.
2. After the contract has been signed by the contractor and returned, the Project Manager will forward the contract to the Executive Director for signature.
3. The Executive Director will return the signed contracts to the Project Manager who will



distribute the copies as follows:

- a. The Contractor
  - b. The Project Manager (keep a copy)
  - c. The funding agency if required
  - d. The Finance Department's contract file (original)
4. The Project Manager will ensure that the Finance Department has the following information on file:
- a. A copy of the signed Request for Consultant Services
  - b. A copy of the Request for Proposal/Qualifications
  - c. A list of consultants for mailing of Request for Proposal/Qualifications
  - d. The names of the Consultant Selection Committee
  - e. A copy of the memo on the ranking of the offerors
  - f. Scope of Services
  - g. Time of Performance
  - h. Amount and method of payment
  - i. Disadvantaged Business Enterprise participation, if applicable
  - j. Caltrans Audit Conformance letter (for contracts over \$1,000,000)
  - k. A signed original of the contract, including all reference attachments
  - l. E-76 federal authorization
5. For Federally funded projects, the Project Manager will:
- a. File with Caltrans E-76 Federal Authorization before doing any reimbursable work
  - b. Submit required Form 10-02 DBE information to Caltrans Local Assistance

## V. MONITORING

1. The Project Manager will:
  - a. Monitor the performance of the Contractor
  - b. Approve all invoices for payment
  - c. Initiate contract amendments
  - d. Notify the Administrative Section and the Executive Director of any existing or potential contract violations
2. The Administrative Section will:
  - a. Establish and maintain the official contract file
  - b. Audit all approved invoices before payment
  - c. Prepare and process approved contract amendments

## **PURCHASE OF TAMC LOGO SHIRTS**

### **POLICY**

TAMC will purchase shirts with TAMC logo for regular employees and student interns who are promoting TAMC programs and activities at special events. The shirts may be worn while working at special events, and are not for non-work use. The shirts will be replaced as needed when no longer serviceable. Only those regular employees and student interns who work at special events for TAMC would be eligible to receive a shirt. All shirt purchases must be approved by the TAMC Executive Director.

## RECORDS RETENTION

### POLICY

To conserve the use of space and materials, maximum use of existing methods of record storage, including microfiche, computer, and other capabilities should be used whenever available and cost effective. Some records, such as original documents of a legal nature must be retained in hard copy.

The following schedule of records retention is established. For records not specifically mentioned in the following schedules, the retention period shall be 4 years unless otherwise approved by the Executive Director.

A records review and disposal program will be scheduled annually subsequent to the presentation of the annual audit report to the Board of Directors.

### GENERAL ADMINISTRATIVE RECORDS

<i>Record Type</i>	<i>Retention Period</i>
Administrative Policies	Permanent
Board Agendas	Permanent
Board Minutes	Permanent
Board Proclamations	Permanent
Board Resolutions	Permanent
By Laws	Permanent
State statutes authorizing creation of TAMC	Permanent
Committees-BPC, TAC, SSTAC, Executive	4 years hard copy, Permanent electronically
Committee-Rail Policy	Permanent
Contracts	4 years after completion
Ethics Training Certificates	5 years after completion
General Correspondence	4 years
Grant Agreements	4 years after closure
Joint Powers Agreements	Permanent
Lease Agreements	4 years after closure
Legal Claims	4 years

Statement of Economic Interest Form 700	7 years
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## FINANCIAL RECORDS

<i>Record Type</i>	<i>Retention Period</i>
Accounts Payable Documents	7 years
Accounts Payable Ledger	7 years
Accounts Receivable Ledger	7 years
Annual Financial Statements	Permanent
Audit Reports	Permanent
Bank Deposit Statements	7 years
Bank Reconciliations	7 years
Budgets	7 years
Cancelled Checks	7 years
Check Register	7 years
Deferred Compensation Plan Reports	7 years
Federal form 1099 reports	7 years
Federal forms W-2 reports	20 years
Finance correspondence	7 years
General Ledger (end of fiscal year)	Permanent
General Ledger Trial Balance	7 years
Investment Records	Permanent
Loan records	7 years after settlement
Work Program	Permanent
Payroll	7 years
PERS reports	7 years
Property Depreciation (end of fiscal year)	Permanent
Property Inventories (end of fiscal year)	Permanent
Purchase/ Services Bid files	7 years
State Controllers Report	Permanent

State Periodic Reports	7 years
Timesheets	7 years

## PERSONNEL RECORDS

<i>Record Type</i>	<i>Retention Period</i>
Accident Report	4 years
Employee Complaints/Compliments	4 years
Economic Interest	Continuous to 4 years after separation
Employee Personnel Files	Continuous to 4 years after separation
Grievance Files	4 years after settlement
Injury Claims/Settlement	4 years after settlement
Job Recruitment Documents	4 years
Personnel Terminations	4 years
Employee Association Agreements	Permanent
Worker Compensation	7 years after settlement

## PROJECT AND PROGRAM RECORDS

<i>Record Type</i>	<i>Retention Period</i>
Annual Reports to State Agencies	4 years after closure
Annual Reports to Federal Agencies	4 years after closure
Bicycle and Pedestrian Plans	7 years or until updated, whichever is longer
Regional Transportation Plan	7 years or until updated, whichever is longer
Congestion Management Plan	7 years or until updated, whichever is longer
Regional Transportation Improvement Plan	7 years or until updated, whichever is longer
Corridor Studies	Permanent

## **RECRUITING, SCREENING, AND HIRING FOR STAFF POSITIONS**

### **POLICY**

- 1) Deputy Executive Director or Director of Finance & Administration will recommend to the Executive Director the filling of vacant positions. The Executive Director will approve or disapprove the recommendation.
- 2) If a recruitment is approved, a notice of employment opportunity in the classified service will be prepared. The notice will include at a minimum the class title, salary range, the nature of the work, qualifications, starting and closing dates, and the equal opportunity statement.
- 3) The vacancy will be advertised as widely as possible in appropriate publications, consistent with the approved budget, and notices sent to interested parties.
- 4) Individuals applying for positions shall file an Application for Employment form and a supplemental questionnaire if required. The application form and supplemental questionnaire, if required, will be filed with the Administrative Section.
- 5) An interview panel will be appointed for all recruitment and will consist of at least three persons.
- 6) All resumes will be reviewed and rated by appropriate staff for conformity with requirements as described in vacancy notices.
- 7) Applicants disqualified and applicants qualified but not selected for interview will be notified by mail by the Administrative Section.
- 8) A list of qualified applicants to be interviewed will be prepared by the Administrative Section and approved by the Deputy Executive Director or Director of Finance & Administration.
- 9) The Administrative Section will notify either by telephone call with a follow up written notice or by written notice the candidates selected for interview, and the Interview Panel will conduct the interviews.
- 10) The Interview Panel will determine the list of potential appointees. Copies of the attached "Guide for Oral Interview Board Members" shall be given to all panelists prior to the interview.
- 11) A rating sheet will be given by the Administrative Section to each panelist for each interviewee.

- 12) Upon approval of the final selection list by the Director of Finance and Administration, the Executive Director and direct supervisor for the position, where applicable shall conduct an administrative interview. This interview may be conducted on the same day as the interview panel if the applicant is not a local resident. At the discretion of the Executive Director, an administrative interview may be conducted by phone.
  
- 13) Upon approval of the final selection list by the Executive Director:
  - (a) The Administrative Section and/or the Deputy Executive Director will check references.
  
  - (b) The Administrative Section will prepare for the Executive Director's signature a conditional offer to the candidate selected for the position. The conditional offer letter will notify the candidate that hiring is contingent upon passing a background check by a private investigator that includes a reference check, a credit check, if relevant to the vacant position, and a criminal record check. If a drug test is required, the candidate will also be notified. If he/she declines, the other candidate(s) on the list may be offered the position.
  
  - (c) The Administrative Section will notify by mail all interviewed candidates of the selection for the position.

#### SUMMARY OF STAFF RESPONSIBILITIES:

Responsible Staff: Executive Director

Action:

1. Determine vacancies
2. Approve promotion or recruitment
3. Approve final selection list
4. Make Appointments

Responsible Staff: Deputy Executive Director or Director of Finance & Administration

Action:

1. Recommend recruitment. Review existing selection list.
2. Recommend to the Executive Director, from the potential appointees list provided by the recruitment panel, the final selection list
3. Appoint members to interview panel
4. Approve Administrative Section recommendations on:
  - ◆ Job description
  - ◆ Period of recruitment
  - ◆ Media and organization(s) to be notified

Responsible Staff: Administrative Section

Action:

1. Check recruitment request against approved budget and if the funds are available forward to Executive Director
2. If funds are not available return recruitment request to Deputy Executive Director or Director

of Finance & Administration

3. Prepare for Deputy Executive Director or Director of Finance & Administration approval: job description, recruitment period, media and organizations to be notified of recruitment
4. Prepare job announcement for Deputy Executive Director or Director of Finance & Administration approval
5. Place advertisements and send notices to designated organizations
6. Send notices to and application forms to individuals requesting such information
7. Receive applications and resumes
8. For finalists only, check references.
9. Prepare letter to applicants and candidates
10. Prepare recruitment file
11. Retain applications and recruitment file for four (4) years
12. Schedule panels and interviews

Responsible Staff: Interview Panel

Action:

1. Conduct interviews
2. Recommend list of potential appointees to Executive Director
3. Notify Administrative Section of all actions and return all applications and other pertinent materials



## TRANSPORTATION AGENCY FOR MONTEREY COUNTY A GUIDE FOR ORAL INTERVIEW BOARD MEMBERS

Thank you for participating on a Qualification Appraisal Board with TAMC. TAMC is an Equal Opportunity Employer.

### THE INTERVIEW PROCESS

As a member of the Qualifications Appraisal Board, you are asked to appraise the training, experience, and personal traits of the candidates in relation to the requirements of the position for which they are competing.

The burden of proof rests on the candidate, but the burden of conducting the interview and helping the candidate to supply the necessary evidence rests upon the board. It is the board's task to secure a record of factual data which represents differences in ability to do the job rather than differences in ability to participate in an oral interview.

Maintaining good public relations is an important aspect of the interview process. All candidates should feel that they have been given friendly and skillful assistance in presenting their qualifications to the Board.

Before the interviews begin, you will have an opportunity to discuss with the other members the duties and requirements of the position. You will also review the written application/resume submitted by each candidate, which shows previous training and experience.

The time for each interview has been determined in the schedule for the day. You should try to adhere to this schedule and to give each candidate approximately the same amount of time.

### QUESTIONING A CANDIDATE

Appropriate topics to be discussed and questions to ask derive from the nature of the work and the traits to be rated. Since this is a competitive examination, some standardization of topics and questions is necessary, but uniformity of question and follow-up is not necessary. To arrive at a satisfactory basis for rating the same traits in all candidates, it is necessary to vary the details of an interview to meet variations in the candidate's answers and reactions.

1. In general, it is better to direct questions toward determining what the candidates' previous training, experience, and behavior have in common with the requirements of the positions. ALL questions must be job related.
2. You should be careful regarding the form in which a question is put to the applicant. Leading questions should be avoided.
3. Avoid the influence of "halo", the tendency to give high ratings in one trait because of a

- favorable impression with regard to another.
4. Try to avoid jumping to conclusions. Retain an open mind until the examination is concluded and all the evidence is in.
  5. If a board member feels that a candidate does not possess the required qualifications, the member should inform the candidate of the area(s) of weakness. This allows the candidate to answer the Board regarding these areas, and provide an opportunity to present additional information in these specific areas.

### LEGAL LIMITATIONS

In oral boards, chairpersons are expected to ensure no unlawful inquiries are answered by the applicant. Should an inquiry of questionable legality be raised, the chairperson is expected to either redirect the question by rephrasing or refocusing it or to instruct the applicant not to reply. Chairpersons have the authority to terminate the interviewing process should any oral board member(s) persist in asking unlawful questions, should there be any questions regarding the possibility of illegality of any question, please feel free to ask the chairperson.

1. Board members may not ask questions about the following topics, nor may any of these factors be considered in rating a competitor or disqualifying a competitor: race, color, ancestry, medical condition, sex (including pregnancy, childbirth and related medical conditions), physical or mental disability, veteran status, sexual orientation, family situation, age, national origin, religious affiliation, political affiliation, union membership or affiliations, marital status, Workers' Compensation claims or gender identity.
2. The board should not make medical judgments and should not disqualify a candidate purely on medical factors.
3. A board member should withdraw from any interview in which the member feels that he/she cannot give a fair rating.
4. The chairperson or the candidate may ask that a member of the board be excluded from the interview and the discussion and rating qualifications if either one believes that the member is biased.

### RATING A CANDIDATE

1. Ratings must be based on information brought out during the interview and on the candidate's observable behavior in the interview. Previous knowledge of the candidate must not be used in establishing ratings.
2. The ratings are estimates of a candidate's potential success for the classification being examined. The ratings should not be judgments of the candidate's effectiveness in any current job.
3. A general test of qualifications is "If I were the appointing authority, would I hire this

individual with reasonable confidence that the job could be handled successfully?”

4. After you have interviewed the first few candidates, you probably will find it desirable to discuss your ratings in order to see how your standards compare with those of the other raters. At any time during the day and certainly at the end, you should review your own ratings to be sure that they reflect your comparative opinions of the candidates. Ratings at first may be marked lightly so that you can erase and revise them if you wish to do so before they become final.
5. The summary rating you assign each candidate should reflect your judgment as to the employability of the applicant in this particular classification.
6. You are required to sign each rating form you use. However, in the case of appeal, you will not be identified individually but only as one of three or four whose pooled judgment resulted in a certain score for the applicant.
7. All rating forms and other pertinent information should be given to the chairperson, who then will give it to the Administrative Section at the conclusion of the interviews.

## REMOTE ACCESS POLICY

The purpose of this policy is to define standards for connecting to TAMC's network from any host. These standards are designed to minimize the potential exposure to TAMC from damages which may result from unauthorized use of TAMC resources. Damages include the loss of sensitive or agency confidential data, intellectual property, damage to public image, damage to critical TAMC internal systems etc.

This policy applies to all TAMC employees, contractors, vendors and agents with TAMC owned or personally owned computer or workstation used to connect to the TAMC network. This policy applies to remote access connections used to do work on behalf of TAMC, including reading or sending email and viewing intranet web resources.

Remote access implementations that are covered by this policy include, but are not limited to, dial-in modems, frame relay, ISDN, DSL, VPN, SSH, and cable modems etc.

### POLICY

#### General

1. It is the responsibility of TAMC employees, contractors, vendors and agents with remote access privileges to TAMC's network to ensure that their remote access connection is given the same consideration as the user's on-site connection to TAMC.
2. General access to the Internet for recreation use by immediate household members through the TAMC network on personal computers is permitted for employees that have flat-rate services. TAMC employee is responsible to ensure the family member does not violate any TAMC policies, does not perform illegal activities, and does not use the access for outside business interests. TAMC employee bears the responsibility for the consequences should the access be misused.
3. For additional information regarding TAMC's remote access connection options, including how to order or disconnect service, cost comparisons, troubleshooting, etc., see the staff IT coordinator.

#### Requirements

1. Secure remote access must be strictly controlled. Control will be enforced via password authentication.
2. At no time should any TAMC employee provide his or her login or email password to anyone.
3. TAMC employees and contractors with remote access privileges must ensure that their TAMC owned or personal computer or workstation, which is remotely connected to TAMC network, is not connected to any other network at the same time, with the exception of personal networks that are under the complete control of the user.
4. TAMC employees and contractors with remote access privileges to TAMC's network must not use non TAMC email accounts (e.g Hotmail, Yahoo, Gmail etc) or other external resources to conduct TAMC business, thereby ensuring that official business is never confused with personal business.

5. Routers for dedicated ISDN lines configured for access to the TAMC network must meet minimum authentication requirements of CHAP.
6. Reconfiguration of a home user's equipment for the purpose of split-tunneling of dual homing is not permitted at any time.
7. Frame Relay must meet minimum authentication requirements of DLCI standards.
8. Non-standard hardware and security configurations must be approved by the staff IT coordinator.
9. All hosts that are connected to TAMC internal networks via remote access technologies must use the most up-to-dated anti-virus software.
10. Personal equipment that is used to connect to TAMC networks must meet the requirements of TAMC owned equipment for remote access.
11. Organizations or individuals who wish to implement non-standard Remote Access solutions to the TAMC network must obtain prior approval from the staff IT coordinator.

#### Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

#### Definitions

**Cable Modem**-Cable companies such as AT&T Broadband provide Internet access over Cable TV coaxial cable. A cable modem accepts this coaxial cable and can receive data from the Internet at over 1.5 Mbps. Cable is currently available only in certain communities.

**CHAP**-Challenge Handshake Authentication Protocol is an authentication method that uses a one-way hashing function. **DLCI** Data Link Connection Identifier (DLCI) is a unique number assigned to a Permanent Virtual Circuit (PVC) end point in a frame relay network. DLCI identifies a particular PVC endpoint within a user's access channel in a frame relay network, and has local significance only to that channel.

**Dial-in Modem**-A peripheral device that connects computers to each other for sending communications via the telephone lines. The modem modulates the digital data of computers into analog signals to send over the telephone lines, then demodulates back into digital signals to be read by the computer on the other end; thus the name "modem" for modulator/demodulator.

**Dual Homing**-Having concurrent connectivity to more than one network from a computer or network device. Examples include: Being logged into the agency network via a local Ethernet connection, and dialing into an Internet Service Provider (ISP). Being on a TAMC provided Remote Access home network, and connecting to another network, such as a spouse's remote access. Configuring an ISDN router to dial into TAMC and an ISP, depending on packet destination.

**DSL**-Digital Subscriber Line (DSL) is a form of high-speed Internet access competing with cable modems. DSL works over standard phone lines and supports data speeds of over 2 Mbps downstream (to the user) and slower speeds upstream (to the Internet).

**Frame Relay**-A method of communication that incrementally can go from the speed of an ISDN to

the speed of a T1 line. Frame Relay has a flat-rate billing charge instead of a per time usage. Frame Relay connects via the telephone company's network.

ISDN-There are two flavors of Integrated Services Digital Network or ISDN: BRI and PRI. BRI is used for home office/remote access. BRI has two "Bearer" channels at 64kbit (aggregate 128kb) and 1 D channel for signaling info.

Remote Access-Any access to TAMC agency network through a non-TAMC controlled network, device, or medium.

Split-tunneling-Simultaneous direct access to a TAMC network (such as the Internet, or home network) from a remote device (PC, PDA, WAP phone etc.) while connected into TAMC's network via a VPN tunnel. VPN Virtual Private Network (VPN) is a method for accessing a remote network via "tunneling" through the Internet.

## REPORTING OF WORKPLACE INJURY

### POLICY

Staff members who incur a workplace injury while at work shall report such accidents to the Administrative Section in writing as soon as possible after the accident. The Administrative Section will notify the Executive Director of all accidents.

### PROCEDURES

#### Responsibility

#### Action

Staff Member

Report in writing to Administrative Section all accidents occurring at work, as soon as possible.

Administrative Section

Report accident to insurance carrier, and the Executive Director and Deputy Executive Director.

"At work" refers to any time period or location where the employee is on official TAMC business.

#### Workers' Compensation Claim Procedure:

All employees are covered by Workers' Compensation insurance, which provides for payment of medical expenses and loss of income resulting from a work-related injury or illness. If a TAMC employee becomes injured or ill because of his/her job, they may be entitled to Workers' Compensation benefits. A pamphlet describing workers' compensation benefits and the procedures to obtain them is available from the Administrative Section, and a notice regarding same is posted in the TAMC employee lounge.

- ◆ The amount of benefits payable and the duration of the benefits depend on the nature of the injury and the applicable state law provisions
- ◆ The employee immediately reports the work-related injury or illness to his/her supervisor.
- ◆ The supervisor ensures that the employee receives appropriate medical treatment
- ◆ The Administrative Section may receive notice of an injury from many sources, i.e., the injured employee, a co-worker, a supervisor, treating physician, or family member.

- ◆ When the Administrative Section receives notice of an injury from any source, the following procedure must be followed within one (1) working day:
  1. The Administrative Section completes lines 9 – 18 of the DWC-1 and gives the DWC-1 to the employee.
  2. The Administrative Section should have the employee sign and date the Acknowledgement of Receipt of Employee Claim Form.
  3. If the employee completes the DWC-1, he/she should be given the green copy of the DWC-1 and the employer should retain remaining copies.
  4. The appropriate supervisor should complete the Supervisor's Report of Injury.
  5. The Administrative Section completes the Employer's Report of Occupational Injury or Illness (5020).
  6. The Administrative Section sends all of the above to the Agency's Worker's Compensation Claims administrator. The Administrative Section should retain a copy of all information for their file.
  7. If the employee is not available, the Administrative Section must personally deliver the DWC-1 or send by certified mail within one (1) working day.
  8. Due to state-mandated timeframes it is imperative that information be provided to the Agency's Worker's Compensation Claims administrator as soon as possible.



## **SERVICE RECOGNITION PROGRAM**

### **PURPOSE**

TAMC's Service Recognition Program recognizes and shows appreciation for long-term full and part-time employees.

### **POLICY**

Staff with five or more years of continuous service will be recognized at five-year service milestones. Recognition will occur during the calendar year in which the milestone occurs. The eligible staff must be in active service on their service anniversary date in order to receive this award. Employees, who cease employment for any reason during a service recognition year prior to their anniversary date, are not eligible for the award. Staff on a leave of absence will receive their award upon their return.

Service milestones are recognized by presentation of a nominal award for each five years of continuous service beginning with five years of service.

### **PROCEDURE**

- A certificate of recognition and a cash award (\$10 for each year of service) will be presented to the employee on his/her anniversary day (or nearest staff meeting). The cash award is taxable per Internal Revenue Service regulations.
- Employee will be acknowledged at the Board of Directors meeting in January of the year following in which the employee has reached the service milestone.

*Adopted by TAMC Board of Directors on August 25, 2010*

## STAFF DEVELOPMENT AND SUCCESSION PLAN

*These goals and objectives are intended to further the capabilities of the organization in implementing its annual work program and taking on new tasks. They are consistent with the adopted Management Succession Plan and Executive Director Training Plan.*

**Goal 1: To provide a high level of staff training that will support growth in employee responsibility and capabilities and ensure that employees have sufficient knowledge and expertise to provide back-up staffing during planned or unplanned employee absences.**

### Objectives:

- 1.1 Create **training plans** for each employee that include:
    - a) *Individual training classes* for basic technical skills, specialized knowledge and skills growth.
    - b) *Group training classes* for legal and statutory requirements
  - Communications skills
    - c) Continuing education emphasizing licensing and certification
  - Engineering
  - Financial
  - Transportation-related
- 1.2 Train and assign **back-up arrangements** for:
    - a) Committee staffing
    - b) Program and project assignments
    - c) Financial and administrative activities

**Goal 2:** To encourage staff excellence and retention, **provide opportunities for promotion** within the organization as appropriate based on employee skills and experience.

### Objectives:

- 2.1 Build knowledge and skill levels to support employee advancement within the organization to **Principal Planner and Senior Engineer** levels, as performance merits.
- 2.2 Build knowledge and skill levels to support employee advancement within the organization to **management positions**, as performance merits.

**Goal 3:** Provide **competitive levels of compensation** to assure retention and recruitment of quality employees, as budgetary constraints permit.

### Objectives:

- 3.1 Conduct **regular surveys** of similar agencies to determine competitive levels of salaries and benefits.

3.2 Investigate participation in a **housing down-payment assistance** program.

3.3 Continue to implement the adopted Employee Incentive Program

*Adopted by TAMC Board of Directors on October 26, 2005*

## **STATE TRANSIT ASSISTANCE FUNDS**

- 1.** State Transit Assistance Funds, Public Utilities Code (PUC) Sections 99313 (excluding Proposition 1B funds apportioned to Monterey County), shall be allocated annually to transit operators for eligible expenses, which shall include funding for rail service to Salinas. Allocations shall be based on competitive applications submitted to the Agency. In making allocations the Agency will consider the availability of other operating assistance including Local Transportation Funds. PUC Section 99313 funds that remain unallocated at the end of a fiscal year will be reapportioned to transit operators in the following fiscal year for allocation in accordance with this paragraph.
- 2.** State Transit Assistance Funds, Public Utilities Code (PUC) Section 99314 (excluding Proposition 1B funds apportioned to Monterey County) shall be annually apportioned for eligible expenses according to the distribution calculated for Monterey County by the Controller of the State of California indicating the specific fund allocation attributable to each operator. Section 99314 funds unallocated to an operator at the end of the fiscal year shall remain available to that operator for allocation in subsequent years.
- 3.** Proposition 1B transit funds apportioned to Monterey County shall be allocated to transit operators for transit capital projects in accordance with requirements issued by Caltrans pursuant to SB 88 (statutes of 2007).

*Adopted by TAMC Board of Directors on January 28, 2009*

## **TELECOMMUTING**

### **POLICY**

To promote reduced vehicle trips and to improve worker productivity, TAMC staff members may work at home as appropriate, based upon out-of-town meetings, appointments or work assignments. Work at home may be granted subject to the provisions listed below.

### **PROCEDURES**

1. Prior to telecommuting, the employee shall obtain written approval of his/her immediate supervisor.
2. The employee shall provide his/her supervisor a list of activities that he/she expects to accomplish during the work-at-home period and, upon return, report on their accomplishments.
3. The employee is responsible for scheduling work-at-home time so that it does not interfere with meetings, mailings or other obligations.
4. The employee shall leave his/her home or cell phone number with the office and be available to receive calls during the work-at-home period.
5. The employee is required to work for the full work-at-home time period that is charged to TAMC as straight time.
6. Employees are responsible for determining if they are able to work productively at home in an unsupervised, unstructured environment.
7. No more than ten percent of an individual's work hours per pay period may be spent telecommuting, except with approval of the Executive Director.
8. No more than one-third of the staff may be telecommuting on any given day except with the prior approval of the Executive Director.

## **TRANSPORTATION DEVELOPMENT ACT FUNDS**

1. Transportation Development Act funds will be distributed to the Cities, the County, and the operators according to the provisions of the California Government Code and the Public Utilities Code and the Agencies adopted policies and procedures.
2. Applications for Transportation Development Act funds shall be made by the governing body of eligible agencies.
3. Applications for local streets and roads projects will be approved only for projects in conformance to the Regional Transportation Plan.
4. The AGENCY will approve allocations for a period of one fiscal year. Applications for continuing projects must be renewed annually.
5. Claims for projects completed in a previous fiscal year may be paid if there is sufficient revenue in the current fiscal year and if the project was completed in the year for which an application was previously approved by the AGENCY.
6. Applications for local streets and roads purposes shall fully identify the purposes and shall include the full funding plan as a part of the application.
7. No jurisdiction shall in any year claim Transportation Development Act funds in excess of actual obligations and expenditures. Claims may not be made for Transportation Development Act funds to cover obligations and expenditures covered by other sources.
8. All Transportation Development Act funds will be audited annually, and claimants shall be responsible for maintaining a clear audit trail.
9. All jurisdictions making applications for streets and roads projects must first hold a public hearing to identify any unmet transit needs of the jurisdiction, and determine if there are unmet transit needs that are reasonable to meet. The jurisdiction shall take steps to provide or contract to provide transit service to meet all reasonable unmet transit needs. Notice of the public hearing shall be published in a newspaper of general circulation at least 10 days in advance of the hearing. Written notice of the hearing shall also be given at least 10 days in advance to the Social Services Transportation Advisory Council. A representative of the Social Services Transportation Advisory Council shall be invited to attend the public hearing.
10. Applications for streets and roads purposes shall include a copy of the notice of the public hearing and proof of publication, and a copy of the Resolution indicating that the jurisdiction has made a finding in regard to unmet transit needs.

## **WHISTLEBLOWER POLICY**

### **POLICY**

Protecting whistleblowers is an essential component of an ethical and open work environment. Whistleblower protection should not be viewed only as a duty to avoid employee lawsuits. Instead, protecting whistleblowers from retaliation and encouraging constructive whistle blowing benefits nonprofits by increasing transparency and by giving management the opportunity to learn early on of unethical or unlawful practices directly from their employees rather than from the media, law enforcement, or a regulatory agency. In addition, effective whistleblower protection helps foster a work environment in which all employees are held accountable, thereby improving performance and empowering employees.

### **DEFINITIONS**

**A. Wrongful Conduct** – A serious violation of TAMC policy; a violation of applicable state and federal laws; or the use of TAMC property, resources, or authority for personal gain or other non business-related purpose except as provided under TAMC policy.

**B. Protected Disclosure** – Communication about actual or suspected wrongful conduct engaged in by a TAMC employee, or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or TAMC policy. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct to:

1. The disclosing individual's supervisor, either orally or in writing, or
2. Report violations to the Executive Director, either orally or in writing, or
3. Report violations to the Director of Finance & Administration, either orally or in writing, or
4. Agency Counsel, or
5. The appropriate governmental unit, law enforcement office or ethics commission after first providing a written communication about the wrongful conduct to the TAMC individuals referenced above.

Individuals who wish to be protected by the Whistleblower Protection Act are encouraged to provide a written report that provides sufficient detail to identify and describe the violation.

**C. Retaliation** – Adverse action against an individual because she or he has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.

## INTENT

- A. This policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated TAMC official or public body. More specifically it:
  - 1. encourages individuals to disclose wrongful conduct engaged in by others to the appropriate TAMC official so that prompt, corrective action can be taken by TAMC,
  - 2. informs individuals how allegations of wrongful conduct can be disclosed,
  - 3. protects individuals from reprisal by adverse employment action or other retaliation as a result of having disclosed wrongful conduct (individuals who self report their own misconduct are not afforded protection by this policy), and
  - 4. provides individuals who believe they have been subject to reprisal or false allegations a fair process to seek relief from these acts.
- B. Any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this policy. This policy is also intended to protect individuals against false allegations of wrongful misconduct.
- C. Nothing in this policy is intended to interfere with legitimate employment decisions.

## REGULATIONS

- A. **Acting in good faith.** Anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the policy.
- B. **False allegation.** Any employee who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of wrongful conduct or a subsequent false report of retaliation will be subject to disciplinary action, up to and including termination. Any employee who makes false allegations in the non-employment setting will be subject to judicial action. Allegations that are not substantiated yet are made in good faith are not subject to corrective action.
- C. **Retaliation.** No individual who makes a protected disclosure will suffer harassment, retaliation, or adverse employment consequences. Any person who retaliates against any individual who makes a protected disclosure is subject to discipline up to and including termination. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the TAMC organization prior to seeking resolution outside of TAMC.
- D. **Confidentiality.** Protected disclosures may be made on a confidential basis by the complainant or may be submitted anonymously through Human Resources/Administration. Protected disclosures and investigatory records will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, and in accordance



with the California Public Records Act.

**E. Handling Protected Disclosures.** The TAMC Office or individual that is receiving the protected disclosure will notify the disclosing individual (if her or his identity is known) and acknowledge receipt of the reported violation or suspected violation within ten working days for most issues and within 24 hours for alleged criminal or environmental violations. All reports will be promptly investigated within 45 calendar days and appropriate corrective action will be taken if warranted by the investigation.

## **REPORTING VIOLATIONS**

Individuals should share their questions, concerns, suggestions, or complaints with a TAMC administrator who can address them properly. In many cases the individual's supervisor is in the best position to address an area of concern. If an individual is not comfortable speaking with the supervisor, or is not satisfied with the supervisor's response, individuals should take their concerns to one of the other individuals referenced above.

## **INDIVIDUAL RESPONSIBILITIES**

- A.** Be knowledgeable about this policy.
- B.** Report violations or suspected violations of the policy to the individual's direct supervisor or to the appropriate administrator as noted above.

## **TAMC RESPONSIBILITIES**

- A.** Familiarize employees with this policy and incorporate into Agency orientation materials.
- B.** Maintain findings of wrongful conduct or false allegations in the individual's personnel file.

## **OFFICE OF HUMAN RESOURCES/ADMINISTRATION RESPONSIBILITIES**

- A.** Accept and investigate protected disclosures regarding employment matters.
- B.** Accept and investigate complaints of retaliation for making protected disclosures.
- C.** Provide information about this policy during New Employee Orientation.

**EMPLOYEE CERTIFICATION**

I, \_\_\_\_\_, certify that I have  
(Print Name of Employee)

received a copy of the Transportation Agency for Monterey County’s Administrative Policies and Procedures. I understand that I am to promptly read its contents and that if I have any questions about the Policies and Procedures, I am to discuss them with my supervisor or the Director of Finance & Administration. I acknowledge that I am expected to read, understand and adhere to the Transportation Agency for Monterey County’s Administrative Policies and Procedures.

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

## Exhibit A



Contract Name \_\_\_\_\_

Selected firm \_\_\_\_\_

Project Manager \_\_\_\_\_

### **CONSULTANT PROCUREMENT AND CONTRACT MANAGEMENT CHECKLIST**

#### **A. PROCUREMENT**

##### **1. IS COMPETITIVE PROCUREMENT (RFP/RFQ) REQUIRED?**

- Yes, it does not meet any of the criteria below.
- No, it is a *micro purchase* in which the cost is less than \$2,000. utilize non-competitive procurement methods below..
- No, it is a *small purchase procurement* in which the cost is \$10,000 or less; utilize Small Purchase procurement methods below.
- No, it is a *sole source procurement*; follow procedures below.
- No, it is a *task order* pursuant to an already approved “on-call” contract.
- Yes, a *pre-qualified list* will be utilized to select a consultant based on qualifications. Utilize competitive RFP Procurement below.

##### **2. SMALL PURCHASE PROCUREMENTS**

- All procurements shall first confirm with the Director of Finance that funds are available in the budget for the procurement and the type of funds to be utilized.
- Micro-Purchase Procurement** - Project cost is \$2,000 or less. Such purchases are considered “micro-purchases” and may be utilized with a single written quote if the project administrator determines that the price is fair and reasonable.
- Small Purchase Procurement** - Project cost is equal to or greater than \$2,001 and less than \$10,000. Such purchases are considered “small purchases” and require at least three (3) written quotations from vendors. Project manager shall document to the file:
  - Vendors contacted and their written/email quotes
  - Independent cost estimate
  - Reasons for selection of vendor: qualifications-based and cost (if not A&E)
  - Appropriate approval of contract: Executive Director
  - Contract for services, per standard contract format
  - Notification to the selected vendor

### 3. NON-COMPETITIVE PROCUREMENT

#### – Sole Source procurement

Project qualifies for sole source procurement because:

- The service or item is available from only one source.
- Public exigency or emergency- there is no time for competitive solicitation.
- The federal or state funding agency has approved non-competitive negotiations.
- After solicitation of a number of sources, competition is inadequate.
- It is a **contract amendment** in which the cumulative cost would rise above \$10,000.

Prior to contract execution, project manager shall document to the file:

- Explanation as to why only one supplier is acceptable
- Independent cost estimate
- TAMC Board-approved sole source procurement finding
- Caltrans approval of a Public Interest Finding

- **On-Call Task Order** – Work is specified as a task order under an on-call consultant contract that was procured and executed according to the competitive Request for Qualifications requirements. Follow Contract Approval and Management requirements below.

### 4. REQUEST FOR QUALIFICATIONS / PROPOSALS SELECTION

#### • Choose solicitation method(s):

- RFQ – general skills needed, or use to screen submittals prior to RFP
- RFP – specific project proposal desired

#### • RFQ/RFP Content:

- Check that funds are in the budget; confirm fund type
- Use latest approved RFP/RFQ format in P:/administration/contracts drive
- Architectural, Environmental/Engineering (A&E) Contracts:
  - Cost proposal shall be submitted in separate, sealed envelope
  - Do not review cost proposal until after selection
- For non-A&E contracts:
  - Cost proposal should be incorporated into the Statement of Qualifications
  - Cost should be a ranking factor
- Prepare independent cost estimate **and** draft project schedule
- Federal contracts:
  - set DBE Goal (See Caltrans, Chapter 10, Exhibit 10-I)
  - check federal and state contract language w/Caltrans Local Assistance; see Local Assistance Program Manual, Chapter 10, Exhibit 10-R
- 
- Specify contract type, and method of payment.

- Specify contract terms (duration) and amount.
- Use “not-to-exceed” amount, if applicable
- Specify ranking criteria and points per criterion in RFQ/P
- Specify consultant selection schedule in RFQ/P
- Decide if you want an option to interview, specify date(s) in RFQ/P
- Decide if you want a pre-proposal conference, specify date(s) in RFQ/P
- Set response due date in RFQ/P: suggest not Friday and not 5:00 pm
- Attach standard contract format
- Have supervisor and attorney review prior to Board approval
- Bring to TAMC Board for approval

**Solicitation:**

- Send with cover letter to consultant database list
- Advertise in newspaper and/or industry trade magazine, post on web
- All firms must get same information – avoid phone discussions
- If pre-proposal conference, hold a few weeks before due date
- Send sign-in sheet, questions & answers to full list; retain in file
- Save cover letter, RFP/Q, ads and distribution list in contract file

**Selection Panel:**

- Choose selection panel representing subject matter experts
- Prepare scoring sheets to reflect criteria and points from RFP/Q
- Time stamp all submittals.
- Review all submittals for completeness and responsiveness – including submittal of all required documents (for federal projects, DBE goals or Good Faith Efforts)
- Notify non-responsive submittals, if any
- Distribute proposals for panel review
- Check references

**Interviews:**

- If no interviews are needed; make recommendation based on written proposals
- Retain all original score sheets and summary score sheets/results.
- Score sheets should be signed and dated.
- If interviews are needed; panel selects firms to interview (Short List)
- Send email to confirm those (short list) to interview, document to file
- Ask all proposers the same questions, except follow ups
- Document panel ranking of consultants; collect/retain all original scoring sheets
- Score sheets should be signed and dated

**Selection of Top Ranked Firm(s):**

- Write a memo to the file summarizing panel rankings and reasons for rankings

**Pre-Qualified List of Consultants Solicitation:**

- \_ Select a list of pre-qualified firms eligible for future contracts of a given type of work
- \_ Selection of a firm for a given contract must be documented and qualifications-based
- \_ Pre-qualified list expires two years after selection

**B. CONTRACT NEGOTIATION AND APPROVAL****1. CONTRACT NEGOTIATION**

- \_ Open cost proposal from number one ranked firm, compare w/ independent cost estimate
- \_ Schedule and initiate cost negotiations with number one ranked firm
- \_ Negotiate final contract budget/cost
- \_ Prepare Contract – include:
  - Contract expiration date, usually:
    - \_ June 30, \_\_\_\_\_(year); or
    - \_ December 31, \_\_\_\_\_(year)
  - Method of payment: (See Local Assistance Manual Exhibit 10-H)
    - \_ Actual Cost-Plus-Fixed Fee; or
    - \_ Cost Per Unit of Work; or
    - \_ Specific Rates of Compensation; or
    - \_ Lump Sum
  - Invoices – specify that they must include:
    - \_ Monthly invoices, progress payment/reports, and % work/tasks completed
    - \_ Milestone payment, if any for Lump Sum contracts
    - \_ Amount billed vs. contract amount remaining and total amount
    - \_ Include 5% Retention -- if contract is over \$1,000,000 (structure as balloon payment at end of contract)
- \_ Review draft contract with our attorney
- \_ Review revised draft contract with proposer’s attorney
- \_ Federally funded contracts:
  - Fill out Exhibit 10-C, Consultant Contract Reviewer’s Checklist, copy to Caltrans’ District Local Assistance Engineer and to file
  - Review contract documents with Caltrans’ District Local Assistance Engineer or Mass Transportation to ensure all audit conformance letter findings are addressed (if applicable – see Section 2B below)

**2. CONTRACT AUDIT AND REVIEW PROCESS**

This activity could be performed concurrent with contract negotiations, but final contract and cost proposal must address all Audit Conformance Letter findings. See Local Assistance Programs Manual, Chapter 3, Section 10.3, for all required forms.

- Less than \$150,000 – no review needed
- \$150,000 to \$1 million -- consultants and subcontractors must submit Exhibit 10-K. Send copies, along with completed Exhibit 10-L to Caltrans Audits and Investigations
- \$1 million to \$3.5 million—consultants must also submit:
  - Copies of the proposed contract and additional supporting documentation
  - Completed Internal Control Questionnaire (see AASHTO Audit Guide, Appendix B)
  - Caltrans Audit Conformance Letter
- Over \$3.5 million—consultants must also submit:
  - Caltrans-approved Indirect Cost Report schedule and Cognizant Letter of Approval; or
  - CPA Audited Indirect Cost Report Audit Report
  - Copy of the CPA audited financial statements.
- 

### 3. CONTRACT APPROVAL

- Ensure all audit review findings (Conformance Letter) are addressed
- Prepare staff report: utilize contract approval template language
- Explain selection rationale
- Notify firms that are not recommended (letter is preferred)
- Review with TAMC attorney
- TAMC Board approval date: \_\_\_\_\_

## C. CONTRACT MANAGEMENT

### 1. PRIOR TO INITIATING WORK

#### **Federally-Funded Contracts:**

- Obtain E-76 federal authorization prior to doing any reimbursable work
- Submit Exhibit 10-02 - Consultant DBE Info, to Caltrans' DLAE

#### **Execution:**

- Attach completed checklist (this form) to contract file
- Obtain contract signatures: first TAMC attorney, then Consultant, then Exec Director
- Issue written notice to proceed
- Store hard copies of all documents in Finance Officer's contract file
- Store all electronic documents in the P:/Administration/Contracts/Contracts file

### 2. INVOICING and PROJECT MANAGEMENT

#### **Project Manager:**

- Maintain line of communication with Consultant
- Assure that monthly invoices and progress payments/reports are being submitted
- Review invoices, confirm work performed and eligibility of costs
- Verify % of work complete vs. contract or task amount remaining
- Track and monitor DBE utilization, if any
- Assure that correct grant is billed (in coordination with Finance Officer)

- \_ Facilitate technical reviews and quality control/assurance activities
- \_ Resolve disputes
- \_ **Alert your supervisor to any inconsistencies or questions**

**Finance Officer:**

- \_ Reconcile billing with contract specifications
- \_ Double-check remaining contract amount

**3. CONTRACT CLOSE OUT**

- \_ Review contract deliverables to assure that all work has been completed
- \_ Save final deliverables versions on P drive, TAMC library, delete working or interim drafts
- \_ Catalog list of completed work products in contract file
- \_ Send notice of completion/expiration to consultant, copy to contract file
- \_ Pay final retention, if applicable
- \_ Complete Consultant Performance Review
- see Caltrans Local Assistance Programs Manual, Exhibit 10-S