

MTA POLICY MANUAL- JUNE, 2024 VERSION

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This is the June, 2024 version of the MTA's policy manual and all policies herein are current as of June 3rd, 2024. This manual is subject to revision from time to time, and the most current version will be posted here following each revision.



Acceptable Use Policy

I. Overview

- A. The Maine Turnpike Authority is committed to protecting its employees, partners and the entity from illegal or damaging actions by individuals, either knowingly or unknowingly, through imposing the following requirements that ally with the established culture of openness, trust and integrity.
- B. Internet/Intranet-related systems:
 - 1. Include but are not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, Internet browsing, and FTP;
 - 2. Are the property of the MTA; and
 - 3. Are to be used for business purposes in serving the interests of the MTA, and of our clients and customers in the course of normal operations.
- C. Effective security is a team effort involving the participation and support of every MTA employee and affiliate who deals with information and/or information systems.
- D. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

II. Purpose

- A. The purpose of this policy is to outline the acceptable use of computer equipment at the MTA.
- B. These rules are in place to protect employees and the MTA.
- C. Inappropriate use exposes the MTA to risks including virus attacks, compromise of network systems and services, and legal issues.

III. Scope

- A. This policy applies to employees, contractors, consultants, temporaries, and other workers at Maine Turnpike Authority, including all personnel affiliated with third parties.
- B. This policy also applies to all equipment that is owned or leased by the MTA.



Acceptable Use Policy

IV. Policy

A. General Use and Ownership

1. Employees are responsible for exercising good judgment regarding the reasonableness of personal use.
2. Because of the need to protect the MTA's network, management cannot guarantee the confidentiality of information stored on any network device belonging to the MTA.
 - a. Examples of confidential information include but are not limited to: MTA private, corporate strategies, specifications, legal documentation, customer/customer information lists, and research data.
 - b. Employees should take all necessary steps to prevent unauthorized access to this information.
3. Authorized users are responsible for the security of their passwords and accounts.
 - a. Keep passwords secure and do not share accounts.
 - b. System level passwords should be changed quarterly; and
 - c. User level passwords should be changed every six months.
4. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off (control-alt-delete for Windows users) when the host will be unattended.
5. Use encryption of information in compliance with Information Service's Acceptable Encryption Use policy.
6. Because information contained on portable computers is especially vulnerable, special care should be exercised and laptops are to be secured in accordance with the "Laptop Security Tips".
7. Postings by employees from a Maine Turnpike Authority email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of Maine Turnpike Authority, unless posting is in the course of business duties.



Acceptable Use Policy

8. All hosts used by the employee that are connected to the Maine Turnpike Authority Internet/Intranet, whether owned by the employee or MTA, shall be continually executing approved virus-scanning software with a current virus database (unless overridden by departmental or group policy).
9. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

B. Unacceptable Use

1. Under no circumstances is an employee of Maine Turnpike Authority authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing MTA-owned resources.
2. The examples of unacceptable use listed herein are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.
3. System and Network Activities that are strictly prohibited:
 - a. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the MTA.
 - b. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the MTA or the end user does not have an active license.
 - c. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws; the appropriate management should be consulted prior to export of any material that is in question.
 - d. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
 - e. Revealing your account password to others or allowing use of your account by others, which include family and other household members when work is being done at home.



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- f. Using an MTA computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment and/or hostile workplace laws in the user's local jurisdiction.
 - g. Effecting security breaches or disruptions of network communication.
 - i. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties.
 - ii. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
 - h. Making fraudulent offers of products, items, or services originating from any MTA account.
 - i. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
 - j. Port scanning or security scanning unless prior notification to Information Services is made.
 - k. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
 - l. Circumventing user authentication or security of any host, network or account.
 - m. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
 - n. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet.
 - o. Providing information about or lists of MTA employees to parties outside Maine Turnpike Authority, unless this activity is approved by management.
4. Email and Communications Activities that are strictly prohibited:



Acceptable Use Policy

- a. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
 - b. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
 - c. Unauthorized use or forging of email header information.
 - d. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
 - e. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
 - f. Use of unsolicited email originating from within the MTA's networks or other Internet/Intranet service providers on behalf of, or to advertise, any service hosted by the MTA or connected via the MTA's network.
 - g. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).
- C. Employees may be exempted from the prohibited activities listed herein during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).
- V. Enforcement: Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.
- VI. Definitions
- A. *Encryption*: The conversion of data into a form that cannot easily be understood by unauthorized people.
 - B. *FTP*: File Transfer Protocol: A method of transferring files from one computer to another.
 - C. *Spam*: Unauthorized and/or unsolicited electronic mass mailings.
 - D. *Internet*: A system of connected computers outside the MTA's network.



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- E. *Intranet*: A system of connected computers inside the MTA's network.
- F. *Usenet*: An Internet-based discussion system.
- G. *E-mail bomb*: An attack where a large volume of email is sent in an attempt to disrupt mail service.
- H. *Chain letter*: A message that tries to convince the recipient to forward the same message to as many recipients as possible.
- I. *Ponzi*: A fraudulent investment operation where investors are paid by subsequent investors rather than from profits.
- J. *Pyramid*: A fraudulent business model that promises participants payment based on enrolling others into the scheme, rather than supplying any goods or services.



Attendance and Punctuality

I. Purpose

The purpose of this policy is to promote efficient operation of the Maine Turnpike Authority and minimize unscheduled absences.

II. Policy

A. Punctual and regular attendance is an essential responsibility of each employee of the Maine Turnpike Authority.

B. Employees are expected to:

1. Report to work as scheduled, on time and prepared to start work.
2. Remain at work for their entire work schedule.
3. When going to be absent from or late to work, personally notify the proper supervisory personnel.
4. In the event of an unexpected emergency, notify the proper supervisory personnel as early as possible.
5. Be advised that calls from individuals other than the employee will not be accepted as appropriate notice unless approved by management.

C. Any employee who fails to report to work without notification to his or her supervisor for a period of three days or more will be considered to have voluntarily terminated their employment relationship with the MTA.

D. Definitions

1. Absence: Absence is the failure of an employee to report for work when the employee is scheduled to work.
2. Excused Absence occurs when all of the following conditions are met:
 - a. The absence is credible and consistent with applicable policies and/or collective bargaining agreements;
 - b. The employee provides sufficient notice to his or her supervisor;
 - c. Such absence request is approved by his or her supervisor, and
 - d. The employee has sufficient accrued time and/or a Family Medical Leave designation to cover such absence.
3. Unexcused Absence:



Attendance and Punctuality

- a. Occurs when one or more of the conditions for Excused Absence as defined in this policy are not met.
 - b. An employee with an unexcused absence may be subject to discipline, up to and including termination.
- E. Employees must utilize accrued time for every absence unless otherwise allowed by MTA policy (e.g. Family Medical Leave, Bereavement, Jury Duty, etc.)
- F. Employees who have three (3) or more consecutive days of excused absences because of illness or injury may be required to give the MTA proof of physician's care which indicates:
1. The nature of the illness or injury;
 2. If and when the employee will be able to return to work; and
 3. Whether the employee is capable of performing their regularly scheduled duties, and if not, what duties the employee is capable of performing and for how long.
- G. Specific information regarding use of accrued leave or other related policies can be found through contacting the Human Resources Department.



Benefits

I. Purpose

- A. The Maine Turnpike Authority provides competitive benefits programs for its employees.
- B. Employees holding permanent positions are eligible for standard MTA benefits.
- C. Specific information regarding Maine Turnpike Authority benefits and/or eligibility can be found in the Human Resources Department and if applicable, the relevant collective bargaining agreement.

II. Policy

A. Dental Insurance:

- 1. The MTA provides 100% of the employee premium for dental insurance coverage for all eligible employees.
- 2. Open enrollment is in May prior to each plan year.
 - a. Employees may make changes to their coverage levels during open enrollment.
 - b. Employees who do not need to make any plan changes do not need to participate in open enrollment.
 - c. Plan changes may only be made outside the open enrollment period if an employee has experienced a qualifying life event.
 - d. Employees should contact the Human Resources Department with any enrollment issues.
- 3. Any employee electing dental insurance coverage for any eligible dependent shall pay the dependent portion of the premium.
 - a. The premium paid by employees for dependents is done on a pre-tax basis.
 - b. The premium paid by the employee for domestic partners is not done on a pre-tax basis.
- 4. Specific plan information is available through the Human Resources Department.

B. EZPass: The Maine Turnpike Authority provides eligible employees with an EZPass transponder for work-related travel.

C. Health Insurance:

- 1. The MTA offers health insurance coverage for all eligible employees.
- 2. Open enrollment is in May prior to each plan year.



Benefits

- a. Employees may make changes to their coverage levels during open enrollment.
 - b. Employees who do not need to make any coverage changes do not need to participate in open enrollment.
 - c. Coverage changes may only be made outside the open enrollment period if an employee has experienced a qualifying life event.
 - d. Employees should contact the Human Resources Department with any enrollment issues.
3. The MTA provides 100% of the employee premium contribution for full-time positions and 70% of the dependent health insurance premium.
 4. The remaining portion of the dependent health insurance premium shall be paid for by the employee.
 - a. The portion of the dependent coverage premium (excluding domestic partners) paid for by the employee is done on a pre-tax basis;
 - b. The portion of the premium paid by the employee for domestic partners is not done on a pre-tax basis.
 5. For permanent part-time employees, the MTA shall pay only a portion of the premiums it pays for full-time employees as described above, based upon the average number of hours actually worked by that permanent part-time employee calculated and prorated as follows:
 - a. Average number of hours will be calculated as of January 1 and July 1, based on the preceding six months.
 - b. Proration for new employees will be based on scheduled hours until recalculation at the earlier of January 1 or July 1.
 6. Health insurance benefits are effective on the first day of the first complete calendar month of employment following thirty (30) days of eligible employment.
 7. Specific plan information is available through the Human Resources Department.
- D. Health Insurance Copay Reimbursement Benefit
1. The MTA provides each employee covered under MTA's health insurance a reimbursement benefit up to twenty-five hundred dollars (\$2,500) annually to help offset medical costs.
 2. The reimbursement covers medical expenses considered eligible per MTA's Medical Reimbursement Plan, including, but not limited to expenses from doctors' office visits, emergency room visits, and pharmacy copayments.
 3. Eligible employees must submit to the Payroll Department satisfactory proof of payment of



Benefits

eligible expenses incurred by December 31st of each calendar year for reimbursement.

- a. Medical expenses not paid under the provisions of MTA's health insurance plan for each calendar year will not be reimbursed.
- b. Health Insurance Copay Reimbursement monies not used in each calendar year shall not roll over to the following year.

E. Health Insurance Waiver:

1. Any employee who has family members eligible for health insurance coverage (other than those over the age of 19 or domestic partners) may elect to waive dependent coverage in the MTA's health insurance plan either annually during open enrollment or upon a qualifying life event.
2. In order to receive the payment for waiving health insurance coverage for eligible dependents the employee must submit written notice with the supporting documentation to the Director of Human Resources.
3. The employee who elects the waiver will receive an annual payment equal to three (3) months of the amount the MTA would have paid for the dependent coverage for which the employee is otherwise eligible minus the amount paid by the MTA for the lesser coverage actually elected by the employee.
 - a. This annual amount will be postpaid to the employee in two (2) semi-annual installments on or about January 1st and July 1st.
 - b. Before being eligible to receive such payment, the employee must annually furnish during open enrollment (and upon a qualifying life event if applicable,) satisfactory written documentation that such dependents are in fact covered under another health insurance plan.
 - c. The payments in lieu of health insurance shall be based on the semi-annual installments in effect the month the premiums are paid.
4. If the employee wishes his/her dependents to be reinstated on the health insurance policy or change his or her coverage for eligible dependents, he/she may do so as long as he or she:
 - a. Submits written notice with the supporting documentation to the Director of Human Resources; and
 - b. Follows the insurance carrier's requirements for evidence of insurability and portability of coverage provisions; and
 - c. If outside of the open enrollment period, the employee has experienced a qualifying life event.



Benefits

5. Discontinuance of health insurance or reinstatement of coverage for eligible dependents will be effective the first day of the month following the month in which written notice has been received, provided that the employee meets all conditions imposed by the health insurance carrier.

F. Life Insurance:

1. The MTA provides group life insurance for eligible employees equal to:
 - a. The employee's gross salary rounded up to the next highest \$1,000; and
 - b. A supplemental plan that doubles the employee's basic benefit as identified above.
 - c. Accidental Death and Dismemberment coverage is also provided.
2. The MTA provides dependent life insurance for eligible employees equal to:
 - a. Spousal: \$5,000; and
 - b. Full-time, unmarried student to age 22: \$5,000; and
 - c. Children, 6 months to age 19: \$5,000; and
 - d. Children, 0 to 6 months: \$1,000.
3. The MTA provides access to additional life insurance to eligible employees that:
 - a. Triples the employee's basic salary; or
 - b. Quadruples the employee's basic salary; and/or
 - c. Doubles the spousal benefit to \$10,000; and/or
 - d. Increases the 0-6 month child benefit to \$2,500.
4. Additional plan information is available through the Human Resources Department.

G. Longevity:

1. The Maine Turnpike Authority provides longevity benefits for employees holding Management/Confidential, Professional/Technical, Maintenance & Operations, Fare Collection, and Headquarters positions.
2. The longevity benefits are provided upon the tenth (10th), fifteenth (15th), twentieth (20th), twenty-fifth (25th) and thirtieth (30th) year of continuous full-time or permanent part-time employment with the Maine Turnpike Authority.



Benefits

3. Specific longevity information may be obtained through the Human Resources Department.

H. Medical and Childcare Expenses Reimbursement Plans:

1. The Maine Turnpike Authority offers the following pre-tax reimbursement programs:
 - a. Medical Expense Reimbursement Account; and/or
 - b. Dependent Care Reimbursement Account.
 - c. Open enrollment is in November prior to each plan year.
 - i. Employees must enroll annually.
 - ii. Employees may make changes to their benefit levels during open enrollment.
 - iii. Coverage changes may only be made outside the open enrollment period if an employee has experienced a qualifying life event.
2. Specific plan information is available through Payroll and/or the Human Resources Department.

I. Pre-Tax Deductions:

1. The Maine Turnpike Authority has an established salary reduction program that allows for certain payroll deductions to be made on a pre-tax basis.
2. Contributions made to qualifying programs will not be included as taxable income for withholding purposes for Federal and State taxes.
3. Information regarding which program contributions are considered pre-taxed is available through the Payroll and/or Human Resources Departments.

J. Retirement:

1. Maine Public Employees Retirement System:
 - a. As required by state statute, the Maine Turnpike Authority provides retirement benefits through and is a Participating Local District (PLD) of the Maine Public Employees Retirement System (MPERS.)
 - b. This retirement program includes a provision for benefits should an employee become permanently disabled.
 - c. All MPERS retirement and disability retirement benefits, including administration and payments, are provided through MPERS.



Benefits

d. For specific program information, please see the MTA's Retirement Policy and/or contact the Human Resources Department.

2. Deferred Compensation:

- a. The MTA provides access to VALIC, the Variable Annuity Life Insurance Company.
- b. Participation is voluntary, includes employee contributions only, and is not matched by the MTA.
- c. Income taxes payable on contributions are deferred until funds are withdrawn.
- d. Specific plan information is available through the Payroll Department.

K. Sale of Unused Leave:

1. The Maine Turnpike Authority allows employees to surrender unused vacation hours at any time during the year and receive 100% of regular hourly wages for those hours surrendered.
 - a. Hours sold are not considered earnable compensation; and
 - b. Contributions to the Maine Public Employees Retirement System will not be made on any vacation hours surrendered.
2. Once a year, the MTA will compensate employees for the surrender of certain unused sick leave at employee request.
 - a. An employee must have and maintain at least ninety-six (96) hours of unused sick leave in order to qualify for the sick leave sale.
 - b. As of November 30th, if an employee has and will maintain the required minimum 96-hour balance, he/she may surrender any hours that were earned in the preceding 12 months minus any hours used in that same period for a payment equal to one hundred (100%) of the his/her regular hourly wage for those hours surrendered.
 - c. Payment will be made by December 15th.

L. Short Term Disability:

1. All Management/Confidential and Professional/Technical permanent employees are eligible for the MTA's short-term disability benefit.
2. All union employees are eligible for an income protection plan through the Maine State Employees Association.
3. For specific plan information, contact the Human Resources Department or the Maine State Employees Association.



Benefits

M. Vehicles:

1. The Maine Turnpike Authority provides vehicles for certain position classifications.
2. The MTA also provides access to a pool of vehicles for use by eligible employees.
3. Specific information related to assigned vehicles and the use of pool vehicles is available in the MTA's policy on Vehicle Assignment for Confidential and Management Employees, MTA Vehicle Assignment for Employees and Supervisors, Spare and Office Pool Vehicle Policy, and through the Human Resources Department.

N. Vision Insurance:

1. The MTA provides access to a voluntary Vision Insurance program.
2. Open enrollment is in May prior to each plan year.
 - a. Employees may make changes to their coverage levels during open enrollment.
 - b. Employees who do not need to make any plan changes do not need to participate in open enrollment.
 - c. Plan changes may only be made outside the open enrollment period if an employee has experienced a qualifying life event.
 - d. Employees should contact the Human Resources Department with any enrollment issues.
3. The premiums paid by employees are done on a pre-tax basis.
4. The premium paid by the employee for domestic partners is not done on a pre-tax basis.
5. Specific plan information is available through the Human Resources Department.

O. Voluntary Supplemental Insurance:

1. The Maine Turnpike Authority offers access to several insurance plans available through the American Family Life Assurance Company (AFLAC.)
2. Open enrollment is in March prior to each plan year.
 - a. Employees may make changes to their coverage levels during open enrollment.
 - b. Employees who do not need to make any coverage changes do not need to participate in open enrollment.
 - c. Coverage changes may only be made outside the open enrollment period if an employee has experienced a qualifying life event.



Benefits

- d. Employees should contact the Human Resources Department with any enrollment issues.
 3. Participation in these programs is voluntary and at the employee's cost.
 4. Specific plan information is available through the Human Resources Department.
- P. Wellness Benefit:
1. The Maine Turnpike Authority offers a Wellness Program that provides reimbursement for certain physical fitness and wellness services, such as, but not limited to:
 - a. Fitness club memberships;
 - b. Weight management programs;
 - c. Nutritionist programs;
 - d. Smoking cessation programs.
 2. The MTA will reimburse an employee up to three hundred dollars (\$300) per year for participation in such programs, subject to required Federal and State tax withholdings, upon the submittal of a Wellness Benefit Request form accompanied with a paid invoice to the Human Resources Department.
 3. These programs will be run by outside organizations



Confidentiality and Compliance

I. Purpose

- A. The Maine Turnpike Authority takes seriously its obligations and legal requirements to maintain confidentiality relative to certain employee information.
- B. The MTA values, respects, and places a high priority on maintaining the confidentiality of its records, documents, agreements, and all other sensitive information, whether spoken, written, or electronic.
- C. The intent of this policy is to ensure that all confidential information, including medical information, remains confidential and will be utilized in strict conformance with applicable laws.

II. Statement

- A. The Human Resources Department, as primary custodian, generally provides personal employee information only to the employee.
- B. Employees are permitted to view and copy any personnel file information at their request and option.
- C. The MTA does not release personal information to services, service providers, vendors, agencies or other interested parties without the express written consent or informed knowledge of the employee.

III. Obligations

A. HIPPA

- 1. The MTA, through the Human Resources Department, complies with the provisions of the federal Health Insurance Portability and Accountability Act (HIPPA) of 1996 and related state and federal regulations by maintaining separate medical records files.
- 2. The contents of those files may only be viewed by authorized Human Resources personnel, the employee or a duly-authorized legal representative of the employee.

B. Collective Bargaining Agreements (CBA)

- 1. Where applicable, the retention and distribution of employee information is regulated by a collective bargaining agreement between the Maine Turnpike Authority and a respective union.
- 2. The Human Resources Department administers CBA provisions and applicable law relative to personnel files regarding length of retention and confidentiality of disciplinary actions and information.



Confidentiality and Compliance

C. Payroll

1. The Maine Turnpike Authority utilizes a third-party vendor for the provision of payroll processing services.
 - a. Authorized MTA payroll employees record and input necessary information weekly then electronically transmit that information to the vendor via a secure connection.
 - b. Payroll checks are then processed and securely returned to the MTA in sealed envelopes.
 - c. Employees are directly handed or mailed (via USPS) the payroll check or check record if direct deposit is utilized.
2. Information regarding garnishments, deductions, bank accounts, deposits, etc. is authorized by the employee with relevant records kept secured in the payroll vault.

D. Freedom of Access Provisions: The MTA complies with the State of Maine Public Records and Proceedings, Freedom of Access statutory provisions by maintaining the confidentiality of public records per 1 M.R.S. section 402, subsection 3.

E. Records Retention: The MTA follows the provisions and requirements of the State of Maine Records Retention statutes through the administration of records and information management in accordance with 5 M.R.S. Chapter 372, Subchapter II. Article III, Section 7070. Personnel Records.



Confidential Customer Information

Employees who regularly handle sensitive customer information will be required to sign the following form and abide by its requirements.

Confidential Customer Information Handling

I understand that in my capacity as an employee in the Maine Turnpike Authority Customer Service Department, I have access to confidential customer information as part of my daily responsibilities.

I acknowledge that information regarding the name, address, or travel patterns of Maine Turnpike patrons is declared confidential by Maine State Law.

I understand that the list below is representative of the types of confidential data referred to in this document and acknowledge that other types of similar information are included, though not specifically listed below:

1. Names
2. Social Security Numbers or ID Numbers
3. Home and Email addresses
4. Phone numbers
5. EZPass transponder numbers
6. Transponder transactions
7. Financial information internally or for a customer
8. Family information (including marital status, children)

I further understand that:

1. It is my duty to properly use this information consistent with my responsibilities as an employee in the Customer Service Department.
2. I will not access, discuss, distribute, or utilize customer information outside the realm of successfully supporting customer accounts.
3. I will not access or utilize customer information for personal use.

My signature below indicates that I have read and will follow the above procedures, consistent with the Maine Turnpike Authority's Policies on Acceptable Use and Confidentiality and Compliance, in regards to handling confidential customer data and information.

Signature

Date

Printed Name



Drug and Alcohol Testing

I. PURPOSE

- A. Following is the Maine Turnpike Authority's policy regarding federal law and rules governing drug and alcohol testing for employees in safety sensitive jobs.
- B. As an employer, the Maine Turnpike Authority maintains a strong commitment to provide a safe, efficient work environment for its employees and the public we serve.
 1. This policy is based upon the State of Maine's and the Maine Turnpike Authority's practice and policy prohibiting the use of alcohol and drugs on the job or prior to reporting to work.
 - a. The policy is consistent with the Federal Drug Free Workplace Act of 1989, the Substance Abuse Testing Law (26 MRSA, CH. 7, Sub-chapter III-A) and the Omnibus Transportation Employee Testing Act (OTETA).
 - b. It is the intent of this policy to assure compliance with Federal and State law and regulations regarding drug and alcohol testing of employees.
 2. As a result of enactment of OTETA, the Federal Highway Administration (FHWA) instituted rules that mandate alcohol and drug testing for employees in positions requiring a Commercial Drivers License (CDL) and defined as safety sensitive.
 3. These rules, which became effective January 1, 1995, require pre-employment, reasonable suspicion, post-accident, random, follow-up, and return to duty drug and alcohol testing.

II. PROGRAM REQUIREMENTS

A. Employees Subject to Testing

1. FHWA rules provide that safety sensitive employees who operate vehicles requiring a CDL must be subject to drug and alcohol testing.
2. A CDL is required of any person who operates a motor vehicle defined as: a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - b. Has a gross vehicle weight rating of 26,001 or more pounds; or
 - c. Is designed to transport 16 or more passengers, including the driver; or
 - d. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act.



Drug and Alcohol Testing

3. Examples of positions deemed to require a CDL include bus drivers, drivers of trucks over 26,000 GVWR, and snowplow drivers.
4. Each department shall identify a complete listing of the safety-sensitive job functions and corresponding position titles.

B. Participation as a Condition of Employment

1. All employees in, or applicants for positions herein defined as safety-sensitive must participate in the drug and alcohol testing program prescribed by FHWA rules as a condition of employment.
2. Failure to participate and comply with program requirements may result in not being hired and disciplinary action up to and including termination of employment.

C. Prohibited Behavior

1. No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverages or illegal drugs or any other intoxicating substance on a job site, MTA property while on duty, while in an MTA vehicle, a vehicle leased for MTA business, or a privately owned vehicle being used for MTA business during the employee's work hours.
2. No employee shall report to work unfit for duty at the beginning of a shift or upon returning from any break, lunch or rest period as a result of consuming alcohol, illegal drugs, or other intoxicant.
3. No employee notified of being in a safety-sensitive position as defined by the Omnibus Transportation Act of 1991 and FHWA rules shall report to work in a condition that violates that Act and the corresponding rules.
4. Effective January 1, 1995, an employee in a safety-sensitive position is further prohibited from the use of alcohol four (4) hours prior to performing safety-sensitive functions.
5. No supervisor having knowledge that an employee in such a position has used alcohol within four (4) hours shall permit that employee to perform safety-sensitive functions.
6. In some cases, the use of prescription medication, over-the-counter medication or prescribed medical marijuana may cause impairment which prohibits the employee from performing safety-sensitive functions.
 - a. It is the responsibility of an employee on prescription medication, over-the-counter medication or prescribed medical marijuana which may impair performance to consult with his/her physician or pharmacist regarding its effects on their ability to perform safety-sensitive functions.



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- b. When using prescription, over-the-counter medication or medical marijuana, it is the responsibility of the employee to inform the Human Resources Department if he/she may be impaired.
 - c. An employee may be required to have his/her physician certify that medication does/does not adversely affect the employee's fitness for duty.
7. Federal rules governing safety-sensitive positions determine the provisions of drug and alcohol testing related to accidents.
 8. For employees in non-safety-sensitive positions, any work-related accident or injury involving MTA vehicles, equipment or property where it can be demonstrated that the use of alcohol, drugs, or other intoxicants was a contributing factor, may result in disciplinary action up to and including termination of employment.
 9. Violation of these rules may result in disciplinary action up to and including termination of employment.

D. Circumstances for Testing

1. FHWA rules require that drug and alcohol tests be given to safety-sensitive employees in specific circumstances:
 - a. Pre-employment,
 - b. Reasonable suspicion,
 - c. Post-accident,
 - d. Random,
 - e. Return to duty, and
 - f. Follow-up.
2. In order for employees to recognize the circumstances which may initiate tests, the following definitions are provided:
 - a. Pre-employment Testing
 - i. The FHWA rules require that all applicants for employment in positions requiring a CDL or individuals being transferred into such positions must be given pre-employment drug and alcohol tests.
 - ii. Applicants may not be hired or assigned to a safety-sensitive function unless they complete and pass the tests.



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- iii. Prior to conducting the tests, departments must inform the applicant or employee of the testing requirements.
 - iv. Vacancy announcements and job postings must stipulate that passing drug and alcohol tests is a condition of employment.
 - v. Applicants may be required to sign a document acknowledging that they know they are subject to testing.
- b. Reasonable Suspicion Testing
- i. The FHWA rules require that all applicants for employment in positions requiring a CDL or individuals being transferred into such positions must be given pre-employment drug and alcohol tests.
 - ii. Applicants may not be hired or assigned to a safety-sensitive function unless they complete and pass the tests.
 - iii. The FHWA rules require that an employee in a safety-sensitive position must be directed to undergo alcohol or drug testing when the supervisor has reasonable suspicion to believe that the employee has used a prohibited drug or has misused alcohol in violation of OTETA and FHWA regulations.
 - iv. The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable, reliable observations concerning the appearance, behavior, speech, or body odor of the employee.
- c. Post-Accident Testing
- i. The FHWA rules provide that as soon as practicable following an accident, tests for alcohol and controlled substances shall be administered to employees performing safety-sensitive functions, if the accident involved the loss of human life, or the driver receives a citation under State or local law for a moving traffic violation arising from the accident if the accident involved bodily injury with immediate medical treatment away from the scene, or disabling damage to any motor vehicle requiring tow away.
 - ii. Drug tests must be performed within thirty-two (32) hours following the accident.
 - iii. Alcohol tests must be performed within eight (8) hours.
 - iv. If an alcohol test is not administered within two (2) hours following the accident, the MTA must still attempt to have the test administered, and must also prepare and maintain a record stating the reason(s) the test was not promptly administered.
 - v. If an alcohol test is still not administered within eight (8) hours following the accident, the MTA shall cease attempts to administer an alcohol test and shall maintain the same record.



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- d. A safety-sensitive employee shall not use alcohol for eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.
 - e. The requirement to test for alcohol and drugs following an accident shall in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
 - f. An employee who is subject to post accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.
3. Random Testing
- a. The FHWA rules require that safety-sensitive employees be subject to random drug and alcohol testing.
 - b. The selection of employees for random alcohol and drug testing shall be made by a scientifically valid random number selection method.
 - c. The selection process shall assure that each employee shall have an equal chance of being tested each time selections are made.
 - d. Selection shall be determined by the third-party organization employed to administer the alcohol and drug testing program.
 - e. The test dates shall be spread reasonably throughout the year with no established pattern. Testing will be unannounced as well as random.
 - f. Once the employee has been notified that he/she has been selected for random testing, the employee shall report immediately to the collection site.
 - g. Employees shall be individually and discretely notified to report to the collection site and they shall be assured that they have been selected for a routine test.
 - h. Schedules shall be adjusted so that additional personnel may be available to substitute for employees being testing.
4. Return to Duty Testing
- a. Before any employee is allowed to return to duty to perform a safety-sensitive function following a verified drug test result, an alcohol result of 0.04 or greater, or a refusal to submit to a test, that employee must undergo a return-to-duty test.
 - b. The return-to-duty alcohol test result must indicate an alcohol concentration of less than 0.02.



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- c. The return-to-duty drug test result must indicate a verified negative result for controlled substance use.
 - d. Before a return to duty test is performed, the employee must be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee may need and shall determine whether the employee has followed recommendations by a substance abuse professional (SAP) including participation in any rehabilitation program.
 - e. FHWA rules require that all Return To Duty tests be conducted under direct observation.
5. Follow-up Testing
- a. Once allowed to return to duty, an employee shall be subject to unannounced follow-up testing for at least twelve (12), but not more than sixty (60) months.
 - b. The frequency and duration of the follow-up testing will be recommended by a substance abuse professional (SAP) as long as a minimum of six (6) tests are performed during the first twelve (12) months after the employee has returned to duty.
 - c. Employees subject to follow-up testing must also remain in the standard random pool.
 - d. FHWA rules require that all Follow-Up tests be conducted under direct observation.
- E. Behavior that Constitutes a Refusal to Submit to a Test
1. Refusal to take the test.
 2. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation.
 3. Tampering with or attempting to adulterate the specimen or collection procedure.
 4. Failure to report to the collection site in the time allotted.
 5. Failure to remain readily available for post-accident testing for eight (8) hours or until the employee undergoes testing, whichever occurs first.
- F. Testing Procedures
1. Drug Testing
 - a. Drug testing is conducted by analyzing the employee's urine specimen.



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- b. Specimens are collected in an off-site facility which must meet the "Procedures for Transportation Drug and Alcohol Testing Program" (49 CFR, Part 40) requirements to assure privacy and the integrity of specimen collection.
- c. The employee provides a urine specimen, which is sealed and labeled by an authorized agent of the testing organization.
- d. A chain of custody document is completed and the specimen is shipped to a certified laboratory.
- e. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification, and integrity are not compromised.
- f. The OTETA requires that drug testing procedures for safety sensitive employees include split specimen techniques.
- i. Each urine specimen is sub-divided into two containers labeled as primary and split specimens.
- ii. Both specimens are forwarded to a laboratory certified by the U.S. Department of Health and Human Services (DHHS).
- iii. Only the primary specimen is used in the urinalysis.
- iv. The split specimen remains sealed and stored unless, and until, it is required for confirmation of a positive test.
- g. An initial screening test is performed.
- i. If the test is positive for one or more drugs, a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis.
- ii. GC/MS confirmation ensures that over-the-counter medications are not reported as positive results.
- h. If the analysis of the primary specimen confirms the presence of controlled substances, the employee has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
- i. The split specimen procedures provide the employee with an opportunity for a second opinion.
- j. All drug test results are reviewed and interpreted by a physician, Medical Review Officer (MRO), before they are reported.



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- i. If the laboratory reports a positive result to the MRO, the MRO contacts the employee and conducts an interview to determine if there is an alternative medical explanation for the presence of a controlled substance in the specimen.
 - ii. If the employee provides appropriate documentation and the MRO determines that there is a legitimate medical use of the prohibited drug, the test result is reported as negative.
 - k. Urine specimens are analyzed for the following drugs:
 - i. Marijuana (THC metabolite)
 - ii. Cocaine
 - iii. Amphetamines
 - iv. Opiates (including heroin)
 - v. Phencyclidine (PCP)
2. Alcohol Testing
- a. FHWA rules provide that alcohol testing is conducted using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA).
 - b. The breath test must be performed by a breath alcohol technician (BAT) trained in the operation of the EBT and in the alcohol testing procedures prescribed by the rules.
 - c. Two breath tests are required to determine if a person has a prohibited alcohol concentration.
 - d. Any result from the screening test is considered negative if the alcohol concentration is less than 0.02.
 - e. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted.
 - f. The employee and the BAT complete the alcohol testing form to ensure that results are properly recorded.
 - g. The confirmation test must be conducted using an EBT that prints the results, date, time, in sequential test numbers, and, the name and serial number of the EBT to ensure the reliability of the results.
 - h. The EBT shall be conducted by BAT's employed by a drug and alcohol testing organization under contract by the Maine Turnpike Authority through the State of Maine.



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- i. Agents of the State of Maine or the Maine Turnpike Authority or any of its departments shall not perform the breath alcohol test.
 - j. Law enforcement officers will not conduct the tests as part of roadside inspections.
 - k. Under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable.
3. Confidentiality of Test Results
- a. Employee alcohol and drug testing results and records are maintained under strict confidentiality by the Maine Turnpike Authority, the State of Maine, the drug testing laboratory, the alcohol testing facility, and the medical review officer.
 - b. The results cannot be released to any other party except a substance abuse professional without the written consent of the employee.
 - c. Exceptions to these confidentiality provisions are limited to a decision maker in arbitration, litigation, or administrative proceedings arising from a positive drug test or other violation of these rules.
 - d. Statistical records and reports are maintained by the Maine Turnpike Authority, the State of Maine, and the alcohol and drug testing provider and is aggregate data used only to monitor compliance with the FHWA rules.

G. Consequences of the Use of Drugs and the Misuse of Alcohol

1. Consequences of Alcohol Misuse

- a. Employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions.
- b. The following circumstances constitute prohibited behaviors:
 - i. Employee has an alcohol concentration of 0.02 or greater, but less than 0.04, as determined by EBT results, when tested just before, during or just after performing safety-sensitive functions.
 - ii. Employee has used alcohol within four (4) hours of performing safety-sensitive functions.
 - iii. Employee has used alcohol while performing safety-sensitive functions.
 - iv. Employee has used alcohol during the eight (8) hours following an accident or until the employee has undergone a post-accident alcohol test.



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- v. Employee refused to submit to a required alcohol test (as defined in Section II, E).
 - vi. Employee has an alcohol concentration of 0.04 or greater, as determined by EBT results, when tested just before, during or just after performing safety-sensitive functions.
 - c. Employee found to have violated any provision above:
 - i. Shall be immediately removed from safety-sensitive duty for twenty-four (24) hours, and the incident shall be recorded.
 - ii. The employee will be subject to disciplinary action up to and including termination of employment.
 - d. No employee who has engaged in any prohibited alcohol conduct as defined in this section shall be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional.
 - e. Before an employee returns to duty performing a safety-sensitive function; the employee must undergo a return to duty alcohol test with a result indicating alcohol concentration of less than 0.02.
2. Consequences of Use of Drugs
- a. An employee who has a verified positive drug test result must be immediately removed from safety-sensitive functions.
 - b. The employee who has a verified positive drug test result shall not be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional.
 - c. Before an employee returns to duty performing a safety-sensitive function, the employee must undergo a return to duty substance test with a verified negative result.
 - d. An employee who has an initial verified positive drug test result will be subject to disciplinary action up to and including termination of employment.
 - e. The Maine Substance Abuse Testing Law provides:
 - i. Before any disciplinary action is initiated in the case of an employee who has an initial verified positive drug test result, the employer shall provide the employee with an opportunity to participate for up to six (6) months in a rehabilitation program.
 - ii. If the employee chooses not to participate in a rehabilitation program, the employee is subject to the disciplinary provisions of this policy.



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- f. Any subsequent verified positive drug test will result in disciplinary action up to and including termination of employment.
3. Refusal to Submit to a Required Alcohol or Drug Test
 - a. Refusal or failure to submit to a required alcohol or drug test constitutes a failed test (not subject to the provisions of the Maine Substance Abuse Testing Law noted above), resulting in immediate removal from safety-sensitive duty and appropriate disciplinary action.
 - b. The employee may not return to safety-sensitive duty until:
 - i. He or she has undergone return-to-duty testing with verified negative results.
 - ii. The employee shall be subject to the provisions for follow-up testing as defined in this policy.

H. Dilute Samples – Current Employee

1. If the Medical Review Officer (MRO) reports that a positive drug test was dilute:
 - a. The test will be treated as a verified positive test, and
 - b. The employee will not be directed to take another test based on the fact that the specimen was dilute.
2. If the MRO reports that a negative drug test was dilute and directs that a retest be conducted under direct observation, a second test will be conducted immediately.
3. In cases of negative dilute samples where the MRO does not direct that a second test be conducted:
 - a. The MTA will direct the employee to take another test immediately, and
 - b. The test will not be conducted under direct observation.
 - c. If the retest is reported by the MRO as also being negative dilute, the employee will not be offered a third test unless so directed by the MRO.
 - d. The second test will be considered a negative test and will be the test of record.
 - e. If the employee declines to take a retest, the employee has refused the test for purposes of this policy.

I. Dilute Samples – Applicant for a CDL Safety Sensitive Position



Drug and Alcohol Testing

- a. If the person offered conditional employment with the Maine Turnpike Authority required to take a pre-employment test under the MTA's Random Drug and Alcohol Testing Policy has a test result reported by the MRO as positive, positive-dilute, substituted, cancelled-invalid result, or adulterated, that person will not be offered permanent employment with the Maine Turnpike Authority.
 - b. If the person offered conditional employment with the Maine Turnpike Authority required to take a pre-employment test under the MTA's Random Drug and Alcohol Testing Policy has a test result reported as negative-dilute, that person may be offered a second test at the discretion of the Maine Turnpike Authority.
 - i. This second test will not be conducted under direct observation.
 - ii. If the person taking the second test has a test result as negative-dilute, that person will not be offered a third test.
 1. The second test will be considered negative and the test of record.
 2. It will be the discretion of the Maine Turnpike Authority whether the person is offered permanent employment.
 - iii. If the person declines to take this second test, that person has refused the test for purposes of this policy and related regulations, and will not be offered permanent employment with the Maine Turnpike Authority.
- J. Employee Admission of Alcohol and Controlled Substances Use - The following conditions apply to an employee in a safety sensitive position's self-admission:
1. The admission cannot be made during the employee's on-duty time.
 - a. The admission must occur prior to the employee's reporting for duty on any particular day.
 - b. The admission cannot be made in an attempt to avoid a required DOT drug test.
 2. 49 CFR Part 382.121 requires the Maine Turnpike Authority to remove the driver from safety-sensitive functions, including driving.
 3. When the MTA is satisfied that the driver has complied with the EAP's recommendations for assistance, The MTA will return the driver to safety-sensitive functions, provided that:
 - a. Prior to returning to safety-sensitive functions, the driver will be required to provide a negative DOT drug and/or alcohol test result on a Return-to-Duty test; and
 - b. The driver will be required to provide certification from EAP that the driver is recommended for return.



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4. A driver who self-identifies under this policy, and who then fails to comply with the EAP's recommendations will be considered to have engaged in conduct prohibited by 49 CFR Part 382, Subpart B, and will not be permitted to return to safety-sensitive function until he/she has successfully complied with the SAP return-to-duty process.
5. The Maine Turnpike Authority will adhere to the following terms in accordance with 49 CFR Part 382.121;
 - a. The Maine Turnpike Authority will take no adverse action against a driver who admits to drug and/or alcohol use under the terms above.
 - b. A driver who self-identifies under this program will be given reasonable time to obtain the required assessment and assistance.
 - c. The Maine Turnpike Authority requires the assessment process to be initiated within three (3) days of the driver's disclosure.
 - d. A driver who complies with all requirements, and who complies satisfactorily with the EAP's recommendations for assistance, will be permitted to return to safety-sensitive functions.
 - e. A driver who cooperates and successfully complies with this program will not be considered to have had a violation of prohibited conduct under 49 CFR Part 382, Subpart B.

K. Training for Supervisors

1. The Maine Turnpike Authority shall ensure that all supervisors and other persons designated to determine whether reasonable suspicion exists to require an employee to undergo testing must receive a minimum of sixty (60) minutes of training on alcohol misuse and on controlled substances use.
2. The training shall include:
 - a. The physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.
 - b. An overview of the program requirements, disciplinary procedures, confrontation and documentation procedures, and rehabilitation and treatment options which are available.

L. Training for Safety-Sensitive Employees

1. Each department participating in the CDL Drug and Alcohol Testing Program shall ensure:
 - a. All employees performing job functions deemed safety sensitive shall receive a copy of this policy.



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- b. All new employees performing job functions deemed safety sensitive shall receive a copy of this policy and the educational materials listed below:
 - i. The person designated to answer driver questions about the materials will be the Director of Human Resources;
 - ii. Specific information concerning driver conduct that is prohibited by federal regulation and this policy;
 - iii. The circumstances under which a driver will be tested for alcohol and/or controlled substances under federal regulation and this policy, including post-accident testing under 49 CFR 382.303(d);
 - iv. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by this policy and 49 CFR 382.303(d);
 - v. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy and federal regulations;
 - vi. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
 - vii. The consequences for drivers found to have violated this policy and the federal regulations, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures that can follow such removal;
 - viii. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
 - ix. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and
 - x. Available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.
2. Each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section.
 - a. The original of the signed certificate shall be maintained the employee's personnel file; and
 - b. A copy of the certificate shall be available to the employee upon request.



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M. Supervisory Responsibilities

1. Supervisors are responsible for determining through direct observation whether an employee is capable of performing his or her assigned duties based on specific, contemporaneous, articulable, reliable observations concerning the appearance, behavior, speech, or body odor of the employee.
2. Employees who are suspected of being unfit for duty as a result of alcohol or drug use should be required to undergo reasonable suspicion drug and/or alcohol testing in accordance with FHWA rules and this policy.
3. Supervisors should immediately bring their observations to the attention of their managers in order that arrangements for testing can be implemented as soon as practicable.
 - a. Employees who are suspected of being impaired and unfit for duty may not remain at the work place.
 - b. Incidents and behavior described above should be witnessed and documented immediately.
 - c. The supervisor's manager and Human Resources should be consulted and advised of the incident.
 - d. An employee who is impaired should not be allowed to drive home from the work place.
 - i. The fact that an unfit employee engaged in prohibited behavior as defined in above was not allowed to remain at work or is removed from safety-sensitive duties is not considered a disciplinary suspension.
 - ii. After the employee is removed from safety-sensitive duties or removed from the workplace, supervisors and managers should discuss the specifics of the situation with The Director of Highway Safety and the Director Human Resources (and/or their designees) to review appropriate disciplinary action.
 - iii. Each situation will be evaluated on a case-by-case basis.

N. Management Responsibilities

1. A drug and alcohol free workplace shall be maintained through the efforts and example of management.
2. Managers and supervisors who fail to perform their duties and responsibilities as outlined in this policy will be subject to disciplinary action up to and including termination of employment.



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3. Managers and supervisors are encouraged to discuss with employees any behavior or job performance factors that may indicate the use of drugs, alcohol, or other violations of this policy and to suggest, when appropriate, that employees seek assistance through the Employee Assistance Program (EAP).
4. Effective January 1, 1995, the Maine Turnpike Authority shall direct employees in designated safety-sensitive positions to comply with the provisions for pre-employment, reasonable suspicion, random, post-accident, return to duty, and follow-up testing in accordance with the FHWA rules.
5. Supervisors who make reasonable suspicion determinations must receive training on the physical, behavioral, and performance indicators of probable drug use and alcohol misuse.
6. Supervisors shall be instructed on the principle of the "reasonable prudent individual" in reasonable suspicion decisions.

O. Employee Assistance Program (EAP)

1. The Maine Turnpike Authority's EAP is a confidential voluntary service available to all employees and their family members.
2. The EAP is a free service at no cost to participants.
3. The EAP was created with the aim to assist employees and their families in maintaining their health and well-being.
4. The Maine Turnpike Authority's EAP offers assistance on a broad range of issues including alcohol or drug abuse, and any employee who may be experiencing a problem of this type is encouraged to seek information and assistance on a confidential basis by contacting the EAP.
 - a. The Maine Turnpike Authority encourages drivers who recognize that they may have a problem with drugs and/or alcohol to seek assistance for resolving that problem before they have a violation due to a positive test result or because they engaged in other prohibited conduct.
 - b. A driver who admits to a drug and/or alcohol problem and has not violated this policy will not have a violation.
 - i. He/she will be given an opportunity to obtain a chemical use assessment from the MTA's Employee Assistance Program.
 - ii. Prior to the assessment, however, the Maine Turnpike Authority will require the driver to sign a release of information that will enable the MTA to receive the results of the assessment, and to receive subsequent reports related to the assessment, and the driver's successful completion of all recommendations for assistance.
5. Participation in the EAP is on a voluntary basis, unless mandated by management.



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6. Although supervisors, union officials and co-workers may encourage an employee to seek help, the decision to seek and accept assistance is the responsibility of the employee.
 - a. Participation in the EAP is strictly confidential.
 - b. All records and information regarding referral, diagnosis, and treatment will be maintained by the EAP and treated as confidential.
 - c. The program ensures that participants' names and the nature of the problems are not available to supervisors, co-workers, or anyone else.
7. Employees participating in the EAP are not immune from discipline if the employee has violated this policy.

P. Random Testing Percentages

The annual percentage of employees randomly tested for alcohol and drug testing shall comply with the annual minimum drug and alcohol random testing rates established within U.S. DOT Agencies.

Q. Prescription Medical Marijuana Use

Any safety sensitive employee who operates vehicles requiring a CDL and who is prescribed marijuana under the Maine Medical Marijuana law shall inform his/her department's Equal Employment Opportunity Coordinator that they are a registered patient.

R. Drug and Alcohol Testing Program Manager

Questions regarding the drug and alcohol testing program and the policies and procedures required for compliance with federal law and rules shall be directed to the designated program manager identified below.

Maine Turnpike Authority:

Lauren G. Carrier, Director of Human Resources

2360 Congress Street

Portland, ME 04102

(207)871-7771

lcarrier@maineturnpike.com

State of Maine:

Soumia Tber

MaineDOT/Office of Human Resources

16 State House Station

Augusta, ME 04333-0016

(207)624-3053



Procedural Due Process for Non-Unionized Employees

I. Purpose

- A. The purpose of this policy is to define the procedure clarifying the rights of the Maine Turnpike Authority's non-unionized (Management/Confidential and Professional/ Technical) employees in circumstances where the MTA intends to impose either a suspension without pay or a termination of the employee for cause.
- B. Herein described are the procedural due process rights for the MTA's non-unionized employees consistent with prevailing state and federal law.
- C. This policy does not apply to MTA employees who are members of a labor union or who are covered by a collective bargaining agreement.

II. Procedure

- A. Upon completion of any internal investigation or performance review resulting in a recommendation of suspension without pay or termination for cause, each affected employee shall receive a Notice of Recommended Action in written form.
 - 1. Each notice shall be signed by the Director of Human Resources or his/her designee and shall be hand-delivered or sent to the affected employee at the last home address of record, by certified mail, return receipt requested.
 - 2. Each notice of recommended action shall contain the following:
 - a. A description of the recommended action;
 - b. A summary of the grounds for the recommended action along with a description of the evidence in support of its recommendation;
 - c. An identification of all persons consulted as part of the MTA's internal investigation or performance evaluation process;
 - d. Copies of any non-privileged documents relied upon to support the recommendation, and
 - e. A description of pre-action meeting procedures, a list of meeting dates and instructions for confirming meeting availability.

B. Pre-Action Meeting

- 1. Each affected employee shall be afforded the right to attend an informal pre-action meeting with the MTA's Executive Director or his/her designee.
- 2. The Authority reserves the right to determine the number of specific date and time alternatives for the pre-action meeting.



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- a. The affected employee will be requested to identify his or her first and second preferences and notify a designated MTA official of those preferences no later than three (3) business days from the receipt of the notice.
 - b. In the event of an affected employee's failure to provide such notification within three business days, the MTA reserves the right to select the date and time for the pre-action meeting and shall notify the employee in a letter to be sent to the last home address of record, by certified mail, return receipt requested.
 - c. The affected employee shall have the right to reschedule the pre-action meeting, only once, upon twenty-four (24) hours advance notice to the designated MTA official, and the MTA shall have the right to specify the new date and time for the pre-action meeting.
3. The Pre-Action Meeting shall provide the affected employee the opportunity to:
 - a. Address the evidence specified in the MTA's notice or any omission of relevant facts;
 - b. Challenge the accuracy of the evidence; and/or
 - c. Argue why some action less than suspension without pay or termination for cause is warranted.
 4. Participation in and attendance at the meeting shall be limited to:
 - a. The affected employee, the Executive Director or his or her designee, the employee's direct supervisor and/or the MTA's Director of Human Resources, and any MTA employee who is prepared to offer information on behalf of the affected employee with respect to the relevant evidence.
 - b. No other persons shall be permitted to attend or participate.
 5. The agenda and duration of the meeting shall be determined solely in the discretion of the Executive Director or his/her designee.
 6. The affected employee shall be given the option of having the meeting tape recorded.
 7. No formal rules of evidence or examination of witnesses shall be applied during the meeting.
 8. Following adjournment of the meeting, the affected employee shall be given three (3) business days to submit a final written statement to the Executive Director or his/her designee.



Procedural Due Process for Non-Unionized Employees

C. Final Decision

1. The MTA's final written decision on suspension without pay or termination for cause shall be issued following receipt of the affected employee's final written statement, if any, and in any event, no later than the fourth business day following adjournment of the meeting.
2. To the extent the affected employee wishes to further challenge the MTA's final decision, the procedures for doing so are expressly provided in the Maine Rules of Civil Procedure.

D. Post-Action Procedures Applicable to Management/Confidential Employees, Director Level and Above (excluding deputy, assistant or associate directors):

1. Management/Confidential Employees at the Director level and above shall have the procedures specified in Section II above available to them.
2. In addition to the procedures specified in Section II, Management/Confidential Employees at the Director level and above shall also be subject to the following procedures:
 - a. Each affected employee shall be given seven (7) business days from receipt of any notice of a decision of termination for cause or suspension without pay to submit a written request for reconsideration of the decision.
 - b. Written requests for reconsideration shall be submitted, in writing, to the MTA official identified in the notice of decision.
1. Upon receipt of timely request for reconsideration, the Chairman of the Maine Turnpike Authority Board shall designate three (3) members of the Authority Board of Directors to convene a post-decision meeting with the affected employee.
2. Procedures for scheduling the post-decision meeting shall follow the procedures, set forth in Section I, that apply to pre-action meetings.
 - a. Attendance at the post-action meeting shall be limited to the affected employee, the designated MTA Board members, the MTA's Executive Director, the Director of Human Resources, and any MTA employee prepared to offer new information on behalf of the affected employee with respect to the evidence referred to in the initial notice provided to the affected employee.
 - b. No other persons shall be permitted to attend or participate.
 - c. The affected employee shall be given the option of having the meeting tape recorded.
 - d. No formal rules of evidence or examination of witnesses shall be applied during the meeting.



Procedural Due Process for Non-Unionized Employees

3. Prior to the meeting, the designated MTA Board members shall review all documentation related to the MTA's recommended action and decision.
4. The agenda and duration of the meeting shall be determined solely in the discretion of the designated MTA Board members.
5. At the meeting, the affected employee shall be afforded an opportunity to:
 - a. Present only new rebuttal evidence and/or witnesses with new information on the affected employee's behalf;
 - b. Offer proof of extenuating circumstances; and/or
 - c. Challenge any defects in procedure associated with due process leading up to the decision to terminate for cause or suspend without pay.
6. Following adjournment of the meeting, the MTA Board members shall issue a written decision on the affected employee's request for reconsideration, along with findings, no later than seven (7) business days of the date of the meeting.

III. Reservation of Right to Amend Policies

- A. No policy can anticipate the specifics of every employment action or procedural issue.
- B. As the MTA or prevailing law evolves, the need may arise and the MTA reserves the right to amend, supplement or rescind this policy as it deems appropriate.



Equal Employment Opportunity and Affirmative Action

I. Statement

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

II. Policy

- A. Employment decisions will be based on the principles of equal employment opportunity.
- B. Recruitment, testing, selection, and promotion will be administered without regard to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or marital status unless a bona fide occupational qualification exists.
- C. Personnel actions and conditions of employment, such as compensation, benefits, layoffs, job assignments, employee development opportunities and discipline shall be administered without regard to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act or marital status.
- D. Reasonable accommodations will be made for any qualified individual, applicant or employee, in accordance with the provisions of the Maine Human Rights Act and the Americans with Disabilities Act.
- E. Managers and supervisors are responsible for awareness of and response to potential discriminatory situations.
- F. Employees are required to cooperate fully with the investigation and/or resolution of any discrimination complaint.
- G. Managers and supervisors are required to actively prevent and correct retaliation or harassment toward any employee who has been involved in the filing, investigation, or resolution of a discrimination claim.
- H. The Human Resources Department will address and attempt to resolve employee complaints regarding discrimination and harassment as expeditiously as possible.
- I. Supervisors and managers are required to contact the Human Resources Department if they receive a complaint of discrimination or harassment.
- J. The Director and Deputy Director of Human Resources in the Director's absence are:
 - 1. Responsible for the implementation, monitoring, and record keeping of the MTA's Equal Employment Opportunity/Affirmative Action Program as well as for providing technical assistance; and



Equal Employment Opportunity and Affirmative Action

2. Available as a resource for the MTA.

III. Procedure

- A. If an employee believes he/she has been subjected to discrimination, he/she should make that unease and/or disapproval directly and immediately known to the offending person whenever possible.
- B. If the situation is not immediately resolved or if the employee is unable to or uncomfortable to address the alleged offender directly, he/she should:
 1. Report the incident to that employee's or his/her own supervisor or to the Human Resources Department; and
 2. Report the complaint in writing, including the date, time and nature of the incident(s) and the names of any witnesses.
- C. The Maine Turnpike Authority will immediately investigate any complaints of discrimination and where warranted, take disciplinary action, up to and including termination, against any employee found to have engaged in discriminatory behavior.
- D. Any questions regarding this policy or procedure should be addressed to the Human Resources Director.

IV. Other Reporting Options

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available under state or federal law.

V. Maine Human Rights Commission (MHRC)

- A. In addition to the procedure stated in this policy, employees should be aware that the Maine Human Rights Commission is the state agency charged with the responsibility of enforcing Maine's anti-discrimination laws.
- B. The MHRC investigates complaints of unlawful discrimination in employment.
- C. The MHRC will attempt to resolve complaints of discrimination to the mutual satisfaction of those involved.
- D. The Maine Human Rights Act authorizes the MHRC to pursue remedies for unlawful discrimination in Court when necessary to enforce the Act.



Equal Employment Opportunity and Affirmative Action

E. The MHRC can be contacted at:

Maine Human Rights Commission
51 State House Station
Augusta, Maine 04333-0051
(207) 624-6290
www.maine.gov/mhrc



Employee Assistance Program (EAP)

I. Purpose

- A. The purpose of this policy is to provide assistance to employees who have personal problems that may be affecting their job performance.
- B. The MTA recognizes that a wide range of personal problems can have an effect on an employee's job performance.
 - 1. This applies whether the problem is physical illness, mental or emotional illness, financial, marital or family distress, alcoholism, drug abuse, legal problems or other concerns.
 - 2. Early identification often leads to successful resolution of a problem.
- C. The MTA believes it is in the interest of the employee, the employee's family and the MTA to provide services which deal with such persistent problems within the framework of an Employee Assistance Program (EAP).
- D. The Employee Assistance Program is a free and confidential assessment and referral service provided by trained counselors.

II. Procedure

- A. Any MTA employee or family member of an MTA employee may contact the MTA's Employee Assistance Provider (EAP) to get help for any problem they may have.
- B. Employees are encouraged to seek counseling and information voluntarily on a self-referral basis, long before a supervisory reminder due to poor job performance becomes necessary.
- C. Use of the MTA's EAP is free to the employee or family member.
- D. Use of the MTA's EAP and the EAP counselor's records will be confidential.
- E. For the employee or his/her family member who uses the MTA's EAP on a self-referral basis, no information regarding the referral will be disclosed to anyone employed by the MTA unless the employee requests it and signs a release form.
- F. Referrals by the EAP counselor to professionals outside of the EAP provider's network will be implemented only under signed release by the employee.
 - 1. The use of any referral resource recommended by the EAP will be at the expense of the employee or family member.
 - 2. Every effort will be made to refer to insurance reimbursement resources.



Employee Assistance Program (EAP)

- G. In instances where it is necessary, sick leave, annual leave or leave without pay may be granted for treatment or rehabilitation on the same basis as is granted for other serious health conditions.

- H. When the employee's job performance is unsatisfactory and the employee is willing but unable to correct the situation with normal supervisory assistance, the employee may be reminded of the services of the MTA's EAP.
 - 1. It will be the decision of the employee whether to use the EAP and to cooperate and follow the recommendations of the EAP counselor.
 - 2. Refusal to accept counseling will not be considered grounds for dismissal.
 - 3. The decision to dismiss an employee will be based on continuation of behavior or performance that is not acceptable.
 - 4. The employee may meet with the EAP counselor during working hours by using sick or vacation time or other accumulated leave.
 - 5. The employee may also meet with the EAP counselor during personal time.

- I. The MTA may require an employee to contact the EAP when that employee's job performance is unsatisfactory.

III. Provider

The MTA's Employee Assistance Provider is:

Affiliated Employee Assistance Program
1-800-769-9819 (24 hours a day, 7 days a week)
www.AffiliatedEAP.com



Employee Conduct and Behavior

I. Purpose

- A. The purpose of this policy is to set forth the Maine Turnpike Authority's expectations of its employees and to define unacceptable behavior and/or conduct that may affect an employee's ability to do his/her job and/or influences the MTA's overall effectiveness.
- B. The MTA promotes the well-being of its employees by maintaining high standards of work performance and professional conduct.

II. Policy

- A. Employees are expected to conduct themselves in a professional manner at all times; demonstrating a positive attitude, respect for co-workers, our customers and their property.
- B. Employees are accountable for behavior outside of work that has a negative impact on the individual's ability to perform his/her responsibilities at work.
- C. The following guidelines have been developed to communicate the standards of the Maine Turnpike Authority.
 - 1. Each employee is expected to:
 - a. Report to work punctually, as scheduled, and be at the assigned work station, ready for work, at the assigned start time;
 - b. Notify the appropriate supervisor when unable to report to work, or unable to report for work on time;
 - c. Actively work during all work hours;
 - d. Comply with all performance/conduct and safety/security policies and procedures;
 - e. Wear appropriate business attire/uniform for and in accordance with the work being performed;
 - f. Perform assigned tasks efficiently and correctly;
 - g. Address fellow employees, customers and visitors in a professional, courteous and respectful manner;
 - h. Maintain work place and work area cleanliness;
 - i. Refrain from behavior or conduct deemed offensive or undesirable;



Employee Conduct and Behavior

- j. Obtain approval from a manager before removing any MTA property for the MTA's or personal use; and
 - k. If applicable, comply with the provisions of the collective bargaining agreements.
2. The following definitions and classifications are examples of violations for which corrective counseling or other disciplinary action may be taken.
- a. Examples of performance issues include, but are not limited to:
 - i. Excessive absenteeism, tardiness or failure to come to work;
 - ii. Failure to meet performance and work quality standards;
 - iii. Abusive or unauthorized use of MTA supplies and equipment;
 - iv. Failure to adhere to safety/security regulations, procedures and policies;
 - v. Reckless driving, including speeding, while operating MTA vehicles;
 - vi. Unauthorized use of Maine Turnpike Authority vehicles;
 - vii. Failure to immediately report an accident or job-related injury.
 - b. Examples of inappropriate behavior and misconduct include, but are not limited to:
 - i. Reporting to work intoxicated/under the influence of alcohol, marijuana, or non-prescribed drugs;
 - ii. Possession or use of alcoholic beverages on Maine Turnpike Authority property or while engaged in MTA business, or while in MTA uniform, except where authorized;
 - iii. Falsifying employment or any other MTA records;
 - iv. Submitting a fraudulent injury claim;
 - v. Failure to maintain the confidentiality of MTA information or business records;
 - vi. Discrimination or harassment, sexual or otherwise;
 - vii. Solicitation of outside work from customers;
 - viii. Fighting or otherwise physically assaulting another employee, customer or vendor;
 - ix. Use of obscene, abusive, or threatening language and/or gestures;



Employee Conduct and Behavior

- x. Embezzlement, theft or misappropriation of property from co-workers, customers, the MTA or visitors of the MTA;
- xi. Misuse, abuse or destruction of MTA property;
- xii. Gambling on MTA property;
- xiii. Possession, sale or use of firearms or other weapons on MTA premises or while on MTA business;
- xiv. Insubordination;
- xv. Deliberate concealment of another employee's misconduct;
- xvi. Posting, removing or defacing notices, signs or writings on MTA property without proper permission;
- xvii. Violation of or failure to adhere to the rules of operation or conduct established by the MTA;
- xviii. Any behavior or practice, whether or not mentioned in this policy, inconsistent with the ordinary and reasonable conduct necessary for a productive work atmosphere.



Employee Development and Training Request Form

I. Purpose

- A. The MTA supports employees who wish to continue their education to secure increased responsibility and growth within their professional careers at the MTA.
- B. In keeping with this philosophy, the MTA has established a reimbursement program for expenses incurred through approved institutions of learning.

II. Policy

- A. Any full-time, permanent employee may be eligible for participation the MTA's Employee Development and Training Program as long as management approves the request and the courses are job-related.
 - 1. All courses/programs must be pre-approved by the employee's Department Head and the Director of Human Resources.
 - 2. If approved, the MTA will reimburse all or part of the registration, book and tuition costs.
 - a. Employees must apply and be approved for reimbursement prior to enrolling in a course.
 - b. Employees must achieve a "B" rating or higher, (or equivalent grade/mark) to receive reimbursement and provide a certified transcript of grades or a certificate of successful completion.
 - c. All receipts for expenses must be submitted to the Human Resources Department.
 - d. No more than \$1,500 per employee per year will be reimbursed.
- B. The MTA may reimburse an employee for continuing education courses/programs if deemed job-related by the MTA.
- C. When taking a pre-approved course/program that offers continuing education credit, the employee should forward a copy of the Continuing Education Credit Certificate (or other document) to the Human Resources Department for placement in the employee's personnel file.
- D. Participation in any course/program should not interfere with an employee's job performance or responsibilities.



Employee Development and Training Request Form

Section A: Employee Request

Name (Print): _____ Request _____ Date: _____

Current Position: _____ Supervisor: _____

Check One:

College Course Workshop Professional Certification Course Other:

Title: _____

School _____ or _____ Organization: _____

Dates of attendance: _____ Total Hours Training: _____ Cost:
\$ _____

What specific knowledge or skill will you learn?

How will the acquired knowledge or skill help improve your performance and/or prepare you for more advanced responsibilities?

Employee Signature: _____
Date: _____

Attach description of training with completed registration form and forward to your supervisor for approvals. A final grade or certificate of successful completion must be provided before reimbursement can be made.



Employee Development and Training Request Form

Section B: Approvals

Review and approve or deny based on appropriateness, cost, scheduling, and quality of training.

Supervisor: _____ Date: _____ Approved: _____ Denied: _____

Department Director: _____ Date: _____ Approved: _____ Denied: _____

Approve and forward to Human Resources

Review and approve or deny for quality of training and/or make recommendations for other resources.

Human Resources: _____ Date: _____ Approved: _____ Denied: _____



Employee Verification

I. Purpose

- A. The Maine Turnpike Authority is required to comply with federal laws and regulations concerning verification of employment eligibility and associated record keeping for employees hired to work in the United States.
- B. It is the also policy of the MTA to perform pre-employment background checks to determine and or confirm, within appropriate legal and professional limits, the qualifications and suitability of a job candidate for the particular position for which the he/she is being considered.
- C. This policy will help ensure that employment related decisions utilizing pre-employment background checks and verifications are made in accordance with applicable law.
- D. Anyone with questions regarding any aspect of employment and/or identity verification should contact the Human Resources Department.

II. Policy

- A. The MTA must document and retain employment eligibility using the federal Employment Eligibility Verification (I-9) form, and eligibility must be verified for each employee.
 - 1. Verification of employment eligibility must be made within seventy-two (72) hours of employment.
 - 2. The I-9 form lists documents needed to prove employment eligibility.
 - 3. The documents used by the employee to substantiate employment eligibility must be inspected for propriety and authenticity, and an authorized MTA representative must sign the I-9 form.
 - 4. The employment verification process must be completed in person, and that verification must also be completed within three working days of the beginning of employment.
- B. As a condition of employment, the MTA will perform pre-employment background checks on all new candidates for employment and for existing employees bidding on a new job within the MTA for which a previous check was not completed/required.
 - 1. The components of each background check will depend on the position.
 - 2. Depending on the particular position, the MTA has and will continue to perform address related searches, criminal background checks, credit checks, driving record, education, prior employment, mandatory CDL drug and alcohol checks, professional license verifications, and any other background check deemed necessary and relevant to the applicable position.



Employee Verification

- a. Background checks will not be made until a conditional offer of employment has been made.
 - b. All candidates will be required to sign appropriate authorizations and consents prior to the performing of any background checks.
 - c. Candidates that provide false or misleading information in their application and/or authorization will be eliminated from any further consideration.
 - d. Existing employees who are found to have provided false or misleading information in their authorization regarding a new position or in their previous position with the MTA may be subject to discipline, up to and including termination.
3. The relevance of a particular pre-employment background check to a candidate's eligibility for employment is based upon the following factors:
- a. The nature of the job for which the applicant is being considered; and
 - b. The nature of any adverse or negative information.
4. Having adverse information, including a criminal history or conviction does not automatically preclude a candidate's eligibility for employment.
- C. The MTA complies with the federal Fair Credit Reporting Act (FCRA) and all other applicable legal authority that affects the performing of pre-employment background checks.
- D. The results of a pre-employment background check are strictly confidential and are to be shared with members of the MTA on a strict "need to know" basis.



Employment of and Business with Relatives

I. Purpose. The purpose of this policy is to prevent partiality and the appearance of partiality in the hiring, discharge, promotion, demotion, assignment, transfer, evaluation, and supervision of an employee who is related to another employee. This policy also covers the selection of a vendor that employs a relative of someone employed by the MTA.

II. Definition of relative. For purposes of this policy, the term “relative” is an immediate family member including a spouse, a domestic or cohabiting partner, a child or step-child, a parent or step-parent, a sibling, half-sibling, or step-sibling.

III. Policy on Employment.

A. Supervision prohibited. A relative of a person may not:

1. participate in making a final decision on whether that person will be hired, discharged, promoted, demoted, assigned or transferred as an employee of the MTA;
2. be assigned as the direct, day-to-day supervisor of that person; or
3. be responsible to evaluate that person’s day-to-day performance.

B. Permissive hiring. Relatives of current employees may be considered for employment if they are otherwise eligible and the hiring and work assignments are consistent with this policy.

C. Unforeseen conflicts. If the hiring or transfer of an employee’s relative creates an unforeseen violation of this policy, management may transfer either of them to an alternative position or terminate either of them if no suitable vacancy exists.

D. Created relationships. If a relationship prohibited by this policy is created after both parties are employed by the MTA, management may transfer either of the parties to an alternative position or terminate either of them if no suitable vacancy exists.

E. Hiring temporary help by an agency. Employment of an MTA employee’s relative through a temporary service agency does not relieve either relative from complying with this policy.

IV. Policy on Business with relatives. An MTA employee may not participate in the MTA’s selection of a vendor, contractor, or consultant if the entity being considered for selection employs a relative of that MTA employee.

Adopted by the MTA Board on November 17, 2016.



Employment References

I. Purpose

- A. The aim of this policy is to establish controls in respect to the provision and obtaining of references by the Maine Turnpike Authority.
- B. The MTA is committed to open, truthful, job-related reference information sharing.

II. Policy

- A. The Human Resources Department will provide and receive all reference material regarding future, current, or former MTA employees.
 - a. Employees are strictly prohibited from seeking or providing any reference information regarding future, current or former employees.
 - b. Any inquiries received outside the Human Resources Department must be forwarded to the Human Resources Department for response.
- B. All reference inquiries are to be directed to the Human Resources Department.
- C. Information concerning former or current employees is considered confidential.



End of Employment

I. Purpose

It is the policy of the Maine Turnpike Authority to recover its property, equipment and protect MTA Systems upon the end of employment.

II. Policy

- A. The employee should meet with the Human Resources Department for an Exit Interview before the last day of work.
- B. This process includes the return of keys, identification cards, pager, mobile phone, credit card, or any other items issued during employment.
- C. An End of Employment - HR checklist has been created to help guide Human Resources through this exit interview process.
 - 1. This checklist is described in detail in the service retirements procedure.
 - 2. This form will go into the employees personnel file and serve as a record that all MTA property was turned in, and that the proper notification has been given to protect the MTA systems.



Family and Medical Leave (FMLA)

I. Purpose

- A. The purpose of this policy is to define the MTA's policy and procedure regarding family and medical leave.
- B. All questions regarding family or medical leaves of absence should be directed to the Human Resources Department.

II. Employee Eligibility

- A. In order to be eligible for family or medical leave under federal law (Family Medical Leave Act or FMLA), an employee must:
 - 1. Have worked for the MTA for 12 months, *and*
 - 2. Have worked for at least 1,250 hours during the preceding 12-month period.
- B. To be eligible for leave under Maine law (Maine Family Medical Leave Requirements Act or MFMLA) the employee must have:
 - 1. Worked for the MTA for at least 12 consecutive months;
 - 2. There is no requirement that the employee have worked at least 1,250 hours during the preceding 12-month period.
- C. Because individual circumstances will, in part, determine what rights an employee may have under this policy, all specific eligibility questions should be directed to the MTA's Human Resources Department.

III. Procedure

A. Application

- 1. Once aware of an absence that may qualify under FMLA per section V of this policy or to apply for FMLA, an employee must request and complete a Family Medical Leave Request Application Packet, available through the Human Resources Department.
 - a. A minimum of thirty (30) days' notice is required unless the need for leave is not foreseeable, in which case as much notice as possible under the circumstance is to be given.
 - b. Generally, this means the employee must provide notice of the need for leave either the same day he/she learns of the need for leave or the next business day.



Family and Medical Leave (FMLA)

2. Leave for the birth or placement of a child must be taken within twelve (12) months of that birth or placement.
3. If an employee does not initially complete the FMLA Application, the Human Resources Department will initiate the FMLA process following the employee's third consecutive absence.

B. Determination

1. Within five (5) business days of receipt of the completed FMLA Application and supporting medical certification as described in section IV of this policy, the Human Resources Department will notify the employee if the employee is eligible for leave and if leave has been designated as FMLA leave per section V of this policy.
 - a. Family Medical Leave will be granted for reasons defined in section V of this policy.
 - b. The amount of Family Medical Leave granted is defined in section VI of this policy.
 - c. Leave requests not consistent with section V or for an employee not meeting the eligibility requirements of section II of this policy shall be denied.
 - i. An employee whose leave is denied must utilize all available accrued leave to cover any absences.
 - ii. An employee without available leave time who is deemed ineligible for FMLA may face discipline for any absences, up to and including termination.
2. If the employee has not completed the FMLA Application, after the third (3rd) consecutive absence, an employee meeting the required eligibility requirements defined in section II of this policy may be tentatively granted Family Medical Leave until such time as a qualification can be determined based on receipt of the application and supporting medical documentation.
3. On a basis that does not discriminate against employees on FMLA leave, the MTA may require an employee on FMLA leave to report periodically on status and intent to return to work.
4. Employees on FMLA leave are expected to be reasonably responsive to and communicate with the Human Resources Department during the leave.

IV. Medical Certification

- A. Employees will be required to submit medical certification forms included in the Family Medical Leave Application packet from a health care provider to support a request for family or medical leave for the serious health condition of the employee or the employee's spouse, child, parent, sibling or domestic partner.



Family and Medical Leave (FMLA)

- B. Certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.
- C. If the leave is needed to care for a spouse, child, parent, sibling or domestic partner, the certification must so state, along with an estimate of the amount of time the employee will be needed to provide such care.
- D. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of the job.
- E. Additional information may be required as set forth on the certification forms.
- F. Completed and signed medical certification forms, included in the Family Medical Leave Application Packet are required to be submitted to the Human Resource Department within fifteen (15) days of the employee's receipt of the packet from the MTA.
- G. An employee's failure to submit completed medical certification forms within this time period may result in a leave request being rejected as "qualifying" family or medical leave.
- H. The MTA may, at its own expense, seek a second opinion, or third if there are differing opinions.
- I. During the employee's family or medical leave, the MTA may request that the employee provide recertification of a serious health condition at designated intervals and/or upon the occurrence of certain events.
 - 1. In addition, during the leave, the employee must provide the MTA with periodic reports regarding the employee's status and intent to return to work.
 - 2. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the MTA notice within 2 business days, when foreseeable, of the employee's changed circumstances and new return to work date.
- J. Employees requesting leave for qualifying exigencies will be required to submit certification of the military member's active duty and the facts that show the qualifying exigency.
- K. Employees requesting leave to care for a family member or next of kin who has been injured in the line of duty in the Armed Forces will be required to provide certification of military status and of the serious injury or illness.
- L. The MTA may also seek certification of an individual's status as a family member or domestic partner.

V. Types of Leave

- A. Basic Family Medical Leave



Family and Medical Leave (FMLA)

1. The MTA provides family and medical leaves of absence to eligible employees who need to take time off from work duties for the following reasons:
 - a. The birth of the employee's child and in order to care for the child;
 - b. Incapacity due to pregnancy, prenatal medical care or child birth;
 - c. The placement of a child with the employee for adoption or foster care and to care for the newly placed child;
 - d. To care for a spouse, child or parent who has a serious health condition;
 - e. A serious health condition that renders the employee incapable of performing the functions of his or her job
2. Under Maine law, family medical leave is permitted for:
 - a. The employee's donation of an organ for a human organ transplant;
 - b. The birth of the employee's child or a child of the employee's domestic partner.
 - c. The placement of a child 16 years of age or less with the employee's domestic partner for adoption;
 - d. To care for the employee's spouse, child, parent, domestic partner, domestic partner's child or sibling (defined below) with a serious health condition.
 - e. To care for a sibling with a serious health condition.
3. A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or that requires continuing care by a licensed health care provider.
4. A sibling, as that term is referred to herein, is a sibling who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.
5. A domestic partner is defined as the partner of an employee who is:
 - a. A mentally competent adult as is the employee;
 - b. (Has been) legally domiciled with the employee for at least 12 months;
 - c. Not legally married to or legally separated from another individual;
 - d. The sole partner of the employee and expects to remain so;



Family and Medical Leave (FMLA)

- e. Not a sibling of the employee; and
- f. Jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

B. Military Family Leave

Military family leave may be taken by employees eligible for FMLA leave for the following reasons:

1. Qualifying exigencies associated with active duty or a call to active duty in a foreign country in support of a contingency operation.
 - a. An employee whose spouse, son, daughter or parent who is a member of the Armed Services and either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.
 - b. The qualifying exigency must be one of the following:
 - i. Short-notice deployment;
 - ii. Military events and activities;
 - iii. Child care and school activities;
 - iv. Financial and legal arrangements;
 - v. Counseling;
 - vi. Rest and recuperation;
 - vii. Post-deployment activities; or
 - viii. Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
2. To care for an ill or injured service member.
 - a. This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty on active duty in the Armed Forces or that existed before the service member's active duty and was aggravated by service on active duty.



Family and Medical Leave (FMLA)

- i. A covered service member is either a member of the Armed Forces or a veteran who was a member of the Armed Forces at any time during the 5 year period preceding the date he/she undergoes the medical treatment, recuperation, or therapy.
 - ii. Next of kin is defined as the closest blood relative of the injured or recovering service member.
- b. Under Maine law, eligible employees also may take military family leave for the death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child who is a member of the state military forces or the U.S. Armed Forces, including the National Guard and Reserves, and who dies or incurs a serious health condition while on active duty.
 - c. Additional Family Military Leave might be available under Maine's Family Military Leave Law.
 - d. Specific questions should be directed to the MTA's Human Resources Department.

VI. How Much Leave May be Taken

- A. Employees who are eligible for family medical leave under the federal FMLA will be entitled to up to 12 workweeks of unpaid leave during a 12-month period for the FMLA basic leave and qualifying exigency circumstances listed above.
- B. An employee on FMLA leave must contact the Human Resources Department immediately upon learning of the need for any changes to their Family Medical Leave and must have such changes approved.
- C. For purposes of calculating whether and when the maximum 12-week period of leave has been reached, the MTA will apply this policy according to a "rolling" twelve (12)-month period measured backward from the date an employee makes use of leave.
 1. In response to a leave request, the Employer (MTA) must review the preceding 12-months to see if any FMLA time remains.
 2. As each day of a leave continues, the day 365 days before is removed from the "look-back" period.
 3. If the eliminated day is an FMLA day, an additional day of entitlement becomes available.
 4. Example:
 - a. Marie Jones was on FMLA leave for 12 weeks from April 1 to June 30, 2010.
 - b. Over the next nine months, she could not take FMLA leave because her look-back period encompassed 12 weeks of leave.



Family and Medical Leave (FMLA)

- c. On April 1, 2011, she was able to take one day of leave; on April 2, a second day, and so on.
- d. Mary recouped (and was entitled to use) one additional day of FMLA leave each day for 12 weeks commencing April 1, 2011.

D. An eligible employee can take up to 26 weeks for the FMLA military caregiver leave described above during a single 12-month period.

- 1. For this military caregiver leave, the MTA will measure the 12-month period as a rolling 12-month period measured forward from the date the employee first takes leave.
- 2. FMLA leave taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

E. Those employees who are eligible for leave under the Maine FMLA only will be entitled to up to 10 workweeks in a two-year period.

VII. Use of Paid and Unpaid Leave

- A. Family or medical leave under this policy will be unpaid leave.
- B. In accordance with the MTA's existing leave procedures, accrued paid sick leave must be used and shall run concurrently with any part of the family or medical leave.
- C. Upon exhausting all available accrued sick leave, an employee may request the use of available accrued vacation leave or accrued compensating time if such request is made in writing to the Director of Human Resources.

VIII. Intermittent Leave

- A. Employees may take leave intermittently or on a reduced-leave schedule:
 - 1. To care for a child, spouse, parent, domestic partner, domestic partner's child or sibling with a serious health condition (when the employee is entitled to such leave), or in the case of an employee's own serious health condition or organ donation, when medically necessary; or
 - 2. For the birth or adoption (or foster care placement) of a son or daughter only if the employee and the MTA agree to such an arrangement.
- B. Under the FMLA's family military leave provisions, employees also may use intermittent FMLA leave for qualifying exigencies and to care for a covered service member with a serious illness or injury.
- C. The MTA may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent



Family and Medical Leave (FMLA)

or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment.

IX. Benefits Coverage During Leave

- A. Subject to the terms, conditions and limitations of the applicable plan(s), health, dental and group life benefits will continue through the MTA for the duration of the leave.
- B. To continue coverage during the period of the leave, the employee will be responsible for his/her normal contributions toward his/her benefits, and must forward those contributions to the MTA on a monthly basis.
- C. Paid time off for vacation, sick and holiday benefits will continue to accumulate during the approved leave only if the employee is on paid leave.
- D. An employee who takes family or medical leave will not lose any employment benefits that accrued before the date leave began.

X. Denial of Rights

- A. The rights described in this policy will not be available to any employee who requests leave on fraudulent grounds or who abuses MTA leave policies.
- B. Employees may not obtain employment with another employer while they are on family or medical leave; under such circumstances, the employee may face termination of employment.

XI. Return from Leave

- A. An employee on a FMLA leave who has a medical release to return to work must contact the Human Resources Department two weeks prior to the end of their leave to coordinate the return to work.
 - 1. Before the employee returns to work from a family medical leave for the employee's own serious health condition, the employee will be required to provide a fitness-for-duty medical certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work.
 - 2. If an intermittent leave may be necessary upon returning to work, the employee must provide a completed medical certification form demonstrating the need for intermittent leave along with the return to work medical certification.
 - 3. If an employee fails to provide a release to return to work as of the first scheduled workday after an approved medical approved leave, that employee will not be allowed to return to work and absences will be deemed unexcused or unscheduled, which may result in termination of employment.



Family and Medical Leave (FMLA)

- B. Upon the completion of FMLA leave with supporting medical certification, an employee is entitled to be returned to the same position held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.
 - 1. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.
 - 2. An employee may be denied restoration to employment, if that employee would not otherwise have been employed at the time reinstatement is requested; thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

XII. Failure to Return from Leave

- A. If an employee does not return to work when the FMLA leave of absence expires and has not been approved for an additional leave of absence or other reasonable accommodation as required by law, that employee will be subject to corrective action up to and including immediate termination.
- B. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee's spouse, domestic partner, child or parent, must submit a request for an extension, in writing, to the Director of Human Resources.
 - 1. This written request should be made as soon as the employee realizes that he or she will not be able to return at the expiration of the leave period.
 - 2. Extensions of "qualifying" family leave or medical leave beyond the applicable statutory period may be granted one time at the discretion of the MTA.
- C. Because each employee's individual circumstances will, in part, determine what rights the employee may have under this policy, all return to work issues should be directed to the Human Resources Department.



Holidays

I. Purpose

- A. The Maine Turnpike Authority tries to schedule operations to allow employees to celebrate important national holidays.
- B. The observance of paid holidays provides additional opportunities for rest and to enhance the total compensation provided to employees.
- C. This policy applies to all regular full time and part time employees.

II. Policy

- A. The MTA observes the following twelve (12) holidays:

1. New Year's Day
2. Martin Luther King Day
3. President's Day
4. Patriot's Day
5. Memorial Day
6. Independence Day
7. Juneteenth
8. Labor Day
9. Indigenous Peoples Day
10. Veteran's Day
11. Thanksgiving Day
12. The Friday Following Thanksgiving
13. Christmas Day

- B. Unionized employees should refer to their respective collective bargaining agreement regarding eligibility requirements for Holiday Pay.



Job Postings

I. Purpose

- A. The Maine Turnpike Authority is committed to selection procedures that are fair, consistent, and in compliance with applicable laws and regulations, while taking into account the values of equal employment opportunity, affirmative action, a diverse and inclusive workforce, and internal mobility.
- B. The MTA encourages promotions from within.
- C. Recruitment for unionized position vacancies occur consistently with applicable collective bargaining agreements.

II. Policy

- A. To the best extent possible, the posting, award, and notification process primarily for position vacancies covered by the collective bargaining agreements will occur as follows:
 - 1. Step One:
 - a. The Human Resources Department posts vacancy announcements:
 - i. Internally for a one-week period which includes the posting date, posting number, location, position title, job description, requirements, classification, and salary grade.
 - ii. Concurrently, the vacancy may be posted externally.
 - b. Employees desiring to apply for a posted position may do so by submitting all required documents as stated in the posting to the Human Resources Department prior to the closing deadline identified in the posting.
 - c. External candidates desiring to apply for a position may do so by submitting all required documents consistent with the process identified in the external posting.
 - d. During the posting period, the MTA will accept resumes, cover letters and bids from all candidates.
 - e. Candidates submitting bids, resumes, and/or cover letters after the posting period will not be considered.
 - 2. Step Two:
 - a. Only in cases of transfer may a vacancy will be awarded to the most senior candidate in that same classification at the time it was posted.



Job Postings

- b. The application materials of each candidate will be evaluated by the Human Resources Department and relevant Department Director to determine qualifications and may include oral interviews and written tests.
 - c. The MTA will interview the most qualified internal and external applicants for each vacancy.
 - d. The successful applicant will be the one determined by the MTA to be most qualified.
 - e. If the MTA determines the most qualified internal applicant has qualifications equal to or greater than any applicant who is not employed by the MTA, the internal applicant will have preference for the vacant position.
3. Following the Selection of a Qualified Candidate:
- a. The chosen candidate will be extended a conditional offer:
 - i. The selected employee may be subject to additional testing, which may include medical screenings.
 - ii. If the candidate fails to pass additional screenings, the job offer will be rescinded.
 - b. All internal bidders will be notified in writing of the outcome of their bid.
4. Following acceptance by the internal candidate, the candidate's supervisor will be notified and a transfer date will be determined by management.
5. If for any reason the job requirements change, the position will be reposted with the appropriate changes.
- B. Non-unionized positions may follow a more extended process.
- C. The MTA reserves the right to further extend or alter the process as needed or appropriate for a particular position(s).
- D. Postings involving multiple positions may also be extended as needed.



Leave with and without Pay

I. Purpose

The purpose of this policy is to set forth the types of leave granted by the Maine Turnpike Authority to its employees.

II. Scope

- A. Leave and benefits provided under this policy are available to regular full-time employees and regular part-time employees on a prorated basis.
- B. Employees represented by MSEA will be governed by the terms of their collective bargaining agreements.
- C. Persons employed on a temporary basis are not eligible for the leave or benefits listed herein.
- D. Eligibility for contractual employees will depend upon the terms and conditions of their contracts.

III. Policy

- A. This policy addresses the following types of leave at the Maine Turnpike Authority:
 - 1. Adjusted Work Schedule;
 - 2. Administrative Leave & Administrative Duty;
 - 3. Bereavement Leave;
 - 4. Compensating Time Leave;
 - 5. Extended Medical Leave;
 - 6. Family & Medical Leave;
 - 7. Holiday Leave;
 - 8. Jury Duty/Court Leave;
 - 9. Leave of Absence (Non-Medical);
 - 10. Military Leave;
 - 11. Sick Leave;
 - 12. Vacation Leave; and



Leave with and without Pay

13. Workers Compensation Leave (Job Injury Leave).

B. Adjusted Work Schedule (AWS)

1. Employees holding positions within the Maine Turnpike Authority defined as “exempt” from the provisions of the Fair Labor Standards Act (FLSA) are exempt from overtime pay requirements and, in response to the normal requirements of their job position and business needs, are expected to work the hours and schedules necessary to fulfil job requirements.
2. Salary rates for exempt positions are set and will be periodically reviewed to take into account the full responsibilities of the positions and recognize the requirement for some to work beyond normal hours or the normal work week.
3. Because exempt employees are frequently expected to work significantly more than 40 hours in a work week, an adjusted work schedule may be approved by the respective Department Director or Executive Director.
4. An adjusted work schedule (AWS) is defined as a change in an employee’s regular work schedule as authorized by the respective Department Director or Executive Director.
 - a. AWS shall not be used in lieu of accrued sick or vacation time; and
 - b. AWS shall only be approved if departmental efficiency is not adversely affected and undue burdens are not placed on other employees or departments.
5. Exempt employees:
 - a. Should not expect and shall not be given time off in trade for hours worked on an "hour-for-hour basis".
 - b. If approved for AWS, exempt employees must document the adjusted work schedule (within PC Timesheets.)
 - c. Work breaks and rest periods (as required per FLSA) may not be used as part of an adjusted work schedule.

C. Administrative Leave and Administrative Duty

1. Definitions
 - a. Administrative leave is a non-disciplinary, paid absence from work imposed by the MTA under specified conditions or pursuant to the applicable collective bargaining agreement.
 - b. Administrative duty is defined the same as administrative leave, with the hours granted considered hours actually worked.
2. Administrative leave or duty is not charged against any other form of paid leave.



Leave with and without Pay

3. Occasions for administrative leave or duty may include, but are not limited to:
 - a. The closing of the MTA Headquarters due to inclement weather;
 - b. Situations in which the work location is uninhabitable or dangerous;
 - c. Funerals or memorial services approved by management for co-workers or MTA associates;
 - d. During the process of an investigation;
 - e. If an employee's security or safety is an issue;
 - f. Situations management approves as administrative leave or duty; and/or
 - g. Situations as defined by the respective collective bargaining agreement, if applicable.

D. Bereavement Leave

1. In the unfortunate event of a death in the immediate family, an employee whose position is covered by a collective bargaining agreement will be allowed time off in accordance with the provisions found therein.
2. In the unfortunate event of a death in the immediate family, an employee whose position is not covered by a collective bargaining agreement will be allowed:
 - a. Up to five (5) days of leave with full pay for the death of the employee's spouse or significant other, children, parents, stepparents and stepchildren.
 - b. Up to three (3) days of full pay will be granted for the death of the employee's brothers, stepbrothers, sisters, stepsisters, guardian, grandparents, grandchildren, wards, parents of a spouse, grandparents of a spouse, brothers and sisters of the spouse, and spouses of the brother or sister.
 - c. One (1) day with pay shall be allowed for the death of an employee's aunt or uncle.
 - d. Up to three (3) days of sick leave may be used for the travel to or arrangement of a funeral.
3. Significant other is defined as:
 - a. A person in a relationship with the respective employee, neither of whom is married, that is intended to remain indefinitely and where there is joint responsibility for each other's common welfare, there are significant shared financial obligations and there is a shared primary residence; and
 - b. This relationship has existed for at least two (2) continuous years.



Leave with and without Pay

E. Compensating Time Leave

1. Compensating time is defined as time off from work which certain MTA employees whose positions are covered by a collective bargaining agreement shall be entitled to take during what would otherwise be work time in that employee's regular work week, without loss of pay.
2. Compensating time leave is accumulated and used in accordance with the provisions found in the applicable collective bargaining agreement covering the employee's position.

F. Extended Medical Leave

1. An extension of unpaid medical leave beyond the limits of state or federal family and medical leave may be granted and defined at the discretion of the Authority.
2. Extend medical leaves granted to employees whose positions are covered by a collective bargaining agreement are administered according to the provisions found therein.

G. Family and Medical Leave

1. The MTA provides family and medical leaves of absence to eligible employees who need to take time off from work for medical or reasons covered by the Federal and/or State of Maine's Family Medical Leave Acts.
2. For specific program information, employees should refer to MTA's Family and Medical Leave (FMLA) Policy, their collective bargaining agreement (if applicable,) and contact the Department of Human Resources.

H. Holidays

1. The MTA observes the following holidays each calendar year:
 - a. New Year's Day;
 - b. Martin Luther King Day;
 - c. Presidents' Day;
 - d. Patriot's Day;
 - e. Memorial Day;
 - f. Juneteenth;
 - g. Independence Day;
 - h. Labor Day;



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- i. Indigenous Peoples Day;
 - j. Veteran's Day;
 - k. Thanksgiving Day;
 - l. Friday following Thanksgiving Day; and
 - m. Christmas Day.
2. Any holiday that falls on a Saturday will be observed on the preceding Friday, and any holiday falling on a Sunday will be observed on the following Monday.
 3. Eight (8) hours compensation will be granted by the MTA to all employees each holiday.
 4. An employee whose position is covered by a collective bargaining agreement will be paid for any work performed on a holiday according to the provisions therein.
- I. Jury Duty/Court Leave
1. The MTA will grant an employee time off for mandatory jury duty and will also be granted time off when required to appear as a result of a court order or subpoena.
 2. The employee must provide a copy of the court order, subpoena, or jury summons to their supervisor.
 3. An employee compensated for jury duty:
 - a. If during a regular scheduled workday, must report any jury earnings and make the same amount payable to the MTA.
 - b. If during non-working hours, it is not necessary to report any jury earnings.
 - c. An employee whose position is covered by a collective bargaining agreement will be compensated according to the provisions therein.
 4. It is expected that an employee will report for work after court sessions whenever reasonable.
- J. Leave of Absence - Non-Medical
1. An employee may be granted a non-medical leave of absence without pay at the discretion of the Authority.
 2. If the leave is granted, the Authority will pay only the first monthly premiums for insurance provided for the employee and his/her dependents while the employee is on such leave, after which time, the employee will be responsible for such payments.



Leave with and without Pay

3. An employee, whose position is covered by a collective bargaining agreement, if granted a non-medical leave of absence, will be subject to the applicable provisions therein.

K. Military Leave

1. The MTA is committed to protecting the job rights of employees absent for military leave.
2. In accordance with federal and state law, no employee or prospective employee will be subjected to any form of discrimination or retaliation on the basis of that person's membership in or obligation to perform service for any of Uniformed Services of the United States.
3. Reserve Service Leave shall be available to employees who are members of the organized military reserves or National Guard, under the terms and conditions of applicable Federal and/or State law.
4. If an employee is to take military leave:
 - a. Employees are to provide notice of military leave as soon as they have knowledge of upcoming military service.
 - b. The employee using reserve service leave must furnish his/her immediate supervisor with a copy of official orders of the military service, which will be forwarded to the Department of Human Resources.
 - c. Employees on short term or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.
 - d. When the employee intends to return to work, he or she must notify the Department of Human Resources in writing of his or her intent to return to work and request reinstatement within the application period set forth.

L. Sick Leave

1. An employee whose position is covered by a collective bargaining agreement will be subject to the applicable sick leave provisions therein.
2. Accumulation of Sick Leave:
 - a. Sick leave credit will be earned and may be used from an employee's date of permanent employment following the conclusion of the 3 month probationary period.
 - b. Sick leave credits will be earned and accumulated at the rate of:
 - i. For permanent full-time employees, one (1) day per calendar month of service if a minimum of ten (10) work days have been actually worked in that month;



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- ii. For permanent part-time employees, sick leave will be earned on a pro-rated scale based on the number of hours actually worked in that month, not to exceed 40 hours in any one week.
 - c. There is no cap on sick leave accumulation.
 - d. Employees who transfer between regular jobs will retain existing sick leave balances.
 - e. An employee may not convert one type of leave to another type of leave once recorded on their time sheet without management approval, and in no event may employees convert vacation leave to sick leave.
3. Use of Sick Leave:
- a. Sick leave will be exhausted at the rate of 8 hours per day, unless otherwise approved by management.
 - b. Sick leave may be used for illness, necessary medical or dental care, or other disability of the employee or a member of the employee's immediate family, defined as:
 - i. Spouse, parents of the spouse, parents, stepparents, guardian, children, stepchildren, brothers, stepbrothers, sisters, stepsisters, wards, grandparents and grandchildren; and/or
 - ii. Significant other, as defined under the Bereavement Leave section of this policy.
 - c. If an employee earns sick leave while out of work for an illness, that sick time earned may not be used until the employee returns to and performs actual work.
 - d. An employee absent and using sick leave must report the absence to his/her immediate supervisor as soon as possible together with the reason for the absence.
 - e. An employee without available sick leave who is absent from or leaves work because of a reason consistent with paragraph b of the Sick Leave section of this policy may, as soon as practicable, request the use of available vacation leave in writing to the Director of Human Resources.
 - f. An employee absent from work without available leave time will be considered in no-time status, and may be subject to discipline.
4. Unused Sick Leave:
- a. For employees with at least 20 years of creditable service in MPERS, the MTA will credit at retirement from service accumulated sick and/or vacation leave not to exceed 240 hours in computing average final compensation and 720 hours in computing service time for retirement purposes.



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- b. The MTA will pay an employee retiring or separating from service in good standing for all accumulated sick leave.

5. Sick Leave Donations:

- a. An employee may donate sick leave hours to another employee if the donating employee has and will maintain a minimum of 96 hours of accumulated sick leave.
- b. To donate sick leave, an employee must contact the Department of Human Resources and complete the appropriate paperwork.
- c. An employee may request sick leave donations by contacting the Department of Human Resources in writing, following which a donation request will be posted on MTA bulletin boards company-wide for a period of one week.
 - i. Any sick leave donated to the requesting employee will be credited as needed, up to forty (40) hours per payroll week.
 - ii. Donated sick leave hours will not be accumulated by the requesting employee, and any sick leave donations received in excess of the requested leave period will be returned to the donating employee.

6. Sick Leave Sale:

- a. The MTA will allow employees to sell unused sick leave once a year.
- b. Each December via written notification, Payroll will notify each eligible employee of the amounts of sick leave available for sale.
 - i. Any sick leave accrued, above a mandatory 96-hour base, in a one year period minus any time used during that same year is eligible for sale at 100% of an employee's regular hourly rate.
 - ii. Employees wishing to sell any eligible sick leave will indicate the number of sick hours they wish to sell and return the form to Payroll, after which payment will be made to the employee for those hours surrendered.

M. Vacation Leave

- 1. An employee whose position is covered by a collective bargaining agreement will be subject to the applicable vacation leave provisions therein.
- 2. Vacation leave credit will be earned and may be used from an employee's date of permanent employment following the conclusion of the 3-month probationary period.
- 3. Accumulation of Vacation Leave:



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- a. Management/Confidential employees:
 - i. 1 to 5 years of service: 10 hours per month
 - ii. 5 to 10 years of service: 12 hours per month
 - iii. 10 to 15 years of service: 14 hours per month
 - iv. 15 to 20 years of service: 16 hours per month
 - v. 20+ years of service: 18 hours per month
 - b. Professional/Technical employees:
 - i. 1 to 5 years of service: 10 hours per month
 - ii. 5 to 10 years of service: 12 hours per month
 - iii. 10 to 15 years of service: 14 hours per month
 - iv. 15 to 20 years of service: 16 hours per month
 - v. 20+ years of service: 18 hours per month
 - c. Accumulation Caps
 - i. Vacation leave accumulation caps for employees whose positions are covered by Collective Bargaining Agreements are listed therein.
 - ii. Employees in Management/Confidential or Professional/Technical positions may accumulate a total of 400 hours.
 - iii. Any hours in excess of the 400 hour cap will be paid out to Management/Confidential or Professional/Technical employees by the last payroll period of any calendar year.
 - iv. Employees with vacation accrual in excess of 400 hours as of March 1, 2023 will have individual accrual caps set at their accrual levels as of that same date.
 - d. Employees who transfer between regular jobs will retain existing vacation leave balances.
4. Use of Vacation Leave:
- a. Vacation leave may be used at such time or times as mutually agreed to by the employee and the employer.
 - b. Vacation request forms must be completed and submitted to the employee's immediate supervisor for approval.



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- c. Vacation leave will be exhausted at the rate of eight (8) hours per day or forty (40) hours per week unless otherwise approved by management.
 - d. An employee may not convert one type of leave to another type of leave once recorded on their time sheet without management approval, and in no event may employees convert vacation leave to sick leave.
5. Unused Vacation Leave:
- a. For employees with at least 20 years of creditable service in MPERS, the MTA will credit at retirement from service accumulated sick and/or vacation leave not to exceed 240 hours in computing average final compensation and 720 hours in computing service time for retirement purposes.
 - b. Consistent with Section 626 of Title 26 of the Maine Revised Statutes, the MTA will pay an employee retiring or separating from service for all accumulated vacation leave.
6. Vacation Leave Sale:
- a. If requested, an employee may be paid in advance on their regular pay day prior to their vacation for any regularly scheduled vacation period which falls within the same budget year.
 - b. The MTA allows employees to sell unused vacation hours and receive regular hourly wages for those hours surrendered.
 - i. Vacation hours sold do not count as hours worked and are not contributable to retirement.
 - ii. Employees wishing to sell any vacation hours should contact the Department of Human Resources or Payroll to receive a form to process such a request.
- N. Workers' Compensation Leave
- 1. Whenever an employee is injured on the job and needs time off to recover, the employee will be placed concurrently on Family and Medical Leave.
 - 2. In the event an employee is awarded any weekly compensation under the provisions of the Workers' Compensation Act, he/she may elect to have the difference between the amount of workers' compensation and a regular weekly salary, excluding any overtime, deducted from available leave credits.



Location Swaps

I. Purpose

- A. It is the position of the Maine Turnpike Authority that positions are awarded in accordance with established procedures, and generally in the best interest of the Authority and employees' personal and professional situation.
- B. Therefore, the MTA does not generally permit the transfer or swapping of positions between employees.
- C. However, the MTA recognizes that in some circumstances it is in the best interest of the employees and the MTA to allow for a location swap of two employees.
- D. Location swaps shall be considered on a case-by case-basis and permitted solely at the discretion of the MTA.

II. Overview

- A. In order for a location swap to be considered it must be agreed to by both employees involved.
- B. Location swaps will only be considered between two employees within the same position classification, same pay classification and within the same Department and/or Division.
- C. Requests for location swaps may be considered by the Department Director, if the Director determines that such a transfer would not adversely affect the operation of the department and the MTA.
- D. A Director may conditionally authorize or deny a location swap for any reason the Director deems to be in the best interest of the department or the MTA.
- E. If the Department Director conditionally approves a location swap, then the Director of Human Resources will review the request for compliance with MTA policies (including this policy), procedures and collective bargaining agreement, if applicable, and either confirm or reject the conditional approval.

III. Policy

- A. Employees requesting a location swap must complete and sign a Location Swap request form (which can be provided upon request to the Human Resources Department) which must be forwarded to the Department Director for consideration.
- B. Upon receiving the completed request, the Department Director may meet with both employees requesting the transfer.
- C. The Department Director will render a decision on the request within thirty (30) work days.



Location Swaps

1. If the Department Director denies the request:
 - a. The requesting employees shall be notified.
 - b. No appeal or grievance of such a decision shall be provided.
2. If the Department Director approves the request, that request, including the signed form, shall be forwarded to the Director of Human Resources for review.
 - a. The Director of Human Resources will complete a review within ten (10) work days of receipt of the approval from the Department Director.
 - b. The Director of Human Resources will review the request for compliance with all applicable policies, procedures and agreements, and shall forward final approval or denial to the Department Director and the requesting employees.

D. Eligibility:

1. Employees must have held their incumbent positions for a period of at least twelve (12) months prior to making a request, or receiving consideration, for a location swap.
 2. Employees approved for a location swap must continue to meet all applicable department and MTA policies, procedures, rules and regulations.
 3. No more than one location swap request by an employee will be considered and/or allowed within a twelve (12) month period.
 4. Employees who have completed a location swap may, within the twelve (12) month period, bid for other positions or locations in accordance with the bidding process and applicable collective bargaining agreement.
 5. Employees who have announced their intention to resign or retire may not request a location swap.
 6. Employees may not utilize the location swap process to inappropriately circumvent the bidding process.
- E. No additional compensation, except for shift differential, will be provided to any employee as a result of a location swap.
- F. Employees who are found to have violated the intent or provisions of this policy may be disciplined and/or returned to their previous work location.



Location Swap Request Form

_____ Name of Employee Requesting Swap (#1) (please print)	_____ Current Position	_____ Current Location	_____ Current Department
_____ Name of Employee Requesting Swap (#2) (please print)	_____ Current Position	_____ Current Location	_____ Current Department
_____ Requested Effective Date for Swap			

The above named employees herein request a location swap of their current positions. The employees' signatures below indicate the information on this form is correct and they are aware of and in full agreement with the Maine Turnpike Authority's Location Swap Policy.

_____ Employee #1 Signature	_____ Date	_____ Employee #2 Signature	_____ Date
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For Administrative Use

Department Director:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Reason:
_____ Department Director Signature	_____ Date		
HR Director:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Reason:
_____ HR Director Signature	_____ Date		

If approved, effective date of swap:



Non-Union Step Increases & Cost of Living

I. Purpose

To assist management in allocating merit-based step increases and cost of living adjustments for non-union employees.

II. System description

- a. Each permanent, non-union job category is assigned to a salary range reflecting the value of services required by that position as periodically reviewed and confirmed by surveys of the competitive marketplace to be performed at least once every three years.
- b. Each salary range contains 14 steps separated by 5% increments for steps 1 through 7 and 3% increments for steps 7 through 14.

III. Eligibility for advancement to step 11.

- a. An employee who comes to the job with required qualifications but without significant experience will begin at step 1, however relevant experience elsewhere in a similar position may qualify the employee to begin Turnpike employment at a higher step.
- b. Once hired, an employee may advance one step each year toward step 11 based on annual evaluations if the employee willingly engages with others, adapts well to the Turnpike work environment, meets expectations for professional growth, and makes good annual progress toward mastery of the work that is required for reaching step 11.
- c. To achieve step 11, an employee must prove to have mastered the work as a dependable staff member willing and able to perform all of the primary and ancillary duties of the position with sufficient understanding, reliability, and breadth of experience to contribute productively to the Turnpike's mission.

IV. Eligibility for advancement beyond step 11.

- a. Progress beyond step 11 is reserved for those who consistently exceed expectations through willing engagement, superior professional development, and exceptional performance that tangibly contributes to achieving the Turnpike's mission.
- b. An employee may not advance to any step beyond step 11 until serving at least two years in the employee's present step.

V. Procedure for advancement

- a. Consistent with the Maine Turnpike Authority's Performance Review Policy, non-union employees will receive an annual performance review to indicate whether they are eligible to receive a step increase.



Non-Union Step Increases & Cost of Living

- b. An employee below step 11 may receive a step increase if the employee's performance meets the standards of the policy as determined by the Director and is supported by the annual performance review.
- c. An employee at or above step 11 may be eligible for a step increase as follows:
 - i. Phase 1 – Director
 - 1. Justification for an increase beyond step 11 must be described in the employee's annual performance review.
 - 2. If the Director determines that an employee's performance has exceeded expectations and supports a step increase under the policy, the Director may forward that recommendation to the committee in Phase 2.
 - ii. Phase 2 – Committee
 - 1. The Committee comprised of the Executive Director, Chief Financial Officer, Chief Operations Officer, and Human Resources Director will meet annually to review any performance reviews submitted by Directors recommending an increase beyond step 11.
 - 2. The Committee will either support or deny each recommendation within the limits of the policy.
 - 3. Phase 3 – Board Review

Before increases beyond step 11 are made effective, the decisions of the committee and the overall results will be reviewed by the Maine Turnpike Board of Directors to determine whether the policy is being properly implemented and whether it requires adjustment or revision.

VI. Cost of Living adjustments

At the end of each calendar year, the Turnpike Board of Directors will consider whether to adjust wage ranges for non-union employees for the ensuing year with reference to changes in the cost of living.



MTA Headquarters Unscheduled Closings

I. Purpose

- A. The MTA is committed to the safety and security of its employees, customers, and visitors.
- B. The objective of this policy is to establish guidelines regarding the closure of MTA Offices in the event of severe weather conditions.
- C. In general, however, the MTA's practice is to remain open and to conduct business as usual during periods of inclement weather, except as noted in this policy statement.
- D. Therefore, unless otherwise directed, all employees are expected to report to work at their regular time and location and to remain at work throughout the course of their regularly scheduled workday.

II. Policy

- A. Should adverse weather conditions arise or be anticipated that would make it inadvisable to operate MTA Offices on a given day, the Executive Director may, at his/her discretion, close headquarters and release all non-essential employees from their normal duties.
- B. The designation of "essential" vs. "non-essential" is made by each Director for his/her respective functional areas and will be identified prior to any closings.
- C. MTA Offices will reopen at the beginning of the first complete shift of the workday immediately following the day(s) of closure.
- D. If an employee believes she/he cannot commute safely between his/her home and place of work during periods of severe weather and MTA Offices are not closed, the employee is required to notify his/her supervisor and use accrued leave to cover the time off.

III. Procedure

- A. In the event there is bad weather forecasted or there is an unexpected occurrence not previously addressed that raises question about whether the MTA Offices will be closing, employees should confirm whether MTA Offices will be open or closed.
- B. The morning of the event before coming to MTA Offices, every employee should access his/her work voicemail to receive any instructions detailing an office closure or delayed opening.
- C. Should no confirmation be received regarding the closing of MTA Offices, all employees are expected to report to work at their regular time and location and to remain at work throughout the course of their regularly scheduled workday.



Performance Reviews

I. Purpose

- A. The MTA is committed to fostering a high performance culture; and
- B. Strives to provide each employee with clear performance objectives, ongoing coaching and feedback, professional development, and recognition for outstanding work.
- C. The MTA's performance review process:
 - 1. Offers a consistent approach for providing feedback and assessment of employee performance through annual evaluation.
 - 2. Provides a means for discussing, planning and reviewing the performance of each employee.
 - 3. Is designed to:
 - a. Promote and document performance assessments based on essential job functions and clear, realistic job standards; and
 - b. Promote a high level of employee performance through consistent feedback from supervisors through feedback and via annual performance assessments.
- D. Regular performance appraisals:
 - 1. Help employees clearly define and understand their responsibilities, provide criteria by which their performance will be evaluated and suggest ways in which they can improve performance;
 - 2. Identify employees with potential for advancement within the MTA;
 - 3. Help managers distribute and achieve departmental goals; and
 - 4. Provide a fair basis for awarding compensation based on merit.
- E. Performance appraisals influence salaries, promotions and transfers, so it is critical that supervisors be objective in conducting performance reviews and in assigning overall performance ratings.

II. Policy

- A. The performance evaluation is an on-going process that results in a review that includes the employee's performance during the last review period as conducted by the supervisor.



Performance Reviews

B. Performance evaluations will be conducted on an annual basis unless probationary, which are held near the end of employees' probationary periods.

C. Classification of performance reviews:

1. Review period:

- a. Probationary (up to a six-month period)
- b. Merit
- c. Annual

2. Employee type:

- a. Employee
- b. Supervisor
- c. Professional/Technical
- d. Management/Confidential

D. The performance evaluation process shall be administered through the Human Resources Department.

III. Procedure

A. The performance evaluation form will be provided by the Human Resources Department approximately 30 work days prior to its due date to be prepared by the applicable supervisor.

B. A self-evaluation form will be provided by the Human Resources Department approximately 30 work days prior to its due date to be prepared by the employee.

C. The supervisor completes the evaluation and may review the evaluation with higher level(s) of management prior to final discussion with the employee.

D. The supervisor then holds the evaluation meeting with the employee.

1. The employee may address questions or concerns about the content of the evaluation.

2. Revisions may be made jointly with the employee.

3. Completion of the evaluation is the responsibility of the supervisor.



Performance Reviews

4. The employee's self-evaluation should be provided to the supervisor for inclusion with the evaluation.
 5. The performance evaluation will be signed both by the employee and the supervisor to ensure that all recommended actions, strengths, areas for improvement and job goals for the next review period are clearly communicated.
 6. The employee's signature indicates the employee has read the form, but does not necessarily indicate the employee's agreement with its content.
- E. If the employee receives an unacceptable rating in any category in the evaluation, performance improvement goals will be provided in the evaluation.
- F. If an employee receives an unacceptable performance evaluation:
1. A pending merit may be withheld for a period equivalent to 30 to 90 days, after which time a re-evaluation will take place to again consider the merit and to ensure that steps have been taken to improve performance in relevant areas; and/or
 2. A pending merit may be denied; and/or
 3. An employee may be required to fix the identified performance problems within a defined period of time or face termination.
- G. The forms provided by the Human Resources Department will be used and the completed evaluation and self-evaluation will be retained in the employee's personnel file.
- H. The Director of Human Resources will review all evaluations and recommended actions to ensure compliance with company policy and that they fall within the provided guidelines.
- I. If an employee does not receive the evaluation according to the guidelines of this policy, the employee should appeal compliance through the appropriate chain of command.
- J. Feedback and Coaching
1. The purpose of feedback and coaching is to provide supervisors with an opportunity to recognize effective performance and provide coaching for improvement.
 2. Feedback and coaching should occur on an ongoing basis, and supervisors should provide timely feedback to motivate employees toward improved performance.



Performance Reviews

3.As a part of the feedback and coaching components, employees are encouraged to gather informal feedback as appropriate throughout the year.



Personal Appearance

I. Purpose

- A. The Maine Turnpike Authority recognizes and respects the diversity of personal expression which is reflected, in part, by personal attire.
- B. Because an employee represents the MTA, the MTA has standards of personal appearance and attire, appropriate to individual work situations.
- C. The purpose of these standards is to promote a responsible and professional image and public confidence in the competence of MTA employees.
- D. No dress code can cover all contingencies, so employees not required to wear a uniform must exert a certain amount of judgment in their choice of clothing to wear to work.
- E. If any MTA employee is uncertain about acceptable casual attire for work, he/she should ask their supervisor or the Human Resources Department.

II. Policy

- A. All clothing, footwear and accessories should allow employees to work safely.
- B. Employees are expected to present a clean and neat appearance that reflects the work situation, their position and the work environment.
- C. Clothing should reflect generally accepted standards in a comparable business setting.
- D. All clothing should be in serviceable condition, free of rips, holes, excessive fraying or other defects rendering them unfit for wear in a business setting.
 - 1. Employees should wear clothing that is comfortable and practical for work, but not distracting to others.
 - 2. Any clothing that has words, terms, or pictures that may be offensive to other employees is unacceptable.
 - 3. Clothing that has the MTA logo is encouraged, and sports team, university, and fashion brand names on clothing are generally acceptable.
 - 4. Clothing that reveals too much cleavage, a person's back, chest, stomach, underarms or underwear is not appropriate for a place of business.
- E. Employees should remember that some employees are allergic to the chemicals in perfumes and makeup, so wear these substances with restraint.



Personal Appearance

III. Uniform Policy (Toll Collectors)

- A. The Maine Turnpike Authority, in its efforts to promote a professional, respectful image to the public, has established a specific uniform policy for all Toll Collectors.
 - 1. The uniform shall be the responsibility of the Toll Collector and must be kept clean so as to present a neat appearance at all times.
 - 2. Toll collectors will be properly uniformed at all times while on duty.
 - 3. Failure to comply with the uniform policy may result in disciplinary action.
- B. The uniform policy for Toll Collectors includes two types of uniforms which will be provided to each Fare Collection employee:
 - 1. The summer uniform consists of:
 - a. A light blue short-sleeve shirt/blouse and/or navy blue polo and a navy blue windbreaker.
 - i. The shirt/blouse shall be kept buttoned no lower than the third button from the neck.
 - ii. The sleeves of short sleeve shirts/blouses are not to be rolled up.
 - b. An MTA baseball cap (which is a soft cap with a rounded crown and a stiff bill eyeshade projecting in front.)
 - 2. The winter or cold weather uniform consists of:
 - a. A light blue long sleeve shirt/blouse, a navy blue long sleeve turtleneck, a navy blue V-neck sweater and a navy blue flight jacket.
 - i. The shirt/blouse shall be kept buttoned no lower than the third button from the neck.
 - ii. The sleeves of shirts/blouses are not to be rolled up.
 - b. An MTA baseball cap (which is soft cap with a rounded crown and a stiff bill eyeshade projecting in front.)
 - 3. When issued items are worn or damaged to the extent they no longer present a neat appearance:
 - a. Items may be replaced by the MTA.
 - b. The MTA reserves the right to deny any request if it deems replacement is not warranted.
- C. The uniform policy for Toll Collectors also requires employees to provide:



Personal Appearance

1. Pants, shorts, skorts, or skirts that must be clean and neat in appearance and appropriate for the workplace (no shorter than four (4) inches above the knee.)
 2. Apparel must be hemmed (no cut offs are acceptable.)
- D. Collectors may supplement issued clothing with the following items of their own as long as they are in serviceable condition, free of rips, holes, excessive fraying or other defects rendering them unfit for wear in the workplace setting:
1. Winter jackets, which must be navy blue and solid in color.
 2. Turtlenecks:
 - a. Any color turtleneck is acceptable.
 - b. Turtlenecks are to be worn under a uniform shirt, sweater, or sweatshirt.
 - c. Turtlenecks are not to be worn as a “primary” garment but as a supplemental undergarment for warmth.
 3. Crew neck sweaters, cardigan sweaters, and sweatshirts:
 - a. Must be navy blue and solid in color.
 - b. Silk-screened sweatshirts are not acceptable.
 - c. Sweaters and sweatshirts are not to be worn as a shirt without anything underneath.
 - i. They are to be worn as a second layer for warmth.
 - ii. A collar and/or turtleneck should be visible.
 4. Shirts:
 - a. Light blue polo shirts (instead of navy blue polo shirts.)
 - b. Light blue or navy sleeveless shirts or blouses with collars.
 5. Hats:
 - a. Must be navy blue and solid in color.
 - b. May include plain, navy baseball style caps or winter hats.



Personal Appearance

6. Any collector may request (from the Fare Collection Department) and be supplied with an MTA patch for personal application to any acceptable supplemented items as described herein.
- E. Collectors must not supplement issued clothing with:
1. T-shirts of any color or any other type shirt without a collar.
 2. Tank tops or shirts exposing the stomach area.
 3. Any hat or cap with a logo for any other organization; e.g. sports teams, businesses, etc.
 4. Bib overalls, bib shorts or bib skirts.



Personal Communication Devices

I. Purpose

- A. This policy provides requirements for the use of mobile communications devices for MTA business purposes, including the requirements for:
 - 1. Approval and issuing of mobile devices; and
 - 2. Approval and processing of mobile device reimbursements.
- B. This policy applies to any use of personal communication devices issued by the MTA or used for MTA business by all MTA employees.

II. Definitions

- A. Mobile devices: handheld wireless devices, mobile telephones, laptop wireless cards and pagers.
- B. Confidential or sensitive data: All data not approved for public release shall be considered confidential or sensitive.

III. Requirements and Responsibilities

A. MTA issued devices:

- 1. Mobile devices will only be issued to MTA personnel with duties that require them to be in immediate and frequent contact when away from normal work locations.
- 2. Handheld wireless devices:
 - a. For operational efficiency, handheld wireless devices may be issued to MTA personnel who need to conduct immediate, critical MTA business; and
 - b. In addition to verbal contact, to have capability to review and make documented responses to critical issues.
- 3. Voicemail:
 - a. Employees issued voicemail boxes must protect them through use of a PIN (personal identification number); and
 - b. The voicemail PIN must never be the same as the last four digits of the telephone number of the voicemail box.
- 4. Loss and theft:
 - a. Lost or stolen equipment must be immediately reported to the employee's supervisor.



Personal Communication Devices

- b. Files containing confidential or sensitive data may not be stored in mobile devices unless protected by encryption approved by Information Services.
 - c. Charges for repair due to misuse of equipment or misuse of services may be the responsibility of the employee, as determined by management on a case-by-case basis.
 - d. The cost of any item beyond the standard authorized equipment is also the responsibility of the employee.
5. Personal use:
- a. Mobile devices are issued for MTA business.
 - b. Personal use should be limited to minimal and incidental use.
6. Mobile device safety:
- a. Conducting calls or utilizing mobile communication devices while driving a vehicle or operating a piece of equipment is a safety hazard.
 - b. Drivers/Operators should only use mobile devices while parked in a safe place or out of the vehicle/off the piece of equipment.
 - c. The MTA requires the use of a hands-free enabling device:
 - i. If employees must use a mobile device while driving or operating an MTA vehicle or piece of equipment; or
 - ii. If employees must use an MTA provided mobile device while driving or operating their own personal vehicle.
 - d. A hands-free enabling device will only be installed in an employee's assigned or personal vehicle if the employee conducts immediate, critical MTA business.
 - e. Texting or emailing or otherwise being distracted while driving or operating equipment is prohibited by State Law.
- B. Requirements for reimbursement of private device costs
- 1. The MTA recognizes that many employees have personal mobile devices.
 - 2. Position classifications not covered by applicable collective bargaining agreements regarding telephone allowance may be eligible for reimbursement of private mobile communication devices.



Personal Communication Devices

3. Upon request to and approval from the director of the respective department, an employee may be reimbursed for their monthly plan or be issued an MTA device.
 - a. As a general rule, the MTA will reimburse up to \$100/month for the voice plan and, if necessary, \$75/month for a data plan offered by the employee's carrier of choice.
 - b. Any additional coverage beyond these guidelines needs further justification and approval from the department director.
 - c. Since the device will be used for business purposes, an equipment allowance may be granted by management.
4. To complete the reimbursement process:
 - a. A detailed breakdown of the monthly service bill must be submitted to the department director for approval, along with a completed expense reimbursement form detailing the bill which can be obtained from the Finance or Human Resources Departments.
 - b. Once approved, the reimbursement must be submitted to Payroll for inclusion in the employee's paycheck.

C. Enforcement

1. Any employee found to have violated this policy may be subject to disciplinary action that leads to being ineligible for continued use of cellular devices; and
2. Extreme violations of this policy may lead to additional discipline, up to and including termination of employment.



Personnel Records

I. Purpose

- A. The Maine Turnpike Authority recognizes the expectations of employees that information about them stored in MTA personnel files is accurate, relevant, and safe from improper disclosure.
- B. Federal and state laws require that certain information be gathered and maintained in personnel files.
- C. Sound personnel decisions require that the MTA collect and retain information concerning employment history and performance.

II. Policy

- A. Contents of each personnel file includes basic identifying information (e.g., name, address, and job title), employment applications or other hiring-related documents, position descriptions, compensation records, information on benefit enrollment, attendance records, performance evaluations and information about other employment-related actions (e.g., promotions, training, commendations or corrective action), and other job-related information.
- B. The information contained in personnel files is considered confidential information and:
 - 1. Is handled consistently with the MTA's Confidentiality and Compliance Policy; and
 - 2. Subject to the provisions and requirements the MTA follows per the State of Maine Records Retention statutes through the administration of records and information management in accordance with 5 M.R.S. Chapter 372, Subchapter II. Article III, Section 7070. Personnel Records.
- C. Due to the confidential nature of personnel files, the Director of Human Resources is responsible for controlling access to files, which are not to be removed from MTA premises.
- D. It is the sole responsibility of each employee to inform the MTA in writing of any changes in personal status that may alter his/her payroll or benefits status which includes, but is not limited to:
 - 1. Name;
 - 2. Address;
 - 3. Emergency contact;
 - 4. Marital status;
 - 5. Telephone number;



Personnel Records

6. Gain/Loss of dependents;
7. Beneficiaries; or
8. W-4 deductions.

E. Requesting Copy of Personnel File

1. Current and former employees may request to inspect and obtain a copy of their personnel files.
2. Any such request must be made in writing.
3. The MTA will respond to such requests within a reasonable period of time.

F. Disputing/Removing Information

1. Employees who dispute the accuracy or completeness of information in their files or request something be removed should submit their request in writing and discuss their concerns with the appropriate departmental director.
2. The director will consider the objections and whether to alter or remove the information.
3. Should the disputed information be retained in the file, the employee may submit a brief written statement identifying the alleged errors or inaccuracies, which will remain in the file as long as the disputed information is retained.



Prepaid Policy

I. Statement

Under the accrual method of accounting, expenditures that benefit more than one reporting period should be charged to expense over the period benefited.

II. Policy

- A. The Authority has determined that all non-capital related expenditures greater than \$25,000 will be recorded as prepaid expense, providing that their benefits extend into the next fiscal reporting period.
- B. These prepaid expenses will be charged to expense on a prorated basis over the periods that they benefit.
- C. Examples of these types of expenditures include insurance premiums, site licenses and service agreements with terms extending between multiple fiscal years.



Probationary and Qualification Periods

I. Purpose

- A. The purpose of the probationary period for new employees at the Maine Turnpike Authority is to:
 - 1. Provide a comprehensive orientation period thoroughly defining position expectations to a new employee;
 - 2. Confirm that the employee demonstrates the skills to be successful in the position;
 - 3. Provide a period of adjustment to the MTA;
 - 4. Conduct orientations and training as required;
 - 5. Provide an opportunity for the new employee to review and commit to MTA's expectations and standards as defined in the applicable job description, MTA's policies and procedures, and MTA's overall mission.
- B. The purpose of the probationary/qualification period is the same for permanent employees moving into new positions at the MTA.
- C. Individuals accepting unionized positions should refer to the respective collective bargaining agreements regarding probationary and qualification periods.

II. Policy

- A. When an individual begins work as an employee of the Maine Turnpike Authority, a required 180-calendar day probationary period must be successfully completed before that individual is considered permanent.
 - 1. The employee's probationary period starts on his or her first day of regular employment and lasts until the employee has completed 180 consecutive calendar days of regular employment status.
 - 2. During this time, management determines whether or not the employee possesses the knowledge, skills and necessary competencies to perform satisfactorily.
 - 3. This period is a time for frequent communication between the supervisor and the employee regarding performance expectations.
 - 4. The employee accrues paid time off, however, is not eligible to use accrued time off until after the 180-day period unless specifically authorized by management.



Probationary and Qualification Periods

5. The employee will be given a probationary review evaluating his/her performance during the probationary period.
 6. Upon successfully completing the probationary period, the employee will be considered permanent.
 7. If the employee has not successfully completed the 180-day probationary period, such determination to be made solely by the MTA, that employee will not be considered permanent and subsequently terminated.
- B. Qualification period for existing employees moving into new positions:
1. If a permanent employee accepts a new position within the MTA, he/she will be subject to a 180-day qualification period.
 2. During this period, the employee is required to demonstrate he/she is veritably qualified for the new position.
 3. If a permanent employee is deemed not qualified for a new position within this qualification period, with such determination made solely by the MTA, that employee may be returned to his/her prior position if available.



Procurement Policy

I. Statement

- A. The goal of this policy is to ensure the Authority procures goods and services at the best value for the Authority.
- B. The Authority has established competitive procurement as the standard procurement method. Competitive procurement is defined as seeking a request for proposal, written request for qualifications or other invitation to compete on price or qualifications to at least 3 responsible suppliers.
- C. If the competitive procurement process is not used, the sole sourcing procedure must be followed.

II. Policy

- A. The Authority will maintain a roster of vendors competitively selected and allocate purchases among them.
- B. Periodically, the roster shall be refreshed by conducting a new competitive process.
- C. When another public agency, such as the Maine Department of Transportation, has selected a vendor through a competitive process, the Authority is satisfied that all procurement requirements regarding competitive bidding, have been met, and may procure the same product or service from that vendor if the terms of procurement are essentially identical to those provided to the other public agency.
- D. Through adoption of this policy, the Authority has determined that this method of procurement is the most economical, effective and appropriate means of fulfilling a demonstrated need, pursuant to 23 MRSA § 1966(C) for the following reasons.
 - 1. First, this method takes advantage of the benefits of a competitive procurement process without the duplication of effort and additional expenditure of resources that would be necessary if the Authority were to duplicate the process solely for its own needs.
 - 2. Second, the Authority believes this method has the advantage of allowing the Authority to benefit from favorable terms, such as pricing, available to a larger entity like the State of Maine which the Authority might not be able to obtain on its own.



Procurement Policy

- E. Engineering Consultant Services: Please see the most current version of the Authority's engineering services document for more detail on the procurement of engineering consultant services.
1. General Engineering Consultant
 - a. At least once every ten years, the Authority will invite three or more engineering firms having a favorable nationwide reputation for skill and experience in toll road engineering to submit proposals to perform the duties of the General Engineering Consultant (GEC) as defined by the Authority's bond resolutions.
 - b. The Board will appoint a selection committee to screen and score applications and to recommend to the Board the best qualified firm with whom to negotiate a contract.
 2. Consultant Program Manager
 - a. At least once every five years, the Authority will invite consultants to submit proposals to provide additional resources and expertise to supplement the Authority's staff in the areas of engineering, permitting, planning, traffic analysis and toll design.
 - b. The number of consultants invited for any particular contract is dependent on the value of the contract and the distribution of needed skills.
 - c. A selection committee will evaluate qualifications and determine whom to select as the best qualified consultants with whom to negotiate a contract.
 3. Project Engineering Services
 - a. At least once every five years, the Authority will invite consultants to submit proposals to perform engineering projects which may include engineering studies, preliminary and final design of projects, right of way services, environmental permitting and traffic data collection.
 - b. The number of consultants invited will depend on the value of the contract.
 - c. A consultant selection committee will evaluate relative qualifications and select the consultants with whom a contract should be negotiated.
 4. Construction Inspection Services



Procurement Policy

- a. At least once every five years, the Authority will invite engineering firms to submit proposals for construction inspection and material testing services.
- b. The number of firms invited will depend on the value of the contract.
- c. A consultant selection committee will evaluate relative qualifications and select the inspectors and testers with whom a contract should be negotiated.

F. Construction Contracting

1. Construction contracts for projects valued above \$10,000 shall be awarded on the basis of sealed competitive bids made either in response to public advertising of plans and specifications or in response to invitations made to three or more contractors qualified to perform the work.
2. This requirement may be waived by the Authority's Executive Director in the case of bridge hits and/or emergency repairs required to keep the organization/roadway in operation.

G. Legal Services

1. The Authority should cover routine legal matters through in house staff to the extent that it is reasonable to do so.
2. Matters ordinarily performed in house include negotiation of labor contracts, the early phases of grievance proceedings, early defense of discrimination claims, environmental and construction permitting, toll violation appeals, and negotiation of contracts for construction, for purchasing and for purchase or sale of real estate.
3. When retaining outside counsel, the Authority should hire individual attorneys rather than law firms unless it is known who will be responsible to perform the work.
4. At least once every five years, the Authority will conduct a competitive process to select a roster of approved counsel to perform services in the areas of:
 - a. Workers Compensation;
 - b. Labor Law;
 - c. General litigation and insurance;
 - d. Real Estate Law;



Procurement Policy

- e. Eminent Domain;
 - f. Environmental issues and permitting; and
 - g. Bonding and Finance
5. Counsel will be selected and added to each roster on the basis of qualifications with consideration for comparative costs.
 6. Each time a bond issue is in prospect the Turnpike may:
 - a. Use attorneys already approved for work in that area; or
 - b. May conduct a competitive process to select bond counsel and special corporate counsel on the basis of qualifications with consideration for comparative costs.
 - c. The attorneys selected may continue to counsel the Authority on bond matters arising in the interim between bond issues.

H. Banking

1. Trustee
 - a. At least once every five years, the Authority will invite three or more banks to submit proposals to act as Trustee for bondholders of the Authority.
 - b. The Authority shall then select a Trustee based on comparative qualifications and financial advantage offered by those responding to the request.
2. Depository Services
 - a. At least once every five years, the Authority will invite three or more banks to submit proposals to provide regular depository services.
 - b. The Authority shall then select one or more depository banks based on relative qualifications with consideration for comparative costs.

I. Accounting

1. Annual Auditing



Procurement Policy

- a. At least once every five years, the Authority will invite three or more accounting firms to submit proposals to perform the Authority's annual audit.
- b. The Authority shall then select an auditor based on relative qualifications with consideration for comparative costs.

2. Compliance Auditing

- a. At least once every five years, the Authority will invite three or more accounting firms to submit proposals to perform compliance auditing.
- b. The compliance auditor may not be the same as the firm providing annual audit services.
- c. From those submitting proposals, the Authority shall then select a compliance auditor based on relative qualifications with consideration for comparative costs.

J. Layered Competitive Procurement

1. Procurement Agent

- a. In cases where competitive procurement of the ultimate service or product is managed by an intermediary, such as an agent or broker, the Authority's choice of the intermediary must be governed by a competitive process and the relationship must be periodically reviewed.
- b. It is not enough to ensure competition for the ultimate purchase.
- c. The selection of the broker, agent or dealer must also be done competitively.

2. Insurance Agents

- a. At least once every five years, the Authority will invite three or more qualified agents to submit proposals to represent the Authority in the purchase of insurance.
- b. The Authority shall then select an agent based on comparative qualifications among those responding to the request.
- c. The Authority may divide its insurance business among different agents or may procure insurance from a direct underwriter if it is advantageous to do so.



Procurement Policy

3. Real estate brokers: The Authority will maintain a roster of qualified brokers subject to competitive review at least every five years for use in real estate transactions where the Authority's staff determines the use of a real estate broker is necessary.

K. Bond Issuance

1. When the Authority issues bonds, it may conduct either a negotiated or a competitive sale.
2. In a negotiated sale, the Authority will issue a request for proposals for qualified banks and brokers to comprise the selling group for marketing of the Authority's bonds.
3. The selling group may include as many banks and brokers as have capacity to enhance the market for the Authority's bonds.
4. From those qualified to participate in the selling group the Authority will invite proposals to serve as underwriters, managers and co-managers to be selected based on comparative qualifications and financial advantage offered by those responding to the request.
5. In a competitive sale of its bonds, the Authority will conduct a competitive process to choose a financial advisor.
6. With assistance of the advisor, the Authority's bonds will be structured and offered for sale in an auction to be closed at a certain time.

L. Auctioneers

1. At least once every five years, the Authority will invite three or more qualified auctioneers to submit proposals to manage the Authority's disposition of surplus property.
2. The Authority shall then select one or more auctioneers based on comparative qualifications and financial advantage offered by those responding to the request.
3. The Authority may select more than one firm and maintain a list of approved auctioneers to provide the service as the need arises.

M. Brokers of Electric Power

1. At least once every five years, the Authority will invite three or more brokers to submit proposals to manage the Authority's competitive purchase of electric power.



Procurement Policy

2. The Authority shall then select one or more brokers based on comparative qualifications and financial advantage offered by those responding to the request.

N. Maintenance / Office Supplies

1. The Authority uses multiple vendors for items such as small tools and equipment, truck parts, electrical, janitorial, and office supplies.
2. For procurements that exceed \$10,000 on an annual basis that were not competitively procured, the Authority will include written justification for and evidence of approvals and maintain on file for 5 years.

O. Approval by the Board

1. Every procurement entered into by the MTA which is greater than \$150,000 in total value must be approved in advance or, in the case of emergencies, ratified at the next following meeting, by the MTA Board.
2. Contracts which are less than \$150,000 in total value will be handled in accordance with the procedures described below under "Contract Consent Agenda."

P. Contract Consent Agenda

1. Every procurement entered into by the MTA which is greater than \$25,000 and less than \$150,000 in total value is reported to the MTA's board on a monthly Contract Consent Agenda.
2. Individual purchases of less than \$25,000 in value do not have to be reported to the board on the Contract Consent Agenda or otherwise.
3. Purchases of multiple Items (finished products such as tools or components of products and processed material such as spare parts or lumber) which exceed \$25,000 in total value do have to be reported to the board if these purchases are:
 - a. Made through a single procurement; and
 - b. That procurement commits the MTA to purchasing a specific number of items such that the total value of the procurement can be established.
4. Requests for prices on items which do not commit the MTA to purchasing any products do not have to be reported to the Board.



Procurement Policy

5. Requests for prices on or procurements of Raw Materials (such as gravel, salt, sand) which contemplate an estimated amount of quantity to be purchased in a specific period of time (e.g. X number of tons over the coming year) should be reported to the Board on the Consent Agenda if over \$25,000 and less than \$150,000.
6. All procurements greater than \$25,000 must be signed by an officer of the company.

Q. Sole Source Procurement

1. Any product or service that costs less than \$10,000 may be procured by a director or a director's designee based on personal knowledge of the market as informed by reasonable and knowledgeable inquiry.
2. Selection must be based on objective criteria without personal favoritism.
3. Through adoption of this policy, the Authority has determined that this method of procurement is the most economical, effective and appropriate means of fulfilling a demonstrated need, pursuant to 23 MRS § 1966(C).
4. For purchases exceeding \$10,000, the requirement for competitive procurement may be waived:
 - a. By the executive director when the purchase is for \$25,000 or less and the executive director determines that procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need;
 - b. By the chair of the board when the chair determines that procurement is required by an emergency; or
 - c. By the board pursuant to a written finding that:
 - i. Procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need;
 - ii. The service or product is uniquely available from only one source; or
 - iii. Only one known source can meet the Authority's needs within the required time.
5. For procurements exceeding \$10,000 that were not competitively bid, written justification and evidence of approvals shall be maintained on file for at least five years.



Procurement Policy

6. For purposes of this requirement, "procurements" includes multiple acquisitions of items from a single vendor that aggregate more than \$10,000 in value in a single calendar year.

R. General

1. See Sole Source form and instructions.
2. See the Purchasing Department Operation Manual for more details.



Recording Time

I. Scope

This policy applies to all employees of the Maine Turnpike Authority.

II. Statement

- A. The Maine Turnpike Authority is responsible for paying employees consistent with the terms and conditions of their employment and all applicable state and federal laws.
- B. Effective management of resources includes accurate accounting of hours worked and leave taken by all employees.
- C. It is the individual responsibility of each employee to submit hours worked and leave taken to ensure the timely and accurate payment of salaries and wages and the processing of all payroll disbursements and related deductions.
 - 1. Failure to do so according to established schedules may result in non-payment, incorrect payment, and disciplinary action.
 - 2. Non-payment and incorrect payment due to a failure by an individual employee to submit hours worked, in a timely manner, will be corrected and processed no sooner than the next regularly scheduled payroll process for that employee.
- D. It is the responsibility of each supervisor to approve hours worked and leave taken by assigned employees.
- E. MTA's Payroll Department ensures that the payroll transactions comply with generally accepted accounting principles and that all withholdings for taxes, benefits, wage attachments, and voluntary deductions are reported accurately.

III. Procedure

- A. All employees are required to record their hours worked on a daily basis, record leave hours in advance of scheduled leave or no later than the day of their return, and submit timesheets for approval by their supervisor or approver, by established deadlines.
- B. The supervisor or approver is responsible for the accuracy and completeness of the hours worked and leave reported by established deadlines.
 - 1. In the event that an employee is absent or otherwise unable to submit his/her time by established deadlines, the supervisor or approver is responsible for recording that time.
 - 2. The supervisor or approver is responsible for contacting Payroll to act on his or her behalf during periods of absence.



Recording Time

- C. Recording another employee's time without authorization may result in disciplinary action up to and including termination.



Rehire of Former Employees

I. Purpose

- A. The Maine Turnpike Authority may consider former employees for rehire.
- B. Applications received from former employees will be processed according to the same procedures and given the same consideration afforded all other applicants.

II. Scope

- A. Former MTA employees may be considered for rehire provided the individual meets the requirements for the position for which they apply unless:
 - 1. The employee left without providing the MTA with sufficient notice (a minimum of 14 business days);
 - 2. The employee was discharged for reasons of performance or misconduct; or
 - 3. The employee is ineligible for rehire per Maine Public Employee Retirement System Rules.
- B. The reason for separation, performance during previous MTA employment, and intervening work history all will be considered.
- C. Reemployment with the MTA is a privilege, not an entitlement, and is at the MTA's sole discretion.
- D. Unionized employees should refer to their respective collective bargaining agreement regarding recall or other reinstatement rights.

III. Policy

A. Rehire

- 1. Former employees, if eligible, may be rehired by the MTA following the same employment process as other applicants.
- 2. To be re-employed, the applicant must be the most qualified candidate for the position.
- 3. The pay rate will be determined based on the applicant's qualifications, the requirements of the position, and the pay grade assigned to the position.

B. Benefits



Rehire of Former Employees

1. Coverage and conditions are governed by the plans in effect at the time of re-hire, and may change depending on whether the employee was previously covered and how long the employee was gone from the MTA.
 2. The employee anniversary date will start at the date of rehire.
 3. Vacation and sick time start over at zero, and no previous balances will be restored.
 4. Retirement
 - a. Information regarding eligibility to rejoin the Maine Public Employees Retirement System may be obtained through contacting MPERS directly.
 - b. Information regarding eligibility to rejoin any deferred compensation program may be obtained through the respective plan document or contacting VALIC directly.
 5. Additional information regarding benefits may be obtained through contacting the Human Resources Department.
- C. Re-Employment of Veterans Returning from Active Duty
1. The MTA respects and appreciates the military service of our employees.
 2. The MTA complies with all of the requirements of the Uniformed Services Employment and Reemployment Act (USERRA).
 3. The MTA will adhere to the Employment and Reemployment Rights of Members of the Uniformed Services under USERRA for any veteran returning from active duty.
 4. Additional information regarding USERRA may be obtained through contacting the Human Resources Department.
- D. Re-Employment rights following Family and Medical Leave are explained under the MTA's Family Medical Leave Policy and can also be explained through contacting the Human Resources Department.



Resignation of Employment

I. Purpose

The purpose of this policy is to identify the processes that are necessary at the time an employee terminates employment with the Maine Turnpike Authority.

II. Scope

- A. The policy applies to all employees of the MTA.
- B. Employees may terminate their employment with the MTA at any time.

III. Policy

A. Notice

1. Employees are expected to provide two weeks' notice of their resignation to facilitate a smooth transition out of the organization.
2. Supervisors are expected to give at least 21 calendar days' notice.
3. Management/Confidential and Professional/Technical employees are expected to give 30 days' notice.
4. If an employee provides less notice than expected, the MTA will deem the individual ineligible for rehire.
5. All resignations must be confirmed in writing.
 - a. Employees may wish to complete the Voluntary Separation Form provided by the MTA for this purpose or may submit other written notice including the reason for leaving and the effective date.
 - b. Employees who verbally resign will be given the Voluntary Separation Form to complete in writing for submission to the Human Resources Department.
6. An employee or supervisor will only be allowed to rescind a voluntary resignation according to the terms found in their applicable collective bargaining agreements.
7. A non-union employee will only be allowed to rescind a voluntary resignation upon approval of the Executive Director.

- B. The MTA may permit any employee to continue employment during the notice period or accept their resignation immediately.



Resignation of Employment

- C. On or before the last day of work, or at the MTA's request, employees are required to return all MTA property, including but not limited to all corporate credit cards, cell or mobile phones, PCDs, PDAs, laptops, E-ZPass Transponders, IDs, uniforms, MTA tools, equipment, keys, memoranda, notes, records, drawings, manuals, computer files, and/or other documents, including all copies of such items which in any way relate to the business or affairs of the MTA or any of its employees, customers, consultants, or agents.

- D. An employee leaving the MTA will generally be given the option of an exit interview with the Human Resources Department to review:
 - 1. Reason for termination;
 - 2. Status of insurance and other benefits;
 - 3. Final pay;
 - 4. Return of MTA property not previously collected;
 - 5. Correct forwarding address.

- E. Departing employees will be asked to confirm their forwarding address to ensure that benefits and tax information are received in a timely manner.
 - 1. Final pay will be mailed to this address the next payday (and/or deposited into the employee's direct deposit account) unless state law or other procedures dictate otherwise.
 - 2. Accrued but unused vacation and sick leave will be paid out consistent with MTA policy and legal requirements.

- F. Employees who fail to return any company property will be deemed ineligible for rehire and may be subject to legal proceedings on behalf of the MTA.



Retirement Benefits

I. Purpose and Scope

- A. It is the intent of the Maine Turnpike Authority to provide retirement benefits and programs to its permanent employees in accordance with MTA policy, collective bargaining agreements and state/federal law.
- B. This policy applies to full-time, permanent, and permanent part-time employees of the Maine Turnpike Authority.
- C. Temporary, contracted or sub-contracted employees are not eligible for the terms and benefits of this policy.

II. Policy

A. Maine Public Employees Retirement System

- 1. The Maine Turnpike Authority is a Participating Local District (PLD) under the PLD Consolidated Plan of the Maine Public Employees Retirement System (MPERS).
- 2. The MTA is required by state statute to provide retirement benefits to all permanent employees through MPERS.
- 3. All MPERS retirement benefits, including administration and payment, are provided through MPERS.
- 4. MPERS shall be the final determinant on all matters relative to an employee's eligibility, cost and pension benefit.

B. Retiring

- 1. An employee of the MTA is eligible to retire upon reaching the normal retirement age of 60 or 65 or having achieved 25 years of creditable service:
 - a. If you were participating in the PLD on or before June 30, 2014, your normal retirement age is 60.
 - b. If your first date of participation in the PLD is after July 1, 2014, your normal retirement age is 65.
- 2. An employee of the MTA becomes vested in MPERS after completion of 5 years of creditable service as determined by MPERS.
- 3. To obtain personal retirement information or an estimate of benefits, employees should contact MPERS directly.

C. Employees with Prior MPERS-PLD Service



Retirement Benefits

1. Employees who become employed by the MTA and have prior MPERS-PLD service time may be eligible to continue, consolidate or 'buy-back' their prior service with MTA service.
2. Employees should speak with MPERS to determine service time eligibility and applicability.

D. Employees with Prior MPERS (Non-PLD) Service:

1. For employees who have non-PLD, MPERS prior service may request the MTA, through the Human Resources Department, to conduct an analysis of the employee's retirement status.
2. The purpose of the analysis is to determine the feasibility and potential cost of consolidating or 'buying back' an employee's non-PLD, prior MPERS service.
3. The analysis will be conducted by the MPERS, and any costs for said analysis shall be borne by the employee.
4. Upon completion of the analysis, the MTA, at its discretion, may contribute to the cost of consolidation if the following conditions have been met:
 - a. The employee has been continuously employed as a full-time, permanent employee by the MTA for a minimum of ten (10) years;
 - b. The employee has not previously retired from the MTA;
 - c. The employee is currently a contributing member of the MPERS;
 - d. The employee has not yet filed for MPERS pension benefits;
 - e. The employee has not, at the time of request, filed for MPERS disability benefits; and
 - f. The employee has in excess of five (5) years of non-PLD, MPERS covered service.
5. For employees meeting these criteria, the MTA may contribute the cost, as determined by the MPERS actuarial analysis, to consolidate the employee's PLD and non-PLD service.
6. Such approval shall be upon recommendation of the Director of Human Resources and authorization of the Executive Director.
7. In evaluating the request, the MTA may consider the total cost and the employee's work history.
8. If approved, the employee shall make arrangements with the MPERS to reimburse the 'employee' portion of the cost of consolidation.



Retirement Benefits

E. Deferred Compensation

1. The Authority also offers employees the opportunity to participate in a deferred compensation plan.
2. Plan information is outlined in the MTA's Benefits Policy and is also available through the Human Resources Department.
3. Retiree Health Insurance
4. The MTA shall pay 100% of the individual premium for the standard health insurance offered by the MTA for an employee retiring on a disability retirement, as long as that employee participated, as an employee, in the group health plan immediately prior to retirement.
5. The MTA shall pay 100% of the individual premium for the standard health insurance plan offered by the MTA for an employee retiring, but not retiring on a disability retirement, as long as that employee has participated, as an employee, in the MTA's health plan for at least one year immediately prior to retirement.
6. The MTA shall pay 100% of the individual premium for the standard health insurance plan offered by the MTA for an employee, if retiring and not in service immediately prior to retirement, who has at least 25 years of creditable service and makes a one-time election at retirement to rejoin the plan.
7. An employee retiring may continue dependent coverage under the retiree health insurance coverage with the total cost of the dependent portion borne by the retiring employee.
8. Specific coverage information may be obtained through the Human Resources Department.



Road Access Points & Mainline Medians

I. Purpose

- A. The purpose of this policy is to establish safe and acceptable practices regarding the use of mainline median openings and local road access points along the Turnpike, which include emergency vehicle ramps (EVRs) and maintenance yard access roads.
- B. The Maine Turnpike Authority (MTA) recognizes use of local road access points and median openings pose unique hazards, including:
 - 1. Unexpected maneuvering to and from the roadway;
 - 2. Aggressive acceleration and deceleration along the mainline emergency breakdown lane; and
 - 3. May be considered a violation of Maine Motor Vehicle law and subject to enforcement by the Maine State Police and subject to civil and/or criminal penalties.
- C. The intent of this policy is to define and ensure appropriate use of local road access points and median openings, which:
 - 1. Are for use by authorized vehicles only; and
 - 2. Are not to be utilized in lieu of interchange ramps.

II. Policy

- A. Local road access points along the Turnpike are intended primarily to:
 - 1. Provide emergency vehicles access to the Turnpike from local roads; and
 - 2. Allow for MTA and emergency vehicles to reverse direction without using a mainline median opening.
- B. Mainline Median Openings
 - 1. Use of mainline median openings poses a safety risk and is strictly forbidden for normal day-to-day operations.
 - 2. Mainline median openings may only be used:
 - a. When there is a greater hazard posed by continuing to the nearest interchange or EVR to reverse direction;
 - b. During emergency situations, defined as:
 - i. Operations & maintenance during winter weather events or following events during clean up;
 - ii. Vehicle crash or other debilitating incident that is interfering with traffic flow;



Road Access Points & Mainline Medians

- iii. Debris in the road; or
 - iv. Situations under which assigned MTA employees and/or public safety responders need to respond to a location as quickly as possible to mitigate dangerous situations along the roadway.
- C. Emergency Vehicle Ramps (EVRs) and maintenance yards access roads
- 1. Usage
 - a. Authorized personnel who have MTA-approved operational needs to use a particular EVR or access road may be given access via swipe card, fob, code, remote control, or key.
 - i. Construction contractors, vendors, deliveries, and consultants seeking use of EVRs or access roads require authorization from the MTA Director of Maintenance.
 - ii. Use must be demonstrated as appropriate, safe and in best interest of the MTA.
 - iii. Contractors and consultants must show they will use appropriate traffic control and close/lock gates when not in use or unattended.
 - b. While accessing EVRs or gated access roads, proper vehicle operation is required.
 - c. Use of access roads will be revoked if abused or if gates are left open while unattended.
 - d. Those without authorized operation need:
 - i. Shall use public road access only and not EVR or gated access roads, unless no other access is available; or
 - ii. The access ramp has an appropriate acceleration or deceleration ramp such as Pond Road access northbound in West Gardiner.
 - 2. Authorized users who are given keys, devices, access codes, or any other method to gain entry or exit shall not distribute or share whatever they are given for access without approval from the Director of Maintenance.
 - 3. EVRs and maintenance yard access roads are to include and have maintained the following signage as applicable:
 - a. “Authorized Vehicles Only”;
 - b. “One Way”;
 - c. “Stop”;
 - d. “Keep Gate Closed”;
 - e. “Mile Marker”.



Road Access Points & Mainline Medians

D. Gates

1. Access through gates between local roads and Turnpike shoulders is restricted to authorized personnel.
 - a. State police and emergency response vehicles are considered authorized personnel.
 - b. Lock boxes installed on gates are to accommodate access by local emergency service providers.
 - c. Tow truck operators may be authorized by State Police to use EVRs or gated access roads.
 2. Gates are to be closed and locked at all times except during Emergencies (as defined in section B); and
 - a. If gates are opened or unlocked during emergencies, as soon as practical following the conclusion of such emergencies they are to be closed and locked.
 - b. During active winter maintenance operations which:
 - i. Require the gate be opened and closed more than once per hour, if the gate is not equipped with a remote opener or access control.
 - ii. If the gate has a remote opener or access control, the gate needs to be kept closed even in the case of winter maintenance.
 3. Unauthorized personnel might utilize gates left opened or unlocked on a regular basis, which is hazardous and especially problematic if used to avoid paying a toll.
 4. Gates left open without authorization are to be reported to the MTA Traffic Management Center.
- E. MTA employees found to be non-compliant with this policy will be subject to discipline.
- F. MTA will replace all locks and/or reconfigure all access controls referred to herein at least every ten (10) years.



Sexual Harassment

I. Purpose

- A. It is the policy of the Maine Turnpike Authority that all employees have the right to work in an environment free of discrimination, which includes freedom from sexual harassment by supervisors, co-workers, customers or suppliers.
- B. This policy is intended to:
 - 1. Prohibit offensive conducts, either physical or verbal, that threaten human dignity and employee morale, and which interfere with a positive and productive work environment;
 - 2. Prohibit any overt or subtle pressure for sexual favors including implying or threatening that an applicant's or employee's cooperation of a sexual nature (or lack thereof) will have any effect on the person's employment, job assignment, wages, promotion, any other condition of employment, or future job opportunities; and
 - 3. Define sexual harassment and provide procedures for the investigation of sexual harassment claims.
- C. Supervisors and managers are responsible for monitoring behavior which can be construed to be harassment, and for initiating necessary action to eliminate such behavior.
- D. Any and all employees of the MTA will be subject to severe discipline, up to and including termination, for any act of sexual harassment they commit.

II. Policy Statement

A. Definition of Sexual Harassment

- 1. Sexual harassment is unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted.
 - 2. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment.
 - 3. Sexual harassment can be physical and/or psychological in nature.
- B. Sexual Harassment is illegal and, as outlined in the EEOC Sexual Discrimination Guidelines and the Maine Human Rights Act, encompasses a wide range of prohibited conduct which may include:



Sexual Harassment

1. Physical assaults or attempts to commit assaults of a sexual nature, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;
2. Unwanted sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience (especially when directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome);
3. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward, such as:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and/or
 - c. Such conduct results in the interference with an individual's work performance or the creation an intimidating, hostile or offensive working environment.
4. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex;
5. Sexual or discriminatory displays or publications anywhere in the MTA's workplace by MTA employees, such as:
 - a. Bringing to the MTA work environment to read, display or view pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic, including but not limited to:
 - i. If the materials depict a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the workplace; and/or
 - ii. They depict a person who is posed for the obvious purpose of displaying or drawing attention to private portions of the subject's body.
 - b. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
 - c. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).



Sexual Harassment

6. Retaliation for sexual harassment complaints, such as:
 - a. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation; and/or
 - b. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above.
 - c. Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to discipline, up to and including termination.
7. No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:
 - a. Filing or responding to a bona fide complaint of discrimination or harassment.
 - b. Appearing as a witness in the investigation of a complaint.
 - c. Serving as an investigator.

III. Procedure

- A. If an employee believes he/she has been subjected to sexual harassment or any unwanted sexual attention, he/she should make that unease and/or disapproval directly and immediately known to the harasser whenever possible.
- B. If the situation is not immediately resolved or if the employee is unable to or uncomfortable to address the alleged harasser directly, he/she should:
 1. Report the incident to that employee's or his/her own supervisor or, to the Human Resources Department; and
 2. Report the complaint in writing, including the date, time and nature of the incident(s) and the names of any witnesses.
- C. The Maine Turnpike Authority will immediately investigate any complaints of sexual harassment and where warranted, take disciplinary action, up to and including termination, against any employee found to have engaged in sexual harassment.
- D. Any questions regarding this policy or procedure should be addressed to the Human Resources Director.

IV. Other Reporting Options



Sexual Harassment

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under state or federal law.

V. Maine Human Rights Commission (MHRC)

- A. In addition to the procedure stated in this policy, employees should be aware that the Maine Human Rights Commission is the state agency charged with the responsibility of enforcing Maine's anti-discrimination laws.
- B. The MHRC investigates complaints of unlawful discrimination in employment, including claims involving sexual harassment.
- C. The MHRC will attempt to resolve complaints of discrimination to the mutual satisfaction of those involved.
- E. The Maine Human Rights Act authorizes the MHRC to pursue remedies for unlawful discrimination in Court when necessary to enforce the Act.
- F. The MHRC can be contacted at:

Maine Human Rights Commission
51 State House Station
Augusta, Maine 04333-0051
(207) 624-6290
www.maine.gov/mhrc



Short Term Disability Benefits For Non-Union Employees

I. Purpose

- A. The Maine Turnpike Authority provides a short-term disability benefit to permanent, non-union employees of the MTA who are unable to work for a consecutive period in excess of fourteen (14) calendar days due to a temporary, non-work-related illness or injury.
- B. Unionized employees are eligible for an income protection program through their respective unions.

II. Policy

A. Eligibility

- 1. All permanent, non-union employees are considered covered employees under this benefit and should contact the Human Resources Department to apply for and receive more information regarding this short term disability benefit.
- 2. A covered employee will become eligible for benefits if the following four criteria are met:
 - a. The employee becomes disabled as a result of an injury or sickness while employed full time by the MTA;
 - b. The employee requires the regular care of a physician;
 - c. The employee submits proof of disability; and
 - d. The employee meets the eligibility for Federal or Maine Family and Medical Leave:
 - i. For Federal FML, having worked for the MTA for 12 months, and for at least 1,250 hours during the preceding 12-month period.
 - ii. For Maine FML, having worked for the MTA for at least 12 consecutive months.
- 3. An employee is considered disabled when, as a result of sickness or injury, that employee is unable to perform all the material duties of his/her own regular position.
- 4. The employee must intend to return to work following the period of disability.

B. Benefit

- 1. The MTA will provide short-term disability payments to eligible employees at a weekly rate of $66\frac{2}{3}\%$ of their weekly pre-disability earnings, rounded to the nearest dollar, minus any amounts the employee is entitled to receive under either:



Short Term Disability Benefits For Non-Union Employees

- a. The mandatory portion of any "no fault" motor vehicle plan; or
 - b. Any state compulsory benefit act or law.
2. The maximum benefit period is 52 weeks.
 3. Benefits payable for less than one week will be paid at the rate of $\frac{1}{5}$ of the weekly benefit amount for each full day of eligible disability.
 4. An eligible employee will become entitled to these benefits on the 15th day following the occurrence of a disabling accident or illness, and the first payment will be made on the first regular payday following said date.
 5. Payment of benefits will be made up to the maximum benefit period of 52 weeks for any one continuous period of total and/or partial disability. (See § C Partial Disability Benefit.)
 6. Medical, dental, life insurance and retirement contributions will continue as provided for under the policies and as required by law, and the employee will be responsible for his/her portion of the premiums.
 7. At least two weeks prior to return to work, the employee must provide the Human Resources Department documentation from the employee's treating physician certifying that the employee is fit for duty. (See § F Return to Work.)

C. Partial Disability Benefit

1. If it can be reasonably accommodated, the MTA will allow a covered employee part-time return to work and pay a partial disability benefit under certain conditions.
2. An employee is considered partially disabled if:
 - a. Due to the same injury or sickness that resulted in at least four weeks of total disability, the employee becomes capable of performing at least one of the material duties of his or her regular position on a part-time basis; and
 - b. Currently earning less than 80% of his or her pre-disability earnings due to the same injury or sickness that caused the disability.
3. Partial disability benefits will equal the lesser of the following:
 - a. 50% of the employee's regular short term disability amount; or
 - b. The employee's weekly pre-disability earnings minus his/her earnings while partially disabled.



Short Term Disability Benefits For Non-Union Employees

4. At least two weeks prior to a requested part-time return to work date, the employee must provide the Human Resources Department documentation from the employee's treating physician certifying that the employee is fit for part-time duty. (See § F. Return to Work.)

D. Exclusions

1. The MTA will not provide benefits for any disability resulting from any of the following:
 - a. War, declared or undeclared, any act of war, active participation in a riot;
 - b. Any injury incurred in the commission or attempted commission of an assault or any felony;
 - c. Any occupational injury or sickness; or
 - d. Any injury or sickness for which the employee is eligible to receive benefits under any government program or law.
2. If it should become apparent after the commencement of an employee's disability that one of the exclusions in this section applies, the employee will be obligated, in the MTA's discretion and as a condition of continued employment, to repay to the MTA any and all amounts that have been paid to said employee under this benefit.

E. Proof of Disability

1. Any proof of disability under this benefit must be acceptable to the MTA, in its sole discretion, and must at a minimum include written certification by the employee's treating physician.
2. The MTA reserves the right to require further proof of disability at any time, including but not limited to further written certifications by the employee's physician and an examination of the employee by a physician chosen by the MTA at the MTA's expense.
3. The payment of benefits is contingent upon the receipt of acceptable proof of disability by the MTA under the terms of this paragraph.
4. The Family and Medical Leave Application Packet contains the necessary medical certification forms required for proof of disability with respect to this benefit.

F. Return to Work

1. An employee must contact the Human Resources Department at least two weeks prior to the end of their leave to coordinate their return to work.



Short Term Disability Benefits For Non-Union Employees

2. Before returning to work, the employee must provide a fitness-for-duty medical certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume full-time work.
3. If a part-time return is requested, the employee must provide a fitness-for-duty medical certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume part-time work and a date upon which the employee is able to resume full-time work.

G. Termination of Disability Benefits

Disability benefits will terminate upon the earliest of one of the following:

1. The date the employee is no longer totally disabled;
2. The date the employee receives retirement benefits under any plan in which the MTA participates;
3. The date the employee dies;
4. The end of the 52-week maximum benefit period;
5. For other than partial disability benefits, the date the employee returns to work;
6. For partial disability benefits, the date the employee's earnings exceed 80% of pre-disability earnings;
7. The date the employee is notified that these benefits will be terminated by the MTA for failure to provide or maintain adequate proof of disability, failure to return to work when able, or for any other violation of the employee's obligations herein described;
8. The date the employee is no longer a non-union employee classified by the MTA; or
9. The date this benefit is revoked or amended by the MTA.

H. Absences

1. All time away from work while receiving short term disability pay will be considered as leave under the Family and Medical Leave Act.
2. Employees granted this short-term disability benefit:



Short Term Disability Benefits For Non-Union Employees

- a. If requested, will be allowed to supplement the remaining 33 $\frac{1}{3}$ % of their total salary with their accrued sick or vacation time; and
 - b. Will not be required to exhaust accrued sick leave at 8 hours per daily absence.
- I. Discretionary Authority

In making any benefits determination under this benefit, the MTA will have the discretionary authority to determine an employee's eligibility for benefits and to construe the terms of this policy.

J. Indemnification

1. The MTA reserves a right to recover any benefit payments paid to an employee for a disability resulting from an injury or sickness for which a third party is liable and for which recovery is made by the employee from the third party, whether by legal action or otherwise.
2. Receipt of benefits under this policy constitutes agreement on the employee's part that the MTA shall have the legal right to this recovery and shall have a lien for the total amount of benefits paid by the MTA to the employee upon any judgment or settlement gained by the employee.
3. By receipt of this benefit, the employee acknowledges that the MTA has the right to pursue any legal means to secure its rights under this paragraph and that failure to cooperate with the MTA in the exercise of its rights under this paragraph shall constitute cause for termination of employee's employment with the MTA.



Smoking

I. Purpose

- A. The Maine Turnpike Authority is required under State Statute to establish, post, and supervise a written smoking policy.
- B. The MTA supports an environment that protects our employees, clients, vendors, customers, and visitors' health and welfare from the harmful and addicting effects of all tobacco and smoking-related products including, but not limited to, bidis, cigarettes, cigars, cigarillos, little cigars, dip, electronic cigarettes (or e-cigarettes), vaping, hookahs, kreteks, pipes, snus, chew, and snuff.
- C. In those efforts, the MTA has established the following policy consistent with the State of Maine's Workplace Smoking Laws and other laws governing smoking.

II. Policy

- A. Smoking or using a smoking-related product as referenced in Section I is prohibited on or around all toll booth abutments or travel lanes of all plazas.
- B. Smoking paraphernalia per those referenced in Section I are not to be kept in buildings or on the cement abutments or attached to the doors, window screens or moldings around tollbooth windows.
- C. Use of any smoking-related product referenced in Section I is prohibited within 25 feet of the Maine Turnpike Authority Public Safety & Administration building at 2360 Congress Street in Portland, and is prohibited outside all Maine Turnpike Authority facilities except in specifically designated areas.
 - 1. Supervisors at each Maine Turnpike facility will designate areas where smoking or using a smoking-related product as referenced in Section I is permissible.
 - 2. Adequate extinguishing containers will be provided in locations where smoking or using a smoking-related product as referenced in Section I is permissible in order to prevent littering.
- D. Smoking or using a smoking-related product as referenced in Section I is prohibited on Maine Turnpike Authority outside property where other employees are working side-by-side or in close proximity.
 - 1. Supervisors of these employees will designate an area for smoking or using a smoking-related product as referenced in Section I during break-time.
 - 2. Employees choosing to smoke or use a smoking-related product as referenced in Section I are expected to be self-policing in assuring the cleanliness of designated areas in order to preserve the privilege.
- E. Smoking or using a smoking-related product as referenced in Section I is prohibited in all Maine Turnpike Authority vehicles and in privately owned vehicles where the employee is being



Smoking

reimbursed for mileage, is carrying passengers, and is on official Maine Turnpike Authority business.

- F. Smoking or using a smoking-related product as referenced in Section I is prohibited in all construction equipment and vehicles operating at Maine Turnpike Authority construction and/or maintenance sites.
- G. The Bureau of Health mandates that the provisions of this policy must be strictly enforced.
- H. Employees found to have violated this policy will be disciplined in accordance with respective collective bargaining agreements if applicable.



Travel & Meal Reimbursement

I. PURPOSE

- A. The purpose herein is to define Maine Turnpike Authority policy concerning the reimbursement of business-related travel and meal expenses; and
- B. To provide accountability for the expenditure of funds for such purposes.

II. SCOPE

This Travel and Meal Reimbursement Policy applies to all Maine Turnpike Authority employees and board members (hereinafter "employees") who travel and entertain on behalf of the MTA and who are seeking reimbursement for those expenses from the MTA.

III. POLICY STATEMENT

- A. The MTA reimburses employees for all reasonable expenses necessarily incurred in the conduct of MTA business.
- B. The MTA's intent is to reimburse reasonable travel and living expenses incurred by employees on assignments away from the normal work location.
- C. Employees are expected to neither gain nor lose financially as a result of business travel.
- D. Individuals traveling on behalf of the MTA should exercise good judgment with respect to incurring travel and meal expenses and are expected to spend the MTA's funds prudently, avoid excess costs or delays, and to pay from his or her own funds any excess cost incurred for personal preference or convenience.
- E. It is every employee's responsibility to ensure that expenses he/she claims are:
 - 1. Directly work related;
 - 2. Obtained at the most economical price, and
 - 3. Both critical and necessary for MTA business.
- F. The MTA assumes no obligation to reimburse employees for expenses that are not in compliance with this policy, and it is every employee's responsibility to be familiar with this policy before incurring expenses or embarking on travel.
 - I.
- G. All business travel and meal expenses must be reported in conformance with MTA documentation requirements and Internal Revenue Service regulations.



Travel & Meal Reimbursement

IV. POLICY

A. Travel Arrangements

1. All requests for overnight travel reservations, lodging accommodations, and auto rental accommodations should be pre-approved and the requesting employee needs to complete the MTA's Travel Pre-Approval Form, which can be found in the Human Resources and Finance Departments.
2. Dual approval will be required from the appropriate Department Head and the Finance Department.
3. The Finance Department will ensure that funds for the requested travel are available in the budget and that the form is filed correctly.
4. In the case of a request by a Department Head, approval will be made by the appropriate officer (CFO or COO) and the Finance Department.
5. In the case of an officer request, approval will be made by the Executive Director and the Finance Department.
6. In the case of a request from the Executive Director, approval will be made by the MTA Chairman and the Finance Department.
7. In the case of a request from a board member, approval will be made by the MTA Chairman and the Finance Department.
8. All approved forms will be retained by the Finance Department.
9. The employee may make travel arrangements directly or through a designated travel agency.
10. Employees are to book the least expensive airline itinerary available that reasonably meets travel needs.

B. Allowable Business Expenses

1. Commercial Air/Train Travel
 - a. All domestic and international travel accommodations are to be in coach class.
 - b. Whenever possible, employees are expected to make travel arrangements at least fourteen days in advance to take advantage of less expensive options.
 - c. In order to receive the best possible rates, the employee or the travel agency will take advantage of special fares without regard to special airline incentive programs (e.g. frequent flyer programs) when making reservations.



Travel & Meal Reimbursement

2. Personal Autos
 - a. The use of private autos for MTA business will be reimbursed at the MTA's standard rate per mile for that year.
 - b. An employee will be reimbursed for mileage to and from his or her local airport or in-town conference or business meeting.
 - c. If an employee chooses to use a personal auto for a business trip that would normally be made by air, the employee will be reimbursed an amount not to exceed the least expensive, logical air fare to the destination.
3. Rental Autos: The cost of rented cars is reimbursable only if the nature of the trip or the location of the places of business to be visited is such that use of local transportation is not practicable or would be more expensive.
4. Taxi and Limousine
 - a. Hotel shuttle service is to be used for travel to and from airports where possible.
 - b. The cost of taxi service should be carefully planned to avoid unnecessary trips.
 - c. The use of "private" limousine service will not be reimbursed unless limousines are used for good business reasons.
5. Lodging Accommodations
 - a. When traveling outside home area or when an unusual assignment requires the use of a hotel room, the actual cost of the hotel expense, not to exceed the maximum applicable per diem lodging rate, plus any applicable taxes, is allowable.
 - b. When an MTA employee attends a meeting, conference, convention or training session where the traveler is expected to have business interaction with other participants in addition to scheduled events; then in such a case the actual cost of the hotel expense may be reimbursed regardless of the per diem rate, so long as said expense is reasonable and prudent.
 - c. In all events, it is expected that both the type of the hotel and the type of the room chosen will be consistent with reasonable living standards in the best interests of the MTA.
 - d. Per Diem rates can be found in the Human Resources and Finance Departments.
6. Meals
 - a. Traveling Employees



Travel & Meal Reimbursement

- i. The cost of an employee's meals will be reimbursed when the employee is required to take an overnight trip away from his or her base city.
 - ii. The cost of a meal is also reimbursable if an employee is on an extended "day trip" away from his or her base city and/or if the employee is required to attend a meeting where business meals are served and the meals are an integral part of the business meeting.
 - iii. Only actual expenses are to be reported for reimbursement (e.g. meal expense is only reimbursed if incurred).
 - iv. Allowed reimbursement to any one employee for meals on one calendar day shall not exceed the maximum applicable meals per diem rate plus any applicable sales tax and gratuity.
 - v. Applicable meals per diem rates can be found in the Human Resource and Finance Departments.
- b. Other Employees: Expenses associated with meals and entertainment during business meetings with fellow employees are normally not reimbursable, unless:
- i. The employee's duties require the purchase of meals normally taken at home;
 - ii. The meal is associated with an official meeting or conference and/or is part of a scheduled formal program; or
 - iii. The meal includes business associates or customers of the MTA as invited guests.
- c. Pre-Approval and Related Receipts
- i. All meal or business entertainment expenditures must be documented with appropriate detailed receipts attached to the expense report.
 - ii. Whenever possible, such receipts should be original receipts.
 - iii. Whenever possible, all requests for such expenditures should be pre-approved, as provided in Section IV(A) of this Policy.
- d. Related IRS Regulations
- i. Expenditures for business entertainment or business meetings must comply with Internal Revenue Service regulations, which require that the activity be directly related to the active conduct of the MTA's business.
 - ii. Such expenditures must be substantiated by recording the amount, time, place, names of persons, and business purpose on the expense report.



Travel & Meal Reimbursement

7. Exceptions to Per Diem Rates
 - a. Exceptions to per diem rates for lodging and meals may be granted by the officials responsible for approving the applicable employee's travel expenses under section IV(A) of this policy.
 - b. Exceptions will be granted on a case by case basis, and shall only be granted when employee expenses have been reasonable and prudent given the circumstances and the employee can demonstrate that the granting of the exception is beneficial to MTA operations.
8. Telephone Calls
 - a. Reimbursement will be made for business calls and for up to two (2) personal calls (except in emergencies) each day of the employee's trip.
 - b. Personal calls should be kept to no more than 20 minutes in length.
9. Gratuities: Tips should be confined to reasonable limits as determined by the service required and received.
10. Laundry and Dry Cleaning: Reimbursement for laundry and/or dry cleaning expenses may be requested because of emergency situations such as spills or falls or when the employee's trip is of five or more nights.
11. Miscellaneous Business Expenses
 - a. The following expenses are also reimbursable, if reasonable and necessary:
 - i. Parking;
 - ii. Office supplies;
 - iii. Road and bridge tolls; and
 - iv. Tips to baggage handlers, etc.
 - b. Receipts will be required for parking and office supplies.
12. Health and Safety Considerations / Disabilities
 - a. Health and Safety
 - i. The health and safety of MTA employees is a top priority in the conduct of travel related activities.



Travel & Meal Reimbursement

- ii. It is permissible to establish and alter travel plans and itineraries with consideration of hazardous, inclement weather and other situations that could endanger MTA employees.
- iii. When alternations to travel plans occur, MTA employees should:
 - 1. Promptly notify their supervisor of the change in travel plans; and
 - 2. Note the reason for any additional expense on the traveler's expense voucher.
- b. Disabilities
 - i. Travel reimbursement decisions shall be made in accordance with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA).
 - ii. Travel accommodations and costs that might differ from or exceed what might otherwise be most economical to the MTA will be eligible for reimbursement if reasonable and/or necessary to enable any MTA employee who is disabled within the meaning of the ADA or the MHRA equal opportunity to travel on MTA business.
- c. Leave of Absence During Travel
 - i. When an employee takes leave of absence (such as sick leave) during travel because of being incapacitated due to illness or injury that is not due to the employee's misconduct, the authorized reimbursement for meals and lodging may be continued during the leave period.
 - ii. However, if the employee is able to travel, reimbursement is not to exceed in total the cost to return the employee to the employee's residence.
- C. Non-Employee Travel
 - a. Traveling companions may accompany an employee on a trip.
 - b. In cases where a companion is accompanying an employee on a trip:
 - i. No incremental costs are to be incurred by the MTA due to traveling companions; and
 - ii. Employees may not extend the business portion of a trip or incur additional MTA travel expense due to traveling companions.
- D. Non-Reimbursable Expenses
 - a. Personal Auto Expenses
 - i. Auto mileage for personal autos when the distance traveled is for personal use or commuting is not reimbursable.



Travel & Meal Reimbursement

- ii. "Commuting" is the distance traveled between an employee's home and regular established place of employment.
 - iii. The MTA does not reimburse employees for gasoline, oil, repairs or maintenance expenses for personal cars, as explained in the MTA's vehicle policies.
 - b. Personal Entertainment and Services
 - i. Personal entertainment and services not necessary for the employee to conduct MTA business are not reimbursable.
 - ii. This includes but is not limited to such things as sightseeing tours, barber or beauty shop services, books, health club charges, pay per view television movies, videos, aspirin, cold tablets, in-room expenses, valet services, etc., as well as any gratuities associated with said personal expenses.
- II.
 - c. Fines: Fines associated with traffic or parking tickets or other violations of the law resulting from an employee's conduct are not reimbursable.
 - d. Airline Club Dues: The MTA will not reimburse Ambassador, Red Carpet or other airline club dues.
 - e. Flight Insurance: Personal accident insurance is not reimbursable.
 - f. Alcoholic Beverages: The MTA will not reimburse expenses for alcoholic beverages.
 - g. Tickets: The cost of tickets for the theatre, athletic events, etc., will not be reimbursed.
 - h. Employee Negligence: Out of pocket charges caused by employee negligence, including but not limited to vehicle service calls caused by the negligence of the MTA employee will not be reimbursed.
- E. Credit Cards
 - a. Only business expenses are to be charged to the employee's MTA credit card, and all expenses charged to MTA credit cards shall be subject to this policy in every respect.
- III.
 - b. No personal charges are permitted on the MTA credit card.
 - c. Employees must not allow anyone else to use their MTA credit card.
 - d. Allowable business expenses charged to an employee's personal credit card will be reimbursed:
 - i. The employee must submit the credit card receipt in accordance with this policy.



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- ii. A reimbursement check will be sent to the employee within the next payroll cycle after the report is signed by the appropriate individual, filled out correctly and received by Payroll for processing.
- e. A lost or stolen MTA credit card must be reported as soon as the employee discovers that it is missing.

V. RESPONSIBILITY

- A. Relevant Department Heads, Officers, and the Board Chairperson are responsible for ensuring employee compliance with this policy.
- B. A Department Head, Officer, or Board Chairperson signature on an employee's expense report indicates his or her thorough review and agreement with the expense report as submitted and compliance with the MTA's travel and entertainment policy.
- C. Department Heads, Officers and Board Chairpersons shall encourage less expensive forms of travel and, when possible, alternatives to travel; including but not limited to:
 - 1. Teleconferencing or videoconferencing;
 - 2. Carpooling;
 - 3. Public transportation, and
 - 4. Reduction of the number of regularly scheduled out of town meetings and restrictions on the number of staff attending those meetings.

VI. PROCEDURES FOR REIMBURSEMENT

- A. An employee must use an accepted Expense Report form when submitting business travel and entertainment expenses for approval and reimbursement.
- B. Each employee is expected to provide supporting documents and receipts for all expenses for which such receipts are normally provided.
- C. Supporting receipts must be submitted for the following:
 - 1. Air, rail or bus charges;
 - 2. Hotel/Motel accommodation;
 - 3. Car rental, taxi/limousine, and shuttle charges;
 - 4. Meals; and
 - 5. All other charges where a receipt can be obtained



Travel & Meal Reimbursement

- D. All expenses should be documented with receipts.
 - 1. However, an expense that is missing a receipt may be approved by the employee's manager on an exception basis.
 - 2. If a pattern of not providing receipts develops, that individual will be required to provide receipts on all expenses, without exception.
- E. Expenditures for entertainment must be supported by adequate records describing:
 - 1. The amount of the expense;
 - 2. The time and place of the expense;
 - 3. The business purpose of the expense;
 - 4. The business relationship of the person(s) entertained.
- F. Copies of airline travel itineraries must be attached to any expense report, which includes charges for airline tickets, hotels, or auto rentals.
- G. All expense reports must be completed in ink or via Excel, signed, and approved as set forth in Section IV(A) of this Policy before being submitted to the Finance Department.
- H. No employee may approve his or her own expense report.
- I. Each completed expense report should cover a calendar week ending on Saturday; however, if a trip of seven days or less runs over into the following week, the entire trip should be recorded on one report.
- J. All expense reports must be completed and submitted to the Finance Department within twenty (20) days for domestic travel and thirty (30) days for international travel after return from a business trip.
- K. The employee is responsible for reporting all charges made in his or her name on behalf of others.
- L. The employee is to identify on an expense report form any non-employees who have charges on a corporate account (e.g. airline tickets charged to the MTA's business travel account).
- M. Employees who pay expenses incurred by other employees must show the full charge on their expense reports, documenting amounts that should be charged to other departments.
- N. The employee must list combined receipts separately so they can be matched with the expense report.



Travel & Meal Reimbursement

- O. Employees must always make copies of their expense reports, including receipts, before submitting them for processing.

VII. TRAVEL ADVANCES

- A. Travel advances are available by submitting the appropriate form for pre-approval ten (10) working days prior to the scheduled departure, to allow time for processing and mailing.
- B. Travel advances must be settled within twenty (20) days of the return date by submitting the completed Expense Report form which can be found in the Human Resources or Finance Departments.
- C. The MTA reserves the right to settle overdue cash advances by payroll deduction.
- D. No travel advances will be authorized if any previous advances have not been settled.
- E. No travel advances in excess of \$500 will be approved.



Vehicles

I. Purpose

- A. This policy establishes procedures regarding the assignment and use of Maine Turnpike Authority (Authority) vehicles.
- B. This applies to all Authority employees unless otherwise noted within this policy.
- C. This policy is consistent with State Law and the Internal Revenue Code, which establishes procedures regarding reporting of income and withholding of taxes.

II. Definitions

- A. **Assigned Vehicle:** An Authority-owned automobile, truck, vehicle, or equipment designated for the use of an individual employee in the normal performance of his/her duties but not authorized for regular take-home use.
- B. **Take-Home Vehicle:** An Authority-owned automobile, truck, vehicle, or equipment designated for the use of an individual employee in the normal performance of his/her duties including the commute from home to work.
- C. **Pool Vehicles:** Authority-owned, automobiles, trucks, vehicles, or equipment assigned to a specific department, intended for temporary use by designated Authority employees conducting Authority business.
- D. **Spare Vehicles:** Authority-owned, non-assigned automobiles, trucks, vehicles, or equipment within a specific department intended for temporary use by Authority employees conducting Authority business.
- E. **Spare Car Peg System:**
 - 1. The system utilized in managing Authority spare vehicles.
 - 2. Under this system, access to spare vehicles and corresponding keys is controlled, and vehicle assignment is tracked by employee, time, distance, duration of, and reason for usage.

III. Procedures

- A. Only authorized Authority employees may drive or operate Authority vehicles.
- B. Unauthorized passengers are not allowed in any Authority vehicle at any time.
- C. Employees operating Authority vehicles are required to follow all motor vehicle laws including but not limited to speed limits and use of seat belts.



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- D. Alcoholic beverages, smoking paraphernalia (as defined in the Authority's Smoking Policy,) or any illegal drugs are not permitted in any Authority vehicle.
- E. Use of Authority vehicles is restricted to Authority business.
 - 1. Use of a take-home vehicle for occasions that involve necessary personal business during the work day or emergencies may be permitted.
 - 2. Such occasions are to be kept to a minimum and done per authorization of the respective department director.
- F. For individuals with assigned, spare, or pool vehicles for overnight use, stopping between work and home to perform some minor personal business may be acceptable, but any such use:
 - 1. Should be the exception rather than the rule;
 - 2. Only if the stop is directly in route from work to the employee's residence; and
 - 3. With the authorization of the employee's department director.
- G. All Authority vehicles are required to be locked when unattended.
- H. Employees are required to report any defects or vehicle service needs to the Director of Highway and Equipment Maintenance or the Equipment Maintenance Supervisory immediately.
 - 1. All services to Authority vehicles are to be performed by Authority personnel at Authority facilities.
 - 2. If a vehicle requires service beyond Authority capability, such determination shall be made and coordinated by the Authority through the Director of Highway and Equipment Maintenance.
- I. Spare vehicles:
 - 1. Use will be permitted when that use is clearly necessary for Authority business;
 - 2. Assignment of spare vehicles is per authorization of the employee's department director with concurrence of the Director of Highway and Equipment Maintenance (or designee) in the following priority:
 - a. Employees with assigned or take-home vehicles whose regular vehicle is being serviced, repaired, or has been deemed undriveable;



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- b. Employees under temporary assignment directly concerned with the maintenance, operation, and construction of the turnpike and its facilities, and who are expected to be available for call out beyond the normal work day;
 - c. Employees performing Authority errands or other assigned business needs of a short duration within a business day.
 - d. Employees required to travel to a meeting, seminar, or conference and choose to use an Authority spare vehicle in lieu of utilizing their personal vehicle:
 - i. Such travel is generally longer duration trips more than a standard work day, or several days; and
 - ii. Employees must arrange such use through their department director with the concurrence of the Director of Highway and Equipment Maintenance (or designee) at least one (1) day in advance.
3. These vehicles are accessed via the Spare Car Peg System located in the Authority Headquarters' Reception Office.
 - a. Employees will be required to sign out the spare vehicle they are utilizing with the receptionist (or dispatcher if before/after regular working hours) and sign-in the vehicle upon return.
 - b. Each spare vehicle will have a mileage log book which the employee must complete when utilizing a spare vehicle.
 4. Spare vehicles are not to be returned to Authority Headquarters near-empty of fuel: fueling the spare vehicles can be done at Crosby Maintenance Facility, at any Authority service plaza, or by custodial staff via request.
 5. For security purposes, spare vehicles are to be locked and parked at the rear of Authority Headquarters in the designated parking spaces.
- J. Pool Vehicles:
1. These vehicles are not considered spare vehicles and are not accessed via the Spare Car Peg System.
 2. Use of pool vehicles is coordinated by the Authority's Finance Department through the Executive Assistant to Finance.
 3. For security purposes, pool vehicles are to be locked and parked at the rear of Authority Headquarters in the designated parking spaces.
 4. Pool vehicle usage must also be consistent with the provisions of this Policy, excluding § III. E, Spare Vehicles.



Vehicles

K. Take-Home Vehicles:

1. The Authority, at its discretion, may allocate a take-home vehicle to an employee if such transportation is determined to be required in the fulfillment of Authority duties.
2. Such allocation:
 - a. May be based on, but is not limited to the employee's position:
 - i. Is directly concerned with the management, maintenance, operation, and/or construction of the turnpike;
 - ii. Requires availability beyond the regular work day; and/or
 - iii. Requires ability to respond to emergent situations, at times with proper lighting and communications equipment for official use on the turnpike.
 - b. Is not permanent.
3. Employees with take-home vehicles will be allowed to park the Authority vehicle at his/her place of residence at the end of the business day.
4. Employees with take-home vehicles may be subject to applicable tax if required by the IRS per Publication 15-B.
5. Take-home vehicles shall not be allocated to an employee as a convenience, and the use of a take-home vehicle is subject the provisions of this policy.

L. Assigned Vehicles:

1. The Authority, at its discretion, may assign a vehicle to an employee if such transportation is determined to be required for the fulfillment of Authority duties.
2. Such assignment:
 - a. May be based on, but is not limited to the employee having principal duties involving a significant amount of business travel amongst turnpike property; and
 - b. Is not permanent.
3. When the assigned vehicle is not being used for official Turnpike business, it is to be kept on Authority property as determined by the respective department director.
4. Assigned vehicles shall not be assigned to an employee as a convenience, and the use of an assigned vehicle is subject to the provisions of this policy.



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- M. Employees choosing to utilize a personal vehicle for Authority business travel in lieu of an Authority vehicle will be reimbursed for mileage at the Authority's standard rate per mile set for that year, consistent with the Authority's Policy on Travel and Meal Reimbursement.



Weapons

I. Purpose

- A. The purpose of this policy is to set forth rules concerning the possession of firearms and other weapons while on Maine Turnpike Authority property; and
- B. To maintain a safe work environment for employees of the Maine Turnpike Authority, its customers, business partners, and the public.

II. Policy

- A. All employees of the Maine Turnpike Authority are expressly prohibited from handling or possessing any weapons while on MTA property, which includes:
 1. Any owned or leased MTA building;
 2. Structure;
 3. Facility;
 4. Toll booth;
 5. Property adjacent to or used in connection with MTA buildings or facilities, including any public or employee parking areas; and
 6. Vehicles.
- B. Weapon is defined as:
 1. A firearm or any device designed as a weapon and capable of producing death or serious bodily injury.
 2. Any device that shoots a bullet, pellet, flare or any other projectile, whether loaded or unloaded, including those powered by CO₂, which includes but is not limited to:
 - a. Rifles;
 - b. Shotguns;
 - c. Handguns or other firearms;
 - d. BB/pellet guns;
 - e. Flare guns, stun guns or dart guns;
 - f. Any ammunition for any such devices;



Weapons

- g. Any replicas of the foregoing; and/or
 - h. Any explosive device including firecrackers and black powder.
3. Any device that is designed or traditionally used to inflict harm including but not limited to any knife with a blade longer than three inches, hunting knife, fixed blade knife, throwing knives, or dagger.
- C. Weapons are not permitted to be stored on MTA property, including MTA vehicles and personal vehicles on MTA property.
- D. The MTA may refer any violation of this policy to appropriate law enforcement authorities.
- E. Violation of this policy by employees constitutes misconduct and may subject the offender to discipline including immediate termination.
- F. Violation of this policy by individuals visiting or conducting business on MTA property will result in the individual being required to leave MTA property and may also result in the individual receiving legal action to remain off MTA property.
- G. Exceptions to this policy may include:
- 1. Members of the State Police Troop G who are required to carry a weapon in accordance with departmental policy; and
 - 2. Any other federal, state or local law enforcement officer in the performance of his or her official duties and/or obligations.



Whistleblower Protection

I. Purpose

- A. The Maine Turnpike Authority (MTA) and its employees must abide by internal MTA policies and by the laws, rules and regulations that apply to the MTA.
- B. Furthermore, it is the responsibility of MTA employees to report violations of policy, law, rule, and regulation which they become aware of to the appropriate source.
- C. This policy describes one avenue which is available for reporting such violations – it is not meant to discourage employees from using other methods of reporting, including but not limited to reporting to union officials or appropriate outside agencies.

II. Policy

A. Reporting Procedures

1. Employees are expected to report any condition or activity which the employee has reasonable cause to believe:
 - a. Violates internal MTA policies;
 - b. Violates a federal, state or local law, rule or regulation;
 - c. Reflects fraudulent or dishonest behavior; and/ or
 - d. Risks unnecessarily anyone's health or safety.
2. Employees may report concerns either internally or to the MTA's external third-party reporting service.

B. Internal Reporting:

1. Most situations should be reported to the employee's immediate supervisor.
2. If an employee is not able to report it to a supervisor or is not satisfied with the supervisor's response, the employee may report to the Human Resources Director or the MTA's Executive Director who may be reached:
 - a. At any time on his cell phone at 858-6400; or
 - b. By email: pmills@maineturnpike.com
3. If an employee's complaint involves the MTA's Executive Director, that employee may contact the Chair of the Maine Turnpike Authority Board, Daniel Wathen (622-6311).



Whistleblower Protection

4. If an employee requests that the report be kept confidential, that request will be honored to the extent that it is practical and appropriate to do so.

C. External Reporting:

1. Complaints may also be reported directly to the MTA's external Third-Party Reporting Service.
2. The MTA encourages employees to utilize this option if they are uncomfortable with reporting a concern to MTA staff.
3. The external reporting service will honor any request by an employee to remain anonymous; however, employees should understand that the MTA's ability to investigate or address certain complaints may be hampered by anonymous or confidential complaints.

D. Investigation of Complaints:

1. The MTA will investigate each complaint to the extent practical to determine its merits and the appropriate action to be taken.
2. Complainants should remember:
 - a. It is their responsibility to provide the MTA with information sufficient to investigate complaints; and
 - b. In certain cases, it may not be practical to fully investigate or take action on anonymous complaints.
3. If an investigation discloses unlawful conduct or a violation of MTA policy, appropriate disciplinary action may be taken.
4. In cases involving suspected fraud or financial irregularity, the results of the investigation will be provided to the MTA's compliance auditor.

E. Non-Retribution:

1. The MTA will not discriminate or retaliate against an employee who submits in good faith a complaint as described in this policy or participates in any investigation or legal proceeding arising from any such complaint.
2. This statement applies even if investigation later proves that there has been no unlawful activity or violation of policy involving the MTA or any of its employees.
3. This policy applies to good faith complaints only.



Whistleblower Protection

4. Complaints which a reasonable person would know have no basis in fact, especially when those complaints show intent to harm the reputation of the MTA or a fellow employee shall not be considered good faith complaints.

5. In accordance with the Maine Whistleblowers' Protection Act, the employee who has reported or caused to be reported a violation, or unsafe condition or practice to a public body must first bring the situation to the attention of the MTA and allow a reasonable opportunity to correct it unless the employee has good reason to believe that a report to the MTA will not be effective.



Contact Information

Internal

External Reporting Service

Navex Global is an independent third-party administrator handling confidential reporting via Ethics Point under MTA's Policy on Protection of Whistleblowers

Website Reporting at <https://maineturnpike.ethicspoint.com>

Phone Reporting at 1-866-223-1656



Workplace Harmony

I. Purpose

The Maine Turnpike Authority is committed to ensuring a harmonious and respectful workplace.

II. Policy

- A. The Maine Turnpike Authority promotes and supports an environment where all employees can work and customers are served in an atmosphere free of abusive, demeaning and/or disrespectful behaviors or treatment.
- B. All employees have a right to work in a professional atmosphere and are expected to respect the individual rights, qualities, characteristics and differences of others.
- C. Customers of the Maine Turnpike Authority have the right to courteous, honest and respectful service.
- D. Behaviors, actions, practices, words or activities which are disrespectful, offensive, divisive, demeaning or discourteous are forbidden.
- E. Each employee is expected to treat other employees and customers with dignity and respect, and to practice, encourage and foster workplace harmony.
- F. Employees who act or perform contrary to the principles of this policy shall be considered to be in violation and therefore subject to counseling, discipline and/or dismissal as warranted.