

CONTRACT ADDENDUM

Please read, complete, sign and return this document with your consultant contract. No contract will be approved without this addendum.

SECTION I

PLEASE CHECK IF PROVIDING EMT SERVICES AS OUTLINED BELOW

Emergency Medical Technician

The contractor agrees to provide Emergency Medical Technician duties for the Department of Fire Services (DFS) when requested. The personal immunity provisions of the Massachusetts Tort Claims Act, M.G.L. c.258, cover personnel providing this service to the extent that the contractor is performing services for the Department of Fire Services under DFS supervision. This immunity extends to all acts of negligence but will not extend to intentional torts. Liability for acts of negligence rests with the Commonwealth of Massachusetts.

Emergency Medical Technician duties shall include:

1. Normal instructor or support duties as assigned.
2. In the even of a medical emergency the EMT will administer first aid up to the level of Basic Life Support and/or direct the activities of other DFS staff members in administering first aid up to the level of Basic Life Support and mitigating the emergency.
3. The EMT will continue to provide first aid up to the level of Basic Life Support and monitoring until the victim recovers or is turned over to the care of a medical provider with the same or higher level of medical training as the EMT.

SECTION II

DEPARTMENT OF FIRE SERVICES EQUIPMENT AND PROTECTIVE CLOTHING

Failure to return assigned protective clothing and/or Academy equipment within ten days of a request by DFS will result in automatic termination of the contract and possible prosecution by the Attorney General.

SECTION III

DISCIPLINARY LEAVE: NON-TENURED EMPLOYEES

DFS prohibits personnel from providing services when charged with a felony. If you have an existing complaint issued against you for a felony, or if a complaint is issued or you are indicted for a felony offence during the contract period, you must immediately notify your division director and your employment will be suspended without pay until the outcome has been resolved in your favor. If you are convicted of a felony offense, your contract will be terminated.

SECTION IV

INFORMATION FOR FEDERAL EMPLOYEES SIGNING CONSULTANT CONTRACTS WITH THE DEPARTMENT OF FIRE SERVICES

If you are a federal employee providing instructor/support staff services for DFS, it is recommended that you check with your federal employer to insure that you are not in violation of any federal ethics regulations. DFS is not responsible for individual violations or situations.

If you are made aware of a potential violation, you must notify the payroll office of the DF S immediately. Please indicate by checking one of the following boxes your federal employee status.

- I am **NOT** a federal employee.
- I am a federal employee but do not believe I am in violation at this time.
- I am a federal employee and feel that I am in violation at this time.

SECTION V

PUBLIC PENSION RESTRICTIONS FOR ALL INDIVIDUALS SIGNING CONSULTING CONTRACTS WITH THE DEPARTMENT OF FIRE SERVICES

Massachusetts law imposes certain restrictions on individuals who are collecting a pension or retirement allowance from the Commonwealth, county, city, district or authority.

M.G.L. c.91 (b) states in pertinent part that "...any person who has been retired and who is receiving a pension or retirement allowance...from the Commonwealth, county, city, town, district or authority...may be employed in the service of the Commonwealth, county, city, town, district or authority for not more than nine hundred and sixty hours in the aggregate in any calendar year; provided the earnings therefrom when added to any pension or retirement allowance do not exceed the salary that is being paid for the position from which he was retired or in which his employment was terminated."

In addition, M.G.L. c.32, s.91 states in pertinent part that "Each person referred to in paragraph (b) shall certify to his employer and the treasurer or other person responsible for the payment of the compensation for the position in which he is to be employed the number of days or hours which he has been employed in any calendar year and the amount of earnings therefrom, and if the number of hours exceeds nine hundred sixty, in the aggregate, he shall not be employed or if the earnings therefrom exceed the amount allowable under paragraph (b) he shall return to the appropriate treasurer or other person responsible...all such earnings as are in excess of the allowable amount. The amount of excess not so returned may be recovered in an action of contract by the appropriate treasurer..."

In summary, the restrictions on public pensioners are twofold: a cap of nine hundred sixty hours in a calendar year, and an earnings cap of the difference between the individual's pension and the salary for the position from which he retired.

The following is an example of this formula:

Current annual salary for position which pensioner retired from	= \$50,000
Less current annual pension	= -\$30,000
Maximum amount that can be earned within 960 hours in one calendar year	= \$20,000

Any public pensioner who wishes to work in excess of the statutory restrictions may do so by executing a waiver of his pension or retirement allowance. M.G.L. c.32, s.90B states in pertinent part, "Any person retired from the service of the Commonwealth or any of its political subdivisions...may waive and renounce for himself...any portion of the pension or retirement allowance payable to him...for such period as he may specify in such waiver and renunciation...such person may...include a provision that such shall remain in effect until further notice."

Note: The law places the burden for compliance on the individual pensioner.

Please declare your retirement status by checking one of the following boxes:

- I am **NOT** currently receiving a pension or retirement allowance from the Commonwealth, county, city, town, or district retirement system.
- I have executed a waiver of my pension rights with the appropriate authority pursuant to M.G.L c.32., s.90B and have attached the appropriate documentation.
- I am currently receiving a pension or retirement allowance for the Commonwealth, county, city, town, or district retirement system and certify that I have not worked more than 960 hours in the current calendar year or have not earned an amount in excess of the statutory allowance.

SECTION VI

DRUG FREE WORKPLACE POLICY

The DFS seeks to ensure a safe, healthy, and productive work environment for all employees and contractors. Evidence clearly indicates that substance abuse by employees or contractors results in low productivity, high absenteeism, excessive use of medical benefits, and a risk to their own safety as well as that of their co-workers. In a good faith effort to comply with the Federal Drug-Free Workplace Act of 1988, enacted by Congress, the DFS wants to re-emphasize its long-standing policy against the use of illegal drugs and alcohol on Commonwealth property. It is prohibited for any employee or contractor of the Commonwealth to unlawfully manufacture, distribute, dispense, possess or use controlled substances at the workplace.

The DFS has taken steps to combat the dangers posed by substance abuse. Some resources available to you include the Governor's Alliance Against Drugs which provides drug and alcohol educational materials and is active in local schools and communities; the State Department of Public Health's Division of Substance Abuse which has an information and referral hotline (1-800-327-5050) (TTD 617-547-2111) to help find out about treatment options and resources.

In a further effort to safeguard its employees, the DFS policy calls for disciplinary action, up to and including termination in instances where employees or contractors are found to have engaged in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace. In compliance with the Drug-Free Workplace Act of 1988, all employees and contractors are required to adhere to the provisions and requirements of the DFS.

In addition, all employees and contractors are required to notify the DFS of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction. Any employee or contractor convicted of a drug offense for a violation that occurred in the workplace may be terminated.

SECTION VII.

DOMESTIC VIOLENCE

Executive Order #442 establishes a zero tolerance policy for workplace violence and requires state agencies to promptly disseminate written copies of the policy to all employees. The Executive Order applies to individuals employed on a full time or part time basis by the Office of the Governor or any state agency under the Executive department. Workplace violence undermines the integrity of the workplace and the personal safety of the individual employee. Therefore, the Commonwealth maintains a zero tolerance policy for workplace violence. Effective immediately, it is the policy of the Commonwealth that all of its employees work in an environment free from workplace violence.

SECTION VIII

CONTRACTED HOURS

A Contractor may only work the hours indicated in their contract. In the case of contractors who have contracted with the agency to work or instruct in various programs, prior approval must be obtained from their coordinator, supervisor or the division director to change any hours assigned to the program. Contractors are not allowed to instruct or perform in any capacity that is not defined in their contract.

SECTION IX

INTERNET USAGE

BACKGROUND:

The Executive Office of Public Safety (EOPS) recognizes the importance of using information technology as a tool to meet the business requirements of the Secretariat, its agencies, boards, and commissions, and those of our customers in the most efficient and cost effective manner. The purpose of this policy is to provide guidance for use of the Internet to perform job functions in a manner consistent with the established EOPS and state practices and policies.

SCOPE:

This policy applies to every employee, contractor, or other individual in every EOPS agency, board, and commission who is provided access to the Internet through a state owned or operated network (Users).

1. Internet Access

Internet access provided through a state owned or operated network is intended for business use, including, but not limited to, business related E-mail transactions, reviewing and posting job vacancies, retrieving information from other state agencies, doing research, and communicating with colleagues, vendors, and others for work related matters. Any use of the Internet other than as described herein must be discussed and approved by the employee's immediate supervisor.

2. Personal Use of the Internet

Users are also allowed limited personal use of the Internet such as looking at web sites and sending mail to friends. Personal use cannot be excessive and cannot interfere with agency/board/commission needs or expectations. This privilege of personal use of the Internet is subject to the terms and conditions of the policy established herein, and as amended from time to time, and may be withdrawn in the future, with or without cause, at the discretion of the Secretariat or the head of the agency, board, or commission. **Any personal use of the Internet must be performed on a User's own time, before or after work or during lunch breaks, and must not interfere with agency/board/unit operations or with the user's work responsibilities. A complete copy of the Internet Policy can be found on the DFS Intranet Site: www.dfs@state.ma.us**

Each contractor is obliged to sign acknowledging his or her receipt of the Internet Policy

SECTION X

TRAVEL, MEALS, AND LODGING

Contractors will be paid for travel for any round trip over 70 miles, using a mileage allowance of .45 cents per mile.

Contractors are allowed a time allowance for travel based on the following matrix.

Round Trip Distance	Time Allowance	Mileage Allowance
0 to 70 miles	0 hours	0 cents
71 to 120 miles	1 hour	.45 cents per mile
121 to 170 miles	1.5 hours	.45 cents per mile
171 to 220 miles	2 hours	.45 cents per mile
221 plus (+) miles	2.5 hours (max. allowed)	.45 cents per mile

A contractor who is carpooling may receive a time allowance for traveling in the vehicle on DFS business. The carpooling event must be indicated on the person's auto pay sheet including the odometer reading and the name of the person who drove the vehicle in which they carpoled.

No mileage or time is paid for trip to and from DFS, nor is time or mileage allowed when using a state vehicle.

Please attach a MapQuest or similar route based website to determine approximate reimbursable mileage to the timesheet being submitted. If there is a discrepancy between the odometer and the MapQuest or similar route website greater than 5 miles, you will need to submit an updated MapQuest showing the actual route taken or you will only be paid for the amount in the original MapQuest.

LODGING

Contractors who need to stay overnight must have prior approval of the division director. The agency will pay only for hotel and any taxes incurred. Hotel arrangements will be made by the agency. However, there may be times when a contractor has to pay the hotel bill with his/her own personal charge card and file a travel reimbursement form. The travel reimbursement form will be approved once DFS has received the approved TAF and the cost will be reimbursed back to the contractor.

MEALS

Meals are only allowed **if** you are staying over night.

Meals allowances are reimbursable as follows:

Breakfast	\$5.00
Lunch	\$6.50
Dinner	<u>\$13.00</u>
	\$24.50 per day

Meals for in-state travel are only allowed **if** you are staying over night and will be reimbursed at a rate of \$24.50 per day. No receipts are needed as reference in the DFS Travel Expense Reimbursement Policy and Procedures.

Meals for out-of-state travel are allowed and reimbursable. All requests for reimbursement of meals must be accompanied with a receipt and attached to a Travel Reimbursement Form and submitted to the Coordinator, Supervisor and Division Director for approval. No alcohol and/or tips are allowed for reimbursements. All receipts must be detailed, if not, it will be denied and sent back to the payroll coordinator.

SECTION XI

OUT-OF-STATE TRAVEL (TAF) GUIDELINES

PROCESSING TIME:

Per state regulations, out-of-state travel requests require **prior** authorization. Travel Authorization Forms (TAF) and cover sheets must be submitted no **less than 45 days** prior to travel to allow sufficient time for the completion of the approval process. All requests are processed through the DFS Executive Office and the Human Resources Department, and the EOPS. Requests submitted after this timeframe must explain the reason for the late submission.

EOPS will send back all travel requests.

REQUIRED TRAVEL:

The division director or supervisor must use discretion in the number of individuals requesting authorization to attend the same event. A commonly accepted rule of practice is to allow two-three, maximum, individuals to attend. Beyond three requires a specific explanation for the reason and purpose to attend.

The travel request is more likely to be approved if the travel is required. "Required" means required by some outside agency, not suggested by the division director or supervisor. For example, many grants mandate attendance at certain conferences. If continued funding is contingent on attendance at a meeting or conference, then that travel would be considered required.

Justification letters should explicitly address the need to attend an event. Again, supporting documentation from the sponsoring organization is required. In instances where multiple employees are attending the same event, every effort should be made to conserve costs (sharing rooms, transportation costs, etc).

COVERAGE OF EXPENSES:

A travel request is much more likely to be approved if an outside agency will be paying the bill. Each travel request needs to indicate which agency will be covering the costs associated with the travel. When money for the expenses will be coming out of a federal grant, this means that it will be coming out of federal monies in the Commonwealth budget. It is therefore **not** accurate to state that such travel is at no cost to the Commonwealth. Please indicate "No cost to the Commonwealth" only if funding is entirely provided by an outside entity (i.e. private company, etc).

If approved, covered expenses relate solely to the conference itself (no pre, post conference activity, committee/board meetings).

If it is determined that an employee may attend a conference for work-related reasons but will not be funded by DFS, an employee may be allowed to attend on work time. TAFs must still be submitted.

TRAVEL REQUESTS SUBMISSION PACKET:

When submitting a travel request, the packet must include the following:

1. A **Travel Cover Sheet** listing the name and division of the traveler(s), the main information for the travel and an indication of on which page in the submission packet the appropriate documentation may be found.
2. A **TAF signed by the traveler, the Division Director and the State Fire Marshal**. The TAF needs to have an accurate breakdown of funding between private, state/federal, and personal funds.
3. **Documentation that the travel is required**. This should be a letter from the agency holding the meeting/conference or the agency administering the grant explicitly stating

that attendance is required. A letter of invitation to the meeting/conference does **not** constitute proof that the attendance is required.

4. **Documentation detailing who will be paying for what.** This should be a letter from an agency or private company sponsoring the trip explicitly stating which costs will be covered. If funding is from multiple sources, a specific breakdown of coverage of costs must be provided. Documentation must include the grant account number and an indication that funds are designated for this specific event.

REVISIONS TO A PREVIOUSLY SUBMITTED TAF:

The information on the TAF needs to accurately reflect each person's travel. If charges need to be made, a revised travel request must be submitted.

Changes to **dates**:

If a traveler decides to stay over for extra days at his or her own cost, the revised TAF needs to indicate which days the traveler will be taking as vacation/personal time.

If the dates of the conference/meeting change, a letter from the organizing entity must explicitly state the revised dates.

Changes to **costs**:

If travel expenses change from original estimates, a revised TAF reflecting the new estimates must be submitted with a short memo explaining the changes.

Also attach a copy of the original request (particularly if it has already been approved). This will ensure timely processing of the revisions.

SECTION XII

TRAVEL IN-STATE OVERNIGHT (TIS) GUIDELINES

The same criteria used for approval of out-of-state travel requests also apply to in-state travel overnight requests.

DFS Travel In-State forms must be submitted no less than **two weeks** prior to travel to allow sufficient time for the completion of the approval process. A brief description of the traveler, the reason for attending the meeting/conference, and why the travel is required (along with the appropriate back-up documentation). Even if all of a person's travel requests are mandated by the same clause, please resubmit the information with each travel request.

All requests are processed through DFS for specific reviews and approvals from the budget department. The form, in this case, **does not need** Secretary's Office at EOPS approval.

SECTION XIII

EMPLOYEE REIMBURSEMENTS

When submitting a Travel Reimbursement Form for **out-of-state or in-state overnight travel**, the **approved TAF** must be attached. In addition, receipts for airfare, hotel accommodations and registration fees must be attached (photocopies acceptable).

IMPORTANT: Total expenditures cannot exceed the TAF approved amount. The beginning and end dates on the TAF must coincide with the Travel Reimbursement Form.

Each day's expenditures must be itemized separately.

HOTEL COSTS:

All hotel costs must **be itemized daily** and can include only room and tax.

Other expenses must be clearly indicated and itemized daily (**receipts required**). Telephone calls for official business are reimbursable (Travel Reimbursement Form must indicate calls for official business). Reasonable tips for bellboys, chambermaids, etc. are reimbursable. Tips in association with meals are never permitted. Tipping should never be excessive.

MEAL ALLOWANCES:

Please see previous description (Section X) for meal allowances. Receipts for meals are required for out-of-state travel only.

SIGNATURES:

Traveler must **sign** certification.

Supervisor of travel must **sign** indicating approval.

Approving authority must **sign** indicating approval.

Travel coordinator **prints** their name and ext. on the bottom of the voucher.

SECTION XIV

REPORT OF INJURY

In order to be in compliance with worker's compensation requirements, any contractor receiving an injury shall complete the "Notice of Injury/Illness Report" on the form currently provided. This report should be filled out in its entirety and returned to the Fire Academy Director within 48 hours. In the event that the injured party is unable to complete the report, the lead instructor or program coordinator shall complete as much information as possible and forward the report to the director within 48 hours.

IMPORTANT THINGS TO REMEMBER:

The busy time of year for the Fiscal and Human Resources departments is April through July. Please keep this in mind when submitting travel forms and cover sheets as approval time may be delayed due to the increased volume of contract processing at the closing/opening of fiscal years.

Once a TAF is approved, and there is a change in the approved itinerary, ex. approved to fly, but want to drive instead, a **letter signed** by the **Division Director must** accompany the TAF with

the Travel Reimbursement Form. If a Division Director approval letter is not received, the Travel Reimbursement Form will be returned for proper documentation.

If an employee or contractor is to travel out-of-state for the day, on state business, an approved TAF signed by both the **Traveler and Division Director must** accompany the Travel Reimbursement Form. (Ex. Employee or Contractor attends a meeting in New Hampshire, **a TAF must be approved** before going to the meeting). If a TAF is not received, the Travel Reimbursement Form will be returned for proper documentation.

Travel reimbursements are processed through HRCMS. Because of this, it is important for Travel Reimbursement Forms to be submitted in a timely manner.

A Travel Reimbursement Form, for an employee leaving state service or transferring to another state agency, must be processed prior to their termination date.

It is important to remember that brief explanations appearing on the Travel Reimbursement Form, or with attached separate documentation, such as MapQuest, provide the necessary clarification to satisfy any audit concerns.

Exceptions to general rules always arise, and by providing sufficient clarification it will eliminate the necessity to return the Travel Reimbursement Form for justification.

Please read this document carefully, fill in all pertinent information in the above sections, and **sign** in the designated area below.

For the Contractor:

For the Commonwealth:

(Signature)

(Signature)

(Print Name)

(Print Name)

(Print Title)

(Date)

(Date)