



MASSACHUSETTS
TECHNOLOGY
COLLABORATIVE

MassTech Operating Policies & Procedures

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Conflict of Interest Policy Related to Procurements and Gifts

This policy, which applies to all MassTech employees, defines the rules that govern acceptance of gifts as well as participation in MassTech procurements, specifically focusing on when there is a situation where the integrity of the selection process could be questioned because of an actual or apparent conflict of interest.

Please note: all MassTech employees are subject to the Massachusetts Conflict of Interest Statute, [Massachusetts General Laws Chapter 268A](#), which includes additional prohibitions on behavior not included in this policy. (See Employee Handbook, Section 1.4) Employees must comply with all relevant provisions of the state Conflict of Interest Statute. For more information on how the Conflict of Interest Law applies to state employees, please see: <https://www.mass.gov/learn-more-about-the-conflict-of-interest-law>.

No person can participate in a procurement process if they or any member of their immediate family:

- Has a direct or indirect financial interest in the award of the contract;
- Is currently employed by, is a consultant to or is under contract with a bidder;
- Is in negotiations or has an arrangement concerning future employment contracting with any bidder; or
- Has an ownership interest in, or is an officer or director of any bidder.

To the extent that an employee becomes aware that a MassTech Board member or selection committee member may apply for or have a direct financial interest in the award of a contract, the employee must notify MassTech's General Counsel. In these instances, Board members and selection committee members may be advised to submit a disclosure or similar document in writing to the General Counsel, seek counsel from the State Ethics Commission, or authorize MassTech's General Counsel to contact the State Ethics Commission on their behalf.

Board members, employees, and selection committee members are prohibited from soliciting or receiving any gift, service, favor, or gratuity from any supplier or prospective supplier of goods and services to MassTech.

Employees who have a potential conflict of interest should review their situation with their Department Manager and the Legal Department and may be directed to complete a Conflict of Interest Disclosure Form.

Since the appearance of a conflict of interest is as detrimental to MassTech as a real conflict of interest, individuals should err on the side of caution and disclose every potential situation to their manager, the procurement team leader or the Legal Department. The Legal Department may require the employee to request a ruling from the State Ethics Commission for any situation requiring an advisory opinion.

Financial Assistance Awards

This policy establishes guidelines for the award of financial assistance from the Massachusetts Technology Collaborative, including the programs and initiatives that may be undertaken by the organization or its divisions. Awards of financial assistance generally will require the following:

- The current fiscal year budget, and the federal approved budget, if applicable, includes sufficient funds; and
- The process used to develop the program, undertake activities (e.g., issue solicitations) and recommend awards or expenditures, including any requirement for external review panels or advisory committees, must conform to MassTech policies and procedures and Board directives and any applicable federal award conditions, if applicable.

Eligible Participants:

Financial assistance shall include financial support provided to individuals, organizations or corporations, in any form, including but not limited to grants, sponsorships, loans, investments, services, guaranties or other forms of aid. Financial assistance may include awards in the form of services or commodities provided to an individual grantee, or for the benefit of the public at large. Any recipient of financial assistance derived from federal funds shall be subject to the eligibility requirements under the applicable federal award.

Submissions and Approvals:

- MassTech's preference is that financial assistance will be made available through competitive solicitations. Notice of the availability of such solicitations will be posted to the MassTech website.
- In special circumstances, financial assistance may also be made available to applicants who submit unsolicited proposals that contribute to MassTech's mission and program objectives.
- Grants in the form of services or commodities will be awarded in compliance with MassTech's policies and procedures governing awards of financial assistance but the vendor performing the services or providing the commodities will be procured in compliance with MassTech's policies and procedures governing the procurement of services or commodities, as the case may be.
- The approval requirements for awards of financial assistance shall be based on the dollar value of the financial assistance and are set forth in the attached matrix.
- In special circumstances, the Executive Director, after consultation with and approval by the Chairpersons of the MassTech Board of Directors and, where appropriate, the MBI Board of Directors, may award grants where immediate action is required, provided that a written report of their decisions and recommendation is presented at the next scheduled meeting of the Board of Directors or its Executive Committee, and the MBI Board of Directors, as appropriate.
- An Agreement must be executed by both parties. The agreement must contain a scope and payment terms that clearly establish the basis upon which the award is based. Any agreements with parties determined to be a sub-recipient, as defined by the federal government, shall include applicable flow down requirements set forth in the federal award or other applicable federal guidelines.

Goods and Services Procurement

The purchase of goods and services is necessary to conduct business and to achieve our mission in a productive and cost efficient manner. All decisions to procure goods and services should be made based upon a justifiable business need and should ensure the best value to the organization, and whenever possible should be procured through a competitive process. Examples of the wide spectrum of services that Mass Tech Collaborative will procure from time-to-time include, but are not limited to, consulting, audit, and facility services. Examples of the types of goods that may be procured include computer equipment and software, office supplies and publications. This policy establishes the guidelines for the procurement of both goods and services.

Procurement of goods and services will generally require the following:

- Adequate funding is included in the fiscal year budget or the unbudgeted expense has been justified. If funded under a federal award, the award budget category must have sufficient available funds.
- If being funded by a federal award, directly or indirectly, the goods or services being procured must be allowable costs under the OMB-A87 as codified in 2CFR Section 225, or other applicable costs guidelines.
- A qualified vendor has been selected through one of the following processes:
 - RFP
 - Mini-Bid
 - List-Selection
 - Sole Source
- A cost or price analysis - this analysis may include comparison of bids received under an RFP or Mini-Bid, written or verbal price proposals, or comparison of rates/prices of comparable services based upon prior experience at Mass Tech Collaborative. An explanation of this analysis must be documented.
- A determination by Mass Tech Collaborative staff that the selected vendor offers the best value to the organization and has documented the justification for the vendor selection on the applicable request form. Determining best value is not always limited to a quantitative evaluation. Staff should also consider the vendor's experience, history, and qualifications; the price and quality of the good or service; the timeliness of procurement and provision of service; and other relevant cost/benefit criteria, including the distribution of goods and services procurements in an equitable and appropriate manner amongst pre-qualified vendors.
- A purchase order request in Microix or award in Icerits has been approved in accordance with the attached approval matrix.
- A Purchase Order has been finalized by the Accounting Department; and for a services procurement, an Agreement for Services has been executed by both parties. The agreement must contain a scope of services and payment terms that clearly establish the rates upon which the total fee is based.
- Any procurement funded with federal dollars shall include applicable flow down requirements set forth in the federal award or other applicable federal guidelines and shall be subject to certain additional reporting requirements. These procurements must also comply with any award specific conditions as outlined in the Notice of Grant Award.
- The selected vendor(s) must not be debarred from providing services by either the Federal government or the Commonwealth.

Definitions:

RFP: A request, typically posted on MassTech's website and COMMBUYS, for vendors to provide qualifications, rates and/or costs, and a proposal for a specific project or item(s). Specific vendors requested to respond to an RFP can be either vendors which were pre-qualified by Mass Tech Collaborative, vendors pre-qualified by the Commonwealth (located on the COMMBUYS website), or other vendors that have expertise relating to the project.

Mini-Bid: A request where vendors, with a target of at least 3, are asked to provide qualifications, rates and/or costs, and a proposal for a specific project or item(s). Specific vendors requested to respond to a Mini-Bid are usually vendors which were pre-qualified by Mass Tech Collaborative but can also include vendors pre-qualified by the Commonwealth (located on the COMMBUYS website), or other identified vendors that have expertise relating to the procurement.

List-Selection: Selection of a pre-qualified vendor (pre-qualified by either Mass Tech Collaborative or by the Commonwealth) based upon qualifications and costs, or the selection of a federal, state, or local public agency.

Sole Source: A vendor selected without an RFP, Mini-Bid or List Selection because it has special or unique subject matter expertise or knowledge of Mass Tech Collaborative's business or, in other cases, where time or other considerations prohibit an RFP, Mini-Bid or List Selection. If funded under a federal award, any required pre-authorizations for sole source procurements have been received.

The following are also justifiable circumstances when a good or service may be procured through a sole source selection:

- The vendor provides goods or services that, by their nature, has a sole provider; e.g. a specific conference fee or a sponsorship opportunity.
- It is an incidental purchase for a one-time, non-recurring need and the total value is less than \$5,000.
- It is an emergency that involves unforeseen circumstances requiring the immediate acquisition of goods or services to, for example: provide necessary or mandated services; avoid threat to health, welfare or safety of persons; or avoid a threat of serious damage to property.

See Delegation of Authority Matrix on the next page.

Delegation of Authority Matrix
Under the Procurement of Goods and Services and Financial Assistance Policies

	Sole Source Procurement or Unsolicited Award based upon Fiscal Year Award Amount				
	Division Director/ Department Head	Finance	Legal	Executive Director	Executive Committee/ Board*
≤ \$25,000	X	X	X		
\$25,001 - \$100,000	X	X	X	X	
>\$100,001 0	X	X	X	X	X

	List Selection based upon Fiscal Year Award Amount				
	Division Director/ Department Head	Finance	Legal	Executive Director	Executive Committee/ Board*
≤ \$25,000	X	X	X		
\$25,001 - \$200,000	X	X	X	X	
>\$200,001	X	X	X	X	X

	Mini-Bid or RFP or Solicited Award based upon Fiscal Year Award Amount				
	Division Director/ Department Head	Finance	Legal	Executive Director	Executive Committee/ Board*
≤ \$25,000	X	X	X		
\$25,001 - \$500,000	X	X	X	X	
>\$500,001	X	X	X	X	X

- Division Director includes Director of the MBI, MeHI, MassCyberCenter, CAM and JAIL, or their designee
- Department Head includes the Executive Director, Chief Financial Officer, General Counsel, Chief Human Resources Officer, Director of Research and Communications
- Finance includes: Chief Financial Officer, or their designee
- Legal includes: General Counsel, or their designee

* Any Massachusetts Broadband Institute (“MBI”) matter funded through the Massachusetts Broadband Incentive Funds (Chapter 40J, Section 6C of the MA General Laws) requires the prior approval of the MBI Board of Directors (“MBI Board”) in addition to any approvals required from the Mass Tech Collaborative Board of Directors or its Executive Committees.

Each approved procurement of goods or services or awards of financial assistance shall be deemed to include a delegation of authority to the Executive Director to approve additional funds or expenditures in an amount not to exceed 10% of the approved amount, or \$100,000, whichever is lower.

Submission of “Sensitive Information”

The Massachusetts Technology Collaborative, including all of its divisions and employees, are subject to the requirements concerning disclosure of public records under the Massachusetts Public Records Act, M.G.L. c. 66 (the “Public Records Act”), which governs the retention, disposition and archiving of public records. For purposes of the Public Records Act, “public records” include all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by Mass Tech Collaborative. As a result, any information submitted to Mass Tech Collaborative by a grant applicant, recipient grantee, respondent to a request for response (including, but not limited to an RFQ, RFP and RFI), contractor, or any other party (collectively the “Submitting Party”) is subject to public disclosure as set forth in the Public Records Act.

MassTech employees should not accept any records that are considered confidential or proprietary by a Submitting Party unless specifically approved by MassTech’s General Counsel.

While there are specifically enumerated exemptions contained in the Public Records Act and in other statutes, including Mass Tech Collaborative’s enabling act, MassTech employees should not request or receive information that a Submitting Party would consider sensitive information not subject to disclosure without consulting first with MassTech’s General Counsel. It is the policy of MassTech that if the receipt and review of sensitive information is not absolutely necessary, it should not be received by staff.

To the extent that the receipt by staff of confidential or proprietary information is necessary, certain procedures must be adhered to. Please contact MassTech’s General Counsel for guidance about process for receipt of Sensitive Information. Sensitive Information will be appropriately stored with access limited to those employees who need it, and employees must take care to safeguard any information marked as Sensitive.

Mass Tech’s policy as it relates to employees regarding Sensitive Information has three key elements:

1. Employees should not request or accept any more Sensitive Information—whether of a business or personal nature—than is reasonably necessary for the performance of the Mass Tech’s mission.
2. In the absence of a specific legal requirement compelling disclosure of Sensitive Information in a particular instance, all Mass Tech Collaborative employees are expected to take appropriate measures to safeguard such information from improper use and disclosure.
3. Regardless of whether certain Sensitive Information appears to fit within a statutory exemption from disclosure, it is Mass Tech’s policy to retain all materials submitted by third parties and treat them as public records for purposes of the retention and archiving requirements of the Public Records Act.

Mass Tech Collaborative employees are expected to protect Sensitive Information from improper use and disclosure at all times. This includes but is not limited to: restricting sharing of information except on a need-to-know-basis, marking information as confidential and notifying those receiving it of such, and refraining from discussions of Sensitive Information in public spaces.

Travel and Business Expense Policy

This policy establishes the guidelines that govern MassTech's payment for business travel by employees of the corporation and for actual and proper business expenses that are incurred as a result of performing assigned duties and responsibilities. Particular care and good judgment should be exercised when incurring any expenses for travel or other business purposes.

Payment for travel and business expenses will generally require the following:

- Adequate funding is included in the fiscal year budget or an Unbudgeted Expense Authorization form has been approved. If being charged under a federal grant, the federal award includes sufficient budget for this cost category.
- All travel and business expenses incurred are appropriate, reasonable and justifiable. When traveling on organizational business, staff members should conduct business in a cost efficient manner which is both comfortable and safe.
- For out-of-state or overnight travel, a Travel Authorization form has been approved prior to the travel by Department Head and Finance. Executive Management authorization is also required if the travel is out of the country or expenses will exceed \$2,500.
- All required forms referred to in the procedures have been completed by the employee, have been approved by the employee's Department Manager and the Finance Department, and all necessary receipts and appropriate documentation are attached.
- All expenses that an employee is submitting for payment or reimbursement are allowable expenses, as further detailed in the following sections of this policy, and if being funded with federal dollars are allowable costs as defined by applicable federal guidelines.
- Submission of a final itinerary, schedule, or report of all actual activity completed shall be submitted to your manager and with your travel expenses report to the extent there is a significant change from documentation submitted with the Travel Authorization form.

Other considerations:

- In certain circumstances, an employee's travel may be reimbursed by another entity if the travel is related to a legitimate public purpose and such public purpose outweighs any special non-work related benefit(s) to the employee or the person providing the reimbursement, waiver, or payment. A Travel Authorization form outlining the nature of the travel and reason for the cost(s) being covered by another entity must be approved prior to the travel, and the appropriate State Ethics Disclosure form must be completed and signed by the Executive Director. In these circumstances costs are normally handled the same as all other travel reimbursements and then MassTech seeks the reimbursement from the other entity. Employees who are offered travel costs funded from another entity should consult with Legal and Finance for guidance.
- MTC employees are permitted to extend their business travel agenda to include personal vacation time so long as (i) any personal vacation time is recorded as earned time on time sheets, and (ii) any expenses incurred for personal vacation time are not charged for reimbursement by MassTech or any 3rd party. For example, if a MassTech employee is expected to attend an out-of-state conference as part of their employment responsibilities, it is permissible for the MassTech employee to extend the employment-related trip to spend personal time with friends or family, so long as any expenses or increased costs incurred due to the extension

of the trip are paid for with personal resources and any personal time expended away from the office during regular business hours are recorded as earned time. Clear documentation is very important in these circumstances.

Exceptions to this policy may be authorized on an individual basis by the Executive Director or their designee.

CERTAIN ALLOWABLE TRAVEL EXPENSES

Category	Additional Information or Requirements
Employee owned car mileage	<ul style="list-style-type: none"> Mileage from home or permanent worksite to business travel destination, that is in excess of the employee's normal daily commute Mileage reimbursed at the approved IRS mileage rate
Airfare	<ul style="list-style-type: none"> Traveler should seek lowest fare that reasonably accommodates schedule Any federally funded airline travel must be on a US Carrier or must comply with Fly America Act exceptions
Taxis, airport transfers, tolls, parking fees, public transit fares	<ul style="list-style-type: none"> Traveler should seek lowest reasonable cost option
Hotel	<ul style="list-style-type: none"> Generally for out-of-state travel but, in limited circumstances, in-state hotel expenses may be allowable when traveling an extended distance or when working a schedule outside of normal business hours Standard accommodations; always inquire on the availability of any discounts at time of reservation (e.g. AAA)
Car Rental	<ul style="list-style-type: none"> Compact vehicle; always inquire on the availability of any discounts (e.g. Governmental or AAA)
Employee Meals	<ul style="list-style-type: none"> Out of state/overnight travel - up to \$30* per day including tips Detailed receipt should be included to insure no alcohol is included, or to the extent it is on the bill that costs and applicable tax and tip are deducted from reimbursement request <p>* This is in alignment with the Commonwealth's guidelines for Executive Branch employees, and is a daily allowable amount but it is not a per-diem rate; record the actual meal amount on the reimbursement form.</p>

The list below shows examples of travel related expenses that are **NOT allowed**:

- Costs incurred by unreasonable failure to cancel transportation or lodging reservations.
- Incremental expenses incurred by a spouse or others accompanying the traveler.
- Excessive or extravagant costs (e.g. expensive hotels and/or expensive restaurants); charges for room service (in excess of meal allowance) and other unnecessary hotel services (e.g. movie rentals, mini-bar).
- Other expenses not directly related to the performance of the travel assignment.
- Any expense over \$10 without receipt. (In instances when a receipt is lost or is otherwise unavailable, a written statement of the circumstances may be acceptable and must be authorized by the Department Manager on the Travel Expense Report form; however, exceptions will not be continually made due to poor record keeping by employees.)
- Alcoholic beverages.

CERTAIN ALLOWABLE BUSINESS EXPENSES

Category	Additional Information or Requirements
Business Meals	<ul style="list-style-type: none"> • MassTech business is discussed and is the primary purpose of the meal • Meals extended on behalf of MassTech should be reasonable and proper and have the purpose of establishing or enhancing constructive business relationships • Business meals including only MassTech staff should be on a limited basis and the business purpose of the meal should be well documented • Although MassTech considers certain business meals as an allowable expense, in compliance with Federal regulations business meals are not usually an allowable expense that can be charged against a Federal grant. Please refer to specific grant guidelines for determining whether the meal is allowable.
Business Meetings/Functions	<ul style="list-style-type: none"> • Meetings, including those involving organizational advisory committee members, board committee members, and/or other constituents should be in moderation • Areas of expenditure for business meetings/functions can include food, beverage, and meeting space
Organizational expenses	<ul style="list-style-type: none"> • Expenditures to increase productivity, enhance employee morale or to recognize achievement, longevity, performance or retirement • These circumstances include, but are not limited to: on or off-site organizational social functions, organizational all-staff meetings, quarterly departmental meetings, employee recognition awards and dinners, entertainment; holiday gifts, appreciation gifts (with the value of <\$50 unless approved by the Executive Director); travel and related expenses
Cellular and Smart Phone Allowance	<ul style="list-style-type: none"> • The full allowance for costs related to cell phones is available with Executive Director approval on a limited basis to staff members whom it would benefit the corporation to have the ability to contact at all times. • All other employees will receive a pro-rated allowance based upon the number of days the employee is scheduled to work outside of a MassTech office, as per the employee's Telework Agreement: <ul style="list-style-type: none"> ○ For employees with 3 or more scheduled days in the office, the allowance will be 40% of the current reimbursement rate ○ For employees with 2 scheduled days in the office, the allowance will be 60% of the current monthly reimbursement rate. • All business related phone calls should be made using an employee's cell phone to which the allowance is applied. There will be no additional reimbursement provided for business related phone calls.

Registration, Conference Fees, Training	<ul style="list-style-type: none"> • Fees for conferences, seminars or training related to the employee's position or for professional development that will enhance employee's performance
Professional Licenses and Societies	<ul style="list-style-type: none"> • MassTech reserves the right, in its complete discretion, to pay the costs of, or to reimburse employees for the costs of professional licenses and societies in an area related to the employee's responsibilities; up to \$750 per fiscal year • Reimbursement for licenses/societies within Massachusetts only
Miscellaneous	<ul style="list-style-type: none"> • MassTech has a "Sunshine Fund" which is an optional \$26/yr contribution from employees that may be matched by MassTech, which covers gifts for employees for major life events. See the Sunshine Fund Policy for more information. • Flowers and gifts cards paid by MassTech may be appropriate in moderation for persons outside of the Sunshine Fund. Appropriate persons include board members or a person of special importance to the organization. • MassTech-sponsored employee events may be paid by the corporation, in moderation, for the purposes of collaboration, team building, and training • Requires the approval of the Finance Department in advance

For any travel or business expense not listed, employees should obtain prior authorization by their Department Manager and the Finance Department. The decision will be based on whether such an expenditure, from a consideration of all relevant facts and circumstances, is in the best interests of MassTech. Signature of the Department Manager and the Finance Department on the expense report constitutes the approval of any travel or business expense.

Employees must submit their expense reports on the earlier of (i) 15 business days after the end of any month in which expenses have exceeded \$250, or (ii) 15 business days after the end of any quarter. Employees who do not follow these guidelines may forgo reimbursement for their business expenses incurred during the applicable period.

Time Reporting

Purpose

The purpose of this policy is to provide time and location reporting requirements for Massachusetts Technology Collaborative (MassTech) exempt and non-exempt employees.

Policy

The average workday for a regular full time employee is defined as at least eight hours of work between Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. MassTech full time employees are expected to perform their eight hour work day either remotely or at the Westborough or Boston offices, be in transit between the two, or at an offsite partner or at a MassTech related meeting.

If a full time employee does not complete a minimum of eight hours in the defined work day, they must report earned time. A work hour is any hour of the day that is worked and should be recorded at least to the nearest half of an hour.

Part-time employees are expected to work the scheduled hours and days as agreed upon with their manager and Human Resources in a similar manner to full time employees.

For Exempt Employees:

To meet the organization's goals, MassTech's exempt employees are often expected to work hours beyond a standard 40-hour workweek, including, at times, evenings and weekends. Under federal and state employment law, exempt employees are not eligible for overtime compensation for such additional hours.

For Non-exempt Employees:

In Massachusetts, overtime pay is required when a non-exempt (hourly) worker has completed 40 hours of work in a single week. Any anticipated overtime must be approved in advance by the employee's manager; if not, an employee is not authorized to work the overtime.

Reporting hours

Full time employees must account for eight daily hours worked during Mass Tech's standard business hours in MassTech's time reporting software.¹ The eight hours must be reported as regular hours, earned time off ("ETO"), holiday or other paid leave, unpaid time, or a combination thereof. If the daily total does not equal eight hours, Human Resources will return the time sheet to the employee for correction.

Responsibilities

Each employee is to:

- Accurately report ETO when they are unable to perform eight hours of work within MassTech's standard business hours of 8:00 a.m. to 6:00 p.m., Monday through Friday.
- Submit a written preapproval request for any anticipated overtime (for non-exempt employees only).
- Complete a biweekly timesheet using the appropriate drop down menus for the hours reported and the location (Home, MassTech Location, or Other location).

¹ It may be necessary or required that exempt employees work more than eight hours each day, but they should only account for eight hours worked on a particular day. Non-exempt employees must accurately reflect all hours worked, including those in excess of eight hours.

Each manager is responsible for:

- Ensuring that their staff's time records accurately report eight hours for each workday, whether they be regular hours, ETO, other time category, or a combination thereof.
- Providing in advance, approval for any overtime hours worked (for non-exempt employees only) and ensuring that overtime hours are accurately reported.
- Approving time records in a timely manner for payroll processing.

Non-Standard Work Day Schedule or Location

All employees shall obtain prior written authorization from their manager and the Human Resources Officer to work any long-term (lasting more than one week) non-standard workday schedules or locations that materially deviate from MassTech's standard business hours (8:00 a.m. to 6:00 p.m. Monday through Friday) and locations (Home office, MassTech's Westborough or Boston offices) or the employees' submitted and approved telework agreement. Any short-term (lasting less than one week) non-standard workday schedules or locations need a manager approval and consultation with Human Resources.

Compensatory Time

Nothing in this policy entitles any employee to save up hours worked in excess of their normally scheduled hours in any one week to offset the need to take ETO in the future. If you have any questions about this policy, please contact Human Resources or your manager.



Acknowledgement of Receipt Mass Tech Policies



Affirmative Statement

I hereby acknowledge that I have received and read the Mass Tech Collaborative Policies. I understand that violation of Mass Tech Collaborative policies and procedures can constitute grounds for disciplinary action.

1. Conflict of Interest Related to Procurements and Gifts
2. Financial Assistance Awards
3. Goods & Services Procurement
4. Submission of Sensitive Information
5. Travel & Business Expense Policy
6. Time Reporting

Signature of Employee

Date

Print Name
