



November 3, 2010

Northeast Fisheries Observer Program Policies
Observer Performance Monitoring, Review, Probation and Decertification

Monitoring Data Quality:

The Northeast Fisheries Observer Program (NEFOP) holds monthly Data Quality (DQ) meetings to review all aspects of the programs data quality. One of the key elements of these meetings is for the Data Quality Lead, Data Editors and various NEFOP staff to discuss performance of individual observers. Editors summarize observer data quality, including submission errors, communications, timeliness, and following sampling guidelines. Their feedback is presented to the Data Quality Lead for review and discussion.

Pre-Probation:

If the Data Quality Lead finds that there are significant issues with the performance and/or data submitted by an observer, s/he will provide to the Area Leads (Northeast, Mid-Atlantic and Groundfish) and the Branch Chief a written record of the issues and recommend that the individual be monitored for pre-probation. Reasons for pre-probation could include: poor data collection, not understanding nor adhering to NEFOP protocols, and not contacting their editor in a timely manner. The Data Quality Lead will refer their findings in writing (e-mail) to the Branch Chief who will then submit the memo in writing (e-mail or letter) to the Observer Contract COTR to ensure that the Program Manager, Area Coordinator(s), and the observer are notified of the issues and concerns. Additionally, the Data Quality Lead will be the first to inform the observer, by phone or in person, that they have been placed on pre-probation and explain their pre-probation plan to them. At this time, the observer will discontinue trips until they are notified by the Data Quality Lead. Additionally, the observer will be required to attend an in-person debriefing at Falmouth Technology Park or an alternative agreed upon location. The observer may be required to take two or more pre-probationary trips. After each trip, the observer will have to wait to continue to take anymore trips until they have been debriefed by their editor. The Data Quality lead will send an e-mail to the Program Manager and the Area Coordinator when the observer is approved to continue. If there is no discernable improvement in the observer's performance within the first two trips after they have been notified of their pre-probationary status, probation will be recommended. The observer's pre-probationary trips will not be coded as training trips in the database. The two pre-probationary trips should take place within 2 months after the observer has been informed of their pre-probationary status. Situations that cannot meet these criteria can be dealt with on a case by case basis.

Probation:

If probation is recommended, the Data Quality Lead will provide a written memo to the Area Leads (Northeast, Mid-Atlantic, and Groundfish) and the Branch Chief explaining why the

observer is recommended for probation. The Branch Chief will be notified who will then in turn, notify the Observer Contract COTR, the Program Manager, and the observer of their decision of the probationary action, in writing.

An emergency probationary may be invoked at anytime if there was reason to believe some egregious violation of procedures or protocols had been committed. This action will be carried out by the Branch Chief following discussions with Area Leads, and Data Quality Lead. The Branch Chief will notify the Observer Contract COTR, the Program Manager, and the observer of their decision in writing. Typically this is a short term probation pending an investigation as to the nature of the offense and may result in decertification and/or criminal charges.

Once the Program Manager is made aware that the observer will be placed on probation, the Data Quality Lead will contact the observer to inform him/her of the decision. Once notified that s/he is on probation the observer shall cease conducting trips and schedule a debriefing at Falmouth Technology Park, or other agreed upon location. Prior to this meeting, a performance plan will be developed that will summarize the major issues the observer must improve upon before the end of their probationary status. It will also entail what types of trips (i.e., gear types and trip duration) the observer should go on. After the debriefing, three trips will be planned. Each individual trip must be completely reviewed and approved before the observer deploys on successive trips. If these three trips are deemed acceptable, the observer may continue taking trips in the standard manner. If the trips are deemed unacceptable or other errors have occurred the observer may be kept on probationary status for a longer period of time or may be decertified.

Once an observer is placed on probation, their trips will be treated by the NEFOP as a priority trip for editing. The observers probationary trips will also be coded as they were intended (not training trips) in the database.

Decertification:

If there is no discernable improvement in the observer's performance during the three probationary trips, the observer will be decertified by the Branch Chief. Decertification will be communicated by written notification to the Observer Contract COTR, the Program Manager, and the observer. Once the Program Manager is made aware that the observer will be decertified, the Data Quality Lead will contact the observer to inform him/her of the decision.

An observer will be decertified, regardless if they have been on probation or not, who fail to abide by the established standards of conduct and conflict of interest, or whose performance is determined to be unsatisfactory.

An observer will automatically be decertified for failure to conform to the Standards of Conduct signed during observer training. An observer will be decertified if they falsify data. Falsification is defined as: *The act of deliberately or knowingly fabricating data collected during observed fishing trips, this includes intentional recording of inaccurate data, intentional omission or deletion of data, intentional plagiarism, or, in general, the selective alteration of data.* The decertification procedure is subject to appeal in writing from the observer to the

Branch Chief. The Branch Chief's determination of decertification is final. Decertification would disqualify an observer from re-applying to work with the NEFOP.

Any observers who are decertified will not be considered eligible for the bonus during the respective performance period.

Expiration of Certification:

If an individual has not completed an observed trip as a certified observer in the Northeast Fisheries Observer Program over a one-year period, their NEFOP certification will expire. To become recertified, a full three week NEFOP training is required.

Leave of Absence:

If an observer goes on a Leave of Absence (LOA) they must notify the COTR of the following information:

- Name of observer
- Expected start time of LOA
- Estimated duration of LOA

If the observer is going on an LOA for a month or more the contractor must collect the NMFS issued gear and Common Access Card (CAC) from the observer. They can either store the gear in their own facility or send to the NEFOP in Falmouth, MA. If the observer is expected to be gone for more than 6 months or the provider is unsure if the observer will be coming back to the program, they must complete an in-house exit interview that should be scheduled with the COTR. If that's the case, the gear and CAC will be returned to NMFS and stored until the observer returns from their LOA. Finally, for all observers who are leaving for over a month, they will be required to call into their editor before they deploy on a trip for a debriefing.

Industry Funded Scallop (IFS) Dredge Certification Requirements:

* IFS Observer Candidates that fail to become certified within four (4) trips post classroom training due to continued data quality problems will, be decertified for Scallop Dredge.

* IFS Certification must be completed within six (6) months of completing in-house training, or the candidate will be decertified (extenuating circumstances can be *considered if* communicated to NEFOP by the Provider).

* No more than two (2) months shall elapse between certification trips during the certification process (extenuating circumstances can be *considered if* communicated to NEFOP by the Provider).

* In order for observer candidates that have been decertified to be considered as future observer candidates, they must apply for and successfully complete the in-house training and

certification process.

* All IFS Observers are expected to successfully complete an annual trip to maintain certification.

Scallop Trawl

* opportunity for the certification, must be current IFS Scallop Dredge certified in good DQ standing to attend