



## Instructor Contract Addendum

September 1, 2021

### **Executive Order #595: COVID-19 Vaccination Requirement for Executive Department Employees**

As a condition of employment, successful candidates will be required to have received COVID-19 vaccination prior to the finalization of the hiring process. Details relating to complying with this requirement will be provided to finalists.

Finalists who can provide documentation that the vaccine is medically contraindicated or who object to vaccination due to a sincerely held religious belief may make a request for a reasonable accommodation.

### **SCOPE OF SERVICES:**

The Municipal Police Training Committee (MPTC) has exercised its option to renew this contract for 2022 State Fiscal Year. The contract will extend through (insert date). Future options to renew are at the discretion of the agency, unless otherwise terminated by the Agency or Contractor.

This position is responsible for course delivery and instruction in MPTC training programs. The Training Instructor is responsible for preparing to teach the lessons, obtaining the necessary training materials and equipment, preparing the classroom for training, delivering instruction from prepared lesson plans and materials, conducting practical activities and coaching students. This position is also responsible for administering exams, course evaluations, and instructor evaluations. The Training Instructor will be required to travel within the state and use, lift, carry, distribute, and collect training materials and equipment. A flexible schedule and ability to travel within the state is required to accommodate all assigned training. Program-specific training curriculum and materials will be provided by the MPTC. Classes are generally conducted from 8:00am to 4:30pm or on a needed basis from 4:00pm to 12:00am, Monday through Friday, but may also be scheduled on weekends.

Based on the demonstrated skill set, the Training Instructor may also be asked to review and update or develop curriculum for existing or new programs. Compensation for curriculum review and development will be at the discretion and approval of the MPTC Recruit Curriculum Manager and Curricula Development Coordinator.

At the discretion of the MPTC Executive Director or Director of Training, training may be required to be completed out of state at an approved location. Compensation for the training hours, travel, lodging and a per diem for meals may be reimbursed as authorized by the [Red Book](#) and with the approval of

the Executive Director.

#### **PUBLIC PENSION RESTRICTIONS:**

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. 32, s. 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 (960) 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 plus \$15,000; provided, however that in the first twelve (12) months immediately following the effective date of retirement, the earnings received by any person when added to any pension or retirement allowance the person is receiving shall not exceed the salary that is being paid for the position from which the person was retired or in which the person's employment was terminated."

In addition, M.G.L. c.32, s.91(c) states in pertinent part that "[e]ach 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 has been employed in any calendar year and the amount of earnings therefrom, and if the number of hours exceeds nine hundred sixty (960), in the aggregate, he shall not be employed or if the earning 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...."

The restrictions on public pensioners are twofold: a cap of nine hundred sixty hours (960) in a calendar year, or an earnings cap of the difference between the individual's pension and the salary for the position from which they retired plus \$15,000.00 whichever comes first.

The following is an example of this formula:

Current annual salary for position which pensioner retired	= \$50,000.00
Less current annual pension	<u>- \$30,000.00</u>
Maximum amount that can be earned in 960 hours per year	\$20,000.00
	<u>+ \$15,000.00</u>
	\$35,000.00

**\* The law places the burden for compliance on the individual pensioner.**

#### **COMPENSATION:**

This contract is a fixed rate of \$50.00 per hour of instruction. Training Instructors will be compensated as follows:

- For hours of instruction ONLY in thirty (30) minutes blocks. (example – 8:00am to 12:30pm is 4.5 hours of pay).
- After six (6) hours of instruction you are required to take a half (1/2) hour UNPAID lunch hour

(example – 8:00am – 4:00pm is 7.5 hours of pay).

- Depending on the instruction topic, thirty (30) minutes for class preparation and thirty (30) minutes of breakdown may be allowed. Refer to the MPTC Instructor Hours Chart.
- At the discretion and approval of the MPTC Recruit Curriculum Manager or Curricula Development Coordinator, an instructor may be paid for time spent on curriculum review. A maximum of two (2) hours will be paid for review of a four (4) hour curriculum block. A maximum of four (4) hours will be paid for review of an eight (8) hour curriculum block.
- At the discretion and approval of the MPTC Recruit Curriculum Manager or Curricula Development Coordinator, instructors may receive payment for time spent on curriculum development. A maximum of eight (8) hours will be paid for the development of a four (4) hour curriculum block. A maximum of sixteen (16) hours will be paid for the development of an eight (8) hour curriculum block.

The MPTC does NOT compensate Training Instructors to attend any instructor development courses offered by the MPTC. At the discretion of the MPTC Executive Director or Director of Training, with prior approval, Training Instructors may be compensated to attend an outside agency's instructor development course if the instruction will benefit the MPTC. Prior approval is required.

#### **PAYMENT VOUCHERS:**

Payment vouchers must accurately reflect the hours worked. MGL c. 231 §85BB states:

(a) A law enforcement officer, as defined in section 1 of chapter 6E, who knowingly submits to a state agency, state authority, city, town or agency, as defined in said section 1 of said chapter 6E, a false or fraudulent claim of hours worked for payment and receives payment therefor or knowingly makes, uses or causes to be made or used a false record or statement material to a false or fraudulent claim of hours worked for payment that results in a law enforcement officer receiving payment therefor or any person who conspires to commit a violation of this section shall be punished by a fine of 3 times the amount of the fraudulent wages paid or by imprisonment for not more than 2 years.

#### **IN-STATE TRAVEL EXPENSES:**

Transportation of any kind between the Training Instructor's home address and the training location is not reimbursable for the first fifty (50) miles each way. If the Training Instructor is required to travel to a site that is over fifty (50) miles from their home address, then transportation expenses will be reimbursed for the mileage that exceeds fifty (50) miles.

The following is an example:

Mileage between home and training site, one-way	=	70 miles
Mileage between home and training site, round-trip	=	140 miles
<b>Total Reimbursable Mileage</b>	<b>=</b>	<b>40 miles</b>

Submitting Reimbursement for Travel:

- An Employee Reimbursement Form must be completed within two (2) business days of the training.

- The training location and city or town visited must be reported on the form.
- The date(s) of travel must be documented on the form.
- Mileage reported shall be based upon MapQuest or Google Maps (one-way trip to the venue or round trip).
- A printout of the either MapQuest or Good Maps shall be included with the travel voucher.
- Mileage will be reimbursed at a rate of \$0.45 per mile.
- In addition to the approved mileage rate, reimbursement will be allowed for reasonable charges for tolls and parking upon presentation of adequate documentation for expenses incurred.
- All forms and accompanying documentation must be submitted to the Director of Programs and Standards for approval at [shane.rodriquez@mass.gov](mailto:shane.rodriquez@mass.gov).
- Reimbursement will be included with your direct deposit on the pay period following submission.

#### **PERFORMANCE CRITERIA:**

The Training Instructor's performance will be evaluated based upon course and instructor evaluations submitted by training attendees, as well as random and/or scheduled site visits by the MPTC personnel. The Training Instructor MUST be evaluated annually by the MPTC Instructor Development Team. The Training Instructor is required to maintain the security and confidentiality of any records or data of the law enforcement officers/agencies to which they have access during and after the contract period.

#### **MANDATORY TRAINING AND MEETING REQUIREMENTS:**

Training Instructors will be required to complete required training(s) for the courses in their field of expertise for recertification. In addition, Training Instructors may be required to complete courses as directed by Human Resources. Training Instructors will be required to attend periodic instructor meetings as directed by the MPTC Director of Training or designee. No instructors will be compensated to attend any training required to obtain or maintain instructor certification.

#### **ACCEPTABLE USE OF INFORMATION TECHNOLOGY ASSETS:**

The MPTC information technology assets further organizational goals and priorities. Training Instructors are required to use the MPTC information technology assets in a professional and ethical manner and comply with the Instructor Code of Conduct, relevant agency policies, and applicable contractual obligations.

It is unacceptable for any contract employee to use agency information technology resources:

- In furtherance of any illegal act, including a violation of any state or federal criminal or civil laws or regulations;
- For any political purpose;
- For any commercial purpose;
- To send threatening or harassing messages, whether sexual or otherwise;
- To access or share sexually explicit, obscene, or otherwise inappropriate materials;
- To infringe any intellectual property rights;
- To gain, or attempt to gain, unauthorized access to any computer or network;
- For any use that causes interference with or disruption of network users and resources, including propagation of computer viruses or other harmful programs;

- To intercept communications intended for another;
- To misrepresent either the agency or a person's role at the agency;
- To distribute chain letters;
- To access online gambling sites; and
- To libel or otherwise defame any person.

The following instructions are designed to prevent personnel from engaging in harmful email practices:

- Do not use email accounts for commercial purposes unrelated to Commonwealth business;
- Do not conduct government business through or send confidential information to a personal email account;
- Do not send confidential information to any recipient not authorized to receive such information;
- Do not use email to transmit confidential information in any unencrypted format;
- Do not collect and/or transmit material in violation of any federal, state, or local law or agency policy.

Additionally, contractors must use the MPTC information technology assets appropriately and comply with the following:

- Do not download or install unauthorized software onto Commonwealth-issued devices;
- Avoid excessive use of system information technology resources for personal use, including but not limited to, network capacity (i.e., high use of video streaming technologies).
- Do not circumvent, attempt to circumvent, or assist another individual in circumventing the information security controls in place to protect Commonwealth-issued devices.

**BUDGET:**

This position is on an as-needed basis. The rate of pay will be \$50.00 per hour. There is no guarantee of a minimum number of hours per pay period, month, or year. The MPTC does not reimburse for overtime.

Per Chapter 505 of the Acts of 2014, contractors will accrue paid sick time at the rate of one (1) hour per every thirty (30) hours worked. Sick time will be granted by the MPTC according to the Commonwealth's Earned Sick Leave Policy.

This contract may be amended and/or renewed as needed, contingent upon funding and/or operational needs of the agency, and within the scope of service being performed under this contract.