

CHILD
DEVELOPMENT
SERVICES

REPORT BACK ON
P.L. 2011, c. 616

FEBRUARY 1, 2014

February 1, 2014

Report from Child Development Services (CDS)

Required by Legislative Document No. 1843

H.P. 1364

An act to Implement the Recommendations of the Office of the Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities

§12023. Reports to the Legislature

1. Adoption and implementation status of written policies and procedures required by section 12022 and describing the measures the governing body intends to use to monitor compliance with those policies and procedures.

CDS STATUS REPORT for section 12022. Financial Policies and Procedures

Item 3 – Selection of Vendors (please refer to Appendix A)

- A. Child Development Services will use the State of Maine, Division of Purchases Procurement Process including the Request for Proposal Process as the standard method to competitively pre-qualify vendors for delivery of Early Intervention and Special Education and Related Services for Children ages Birth through school age five as well as for various **FEBRUARY 1, 2014 STATUS:** **Early last fall CDS drafted a rule to address the standard method to competitively pre-qualify vendors of Early Intervention/Early Childhood Special education. Commissioner Bowen stepped down September 12, 2013 and there was not an acting Commissioner appointed for several months. The DOE was without a Commissioner to give input on the draft rule and to shepherd the process. Given that circumstance and that CDS has made steady progress, the DOE decided not to pursue rulemaking this legislative session. This will be revisited for the next legislative session given the establishment of consistent leadership within the Department of Education.**

(Please refer to progress and changes at CDS in the attached letter to Commissioner Sawin Millett, Jr. from Commissioner Steven Bowen dated 9/9/2013 regarding the Advisory Committee on Fair Competition with Private Enterprise)

Key improvements now in place are:

- All provider contracts are generated from the State CDS office, which has dramatically streamlined the process and increased consistency statewide.

- The provider contract and requirements have been significantly revised, with increased clarity of language and expectations that are in line with the Maine Unified Special Education Regulations.
- A navigation bar on the CDS state website provides information and required documents to the CDS providers.

B. Competitive Procurement may need to be waived during the course of a given fiscal year, after awards and contract establishment have been put in place in the event that identified children cannot be timely served by the current cadre of qualified vendors **FEBRUARY 1, 2014: NO UPDATES**

C. Procurements exceeding \$10,000 not competitively procured will be justified in writing and maintained at the CDS central office within the Fiscal Department for a five year period. **FEBRUARY 1, 2014: CDS successfully developed an RFP for completion of the annual fiscal audit and an award was made with a successful contract negotiated for last year with a renewal option over 3 years. In addition, CDS currently has an RFP for a new Early Childhood Intervention Management System (a new data system) that is in the bidder review process right now. An award is anticipated in the next few weeks. This new data system is critical to further improvements to the CDS system on a statewide basis.**

Item 4 – Contributions

FEBRUARY 1, 2014: NO CHANGES/UPDATES

- A. Payment of membership dues to the Maine Administrators of Services for Children with Disabilities (MADSEC) for the nine regional CDS Directors, the State Director of Early Childhood Special Education and the Deputy Director has been a long established past precedent in the management employment agreement with these staff.
- B. MADSEC memberships are budgeted and accounted for in the administrative expenses of the regional budgets and in the aggregate total.
- C. Documentation is required in the form of a registration form, a membership certificate and is kept both locally and with fiscal backup at the state office.
- D. The budget is reviewed and approved at the state CDS office and in conjunction with the MDOE staff.

***CDS makes no other contributions as described in the definitions in section 12021-3.**

Item 5 – Travel, meals and entertainment (please refer to Appendix B)

FEBRUARY 1, 2014 NO CHANGES/UPDATES

- CDS does not support payment for any form of entertainment.
- A. Travel and meal costs are required to be directly related to staff job descriptions.
- B. The CDS policy addresses the person's for whom CDS will pay travel, lodging and meals and under what conditions.
- C. Prior approval of lodging expenses is required and documented, travel and meals are documented, verified, approved and either paid directly, depending on the circumstance or reimbursed to the employee via the payroll department.
- D. All travel, lodging and meals are expensed as distinct line items in the CDS budgets and recorded in the accounting documentation.
- E. The annual budget is approved by the CDS State Director and MDOE staff and periodic reports on actual costs are provided to the MDOE.

Item 6 – Lobbying –

FEBRUARY 1, 2014 NO CHANGES/UPDATES

- CDS does not and may not retain a paid professional lobbyist.

**Child Development Services
Request for Proposals
FOR
eCIMS**

**Child Development Services
Mileage Reimbursement
Policy DJB**

Travel, Lodging and Meal Reimbursement Policy

It is the policy of Child Development Services to provide for reimbursement of employee expenses for:

- travel with their own vehicle for CDS business.
- meals and lodging while an employee is away from their normal working and living residence while on official business.

This policy has adopted the rules set forth in Chapter 10 of the State of Maine State Administrative and Accounting Manual issued by the Office of the State Controller and will be updated accordingly.

Part I – Basic Rules

Assignment of Official Headquarters

Each CDS employee will be assigned an official headquarter by the CDS Regional site Director.

1. All employees will be assigned to the Main or Satellite Office of the Regional Site.
2. For employees whose duties are at the other than an established CDS Main or Satellite Office more than three days per week, the designed official headquarters may be the official's residence, if approved in writing by the CDS State Director and such designation is advantageous to CDS without prejudice to the employee.

Regional Site responsibilities

CDS Regional Site Directors and their designees for directing travel and approving reimbursement, are to:

1. Ensure that any travel costs incurred are:
 - Directly work related,
 - Obtained at the most economical price,
 - Obtained at the most efficient method, and
 - Both critical and necessary for CDS business.
2. Exercise prudent judgment in approving travel-related costs.

Restrictions on reimbursement for privately-owned motor vehicle use

Definitions of terms used in Mileage Reimbursement Rules:

Points of Travel:

Official Residence (OR) – an employee's home

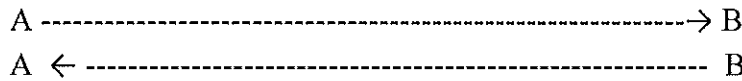
Official Duty Station (OS) – the worksite to which the employee is normally assigned

Note: For employees who are headquartered out of their homes, their OR and OS are one and the same.

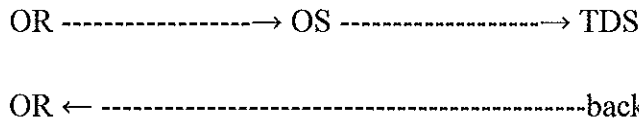
Temporary Duty Station (TDS) – a location where the employee is assigned to work on a temporary basis.

Types of Trips:

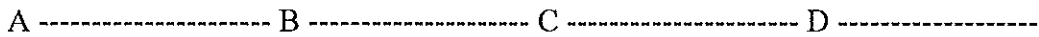
Round trip – the employee travels from one point to another and returns to the first point. It involves no stops between the first and second point in either direction.



Triangle – the employee travels between the OR, OS and TDS and back to the OR. An employee may also travel to the TDS before the OS, that is, from the OR to the TDS to the OS, and back to the OR.



Straight Line – the employee travels between two points and may make one or more stops along the way in one or both directions.



Mileage Reimbursement Rules

- A. When an employee travels between his OS and his OR in either direction without stopping at a TDS the employee’s mileage is **never** reimbursable.

- B. All miles are reimbursable when an employee travels between TDSs.

Round Trip

- 1a. When an employee travels from an OS to a TDS and back to the OS, all miles are reimbursable.

- 1b. When an employee travels round trip directly between his OR and a TDS and back to his OR, he is reimbursed for the lesser of the round trip miles between his OR and the TDS or the round trip miles between his OS and the TDS.

Example: An employee lives in Topsham (OR) and works in Lewiston (OS). The employee has a day appointment in Lisbon (TDS) with Head Start Director. How do you calculate the miles?

- 1. Miles from Topsham (OR) to Lisbon (TDS) equals 9 miles. Round trip equals (2*9) miles.
- 2. Miles from Lisbon (TDS) to Lewiston (OS) equals 8 miles. Round trip equals 16 (2*8) miles.
- 3. Answer: Lesser miles calculated in #2 or 16 miles.

Triangles

2a. When an employee travels as part of a triangle between a TDS and his OS, in either direction, all miles are reimbursable.

Example: An employee lives in Topsham (OR) and works in Lewiston (OS). The employee has scheduled a meeting in Monmouth (TDS) for 8:00 am and will be leaving from home to go to Monmouth. The employee goes to the office (OS) after his meeting in Monmouth. How do you calculate the miles?

1. Miles from Topsham (OR) to Monmouth (TDS) equals 8 miles.
2. Miles from Lewiston (OS) to Monmouth (TDS) equals 17 miles.
3. Employee gets reimbursed for 8 miles for the first meeting.
4. Employee travels to office (OS) from Monmouth (TDS) and gets reimbursed for 17 miles.
5. Employee goes home (OR) from the office (OS) and does not get reimbursed for traveling home.

2b. When an employee travels as part of a triangle between a TDS and his OS, in either direction, all miles are reimbursable.

Straight Lines

3. If there is one or more TDS between an employee's OR and OS in a straight line, reimbursement is made in accordance with 2a and 2b of the triangle rules.

Additional

Working during hours or days that the employee is not normally scheduled to work **does not** entitle the employee to reimbursement for transportation mileage expenses incurred between their official residence and their official headquarters.

Example: Employee works 10 hour days Monday through Thursday and has Fridays off. The employee is required to come into the office on Friday, to take care of an emergency. The employee leaves from home and travels to the office to take care of the emergency and returns home. The employee is not entitled to mileage reimbursement, since the trip is considered the employee's normal commute.

When an employee is assigned to work at more than one location (building) within their official headquarters, they may be reimbursed only for the miles driven between the work locations. The mileage from home to the additional work/training location is not reimbursable if it is in the same city as the official headquarters.

Ed Techs assigned to a specific location does not receive reimbursement for mileage. The specific location becomes his/her Official Duty Station (OS) and traveling from his/her home would be considered commuting. If the assigned specific location ends for any reason the

employee may be reassigned to another location which becomes his/her new Official Duty Station (OS).

Reimbursement for the use of a privately owned motor vehicle is payable to only one traveler when two or more travelers are traveling in the same motor vehicle on the same trip.

All out-of-state travel must be approved by the CDS State Director prior to booking the trip.

Part II – CDS Accountability Plan and Employee Mileage Reimbursement Form

CDS Accountability Plan

CDS has an “Accountable Plan” as defined by the Internal Revenue Service and is not taxable to the employees. Amounts paid under an accountable plan are not wages and are not subject to income tax withholding and payment of social security, Medicare, and Federal Unemployment (FUTA) Taxes.

In order to qualify as an accountable plan, the reimbursement or allowance arrangement must require that the employees meet all **three** of the following rules:

1. There must be a business connection to the expenditure. This means that the expense must be a deductible business expense incurred in connection with services performed as an employee. If not reimbursed by the employer, the expense would be deductible by the employee on his/her 1040 income tax return.
2. There must be “adequate” accounting by the recipient within a reasonable period of time. This means that your employees must verify the date, time, place, amount and the business purpose of the expenses. Receipts are required unless the reimbursement is made under a per diem plan.
3. Excess reimbursement or advances must be returned within a reasonable period of time. Reasonable depends upon facts and circumstances.

If the expenses covered by this arrangement are not substantiated or amounts in excess of expenses are not returned within a reasonable period of time, the amount is treated as paid under a nonaccountable plan. This amount is then subject to income tax withholding and payment of social security, Medicare, and FUTA taxes for the first payroll period following the end of the reasonable period.

Employee Mileage Reimbursement Form

The Employee Mileage Reimbursement Form has been revised to include the employee residential city or town, position, miles (residence to site) and location of site. Please note mileage reimbursement must be submitted within 90 days of mileage reimbursable expense.

- Reimbursable miles are calculated according to the formula – lesser of the miles.
- Please attach receipts for tolls, etc.
- Only originals will be accepted for processing.

