

**Commissioners' Policy Manual
for the
Pennsylvania Fish and Boat Commission**

Prepared and Approved by:
The Board of Commissioners

July 17, 2012

(In the event that there is a conflict between any of the Commissioners' policies and the law, the applicable law will govern.)

COMMONWEALTH OF PENNSYLVANIA
Fish and Boat Commission
Policy Statement

Board Ends

1. The Board recognizes the agency's mission: to protect, conserve, and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities. It represents and owns this mission and recognizes that its responsibility begins and ends with preservation, protection, and enhancement of the resources that are necessary to fulfilling its mission.
2. The Pennsylvania Fish and Boat Commission's (PFBC or Commission) independent status is critical to fulfilling its unique mission. Its independence provides the flexibility to act upon the substantial challenges and opportunities it faces. The agency must recognize its challenges and opportunities and capitalize on its uniqueness by aggressively partnering and reaching out to external organizations that can assist it in fulfilling its mission.

The Commission also operates in a highly competitive environment. That competition may assume many forms. Some, but not all, of which include:

- A. The various demands and uses imposed upon our natural resources.
- B. Public access concerns.
- C. The Commission's ability to attract, equip, and retain qualified employees.
- D. The need to execute tasks competitively.
- E. The numerous recreational alternatives available to end users.
- F. Competition from other agencies for funding, regulatory jurisdiction, and program administration.
- G. Access to funding sources.

These factors represent significant, ongoing concerns. They must be met with new and creative approaches. A broad appreciation for the importance of leveraging and optimizing the allocation of the agency's assets is required to augment, enhance, and supplement its efforts.

3. "Resource First" is a philosophy that describes the first priority of the Commission's mission and that of the Fish and Boat Code, as well as the Commission's fundamental role in fulfilling and supporting the provisions of Article 1, Section 27 (Natural Resources and Public Estate) of the Constitution of the Commonwealth of Pennsylvania.

It represents:

- A. The Commissioners' belief that the Commonwealth's aquatic resources are the valuable collateral that secures all fishing and boating activities.
 - B. The notion that protecting, conserving, and enhancing the Commonwealth's aquatic resources is the agency's first management priority.
 - C. The Commissioners' expectation that the agency's activities, regulations, and methods of work will be evaluated and practiced within the context of this priority.
- 4. The Board will ensure that the Commission is always operating under a current strategic plan.
 - 5. Understanding that it is the staff's job to execute the legislative agenda while the Board monitors and supports their efforts, the Board will work with the Executive Director and staff to develop and continually update its legislative agenda.
 - 6. The Board will conduct all of its activities in accordance with the Public Official and Employee Ethics Act, the Governor's Code of Conduct, and other standards that may be adopted.

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Board Means

1. The Board acknowledges that its central role is to govern and formulate policies to fulfill its role. It will strive to support the agency's mission by developing, adopting, and enforcing policies that are proactive, aggressive, and focused on the long-term health, protection, and development of the Commonwealth's aquatic resources and the recreation they provide. These policies will be directed toward maintaining a balance between the critical factors that influence fishing and boating opportunities and the health and natural function of the Commonwealth's various watersheds. Those factors include the species we are charged with protecting within those watersheds, the habitat that supports that life, the people who enjoy and utilize the resources, and the long-term viability of the Commission.
2. The Board will give overall guidance and direction to the ends to be addressed in the agency's strategic plan. The Board will expect the Executive Director to develop and maintain a current strategic plan and hold the Executive Director accountable for staying focused on the ends identified by the Board.
3. The Board will develop and promulgate regulations that are consistent with supporting the agency's mission. It also acknowledges that accomplishing this mission requires a critical analysis of the intersection that occurs between the resource, the people, and the natural habitats that support the resource.
4. The Board will educate itself regarding the resource and the people it represents.
5. The Board's education will be facilitated by:
 - A. Reviewing reports, presentations, and other materials prepared by PFBC staff and any external sources it deems appropriate.
 - B. Studying issues and concerns of resource users and key experts.
 - C. Discussions with elected officials, consumers, and service providers.
 - D. Monitoring the demand, affects, and utilization of services, regulations, and programs.
6. The Board will focus on strategic leadership rather than administrative detail. Therefore, its role will be:
 - A. Proactive rather than reactive.
 - B. Strategic rather than administrative.
 - C. Distinct from that of the Executive Director and the staff.

- i. The Board will establish policy.
- ii. The Board will expect the Executive Director to abide by its policies.
- iii. The Board will not interfere with the Executive Director's right to establish operating policies within the context of Board policies and limitations.

7. To that end, the Board will:

- A. Deliberate in many voices but govern in one.
- B. Be responsible for excellence in governing. It will initiate policy and resist efforts on the part of others to impose policy directives without formal consideration and adoption by the Board, be self-regulating, and discourage Commission behavior that is inconsistent with its policies and mission. It will govern and inspire the organization through the careful establishment of written Board policies that reflect the Board's values and desired ends.
 - i. Such policies will focus on short-term consequences and long-term impacts.
 - ii. They will reflect a firm commitment to managing and understanding the needs of the Commonwealth's watersheds and its people.
 - iii. They will avoid operating, administrative, and programmatic means of achieving those ends.
- C. Ensure the Executive Director achieves Board ends by monitoring his progress and imposing specific, written limitations.
- D. Recognize that its first priority is to that of the Commonwealth as a whole.
- E. Use individual areas of expertise to enhance its ability as a governing body to fulfill its mission rather than substituting individual judgments for Board values and policies.
- F. Solicit information from whatever sources it deems appropriate.
- G. Be prepared for meetings.
- H. Ensure the orientation of new members in its governance process to maintain continuity of governance capabilities.
- I. Review and monitor its processes and performance regularly to assure that its activities and disciplines are consistent with its governing role.
- J. Develop its agenda in consultation with, but not under the exclusive direction of, the Executive Director.
 - i. Board members are encouraged to provide timely input into the development of the agenda to their committee chairmen.
 - ii. The President and Executive Director are expected to work collaboratively toward the development of a final agenda for Board meetings.
- K. Expect its President to assure that Commissioners comply with these policies and take the necessary actions to enforce such compliance.
- L. Promulgate regulations in an open and deliberate manner that incorporates such input as the Board deems appropriate and is required by law. Input should represent the most current research and information available. Recognizing the importance of maintaining suitable regulations and the potential for unproductive complexity and unintended consequences, the Board should assure that ample time for its considered

- debate and evaluation is allowed. The Board must assure that regulations are precise, understandable to the public, and consistent with its policies. In addition, the Board will, at all times, seek to simplify regulations.
- M. Constantly strive to improve upon its ability to envision and articulate the future and its relationship to its mission.
 - N. Insist that all of its activities and those of its Executive Director be prudent, ethical, and legal.
 - O. Avoid actions or commitments on behalf of the PFBC without prior review and formal consent of the Board.

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Committee Policy

The President may, from time to time, establish committees to assist it in fulfilling its responsibilities.

Limitations:

1. Committees will be used sparingly so as to avoid interference with the wholeness of the Board's job.
2. Committees will not be formed without a well-developed, written charge that defines their respective roles, their membership, suggested staff contacts, specific objectives, and targeted accomplishments.
3. Committee assignments, committee chairs, and committee vice chairs should be announced by the President prior to the fall meeting each year.
4. Standing committees can be established by the President for specific purposes.
 - A. Committees will be comprised of Board members only. However, committees may access PFBC staff, resource users, interested groups, and outside experts when they believe their opinions and expertise can lend value to its deliberations.
 - B. Committee chairs will report on their respective committee activities at the next regularly scheduled Commission meeting.
5. From time to time, the President may establish, in his or her sole discretion, special committees to address specific areas of concern regarding Board governance and monitoring. The President or a Committee chair may establish workgroups comprised of Commissioners, staff, and, when appropriate, members of the public to gather information and report its findings to the appropriate committee.
6. Both standing and special committees are to help the Board in developing policy and doing its job more effectively.
7. The Board will assure that committees and workgroups do not conflict with the authority or direction it has delegated to the Executive Director.
8. Committee roles and responsibilities may not be changed without the consent of the Commission President and the committee chair. If the two are unable to agree, the

Commission President or committee chair may present the proposed changes to the Board of Commissioners for final resolution.

9. It is recognized that Board and committee meetings at which a quorum of the Board or committee members, respectively, are present are considered public meetings (unless specifically exempted from the Sunshine Act) and must be held in an open, public forum.

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Board Relationship with the Executive Director

The Board's authority to staff will be delegated through the Executive Director. Therefore, all authority and accountability of staff are considered to be the authority and accountability of the Executive Director.

Means

1. Such delegation will be consistent with the with the Board's Human Resources Policy and section 304 of Fish and Boat Code.
2. The Commission shall appoint to serve at its pleasure and, with the approval of the Governor, fix the compensation of an Executive Director who shall be the chief executive officer of the Commission and attend to its administrative work and have charge of all activities under the jurisdiction of the Commission.
3. The Executive Director shall be the chief waterways conservation officer of the Commission and shall have charge of, direct, supervise, and control all waterways conservation officers, deputy waterways conservation officers, and employees of the Commission.
4. The Board will direct the Executive Director to meet specific ends. The Executive Director will be responsible for developing a strategic plan consistent with those ends to guide the agency's actions and decisions.
5. The Board will also limit the latitude the Executive Director may use to achieve those ends (See Executive Director Limitations).
6. The Executive Director is accountable for the entire agency meeting expectations and will be evaluated accordingly.
7. The Board will monitor and evaluate the annual progress the Executive Director is making toward achieving Board Ends and staying within Executive Limitations.
 - A. The Executive Director will provide the Commissioners with at least quarterly updates on his progress in implementing the strategic plan. Such updates shall include an overall written report from the Executive Director and may be supplemented by oral presentations by staff and discussions during Board Committee meetings. The Executive Director is expected to report on both progress and difficulties in implementing the plan.

8. The President of the Board will coordinate the annual evaluation of the Executive Director with input from all Commissioners. In their evaluation, the Commissioners will utilize quarterly strategic plan implementation reports and any other information it deems appropriate relative to the Executive Director's job performance for the preceding year. The performance evaluation will be presented to the Executive Director in executive session at the October Commission meeting. This evaluation is considered a confidential personnel matter between the Board and the Executive Director.
9. The Board expects the Executive Director to interpret its policies reasonably. To that end, the Executive Director may make all decisions, take all actions, establish all practices, and develop all activities necessary to achieve the Board's policies while remaining within the Commissioners' written Executive Limitations.
10. The Board may change its policies at any time. By doing so, the Board could alter the specific results to be achieved and/or the boundaries within which the Executive Director must function. However, so long as a particular policy and delegation are in place, the Board will respect and support the Executive Director's choices.
11. Only decisions of the Board acting as a body are binding on the Executive Director. The only exception may occur in those rare circumstances when the Board specifically authorizes, such authority as a group or through its President.
12. If Board members or committees request information or assistance without Board authorization, the Executive Director may refuse to provide such information if, in his/her judgment such a request would require inordinate use of staff time, imprudent commitment of agency resources, or loss of focus on Board policies or the strategic plan.
13. Board members may consult directly with staff for the purpose of asking questions and gaining information. However, Board members will not place demands upon the staff that involve inordinate time commitments, expenses, or diversions from previously defined policy directions.
14. Board members will not provide direction to the staff.
15. Questions about the proper role of the Commissioners in dealing with staff will be directed to the Executive Director.

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Executive Director Limitations

The Executive Director will not:

1. Cause or allow any Commission practice that is illegal, imprudent, unethical, or in violation of commonly accepted business or scientific practices.
2. Cause or allow the Board to receive staff information with significant gaps in timeliness, accuracy, completeness, or objectivity.
3. Cause or allow information to be withheld from the Board that may assist it in evaluating or formulating its policies.
4. Jeopardize Commission assets through inadequate maintenance, unnecessary exposure to risk, or failure to comply with regulatory requirements. It is understood that budgetary limitations may force the Executive Director to prioritize maintenance programs with the result that some items may suffer.
5. Cause Commission staff or volunteers to be exposed or subjected to unfair, undignified, or unsafe treatment or conditions.
6. Unnecessarily expose the Commission, staff, or Board members to claims of liability.
7. Fail to maintain a current strategic plan.
 - A. The Executive Director will not exclude input from the staff, outside sources, and the Commissioners in the development of the Commission's strategic plan.
 - B. Fail to meet the criteria of being specific, measurable, action-oriented, realistic, and time-bound (SMART) when establishing goals in the agency's strategic plan.
8. Fail to develop fiscal year budgets and annual plans of work that are aligned with the strategic plan.
9. Fail to pay Commission expenses and settle debts in a timely manner.
10. Expose the Commission to undue financial risk.
11. Discourage appropriate open communication between Commissioners and staff.

12. Tolerate deterioration in Commission finances that might jeopardize programmatic needs and Commission policies.
13. Neglect the professional development of its staff or allow staff members' training and professional development to become outdated.
14. Disregard or diminish the agency's formation and enhancement of relationships, partnerships with public and private organizations, governmental agencies, stakeholder groups, and other organizations whose interests and activities may assist the Board in accomplishing its mission.
15. Take any action that will threaten or compromise the agency's independence.
16. Hire and promote anyone other than the most qualified individuals possible.
17. Fail to continually explore and seek to implement methods designed to increase agency revenues.
18. Fail to control agency expenses and perform ongoing evaluations of the usefulness of all agency assets. These assets will include real property, programs, equipment, and people. If such assets are no longer needed, the Executive Director will promptly dispose of them in a manner that is consistent with Board policies and current regulations and laws.
19. Fail to continuously evaluate and seek out opportunities to partner with diverse public and private entities while recognizing that all decisions with this regard will be conducted in accordance with applicable rules, contracts, and regulations. Executive Director's decisions with regard to these opportunities will be limited by the following factors:
 - A. The scale needed to economically justify performing certain tasks in house.
 - B. The business risk associated with internalizing certain operations and assuming the fixed costs that accompany such a decision.
 - C. Agency operating flexibility, the cost of change, the potential for operational inertia, and the agency's willingness to remain current with new technologies and approaches.
 - D. Long term, strategic flexibility.
 - E. Capital investment requirements.
 - F. Need for ongoing investment.
 - G. The importance of nurturing and maintaining access to external research, know-how, and education.
 - H. The need to maintain operational balance.
 - I. The requirement to maintain internal vigor and foster incentives to change and compete vigorously.
 - J. Timeliness.
20. Fail to provide the basis for scientifically managing and protecting the Commonwealth's aquatic resources and maximizing fishing and boating opportunities.

21. Fail to apply the “Resource First” philosophy to explore different ways of allocating the agency’s limited financial resources.
22. Fail to use the “Resource First” philosophy to support new, scientifically-based approaches to distributing and raising stocked fish.
23. Fail to use the “Resource First” philosophy to provide the basis for protecting and enhancing viable wild fisheries and other resources under the agency’s jurisdiction.
24. Cause the “Resource First” philosophy to be interpreted as a wild-fish-only policy, eliminate hatcheries, or eliminate fish stocking.

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Human Resources

This Human Resources Policy is promulgated pursuant to section 304 of the Fish and Boat Code, 30 Pa. C.S. §304. To the extent that there is an inconsistency between this policy and the applicable provisions of the Civil Service Act, other Commonwealth and federal laws, regulations, policies and labor agreements, those authorities will govern.

Appointment of Executive Director

The Commissioners will appoint an Executive Director to serve at their pleasure and, with the approval of the Governor, will fix the Executive Director's compensation.

Role of Executive Director

The Executive Director is the chief executive officer of the Commission and attends to its administrative work and has charge of all activities under the Commission's jurisdiction. The Executive Director is the chief waterways conservation officer of the Commission and has charge of, directs, supervises and controls all waterways conservation officers, deputy waterways conservation officers and employees of the Commission. The Fish and Boat Code has vested authority in the Executive Director, subject to the provisions of this policy and Commonwealth law, to appoint and fix the compensation of waterways conservation officers and other Commission employees as the Executive Director deems necessary to enforce and carry out the provisions of the Fish and Boat Code and to perform the functions and work of the agency.

Personnel Management

The majority of Commission staff is covered by civil service protections and statewide labor agreements. Therefore, Commissioners should not attempt to supervise or manage individual or departmental staff directly. Requests should be made to the various Bureau and Department heads so as to not disrupt staff from their normal work routines. If Bureau or Department heads believe that any such request is beyond their ability or authority, they should direct the Commissioner to the Executive Director. Should a Commissioner have a grievance or complaint regarding any Commission staff member, other than the Executive Director, it should be kept confidential and forwarded to the Executive Director or appropriate staff designated by the Executive Director for appropriate action. Commissioners should not attempt to address any grievance or complaint with a staff member directly.

Establishment of the Complement

The Executive Director or designee will manage the complement up to the approved and authorized level to meet the needs of the Commission. The Executive Director will make any requests to increase the established full-time salaried complement level when required.

Furlough

The Commissioners will review and approve all requests to sanction furlough actions due to lack of work or lack of funds before official notice is provided to the Governor's Office of Administration, the affected union and employees.

Transfer of Functions

The Commissioners will review and approve all requests to transfer functions to or from other Commonwealth agencies before an application is submitted to the Executive Board.

Classification and Compensation

The Commission will utilize class specifications and pay plan established by the Executive Board. The Executive Director or designee will allocate and compensate positions to appropriate classes in accordance with generally accepted classification principles and established Commonwealth policies and procedures. All classification and pay processes will be free of bias and non-merit factors.

Appointment, Promotion, Transfer, Demotion and Termination

The Executive Director or designee will make all appointments, promotions, transfers, demotions and terminations in accordance with applicable provisions of the Civil Service Act and the rules and regulations promulgated thereunder, labor agreements, applicable state and federal laws, and Commonwealth policies and procedures. All employment actions will be free of all non-merit factors.

Reorganizations

Reorganizations involving changes to the Bureau level or higher will require the approval of the Commissioners prior to submission to the Executive Board. Establishment or closure of field offices identified on the official, published Commission organization chart also will require the prior approval of the Commissioners before submitting the request to the Executive Board. Reorganizations involving substantive changes to organizations at the Division level, its equivalent or lower shall require the approval of the Executive Director or designee.

General and Standards of Conduct

The Commission shall follow the Commonwealth's Management Directives with regard to Discrimination, Sexual Harassment, Drug Free Workplace, Workplace Violence Prevention and other Human Resource programs.

Definitions:

Executive Board: The Executive Board was established in section 204 of the act of April 9, 1929 (P.L. 177, No. 175) known as the Administrative Code of 1929, 71 P.S. §64. The Executive Board consists of the Governor, who shall be chair thereof, and six other heads of administrative departments to be designated from time to time by the Governor. The Secretary of Administration always functions as the Secretary of the Board.

Under various provisions contained in the Administrative Code, the Executive Board is required and has the authority to approve or disapprove a variety of administrative actions to ensure the

efficient operation of state government. Two specific examples include reorganizations and changes to the pay plan. The pay plan includes all class specifications and salary plans.

Bureau: (taken from Governor's Management Directive 260.1, Organization Requests, dated 10/17/05). The organizational unit immediately below an office, or executive office when offices are not used, and immediately above two or more divisions. Bureaus are usually established for either or both of the following reasons:

1. When there is an intra-agency need for the coordination and comprehensive management of a group of logically related functions.
2. When a basic function is of sufficient importance to deserve visibility, as a point of contact, to the public or other agencies.

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Tail Waters

The Commissioners recognize that:

- The Commonwealth's cold water fish populations are increasingly imperiled by factors beyond the Commission's control, and
- Pennsylvania's large reservoirs provide opportunities to expand wild trout populations in their tail waters through the careful manipulation of cold water releases from the reservoirs.

Therefore, the Commissioners direct the Executive Director to actively seek to maximize the opportunities available to protect, conserve and enhance, wherever possible, wild trout populations in tail waters below existing reservoirs within the Commonwealth.

Limitations:

1. The Commission will not allow prior agreements with external groups or existing design limitations to deter it from aggressively pursuing its stated tail waters policy.