






Board of Directors Meeting & Public Hearing

May 25, 2021

2:00pm



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www.rivanna.org 

BOARD OF DIRECTORS

Regular Meeting of the Board of Directors of Rivanna Solid Waste Authority

DATE: May 25, 2021
LOCATION: Virtually via ZOOM
TIME: 2:00 p.m.

AGENDA

1. **CALL TO ORDER**
2. **STATEMENT FROM THE CHAIR**
3. **MINUTES OF PREVIOUS BOARD MEETING**
 - a. *Minutes of the Regular Meeting of the Board on March 23, 2021*
4. **RECOGNITION**
5. **EXECUTIVE DIRECTOR'S REPORT**
6. **ITEMS FROM THE PUBLIC**
7. **RESPONSES TO PUBLIC COMMENTS**
8. **CONSENT AGENDA**
 - a. *Staff Report on Finance*
 - b. *Staff Report on Ivy Material Utilization Center/Recycling Operations Update*
 - c. *FY 22 Personnel Management Plan Update*
 - d. *FY 22 Pay Scale Adjustment*
 - e. *FY 22 Holiday Schedule*
9. **OTHER BUSINESS**
 - a. *Presentation and Public Hearing: Approval of FY 2021-2022 Budget and Tipping Fees; Bill Mawyer, Executive Director*
10. **OTHER ITEMS FROM BOARD/STAFF NOT ON AGENDA**
11. **CLOSED MEETING**

12. ADJOURNMENT

GUIDELINES FOR PUBLIC COMMENT AT VIRTUAL RIVANNA BOARD OF DIRECTORS MEETINGS

If you wish to address the Rivanna Board of Directors during the time allocated for public comment, please use the “chat” feature in the Zoom Meeting interface.

Members of the public who submit comments will be recognized during the specific time designated on the meeting agenda for “Items From The Public.” The comment(s) will be read aloud to the Board of Directors only during this agenda item, so comments must be received prior to the end of this agenda item. The comments will be read by the Rivanna Authority’s Executive Coordinator/Clerk of the Board.

Members of the public requesting to speak will be recognized during the specific time designated on the meeting agenda for “Items From The Public.” Each person will be allowed to speak for up to three minutes. When two or more individuals are present from the same group, it is recommended that the group designate a spokesperson to present its comments to the Board and the designated speaker can ask other members of the group to be recognized by raising their hand or standing. Each spokesperson for a group will be allowed to speak for up to five minutes.

If you would like to submit a comment, please keep in mind that Board of Directors meetings are formal proceedings and all comments are recorded on tape. In order to give all who wish to submit a comment proper respect and courtesy, the Board requests that commenter follow the following guidelines:

- Submit your comment prior to the start of or during the “Items from the Public” section of the Agenda.
- In your comment, state your full name and address and your organizational affiliation if commenting for a group;
- Address your comments to the Board as a whole;
- State your position clearly and succinctly and give facts and data to support your position;
- Be respectful and civil in all interactions at Board meetings;
- The Board will have the opportunity to address public comments after the public comment session has been closed;
- At the request of the Chairman, the Executive Director may address public comments after the session has been closed as well; and
- As appropriate, staff will research questions by the public and respond through a report back to the Board at the next regular meeting of the full Board. It is suggested that commenters who have questions for the Board or staff submit those questions in advance of the meeting to permit the opportunity for some research before the meeting.

The agendas of Board meetings, and supporting materials, are available from the RWSA Administration office upon request or can be viewed on the Rivanna website.

Rev. May 20, 2020

CALL TO ORDER

STATEMENT OF CHAIR TO OPEN MEETING

This is Mike Gaffney, Chair of the Rivanna Solid Waste Authority.

I would like to call the May 25, 2021 meeting of the Board of Directors to order.

Notwithstanding any provision in our Bylaws to the contrary, as permitted under the City of Charlottesville's Continuity of Government Ordinance adopted on March 25, 2020, Albemarle County's Continuity of Government Ordinance adopted on April 15th, 2020, and revised effective October 1, 2020 and Chapter 1283 of the 2020 Acts of the Virginia Assembly effective April 24, 2020, we are holding this meeting by real time electronic means with no board member physically present at a single, central location.

All board members are participating electronically. This meeting is being held pursuant to the second resolution of the City's Continuity of Government Ordinance and Section 6 of the County's revised Continuity of Government Ordinance. All board members will identify themselves and state their physical location by electronic means during the roll call which we will hold next. I note for the record that the public has real time audio-visual access to this meeting over Zoom as provided in the lawfully posted meeting notice and real time audio access over telephone, which is also contained in the notice. The public is always invited to send questions, comments, and suggestions to the Board through Bill Mawyer, the Authority's Executive Director, at any time.

ROLL CALL:

Mr. Boyles: Please state your full name and location.
Mr. Brown: Please state your full name and location.
Dr. Palmer: Please state your full name and location.
Mr. Richardson: Please state your full name and location.
Mr. Snook: Please state your full name and location.
Mr. Stewart: Please state your full name and location.
And I am Mike Gaffney and I am located at _____.

Joining us today electronically are the follow Authority staff members:

Bill Mawyer, Phil McKalips, Lonnie Wood, Jennifer Whitaker, John Hull, and Katie McIlwee

We are also joined electronically by Lori Schweller, counsel to the Authority.



RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
March 23, 2021

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Tuesday, March 23, 2021 at 2:00 p.m. via Zoom.

Board Members Present: Mike Gaffney, Chip Boyles, Dr. Liz Palmer, Jeff Richardson, Lance Stewart, David Brown.

Board Members Absent: Lloyd Snook.

Rivanna Staff Present: Bill Mawyer, Katie McIlwee, Lonnie Wood, Jennifer Whitaker, Phil McKalips, David Tungate, John Hull.

Attorney(s) Present: Carrie Stanton, Valerie Long.

1. CALL TO ORDER

Mr. Gaffney convened the March 23, 2021 regular meeting of the Board of Directors of the Rivanna Solid Waste Authority at 2:00 p.m.

2. STATEMENT FROM THE CHAIR

Mr. Gaffney read the following statement aloud: “Notwithstanding any provision in our Bylaws to the contrary, as permitted under the City of Charlottesville’s Continuity of Government Ordinance adopted on March 25, 2020, Albemarle County’s Continuity of Government Ordinance adopted on April 15th, 2020, and revised effective October 1, 2020 and Chapter 1283 of the 2020 Acts of the Virginia Assembly effective April 24, 2020, we are holding this meeting by real time electronic means with no board member physically present at a single, central location.

“All board members are participating electronically. This meeting is being held pursuant to the second resolution of the City’s Continuity of Government Ordinance and Section 6 of the County’s revised Continuity of Government Ordinance. All board members will identify themselves and state their physical location by electronic means during the roll call which we will hold next.

“I note for the record that the public has real time audio-visual access to this meeting over Zoom as provided in the lawfully posted meeting notice and real time audio access over telephone, which is also contained in the notice. The public is always invited to send questions, comments, and suggestions to the Board through Bill Mawyer, the Authority’s Executive Director, at any time.”

Mr. Gaffney called the roll.

Mr. Chip Boyles stated he was located at 605 East Main Street, Charlottesville.

Mr. David Brown stated he was located at 305 Fourth Street Northwest in Charlottesville, VA.

Dr. Liz Palmer stated she was located at her home address of 2958 Mechum Banks Drive in Charlottesville, VA 22901.

Mr. Jeff Richardson stated he was attending from 401 McIntire Road (the Albemarle County Administration Building) in Charlottesville.

Mr. Lloyd Snook was not present.

Mr. Lance Stewart stated he was located at 401 McIntire Road in Charlottesville.

Mr. Mike Gaffney stated he was located at 3180 Dundee Road in Earlysville, VA.

Mr. Gaffney stated the following Authority staff members were joining the meeting electronically: Bill Mawyer, Lonnie Wood, Phil McKalips, Jennifer Whitaker, John Hull, and Katie McIlwee.

Mr. Gaffney stated they were also joined electronically by Ms. Carrie Stanton, Counsel to the Authority.

3. MINUTES OF PREVIOUS BOARD MEETING

a. Minutes of the Previous Meeting of the Board on January 26, 2021

Dr. Palmer stated she made a few non-substantive corrections to the minutes and would move to approve the minutes with those corrections.

Mr. Gaffney asked Ms. Stanton if the board needed to identify what those corrections were before voting on them.

Ms. Stanton asked Dr. Palmer if those had been circulated.

Dr. Palmer replied that she provided them to Ms. McIlwee.

Ms. McIlwee stated Ms. Palmer's name was spelled incorrectly on the minutes.

Dr. Palmer stated there was one other typo she sent Ms. McIlwee.

Ms. McIlwee stated this was on line 334, which had a spelling mistake and typo where it should have stated "Rivanna Overview."

Ms. Stanton stated she believed that with this information, the board could move forward.

Dr. Palmer moved that the board approve the minutes of the previous board meeting as amended. She was seconded by Mr. Richardson, and the motion passed unanimously (6-0). (Mr. Snook was absent.)

4. RECOGNITION

There were no recognitions.

5. EXECUTIVE DIRECTOR'S REPORT

Mr. Bill Mawyer, Executive Director, stated business continues to be strong at the Ivy MUC. He stated in January, they processed about 129 tons per day thru the transfer station. He stated in February, this went up to about 134 tons per day. He stated they were having 3,400 to 5,000 vehicles per month coming through the Ivy MUC.

Mr. Mawyer stated Rivanna is currently talking with the County about constructing a Convenience Center in southern Albemarle County, located in Keene, and he is working with Mr. Stewart on the project. The County would like Rivanna to construct and operate a Convenience Center in Keene. He stated this facility would be similar to the one at Ivy.

Mr. Mawyer stated Rivanna's Safety Manager recently hosted a regional safety meeting in which they are trying to learn from other safety professionals in the area. He stated there were representatives from Albemarle County Service Authority, Augusta and Louisa Counties, and the Charlottesville Utilities Department participated as well.

Mr. Mawyer stated Rivanna is doing well with COVID vaccinations in Solid Waste. He stated about 67% of their employees asked for a vaccine, and 100% of those employees have received one or more vaccine. He stated Solid Waste is one of the most public interacting groups at Rivanna, so it was good to get most of those individuals vaccinated.

Mr. Mawyer stated they are at the cusp of the spring Bulky Waste Amnesty Days. He stated the Electronic Waste Collection Day at the Ivy MUC will be April 24, and signups will start at 8:00 a.m. on March 31. He stated there is also the Commercial Hazardous Waste Collection program on Thursday, April 29, and registration needs to happen by April 22. He stated Household Hazardous Waste will take place Friday, April 30 and Saturday, May 1 from 9:00 a.m. to 2:00 p.m. He stated this information can be found on Rivanna's website.

Mr. Gaffney stated he was looking at the number of vehicles and the amount of material coming in to the transfer station, and he saw that last year, there was a peak of 134 tons per day and they are starting out much higher this year. He asked if the limit is still 150 tons per day.

Mr. Mawyer replied that the permit allows a maximum of 300 tons per day.

Mr. Gaffney asked if this had been adjusted.

Mr. Mawyer replied yes. He stated it is 300 tons, and they did hit a 240- 250-ton day for one day last summer. He stated the average is in the mid-100s, so they have capacity on the average daily tonnage.

6. ITEMS FROM THE PUBLIC

Mr. Gaffney opened Items From the Public. He asked Mr. Hull if there was anyone from the public who wished to speak.

Mr. Hull replied that there was not.

Mr. Gaffney closed Items From the Public.

7. RESPONSES TO PUBLIC COMMENT

As there were no items from the public, there were no responses.

8. CONSENT AGENDA

a. Staff Report on Finance

b. Staff Report on Ivy Material Utilization Center/Recycling Operations Update

Dr. Palmer moved that the board approve the consent agenda. She was seconded by Mr. Brown, and the motion passed unanimously (6-0). (Mr. Snook was absent.)

9. OTHER BUSINESS

a. Presentation: Ivy MUC Solar Energy Project Update, Director of Solid Waste, Phil McKalips

Mr. McKalips stated the project first started in 2017, when Rivanna was approached by a solar developer who was interested in constructing a solar energy facility on top of one of the closed landfill cells out at Ivy. He stated their intention was to participate in a series of Requests for Proposal that were being advertised by Dominion Energy. He stated Rivanna had an expectation that this would occur sometime during 2018, but the underlying legislation was not signed until April of 2020 by the Virginia Legislature, which set up a program where Dominion Energy and Appalachian Power need to develop 16,000 megawatts of solar and windfarm energy.

Mr. McKalips stated this legislation started the process, and Rivanna found out about a month ago that their project has been selected by Dominion for the program, which they are excited about.

Mr. McKalips presented an aerial photograph of the site. He stated the solar facilities will be located on Cell 2 unlined, which was primarily a construction demolition debris landfill cell. He stated the advantages of it are that it is southward facing. He stated it also has a very general slope and because it is largely filled with construction demolition debris, they do not have settlement issues.

Mr. McKalips stated the developer is currently starting to undertake permitting with DEQ. He noted this will not penetrate the cap of that landfill cell. He stated it will all be built on top of it, on big concrete blocks.

Mr. McKalips stated for background, the developer came to Rivanna in 2017, and they are finally getting ready to go with the project. He stated it is about 12 acres in size and presented an aerial mockup of what the site will look like.

Mr. McKalips stated Rivanna has already reached out to neighbors in the area and received positive feedback through speaking with them. He stated that with the tree buffer, the site will not be very visible from the neighbors. He stated there would be some view of the facilities from the property to the east, and perhaps a little from those people who are across the street. He stated there is some mechanical or electronic noise associated with the transformers, but he believes that those will not really be audible anywhere near the property boundary, and it will be more like a low hum one would hear.

Mr. McKalips presented a slide outlining where they hope to go from here. He stated Dominion has stated it will take them 12 months to execute interconnect agreements, where they have some due diligence in line capacity studies and many things they need to do on their end. He stated Dominion is also going to develop a Power Purchase Agreement with Community Power Group, the vendor. He stated unlike some of the projects that are selected by Dominion, Dominion has chosen not to own this project or buy the property, presumably because it is on a landfill cell, and they do not want to be involved in the lease of the actual landfill cell. He stated this is fine, and it is all within Rivanna's lease with Community Power Group.

Mr. McKalips stated construction of the site would begin in spring of 2022 and end by late summer or early fall of that same year. He stated hopefully, in a year and a half, Community Power will be

generating solar electric power on the IMUC site. He stated in the lease, they are going to be paid \$800 per acre per year, which is expected to be about a 12-acre development, which is \$9,600 per year.

Mr. McKalips stated there is a possibility of later adding 1 megawatt (a 50% increase) if Dominion seems to think this would be advantageous. He asked the board if they had any questions.

Dr. Palmer asked if the construction and demolition cell was closed because it was filled.

Mr. McKalips replied yes.

Mr. Gaffney stated he knew his question was an aside and asked if there was any thought as to people coming to visit Rivanna to look at the solar array.

Mr. McKalips replied that he would do outreach to the community, and would be happy to host those interested in the project.

Mr. McKalips presented a picture of the detail of how this would be set on the landfill cell. He stated also pictured on the slide was another project that Community Power Group completed on a landfill.

Mr. Brown asked about mowing and maintenance of the area.

Mr. McKalips replied this is the responsibility of Community Power Group.

Mr. Brown stated the County has a Climate Action Plan, and the City is in the process of developing one. He stated this type of project would be applicable in getting credit towards that. He asked if there has been any discussion related to that, since it is providing power through a solar grid and enables credit to be given for a carbon reduction.

Mr. McKalips replied that as part of this program (and presumably, part of the underlying legislation), Dominion is taking all of the renewable energy credits and green energy credits for this development. He stated Rivanna will not have those to trade or assign elsewhere.

Mr. Brown stated he understood, but if something is being implemented in the County and both entities are participating, there may be a means for which they can apply that to the plans.

Mr. McKalips agreed.

Mr. Mawyer noted that Community Power Group has applied for a special use permit from the County, as this project does require approval.

Mr. Stewart stated he had a question or perhaps a suggestion. He stated he has read several articles lately about solar farms planting the of pollinator-friendly vegetation underneath and around them, which serves the dual-purpose of being a solar farm and a pollinator farm, which helps crops grow for farmers. He stated if this has not been considered, he would be interested in talking more with Rivanna about how that could work.

Mr. McKalips stated this would be interesting. He stated the only thing that came to mind is that these are permitted landfill caps, so they would have to pull in DEQ to see if this is an acceptable

cover material for the caps. He stated if they were stable and low-maintenance, he is sure Community Power Group would be thrilled for that.

Dr. Palmer stated Mr. Stewart had a wonderful idea. She stated there is a different mowing schedule as well, which would have to be taken into consideration, and there is usually less mowing in the spring.

Dr. Palmer asked Mr. McKalips if he knew how much the energy credits were worth and what Dominion is getting for that.

Mr. McKalips replied that he did not know what the energy credit is on the marketplace. He stated he could probably find this out by asking the vendor.

Dr. Palmer stated she thinks it would be curious for the board to know this, with the County and the City doing more of these projects, so that people do not forget that this is a negotiable item. She stated clearly, it may be not in this particular case, but it often is, so she wants everyone to be aware of it, going forward, for other projects.

b. Presentation: Introduction of the FY 2021-2022 Budget, Executive Director, Bill Mawyer

Mr. Mawyer stated Rivanna is excited for the upcoming year and is proposing an estimated expense budget of \$5.437 million. He stated this is an increase of about \$285,000 over FY 21, and is a 5.5% increase in expenses.

Mr. Mawyer stated there is also an estimated \$2.58 million in revenue, which they expect to be about \$170,000 greater than FY 21, largely due to the increase in tonnage through the transfer station. He stated when they net revenue and expenses, expenses exceed revenue by about \$2.8 million, which is a \$115,000 increase over the net difference in FY 21, about a 4% increase .

Mr. Mawyer stated the County, City, and UVA contribute to Rivanna's programs for FY 22. He stated they are proposing that the County contribute \$2.27 million, which is \$262,000 greater than FY 21, or a 13% increase; the City would contribute \$499,000, which is a 12% increase over FY 21; and UVA, in the Environmental Cost Center, is committed to paying \$79,982 – a fixed amount for 30 years.

Mr. Mawyer stated when Rivanna estimates these costs, it is Mr. Lonnie Wood and his staff keeping track of all of the agreements that have been made over the years and providing the basis for how the costs are allocated to the different programs in Solid Waste. He stated he would give the board a history of these agreements, noting that many board members are familiar with these agreements, but this may benefit some of the newer board members.

Mr. Mawyer stated the RSWA was formed in 1990 with the Solid Waste Organizational Agreement, or what one might call the "three-party agreement" between the City, County, and Rivanna Solid Waste. He stated in 2000, after much litigation with neighbors, there was a settlement agreement and release with the neighbors about the IMUC, which stated landfilling would cease there, but they could continue some of the existing programs .

Mr. Mawyer stated in 2005, the City, County, and Rivanna, along with UVA, crafted an Environmental Memorandum of Understanding (MOU) which stated that since all the landfill cells

295 were closed and in a 30-year post-closure period required by DEQ, They decided how much each
296 party would pay for this post-closure period.

297
298 Mr. Mawyer stated in 2007, the City, County, and Rivanna entered a Local Government Support
299 Agreement, which addressed how the other programs at the Ivy MUC were going to be funded. He
300 stated this was the beginning of when the City started having its own curbside refuse collection
301 program, which went on for three years. He stated in 2010, there was the First Amendment to the
302 Local Government Support Agreement, and in that Amendment, the City, County, and Rivanna,
303 agreed that the City and County would no longer be required to support Rivanna after December 31,
304 2010. He stated he would call this the darkest moment for the Rivanna Authority he has seen in its
305 history. He stated in this agreement, the City was allowed to have its own curbside refuse collection
306 program.

307
308 Mr. Mawyer stated in 2011, the City, County, and Rivanna developed the Local Government
309 Support Agreement for Recycling Programs. He stated the City, County, and Rivanna agreed they
310 would still have recycling programs at McIntire and at the Paper Sort, and costs would be allocated
311 as stated in the Agreement.

312
313 Mr. Mawyer stated similarly, the County and Rivanna crafted the Ivy MUC Programs Agreement,
314 which essentially was the County saying they wanted to continue to have the programs at Ivy such
315 as refuse transfer, mulch, vegetative debris, and all the programs they continue to have now. He
316 stated there was an agreement between the County and Rivanna on how that would be funded,
317 which was then amended in 2016, when the County asked Rivanna to design and build the transfer
318 station. He stated this was a change to the programs at Ivy, and the Amended and Restated Ivy
319 MUC Programs Agreement was crafted between the County and Rivanna in 2016.

320
321 Mr. Mawyer stated most recently, Rivanna crafted the Ivy Convenience Center Agreement with the
322 County and, as he mentioned earlier, they are now working on a new convenience center agreement,
323 which could include the Keene facility and potentially other future facilities for a convenience
324 center that the County might request.

325
326 Mr. Mawyer stated part of this history lesson was that all the agreements talked about allocating
327 costs and how much each of the parties was going to pay, and particularly the administrative
328 expenses that the RSWA bears and pays to the RWSA.

329
330 Mr. Mawyer stated what the board would see in Rivanna's history is somewhat reflected in the
331 budget history, where the Authority was at a pinnacle back in 2008. He stated in the 2010
332 timeframe, one could see on the presented chart the budget coming down from \$9.2 million to
333 where it bottomed out in 2015 at \$2.5 million. He stated more recently, they see the budget back on
334 the upswing, as the transfer station has taken off, and programs like Household Hazardous Waste,
335 E-Waste, mulch, and compost have continued to grow at the facilities, culminating in 2022 with a
336 budget of \$5.4 million.

337
338 Mr. Mawyer stated before moving into FY 22, he wanted to celebrate FY 21. He stated they got
339 through most of the pandemic so far with no interruption in service. He stated as mentioned, the
340 staff at Solid Waste are front and center with the public every day at the transfer station and
341 recycling facilities. He stated they work very hard to maintain proper COVID protocol, and address
342 any potential exposures. He applauded staff for doing a great job in keeping these facilities open and
343 moving forward.

Mr. Mawyer stated they are also repairing a landfill cell cap where they had some settlement, and this project is currently underway. He stated they initiated a Buffer Management Plan around the landfill to manage the vegetative and tree buffer to keep it in healthy condition as well as to generate revenue. He stated they continued the Household Hazardous Waste, E-Waste, and compost programs. He stated those have gone well in FY 21, despite the challenges the pandemic presented them.

Mr. Mawyer stated Rivanna looks forward to working on the Keene Convenience Center and getting this recycling and refuse collection facility developed. He stated they are moving forward with the Buffer Management Plan, and the red arrow on the photograph on the slide showed Section A, which is where they have awarded a contract for the forester to remove trees for harvest and to replant the buffer.

Mr. Mawyer stated the board had just heard Mr. McKalips talk about sustainability and the proposed solar project. He stated Mr. McKalips has been working regionally with other solid waste and recycling providers on expanding the glass recycling program.

Mr. Mawyer stated the budget is \$5.4 million in expenses. He stated the largest segment of the budget is, by far, the Ivy Transfer Facility, at \$2.6 million (or 48% of expenses), followed by the Environmental Program at 19%. He stated this program provides gas and groundwater monitoring and management as well as maintenance of the cells. He stated this is followed by Recycling Program expenses (14%), Personnel and Operations Program (13%), and the Ivy Convenience Center (6%).

Mr. Mawyer stated the Ivy Transfer Station program includes staff, maintenance, and contract costs to transport and dispose of municipal solid waste and construction debris, as well as to operate the Encore Shop, which keeps products out of the landfills. He stated the program has revenues of \$1.9 million and expenses of \$2.6 million. He stated in accordance with the Amended and Restated Ivy MUC Program Agreement of 2016, the County supports 100% of those costs, and 25% of Rivanna's total administrative services expenses are allocated to the program.

Mr. Mawyer stated the Environmental Program maintains the groundwater monitoring and gas remediation programs for closed landfill cells. He stated it sponsors e-Waste, Household Hazardous Waste, and paint disposal. He stated revenue estimated for FY 22 is from the Buffer Management Plan in harvesting some of the timber, which is \$50,000, which offsets the \$1 million in expenses. He stated this program is a joint effort of the Environmental MOU of 2005, where UVA has a fixed contribution, the County has 64.5% of the balance, and the City has 35.5% of the balance. He stated this program supports 30% of Rivanna's total administrative expenses.

Mr. Mawyer stated the Ivy Operations Program includes vegetative waste disposal; mulch production and sales; disposal of furniture, tires, and appliances; and the use of clean fill at the landfill. He stated this program has revenue and expenses and is 100% supported by the County in accordance with the Ivy MUC Agreement of 2011.

Mr. Mawyer stated recycling is a joint effort with the City and the County, with revenues being down from prior years. He stated the County supports 70% of net expenses and the City 30% in accordance with the Recycling Programs Agreement of 2011.

Mr. Mawyer stated the Ivy Convenience Center has a small amount of revenue and expenses and is supported 100% by the County.

395
396 Mr. Mawyer stated the program scorecard, as shown on the slide, is how Rivanna tallies up the
397 City's allocation and contribution of \$499,099, the County at \$2.27 million, and UVA contributing
398 \$79,982. He stated all the costs are based on the agreements he went over earlier, which is how they
399 come up with the allocations.

400
401 Mr. Mawyer stated some of the strategic investments Rivanna is making next year include
402 increasing the building equipment depreciation so that they can replace and repair the facilities . He
403 stated they now maintain new facilities with the transfer station and convenience center. He stated
404 they propose to add two staff positions, one being an Operator Attendant for Grounds Maintenance.
405 He stated Rivanna had a good arrangement with a local farmer that he would mow the landfill cells
406 and harvest the hay, but he will no longer provide that free service, so Rivanna is proposing to hire a
407 staff person to cut grass and maintain the grounds at Ivy.

408
409 Mr. Mawyer stated as well, they are proposing a staff adjustment, as there has been a significant
410 amount of overtime in the current year. He stated Rivanna feels they need another
411 Driver/Equipment Operator for the transfer station and other facilities at the landfill.

412
413 Mr. Mawyer stated they intend to absorb health insurance premium cost increases that they might
414 get from Anthem. He stated they are not self-insured on health insurance . He stated at a minimal
415 expense, they have a 2% merit pool proposed for staff, and that would be the only salary increase.
416 He stated they did not include a cost of living adjustment. He stated the sole increase to any staff
417 salary is through the merit pool and evaluation process.

418
419 Mr. Mawyer stated additionally, there are operational costs for the transfer of additional refuse. He
420 stated in FY 21, Rivanna began accepting credit cards as a better way to deal with payments at the
421 landfill, but there is a small banking fee for that. He stated they are not proposing any change to the
422 tip fees at Ivy this year.

423
424 Mr. Mawyer stated the organizational chart on the slide showed the two proposed positions in Solid
425 Waste. He stated there is joint administrative staff under Mr. Wood (Director of Finance and
426 Administration), so RSWA shares in the costs of Accounting and IT staff with the RWSA. He
427 stated two additional positions are being proposed for the RWSA: an Accounting Associate and an
428 IT Administrator. He stated those were shown on the chart as #3 and #4 because the Solid Waste
429 Authority would have a small share of the cost of those administrative expenses as well.

430
431 Mr. Mawyer stated in the current year, \$200,000 in reserves was contributed to help keep any cost
432 contribution increases at zero, essentially, for the County and City budgets during the pandemic. He
433 stated in FY 22, Rivanna does not think it is prudent to continue to take money out of the savings
434 account, so they have reduced this to zero, and the total change in the budget is \$315,434, which is a
435 sum of the County's and City's contribution increases for this year. He stated the total County
436 contribution is about \$2.27 million, and the City's contribution is about \$499,000.

437
438 Mr. Mawyer stated he could answer any questions. He stated otherwise, RSWA was proposing a
439 resolution for adoption of the preliminary rate schedule and allowing them to advertise and schedule
440 a public hearing on these charges and fees for the board's meeting on May 25 at 2:00 p.m. He stated
441 they will advertise the rate schedule in the newspaper, followed by the public hearing.

442
443 Dr. Palmer asked Mr. Mawyer if he could go back to the slide with the budget history. She stated
444 she was troubled by this, as she thought the City started taking their trash to Zion Crossroads earlier

than this. She asked what was going on that it was \$9 million in FY 2008. She asked if this was all the closure costs and why it was so high back then.

Mr. Mawyer asked Mr. Wood if he had the historical knowledge on that.

Mr. Wood stated that from 1998 to about 2008 or 2009, this is when Rivanna had the contract with BFI. He stated even though the City had been taking all of their MSW to the BFI transfer station, there was a contract between the three that basically stated whatever the City took out there, Rivanna received payment. He stated back then, it was called a service contribution fee. He stated all of that went away in the settlement of 2010 between BFI, Van Der Linde, Rivanna, and the City.

Dr. Palmer asked if this was revenue they were getting and what they were spending it on.

Mr. Wood explained that they paid a contract fee to BFI, for example, Rivanna paid BFI \$50 per ton for disposal, and Rivanna was charging \$56 or \$54 per ton to take it in. He stated they were netting the difference (the service contribution fee) and were using it to pay for programs like recycling.

Dr. Palmer stated she was stunned by how expensive it was back then and now, they have a new, beautiful transfer station and doing such a better job in offering so many services for so much less.

Mr. Wood stated this was also at the same time that BFI and Van Der Linde started attracting more of the County haulers, so much of the waste that was coming out to Ivy, was then going to BFI, Rivanna was getting a certain amount of charges for it. He stated at that time, this is when things really changed, and it was not just the City coming to BFI, but many County haulers as well. Rivanna was allowed to charge a revenue for it before the settlement. He stated when the settlement happened, BFI was no longer contracted with Rivanna, and Rivanna was no longer able to charge the service contribution fee, of which much of it was going from the City, but a lot of it was coming from the County haulers. He stated Rivanna was using this as a way to fund the programs that did not make money such as recycling, HHW, and the like.

Dr. Palmer stated she is impressed by the services they are getting now and what Rivanna is doing. She asked if this data is corrected for inflation.

Mr. Wood replied no.

Dr. Palmer stated it is extraordinary.

Mr. Mawyer stated he would take this as a compliment.

Dr. Palmer stated it was meant as a compliment. She thanked Mr. Mawyer for the good work.

Mr. Mawyer stated Rivanna appreciates the board's support in helping them to grow the revenues so that they can provide the services.

Dr. Palmer stated she had another question that perhaps Mr. Mawyer or Mr. McKalips could answer. She stated clearly as they get more trash, they have to have more people taking care of the trash coming in at the current tipping fee. She asked if there is another level they will get to with trash where they are still keeping the same number of people and where they have a better economy of scale there.

Mr. Mawyer stated they have not calculated any particular unit metric, and it is not necessarily a linear function that as they add trash, they have to add a certain number of staff per ton. He stated they started with the initial transfer station staffing they began the new transfer station with, and they have added many tons over the past couple of years without any additional staff. He stated it is when they saw the overtime going up very high and the consistency of the additional tons that they thought it would be an appropriate time to add a staff person.

Mr. Mawyer stated he did not think they had an exact metric of tons per employee, at this point, if this was Dr. Palmer's question.

Dr. Palmer stated this was her question, and it was not necessarily important, but she was curious as to how the trajectory of this was going to go, given the graph on the screen. She stated this was all helpful.

Mr. Gaffney asked Mr. Mawyer if he had a total number of tons, or tons per month, in next year's projection.

Mr. Mawyer replied that he did. He stated they projected about 50,000 tons to be processed in FY 22.

Mr. Wood clarified that for MSW, there are 33,000 tons projected for next year.

Mr. Mawyer noted that for half of FY 21, they had received about 20,000 tons, with seven additional tons in other waste categories. He stated they are projecting 54,000 tons for FY 21, with 40,000 tons in MSW and 14,000 tons in other waste categories, as shown by Appendix 4 in the budget.

Mr. Gaffney stated this is about a 20% increase MSW from the current number.

Mr. Mawyer stated they had about 45,700 tons in FY 20, and they are projecting 54,000 tons for FY 21.

Mr. Brown asked for clarification that this Resolution is not being proposed for approval of the budget, but if it is to authorize advertising of the rate schedule.

Mr. Mawyer clarified that the board was not approving the budget that day, and they would approve it in May after the public hearing.

Mr. Gaffney stated they were only voting at present on the preliminary rate schedule and not the final rate schedule.

Dr. Palmer moved to adopt the preliminary rate schedule for FY 2022 for the Solid Waste Authority. The motion was seconded by Mr. Stewart and passed unanimously (6-0). (Mr. Snook was absent.)

10. OTHER ITEMS FROM BOARD/STAFF NOT ON AGENDA

There were none.

11. CLOSED MEETING

There was no closed meeting.

545
546
547
548
549
550

12. ADJOURNMENT

At 2.49 p.m., Dr. Palmer moved to adjourn the meeting of the Rivanna Solid Waste Authority. The motion was seconded by Mr. Stewart and passed unanimously (6-0). (Mr. Snook was absent.)

DRAFT

MEMORANDUM

TO: RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

FROM: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S REPORT

DATE: MAY 25, 2021

STRATEGIC PLAN GOAL: SOLID WASTE SERVICES

Use of the Ivy Materials Utilization Center:

March 2021

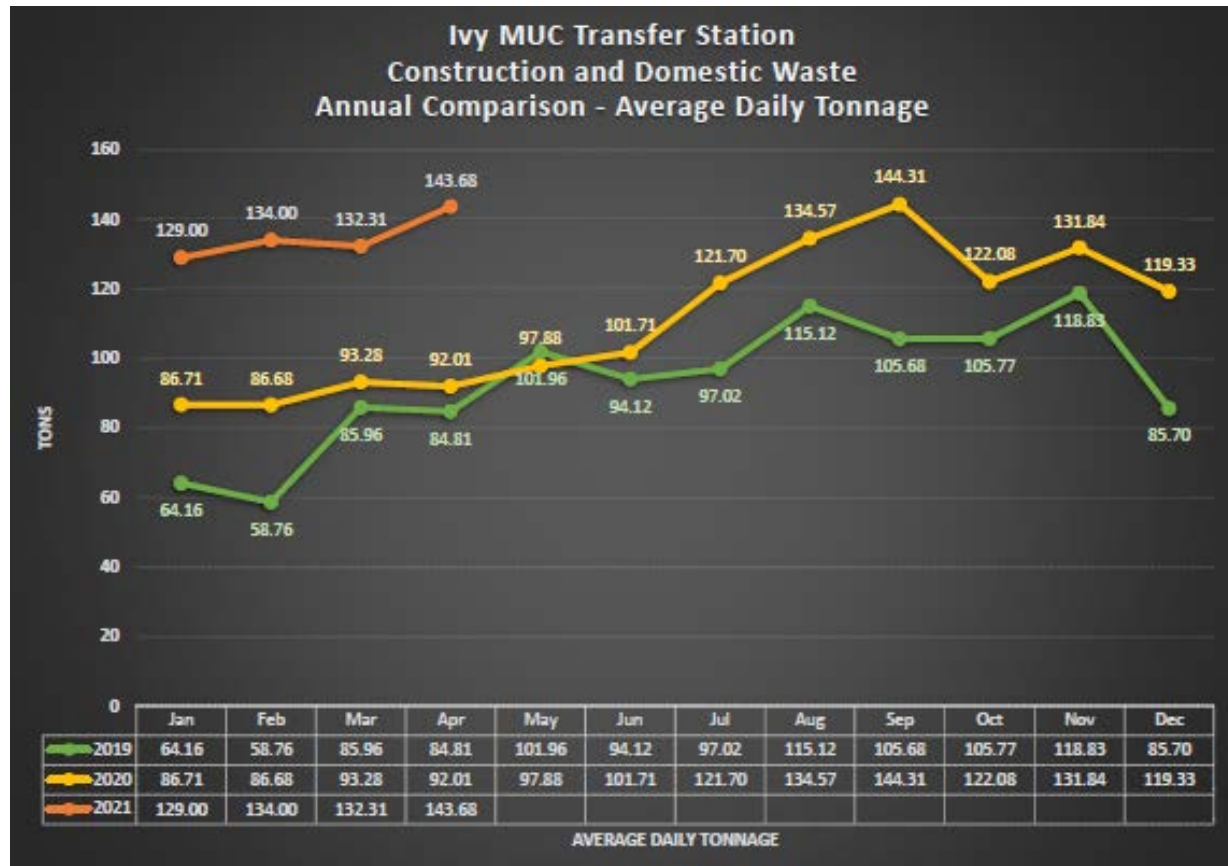
Vehicles
6,321

AVG MSW & CDD Tons/Day
132

April 2021

Vehicles
6,404

AVG MSW & CDD Tons/Day
143



STRATEGIC PLAN GOAL: ENVIRONMENTAL STEWARDSHIP, SOLID WASTE SERVICES

Household Hazardous Waste and Bulky Waste Amnesty Days

The Ivy MUC hosted HHW, Bulky Waste and eWaste Days this spring, with the following results:

<u>Event</u>	<u>Customers</u>	<u>Amount Collected</u>
eWaste	265 (214 County/51 City)	1-2 Tractor Trailer Loads
Furniture/Mattresses	219 (176 County/43 City)	19.7 tons
Appliances	210 (170 County/40 City)	6.46 tons
Tires*		
HHW	941 (703 County/224 City/14 Nelson)	

* Event held on May 22nd – will not have customers and tonnage total prior to Board Package being published.

Oyster Shell Bagging

In the Fall of 2019, RSWA began hosting a container at the McIntire Recycling Center to collect oyster shells from the public and local businesses. These shells were collected to support the Virginia Oyster Shell Recycling program at VCU's Rice Rivers Center. After filling the container with shells, we continued our support of the program by curing (allowed to sit out in the fresh air and weather) the collected shells for a year.

On April 15, 2021, volunteers from both Authorities came together to process all the 115,000 cured oyster shells and put them in mesh bags. We delivered 210 bags of shells to the VCU Rice Rivers Center so they can be seeded and returned to the Chesapeake Bay to reestablish wild oyster beds. Once these shells are seeded and placed in the Bay and mature (2-3 years), it is expected that they will filter approximately 31.6 billion gallons of water a year! We're very excited to be part of this program.



STRATEGIC PLAN GOAL: WORKFORCE DEVELOPMENT

COVID Vaccinations

60% of our Solid Waste staff requested vaccinations, and from that group, 100% have been fully vaccinated.

STRATEGIC PLAN GOAL: INFRASTRUCTURE AND MASTER PLANNING

Landfill Cell Restoration

A project has been completed to replace a section of the synthetic cover, add soil, and regrade a landfill cell which had settled.



Pond Dam Modifications

A project is underway to lower the pond dam and reduce the volume of water stored. We no longer need the volume of water stored. These modifications will remove this dam from our inventory of regulated water impoundments.



Keene Convenience Center

We are designing a recycling and bagged refuse collection facility to be located on a site owned by the County in southern Albemarle.

STRATEGIC PLAN GOAL: COMMUNICATION AND COLLABORATION

Virtual Tour

Mr. Phil McKalips, Director of Solid Waste, provided a virtual tour of McIntire Recycling Center for four Kindergarten classes from Meriweather Lewis Elementary School.



MEMORANDUM

**TO: RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**

**FROM: LONNIE WOOD, DIRECTOR OF FINANCE AND
ADMINISTRATION**

REVIEWED: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: MARCH 2021 FINANCIAL SUMMARY

DATE: MAY 25, 2021

The results of operations and remediation activities for the first nine months of this fiscal year are summarized below and in the attached statements.

	<u>Operating Results</u>	<u>Remediation Results</u>	<u>Total</u>
Total Revenues	\$ 2,231,434	\$ -	\$ 2,231,434
Total Expenses	<u>(3,315,464)</u>	<u>(707,422)</u>	<u>(4,022,886)</u>
Net operating results	(1,084,030)	(707,422)	(1,791,452)
Support - MOU & Local	<u>1,298,532</u>	<u>737,881</u>	<u>2,036,413</u>
Surplus/(Deficit)	<u><u>\$ 214,502</u></u>	<u><u>\$ 30,459</u></u>	<u><u>\$ 244,961</u></u>

* Cash reserves are used when deficits occur. (Use of up to \$200,000 in reserves for an expected shortfall for remediation was included in the FY 2021 budget.)

Total operating revenues through March were \$418,000 over budget and total operating expenses were \$264,000 over budget. The Authority has processed 41,929 tons of waste this fiscal year. A breakdown of net revenue or cost per ton, including overhead and administrative support costs, is shown below.

	<u>Ivy MSW</u>	<u>Ivy - All Other</u>	<u>Recycling</u>	<u>Total</u>
Tonnage	29,982	10,107	1,840	41,929
Net operating revenue (costs)	\$ (348,063)	\$ (100,864)	\$ (635,103)	\$ (1,084,030)
Net revenue (cost) per ton	\$ (11.61)	\$ (9.98)	\$ (345.16)	\$ (25.85)

Attachments

RIVANNA SOLID WASTE AUTHORITY
REVENUE AND EXPENSE SUMMARY REPORT
FISCAL YEAR 2021
FOR THE MONTH ENDED 3/31/2021

Target Rate: 75.00%

Operations	Budget	Actual Y-T-D	IVY OPERATIONS		MSW-IVY TRANSFER		IVY CONVENIENCE CENTER		RECYCLE OPERATIONS		ADMIN. SERVICES	
			Budget	Actual Y-T-D	Budget	Actual Y-T-D	Budget	Actual Y-T-D	Budget	Actual Y-T-D	Budget	Actual Y-T-D
REVENUES												
Ivy Operations Tipping Fees	\$ 236,000	284,279	\$ 236,000	284,279								
Ivy MSW Transfer Tipping Fees	1,771,000	1,629,236			1,771,000	1,629,236						
Material & Other Sales-Ivy	110,000	79,278	110,000	79,278								
Recycling Revenues	156,300	146,002					20,000	6,173	136,300	139,829		
Other Revenues	93,000	75,979			93,000	75,979						
Interest & Fees	51,400	16,661									51,400	16,661
Total Revenues Budget vs. Actual*	\$ 2,417,700	\$ 2,231,434 92.30%	\$ 346,000	\$ 363,557 105.07%	\$ 1,864,000	\$ 1,705,215 91.48%	\$ 20,000	\$ 6,173 30.87%	\$ 136,300	\$ 139,829 102.59%	\$ 51,400	\$ 16,661 32.41%
EXPENSES												
Ivy Operations	402,666	325,188	402,666	325,188								
Ivy MSW Transfer	2,262,393	1,914,046			2,262,393	1,914,046						
Ivy Convenience Center	300,682	202,010					300,682	202,010				
Recycling Operations	553,158	467,709							553,158	467,709		
Administration	797,358	573,592									797,358	573,592
Total Expenses Budget vs. Actual*	\$ 4,316,257	\$ 3,482,544 80.68%	402,666	325,188 80.76%	2,262,393	1,914,046 84.60%	300,682	202,010 67.18%	553,158	467,709 84.55%	797,358	573,592 71.94%
Net Results Before Administrative Allocation	\$ (1,898,557)	\$ (1,251,110)	\$ (56,666)	\$ 38,369	\$ (398,393)	\$ (208,830)	\$ (280,682)	\$ (195,837)	\$ (416,858)	\$ (327,880)	\$ (745,958)	\$ (556,932)
Administrative allocations:												
Administrative costs to Envir. MOU (below)	223,787	167,080									223,787	167,080
Administrative costs to Operations	-	-	(186,490)	(139,233)	(186,490)	(139,233)	-	-	(149,192)	(111,386)	522,171	389,852
Net Operating Income (Loss)	\$ (1,674,770)	\$ (1,084,030)	\$ (243,156)	\$ (100,864)	\$ (584,883)	\$ (348,063)	\$ (280,682)	\$ (195,837)	\$ (566,050)	\$ (439,266)	\$ -	\$ -
Other Funding Sources												
Local Government Contributions	1,674,770	1,298,532										
County Contribution - Capital Grant	-	263,793										
Transfer to Capital Fund - Ivy Recycling Center	-	(263,793)										
Surplus (Deficit) - Operations	\$ -	\$ 214,502										

<u>Environmental Programs</u>		
	Budget	Actual Y-T-D
REVENUES		
Remediation Support	858,998	737,881
Total Revenues	858,998	737,881
Budget vs. Actual*		85.90%
EXPENSES		
Ivy Environmental	835,211	540,343
Administrative Allocation	223,787	167,080
	1,058,998	707,422
Budget vs. Actual*		66.80%
Cash Reserves Used	200,000	-
Surplus (Deficit) - Environmental	\$ -	\$ 30,459
Total Surplus (Deficit)	\$ -	\$ 244,960

**Rivanna Solid Waste Authority
Monthly Financial Status Report
FY 2021**

	July	August	September	October	November	December	January	February	March	Year-to-Date
<u>Revenues</u>										
Ivy Operations Tipping Fees	\$ 56,569	\$ 36,019	\$ 25,649	\$ 37,166	\$ 24,560	\$ 22,988	\$ 32,214	\$ 12,958	\$ 36,156	\$ 284,279
Ivy MSW Transfer Tipping Fees	171,354	188,841	197,126	182,143	181,388	167,906	173,743	169,242	197,493	1,629,236
Ivy Material Sales	7,074	7,424	8,280	9,306	6,365	5,884	9,329	5,884	19,732	79,278
Ivy Convenience Center	-	-	-	-	-	6,173	-	-	-	6,173
Recycling	4,294	16,905	8,670	9,201	44,047	4,381	17,877	22,709	11,745	139,829
Other Revenues	9,136	9,290	7,890	8,077	10,595	8,541	6,609	4,969	10,872	75,979
Interest & Late Fees	1,534	2,129	1,609	2,002	2,583	1,385	1,976	1,222	2,221	16,661
Total Revenues	\$ 249,961	\$ 260,608	\$ 249,223	\$ 247,895	\$ 269,538	\$ 217,258	\$ 241,749	\$ 216,984	\$ 278,219	\$ 2,231,434
<u>Expenses</u>										
Ivy Operations	\$ 35,831	\$ 21,851	\$ 33,365	\$ 36,766	\$ 26,720	\$ 79,883	\$ 29,189	\$ 23,178	\$ 38,406	\$ 325,188
Ivy Environmental	56,949	72,585	32,314	65,051	42,178	113,672	80,434	33,976	43,183	540,343
Ivy MSW Transfer	143,916	183,515	321,716	281,401	261,432	141,679	175,656	145,300	259,432	1,914,046
Ivy Convenience Center	18,947	18,869	21,488	32,066	21,311	24,050	24,212	18,163	22,905	202,010
Recycling Operation	56,096	39,866	65,102	72,539	44,138	51,571	51,721	42,638	44,038	467,709
Administration	64,883	60,468	63,599	65,907	59,810	61,363	73,299	62,757	61,508	573,592
Total Expenses	\$ 376,621	\$ 397,154	\$ 537,583	\$ 553,730	\$ 455,590	\$ 472,217	\$ 434,510	\$ 326,012	\$ 469,471	\$ 4,022,887
Net Operating Income (Loss)	\$ (126,660)	\$ (136,546)	\$ (288,360)	\$ (305,835)	\$ (186,052)	\$ (254,959)	\$ (192,761)	\$ (109,028)	\$ (191,252)	\$ (1,791,453)
<u>Other Funding Sources</u>										
Local Government Contributions	\$ 376,239	\$ 42,454	\$ -	\$ 42,454	\$ -	\$ -	\$ 418,693	\$ 376,239	\$ 42,454	\$ 1,298,532
Remediation Support and Revenue	205,598	69,138	-	69,138	-	-	199,254	125,616	69,138	737,881
<u>Use of Cash Reserves</u>	-	-			16,647	131,665	(97,422)	(50,890)		-
Surplus (Deficit)	\$ 455,177	\$ (24,954)	\$ (288,360)	\$ (194,244)	\$ (169,405)	\$ (123,294)	\$ 327,763	\$ 341,937	\$ (79,660)	\$ 244,960

Rivanna Solid Waste Authority
Fiscal Year 2021
March 2021
Revenue Detail Report

Revenue Line Item

IVY TIPPING FEES

Clean Fill Material	6,800	6,714
Grindable Vegetative Material	2,400	3,068
Tires, Whole	120	150
Tires/White Good (per item)		
<i>Subtotal</i>	9,320	9,931

IVY TRANSFER STATION

Compost Services	500	162
MSW Transfer Station	32,000	29,982
<i>Subtotal</i>	32,500	30,144

MATERIAL SALES - IVY

Encore		
Metals		
Wood Mulch & Chips		
Hauling Fees		
Other Materials		
<i>Subtotal</i>		

IVY CONVENIENCE CENTER

Material Sales		
<i>Subtotal</i>		

RECYCLING

Material Sales		
Other Materials & Services		
Grants-Operating		
<i>Subtotal</i>		

OTHER REVENUES

Service Charge Fees		
Other Revenues		
<i>Subtotal</i>		

INTEREST, LATE FEES, OTHER

Trust Fund Interest		
Finance Charges		
Capital Reserve Fund Interest		
Operating Investment Interest		
<i>Subtotal</i>		

Total Revenues

REMEDIATION SUPPORT AND REVENUE

UVA Contribution		
County Contribution		
City Contribution		
Forestry Revenue		
Total Remediation Local Support		

Tonnage	
Budget FY 2021	Actual YTD
6,800	6,714
2,400	3,068
120	150
9,320	9,931

500	162
32,000	29,982
32,500	30,144

Revenue				
Budget FY 2021	Budget YTD	Actual YTD	Budget vs. Actual	Variance %
\$ 68,000	\$ 51,000	\$ 66,888	\$ 15,888	31.15%
115,200	86,400	149,913	63,513	73.51%
22,800	17,100	28,437	11,337	66.30%
30,000	22,500	39,041	16,541	73.52%
\$ 236,000	\$ 177,000	\$ 284,279	\$ 107,279	60.61%
\$ 89,000	\$ 66,750	\$ 28,685	\$ (38,065)	-57.03%
1,682,000	1,261,500	1,600,551	339,051	26.88%
\$ 1,771,000	\$ 1,328,250	\$ 1,629,236	\$ 300,986	22.66%
\$ 20,000	\$ 15,000	\$ 5,266	\$ (9,734)	-64.89%
40,000	30,000	26,034	(3,966)	-13.22%
30,000	22,500	35,278	12,778	56.79%
20,000	15,000	12,700	(2,300)	-15.33%
-	-	-	-	
\$ 110,000	\$ 82,500	\$ 79,278	\$ (3,222)	-3.91%
\$ 20,000	\$ 15,000	\$ 6,173	\$ (8,827)	-58.85%
\$ 20,000	\$ 15,000	\$ 6,173	\$ (8,827)	-58.85%
\$ 105,300	\$ 78,975	\$ 84,469	\$ 5,494	6.96%
6,000	4,500	9,754	5,254	116.75%
25,000	18,750	45,607	26,857	143.23%
\$ 136,300	\$ 102,225	\$ 139,829	\$ 37,604	36.79%
\$ 85,000	\$ 63,750	\$ 67,644	\$ 3,894	6.11%
8,000	6,000	8,335	2,335	38.92%
\$ 93,000	\$ 69,750	\$ 75,979	\$ 6,229	8.93%
\$ 2,200	\$ 1,650	\$ 278	\$ (1,372)	-83.18%
1,200	900	11,783	10,883	1209.24%
18,000	13,500	1,560	(11,940)	-88.44%
30,000	22,500	3,040	(19,460)	-86.49%
\$ 51,400	\$ 38,550	\$ 16,661	\$ (21,889)	-56.78%
\$ 2,417,700	\$ 1,813,275	\$ 2,231,434	\$ 418,159	23.06%

\$ 79,982	\$ 59,987	\$ 79,982	\$ 19,996	33.33%
502,465	376,849	376,848	(1)	0.00%
276,551	207,413	276,551	69,138	33.33%
-	-	4,500	4,500	
\$ 858,998	\$ 644,249	\$ 737,881	\$ 93,633	14.53%

Rivanna Solid Waste Authority Historical Material Tonnage Report - Recycling Fiscal Years 2017-2021
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Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021 (Jul-Mar)
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In U.S. Tons

Fiber Products

Newspaper, magazines, catalogs
Cardboard (corrugated)
Mixed paper and phone books
File stock (office paper)

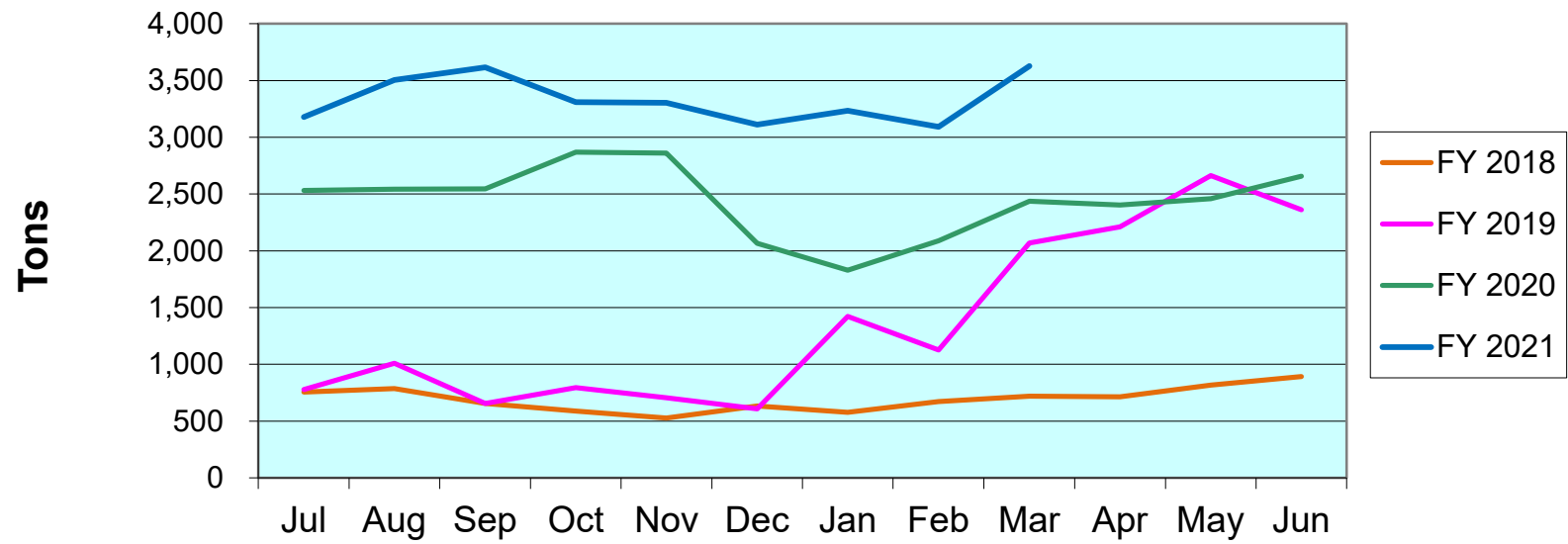
	419	424	427	120	-
	812	763	807	560	647
	156	187	265	792	584
	122	111	128	77	22
Total Fiber Products	1,509	1,485	1,627	1,549	1,253

Other Products

Glass
Metal Cans
Plastic

	252	252	411	467	418
	31	41	58	54	49
	86	103	127	114	120
Total Other Products	369	396	596	635	587
Total	1,878	1,881	2,223	2,184	1,840

**Rivanna Solid Waste Authority
Ivy MSW Transfer Tonnages
FY 2018 - 2021**



Ivy Material Utilization Center
Daily Scale Crossing Data



March 1-31, 2021

Days of

Operation: 27

Operation: 27		MSW collected at Transfer Station (tons)						Non-MSW
		Vehicles	Count	Citizen-Can	Construction	Domestic	MSW Total	Total Tons
03/01/21	Monday	129	161	0.16	26.26	103.18	129.60	10.65
03/02/21	Tuesday	189	232	1.61	104.73	47.87	154.21	9.23
03/03/21	Wednesday	181	200	0.08	72.36	143.90	216.34	49.19
03/04/21	Thursday	195	211	0.14	69.39	71.93	141.46	37.33
03/05/21	Friday	226	240	0.05	53.79	79.23	133.07	54.17
03/06/21	Saturday	336	397	0.46	9.75	50.62	60.83	11.66
03/07/21	Sunday	-	-	-	-	-	-	-
03/08/21	Monday	245	259	0.08	54.35	97.41	151.84	36.13
03/09/21	Tuesday	206	280	0.45	64.17	46.93	111.55	47.72
03/10/21	Wednesday	255	272	0.25	63.07	134.29	197.61	48.21
03/11/21	Thursday	218	252	0.03	37.27	52.23	89.53	51.90
03/12/21	Friday	262	333	0.33	51.90	107.96	160.19	34.68
03/13/21	Saturday	376	427	0.35	36.14	48.72	85.21	34.54
03/14/21	Sunday	-	-	-	-	-	-	-
03/15/21	Monday	255	278	0.10	47.25	93.93	141.28	34.48
03/16/21	Tuesday	209	207	0.33	54.17	78.88	133.38	164.70
03/17/21	Wednesday	224	237	0.10	41.64	134.96	176.70	196.81
03/18/21	Thursday	163	181	0.04	52.99	61.78	114.81	207.19
03/19/21	Friday	162	167	0.06	35.19	64.04	99.29	26.53
03/20/21	Saturday	338	400	0.54	4.09	51.65	56.28	31.31
03/21/21	Sunday	-	-	-	-	-	-	-
03/22/21	Monday	248	285	0.03	54.46	98.13	152.62	36.29
03/23/21	Tuesday	259	326	0.06	56.04	81.00	137.10	204.81
03/24/21	Wednesday	188	216	0.23	59.31	131.36	190.90	49.39
03/25/21	Thursday	199	243	0.39	59.73	61.81	121.93	39.43
03/26/21	Friday	225	278	0.11	57.39	78.79	136.29	55.90
03/27/21	Saturday	377	490	0.32	17.59	50.41	68.32	24.46
03/28/21	Sunday	-	-	-	-	-	-	-
03/29/21	Monday	248	270	0.15	37.76	90.23	128.14	77.04
03/30/21	Tuesday	228	268	0.20	49.02	68.23	117.45	21.89
03/31/21	Wednesday	180	199	0.24	29.53	143.45	173.22	52.83
Total		6,321	7,309	6.89	1,299.34	2,272.92	3,579.15	1,648.47
Average		234	271	0.26	48.12	84.18	132.56	61.05
Median		225	259	0.16	52.99	78.88	133.38	39.43
Maximum		377	490	1.61	104.73	143.90	216.34	207.19
Minimum		129	161	0.03	4.09	46.93	56.28	9.23

Material Type & Description

Citizen-Can: Roll-off container at the Ivy MUC Convenience Center-citizens dispose of prepaid trashbags

Construction: Construction/demolition debris (shingles, sheetrock, treated lumber, etc.)

Count: Transactions per item (appliances, hauling fees, service fees, tag-bag stickers, tires)

Domestic: Business/residential general or household waste

MSW: Materials processed/handled at the Transfer Station

Non-MSW: Materials processed/handled on-site

Vehicle: Transactions or vehicles processed in a day

Ivy Material Utilization Center
Daily Scale Crossing Data



April 1-30, 2021

Days of

Operation: **26**

Operation: 26			MSW collected at Transfer Station (tons)				Non-MSW	
	Vehicles	Count	Citizen-Can	Construction	Domestic	MSW Total	Total Tons	
04/01/21	Thursday	190	216	0.30	64.40	74.67	139.37	34.30
04/02/21	Friday	249	299	0.33	45.01	84.39	129.73	104.41
04/03/21	Saturday	307	341	0.37	10.05	44.70	55.12	40.08
04/04/21	Sunday	-	-	-	-	-	-	-
04/05/21	Monday	218	215	0.26	57.29	104.81	162.36	27.85
04/06/21	Tuesday	262	288	0.57	47.63	89.38	137.58	38.00
04/07/21	Wednesday	270	286	0.24	41.99	127.14	169.37	133.91
04/08/21	Thursday	256	262	0.28	45.30	77.72	123.30	100.79
04/09/21	Friday	210	244	0.40	48.44	101.87	150.71	26.70
04/10/21	Saturday	303	337	0.61	7.46	43.59	51.66	12.92
04/11/21	Sunday	-	-	-	-	-	-	-
04/12/21	Monday	240	263	0.11	64.38	117.91	182.40	48.57
04/13/21	Tuesday	253	285	0.30	52.61	135.61	188.52	22.79
04/14/21	Wednesday	227	258	0.20	94.59	134.61	229.40	96.22
04/15/21	Thursday	230	276	0.52	59.07	67.73	127.32	409.48
04/16/21	Friday	231	235	0.29	38.01	81.43	119.73	28.30
04/17/21	Saturday	364	376	0.38	14.90	53.82	69.10	20.86
04/18/21	Sunday	-	-	-	-	-	-	-
04/19/21	Monday	214	232	0.11	58.90	123.60	182.61	19.65
04/20/21	Tuesday	244	295	0.17	66.10	70.04	136.31	149.59
04/21/21	Wednesday	237	304	0.50	76.87	137.75	215.12	164.49
04/22/21	Thursday	212	205	0.09	36.41	84.20	120.70	41.14
04/23/21	Friday	236	239	0.26	57.10	83.15	140.51	52.52
04/24/21	Saturday	312	401	0.43	24.64	55.96	81.03	15.65
04/25/21	Sunday	-	-	-	-	-	-	-
04/26/21	Monday	232	262	0.16	44.21	157.32	201.69	56.65
04/27/21	Tuesday	220	250	0.12	64.50	92.73	157.35	53.71
04/28/21	Wednesday	208	234	0.26	55.04	127.84	183.14	22.73
04/29/21	Thursday	200	226	0.23	43.04	98.89	142.16	27.34
04/30/21	Friday	279	319	0.45	55.37	91.42	147.24	55.63
Total		6,404	7,148	7.94	1,273.31	2,462.28	3,743.53	1,804.28
Average		246	275	0.31	48.97	94.70	143.98	69.40
Median		237	263	0.29	50.53	90.40	141.34	40.61
Maximum		364	401	0.61	94.59	157.32	229.40	409.48
Minimum		190	205	0.09	7.46	43.59	51.66	12.92

Material Type & Description

Citizen-Can: Roll-off container at the Ivy MUC Convenience Center-citizens dispose of prepaid trashbags

Construction: Construction/demolition debris (shingles, sheetrock, treated lumber, etc.)

Count: Transactions per item (appliances, hauling fees, service fees, tag-bag stickers, tires)

Domestic: Business/residential general or household waste

MSW: Materials processed/handled at the Transfer Station

Non-MSW: Materials processed/handled on-site

Vehicle: Transactions or vehicles processed in a day



MEMORANDUM

TO: RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

FROM: DAVID RHOADES, SOLID WASTE MANAGER
PHILLIP MCKALIPS, DIRECTOR OF SOLID WASTE

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: IVY MATERIAL UTILIZATION CENTER REPORT/
RECYCLING OPERATIONS UPDATE

DATE: May 25, 2021

Ivy Material Utilization Center (IMUC) : DEQ Permit 132: 300 tons/day MSW limit

March 2021

- **6,321 vehicles crossed the scales**
- The IMUC transfer station operated 27 days and received a total of 3,579.15 tons of municipal solid waste (MSW), an average of 132.56 tons per day of operation. The monthly transfer station tonnage figures are attached to this report.
- 1,648.47 tons of non-MSW materials were received
- 5,227.62 tons were received as a combined total tonnage (MSW + non-MSW)

April 2021

- **6,404 vehicles crossed the scales**
- The IMUC transfer station operated 26 days and received a total of 3,743.53 tons of municipal solid waste (MSW), an average of 143.98 tons per day of operation. The monthly transfer station tonnage figures are attached to this report.
- 1,804.28 tons of non-MSW materials were received
- 5,547.81 tons were received as a combined total tonnage (MSW + non-MSW)

Paint Collection:

On April 21, 2021, the Ivy MUC shipped out the 39th container of paint cans since the program began in August 2016. Each container holds about 4,200 one-gallon paint cans; therefore, we have shipped about

163,800 paint cans. This program continues to make paint disposal more convenient for residents and alleviates some of the congestion during our fall and spring Household Hazardous Waste Days.

The oil-based paints that are collected are beneficially used as fuel for heat recovery, and the latex paints are re-processed back into commercial paints (www.latexpaintrecycling.com).

Compostable Food Waste Collection:

This program continues to operate smoothly at the IMUC and is a free service for County residents. A similar bin has been placed at the Transfer Station for the receipt of compostable food wastes from commercial customers. Commercial customers are charged the established disposal fee of \$178 per ton.

The McIntire Recycle Center received 8.73 tons of compostable materials from residents in March. The McIntire Recycle Center received 9 tons of compostable materials from residents in April.

Compost Sales at Ivy:

On April 17, 2020, compost sales (McGill Composting SoilBuilder®) began at Ivy. As of April 4, 2021, 185.85 tons of material have been sold. The sales price for compost is \$75 per ton (Note, there are approximately 2 cubic yards in a ton of compost. Therefore \$75.00 a ton is approximately \$37.50 per cubic yard). This price was intended to cover the direct costs of compost purchase and delivery of \$49.50 per ton, as well as defray other costs including administration, equipment, fuel, labor, etc.

Spring HHW and Bulky Waste Totals:

Saturday, April 24, 2021: *E-Waste*

A total of 265 vehicles participated, including 214 from the County and 51 from the City.

Thursday, April 29, Friday, April 30, and Saturday, May 1, 2021: *Special Collections*

The Very Small Quantity Generator (VSQG) Special Collection for business hazardous waste was held on Thursday, April 29, 2021. VSQG collection program is a pre-registration, fee-based program with sign-up information and instructions on the Rivanna.org website.

Household Hazardous Waste Day was a two-day event this Spring. Hours were from 9am-2pm on both Friday, April 30 and Saturday, May 1, 2021. Wait times on Friday were less than 10 minutes both days. The total customer count for the two-day event was 941 City/County residents. Friday: the split was 365 County, and 122 City. Saturday: the split was 338 County and 102 City. 14 Nelson county residents participated.

The following graph shows the number of customers (and their origin) at HHW events since 2014.

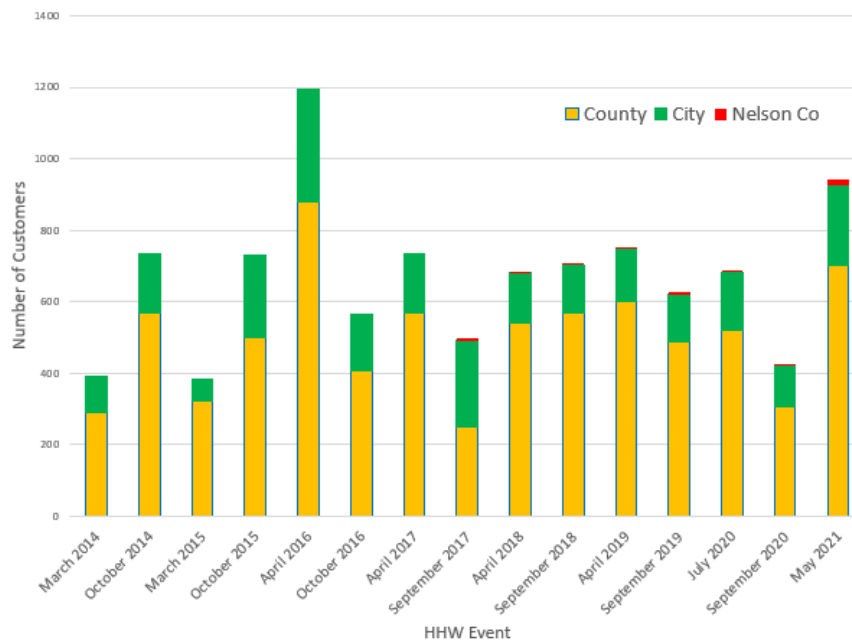
Saturday, May 8, 2021: *Furniture / Mattresses*

A total of 219 vehicles participated, including 176 from the County and 43 from the City. 31,914 lbs. of furniture and mattresses were collected from the county. 7,484 lbs. of furniture and mattresses were collected from the City.

Saturday, May 15, 2021: *Appliances*

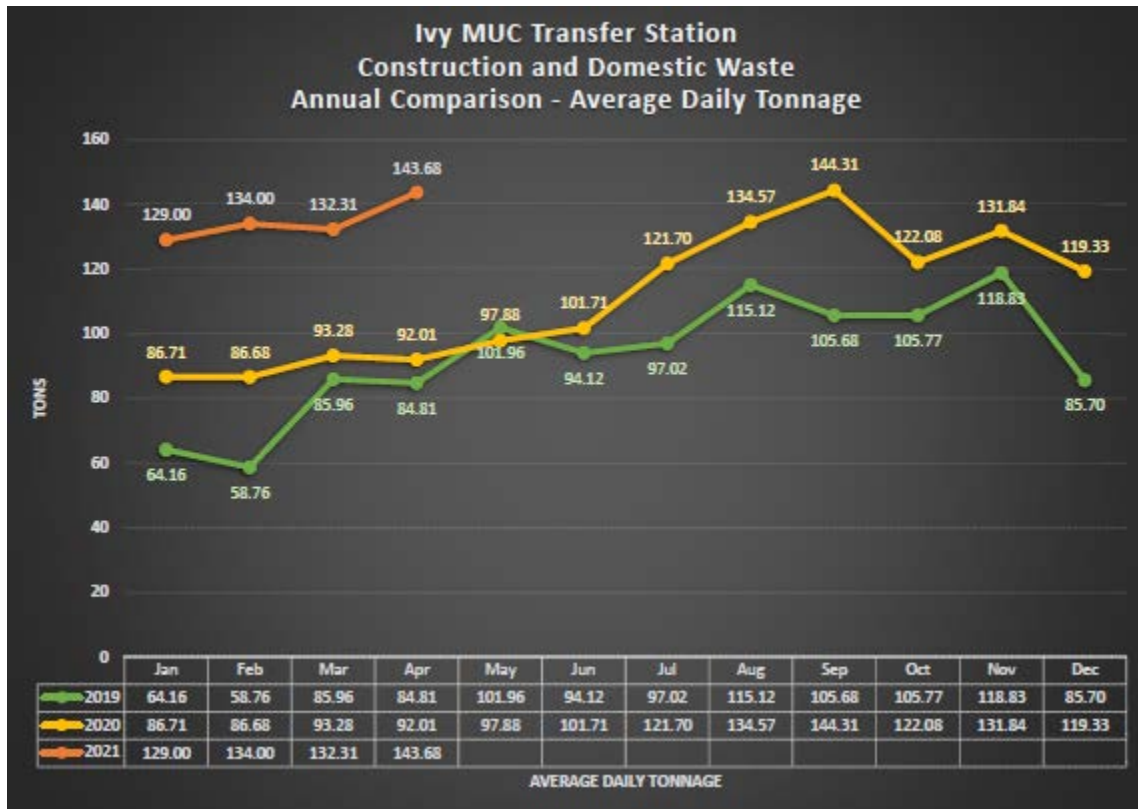
A total of 210 vehicles participated, including 170 from the County and 40 from the City. 5.23 tons of appliances and 141 freon units were collected from the County. 1.23 tons of appliances and 31 freon units were collected from the City.

HHW Participation History



Transfer Station Update

Disposal tonnages continue to follow seasonal trends as shown on the following figure.



Oyster Shell Recycling

In the Fall of 2019, RSWA began hosting a container at the McIntire Recycling Center to collect oyster shells from the public and local businesses. These shells were collected to support the Virginia Oyster Shell Recycling program at VCU's Rice Rivers Center. After filling the container with shells, RSWA decided to continue its support of the program by undertaking to cure (allowed to sit out in the fresh air and weather) the collected shells for a year and then bagging them so that they can be seeded and returned to the Chesapeake Bay to reestablish wild oyster beds.

On April 15, 2021 volunteers from both Authorities came together to process all the cured oyster shells and put them in mesh bags. A total of 210 bags of oyster shells were prepared. Once these shells are seeded and placed in the Bay and mature (2-3 years) it is expected that they will filter approximately 31.6 billion gallons of water a year! We're very excited to be part of this program.





MEMORANDUM

TO: RIVANNA SOLID WASTE BOARD OF DIRECTORS
RIVANNA WATER & SEWER AUTHORITY BOARD OF DIRECTORS

FROM: LONNIE WOOD, DIRECTOR OF FINANCE & ADMINISTRATION
BETSY NEMETH, HUMAN RESOURCES MANAGER

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: FY 22 PERSONNEL MANAGEMENT PLAN UPDATE

DATE: MAY 25, 2021

The Personnel Management Plan is the policy guidance of the Authorities to document and communicate labor regulations and management direction functions. It covers everything from employee hiring, employee compensation and benefits to grievance rights, substance abuse requirements and code of conduct.

Annually, staff must review and update the Plan to reflect recent changes in the labor laws, changes in certain benefits and general review for best practices. This year's updates are a mixture of regulatory changes and clarifications for the most part. There is one substantive change related to Hybrid employee related sick leave. The previous policy on sick-leave was viewed as inadequate for employees and could promote misuse of the leave because of it's "use-it or lose-it" requirements. The other substantive change was a complete re-write of the Substance Abuse Policy to make it more clear and concise. The current policy was repetitive and had too many specific definitions that were not needed. The proposed draft is a more modern policy for the Authorities purposes.

Below is a summary of the changes.

- **Section A – Introduction and Organization Chart**
 - A.1. Authority** – Clarifies that only the Boards of Directors have the authority to add additional staff. Removes unnecessary language that is covered in the Authorities' by-laws.
- **Section B – Recruitment and Hiring Policy**
 - B.1. Policy** – Adds language covered in §2.2-3902 of the Code of Virginia.

B.5. Criminal Background Checks – Removes language to be in compliance with §15.2-1505.3 of the Code of Virginia.

- **Section D – Compensation Plan and Administration**

D.5. Pay Rates – Clarifies that a reclassification can be a change of a job title or the reassignment of a job title to a new pay grade.

- **Section F – Leave Policy and Rules**

F.3. Annual Leave – Clarifies that two-week notice must be given and worked through in order to have any unused annual leave paid out upon termination.

F.4. Sick Leave – Allows VRS Hybrid Plan members to accrue up to 480 hours of sick leave time, which allows them enough leave time to care for a family member while on Family & Medical Leave (FMLA) for up to 12 weeks. Sets the accrual rate for them at 96 hours annually. Accrual will begin with the first paycheck in July 2021 and they will keep the sick time that they have as of July 1, 2021. *(Current Hybrid plan allots 96 hours at the beginning of the year. If it is not used by the end of the year, it is lost and not accrued. This was not enough sick time for employees with chronic health conditions and family sick leave purposes. It also could be viewed as encouraging employees to use it inappropriately because they would lose it.)*

F.11. Procedures for Requesting Leave – Clarifies that all time away from work requires the use of leave time or prior approval from the Executive Director for unpaid leave.

- **Section I – Administrative Policies**

I.7. Inclement Weather Policy – Policy rewritten to reflect Work from Home Administrative Procedure.

I.10. Effect of Criminal Conviction or Arrest - Removes language to be in compliance with §15.2-1505.3 of the Code of Virginia.

I.12. ID Badges – Clarifies that the loss or theft of an employee's ID badge must be reported to their supervisor immediately.

- **Section L – Substance Abuse Policy**

Section rewritten. New section references the United States Department of Transportation (DOT) 49 CFR part 382 and 40, which mandates drug and alcohol testing for drivers and the manner in which testing is completed. Policy will not need to be changed if the regulation changes, as the policy now states that all testing must be in compliance with this regulation.

- **Employee Handbook**

Updated to include all policy changes and new policies mentioned above.

Attached:

Redline of the manual

Redline of the Employee Handbook

Board Action Requested:

It is requested that the Board of Directors of Both Authorities adopt the recommended update to the Personnel Management Plan.

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A. Introduction and Organization Chart

It is the policy of the Rivanna Water & Sewer Authority and the Rivanna Solid Waste Authority that a fair and uniform personnel management system be established and maintained in order to ensure effective service to our customers and community.

1. Authority

The policies and procedures in this Manual are intended to cover all aspects of the Rivanna Water & Sewer Authority and the Rivanna Solid Waste Authority (the Authority) personnel management system. They have been adopted or revised by the Authority's Boards of Directors (Boards) on the dates noted in each chapter or section. Administrative authority has been delegated to the Executive Director. The authority to revise or add to this manual remains with the Boards with day to day supervision by the department managers, or as delegated, with the exception that *Section D.3., "Compensation Plan and Administration, Job Descriptions"* may be revised as needed by the Executive Director. The ~~authority~~power to add/delete full-time and part-time equivalent staff (FTE'S) positions and departments remains with the Boards. Nothing in this Personnel Manual is to be construed as a contract of employment. ~~The personnel management system and the Manual are subject to change at any time, with or without notice, by the Boards. The Boards retain the right to take whatever actions they believe to be in the best interest of the Rivanna Water & Sewer Authority and/or the Rivanna Solid Waste Authority and its clients and customers.~~

2. Work Service

All employees work under these policies as approved by the Authority's Boards and administered by the Executive Director. The followings categories of work service do not fall under these provisions:

- a. Consultants, contractors, and counsel;
- b. Volunteers, or persons appointed to serve without pay;
- c. Members of Boards, commissions, or committees;
- d. Other positions as designated by the Board.

3. Organizational Chart

The Executive Director may request or recommend changes to the organizational charts from time to time. When this occurs, the organizational charts shall be presented to the Board for review and approval. Once approved, the organizational charts will be updated accordingly. For Authority organizational charts see *Section M. Forms and Attachments*.

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B. Recruitment and Hiring Policy

1. Policy

It is the policy of the Authority to hire employees through a systematic recruitment and selection process that identifies, attracts, and selects the most qualified applicants for employment. All applicants are considered on the basis of job requirements and applicant qualifications and otherwise without regard to race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical conditions, status as a veteran, disability, hairstyles, hair texture, or any other non-job-related factor. The Authority's programs and practices seek to foster internal advancement opportunities for current employees. The Human Resources Department is responsible for overseeing the recruitment and selection process. All recruitment and selection will be done in accordance with applicable policies and laws and no selection decision will be made that would constitute unlawful discrimination in violation of state or federal laws.

2. Job Posting

- a. Open positions can be posted in one of the following ways:
 - 1) The job may be opened to Authority personnel only, in which case interested employees will notify the appropriate department manager or the Human Resources Manager of their interest.
 - 2) The job may be filled by evaluating applications already filed by qualified persons.
 - 3) The job may be advertised by contacting local schools, agencies, the Virginia Employment Commission, or by paid advertisements in appropriate newspapers, journals or Web posting and/or television.
- b. All open positions will be posted for a minimum of ten business days.
- c. The closing date of the posting will be listed as a part of the posting.
- d. Job advertisement is under the direct supervision of the Human Resources Manager. No position may be opened and filled without notifying the Human Resources Manager and following one of the above procedures. This policy is to ensure that job openings are publicized adequately, both in the interest of fairness and of finding the best candidate for a job opening.

3. Application Policy

- a. All applicants must complete an Authority employment application, either an online application or a paper application. All employment applications are submitted to the Human Resources Manager.
- b. Applicants must complete an employment application for a position before the closing date of the job posting.

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- c. All applications received for any position must be retained as stated in the retention policy of the Library of Virginia. Destruction of employment applications at the end of the retention period must be confidential.
- d. All applicant data will be tracked by the Human Resources Department.

4. Job Offer Policy

The Executive Director has final approval of all hiring decisions. A recommendation will be made to the Executive Director by the hiring department manager and/or the Human Resources Manager for all open positions.

5. Criminal Background Checks

All applicants who are offered positions shall be required, as a condition of employment, to authorize the Authority to have a criminal background check investigation performed and additionally a motor vehicle investigation check when driving a motor vehicle is an essential function of the position.

- a. When an applicant has a prior conviction, the Executive Director will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought.
- b. If an applicant should refuse to permit a background check, the applicant will be removed from further employment consideration.
- c. ~~Applicants who omit criminal convictions from their employment application may be denied employment for falsification of the application. A new application may be filed after three (3) calendar years provided the person at the time lists their convictions.~~

Commented [BN1]: Virginia law does not allow us to ask about convictions on job applications.

6. Post-Offer Physicals

- a. A post offer physical is required of the successful candidate. The candidate must meet the physical requirements of the position and must successfully pass a medical examination prior to the first day of employment. All medical records are confidential and shall comply with HIPPA guidelines.
- b. A post offer drug screening is required of the successful candidate. At the time of the physical examination the candidate will submit a urine specimen for drug screening purposes. The candidate must test negative for any illegal drug use to be eligible for employment. All drug and alcohol records are confidential and are maintained in a file separate from the employee's personnel file. *See Section L, "Substance Abuse Policy"* for additional information on the Authority's drug testing policy.

7. Orientation Policy

All new employees will receive a copy of the Authority Employee Handbook prior to their first day of employment. New employees will attend an orientation session with the Human Resources Manager, the Payroll and Benefits Coordinator and the Safety Manager on their first day of employment. During this time, new employees will review all of their employment documentation, complete Employment Eligibility forms, and receive a comprehensive review of safety procedures.

C. Personnel File Policy

1. Policy

This policy establishes guidelines for the personnel files for each employee of the Authority and governs the access, dissemination, and purging of information contained within this file.

2. Description

The Personnel File contains personal information relevant to the individual's employment. These files are maintained under the supervision of the Human Resources Manager and are kept in a file cabinet which is locked at all times except when the files are inspected, or materials are added.

The personnel file shall be the only file which is to be considered official and complete in matters related to wages and salary, employee selection, employee relations, and arbitration hearings. Information pertaining to any personnel related aspect of employment (personnel action forms, letters of reprimand, letters of commendation, unemployment compensation requests, and any other pertinent information) shall be contained within the file.

All documents containing employee health information shall be maintained in a separate locked file and only those individuals with a need to know shall have access to these files as defined in the HIPAA Security Rule.

3. Access

The access, dissemination, and purging of information contained within a personnel file shall be in accordance with the federal Privacy Protection Act of 1974 and may from time to time be amended.

- a. The following individuals or agencies shall be designated as having regular access to the personnel files:
 - 1) The Executive Director.
 - 2) The Director of Finance and Administration, the Human Resources Manager, and the Payroll & Benefits Coordinator (for administrative purposes).
 - 3) Federal, State, or local law enforcement agencies during a properly warranted investigation of a violation or potential violation of the law.
- b. The following individuals or agencies may inspect a limited number of personnel files:
 - 1) An individual employee or former employee may inspect his or her own official personnel file after presenting proof of identity.
 - 2) An immediate department manager or Divisional Director may inspect portions of the official personnel file of any employee under their supervision.
 - 3) The members of a Grievance Appeals Board may inspect relevant files.
 - 4) The Virginia Employment Commission Unemployment Compensation Division may inspect relevant files.

All personnel files shall be reviewed in the presence of the Executive Director, the Director of Finance and Administration or the Human Resources Manager. No files shall be removed from the Administration Building unless needed for a grievance or court hearing.

There will be no release of any personal information contained within a personnel file to any individual or organization not having regular or limited access unless the employee has authorized the release of the information. The authorization from the employee must be in writing and signed by the employee.

Wage and salary information is not considered confidential under Freedom of Information Act laws and may be released as a part of a Freedom of Information Act (FOIA) request.

4. Official Personnel Forms

- a. The following forms will be maintained in an employee's personnel file:
 - 1) Performance Evaluation forms
 - 2) Personnel Action forms
 - 3) Employee pay history
 - 4) Tax forms
 - 5) Any policy sign-off forms
 - 6) Any documentation of performance issues, to include reprimands and suspensions
 - 7) Original hiring documents such as offer letters and applications
 - 8) Any other confidential documents pertaining to that specific employee
- b. The following forms will not be maintained in an employee's personnel file:
 - 1) Any health-related documents, to include health insurance applications, doctor's notes, physical and drug testing results and Family & Medical Leave forms
 - 2) Employment Eligibility Verification Form I-9
 - 3) Requests for employment verification

D. Compensation Plan and Administration

1. Policy

By these rules and regulations, the Authority intends to establish a means of providing fair compensation to its employees while ensuring orderly and cost-effective operations. Employees shall be paid based on the value of work that they perform. Job performance shall be the major factor in determining wage and salary adjustments. Requests and appeals by employees regarding the application of these rules and regulations are to be submitted through appropriate channels, reaching to the Executive Director if necessary.

2. Definitions

Base Pay: An employee's normal hourly rate or annual salary, to include merit and administrative increases through the tenure of their employment. Base pay does not include overtime rates and premium rates. Base pay does include any relief or night shift operator differential pay.

Employee: Individual within a position.

Full-time Employee: A person with a work schedule of 40 hours per week. Treatment plant operators who work the 12-hour rotating shift schedule are also considered full time. Full time employees are eligible to receive benefits.

Intern: A student/trainee who works in a particular position full time for a restricted period of time or part-time, in order to gain work experience in a particular field. All interns will be paid at least the federal minimum wage and are considered temporary employees.

Job Title: A specific job that may have more than one position within it. (Note: a job title is defined by its job description that details the duties, qualifications and skills needed to perform the work.)

Part-time Employee: A part-time employee is an employee with a work schedule of less than 30 hours per week.

Position: An individual job. All positions must be approved by the Board of Directors.

Night Shift Operator – A water or wastewater operator who works a rotating schedule of shifting from day shifts to overnight shifts on a regular basis. Night shift operators must be permanent employees.

The Manager of each Water and Wastewater Department or the Divisional Director shall designate for each department the employees assigned as Night Shift Operators. There shall be only 8 designated night shift operators at any given time in each of the two operating departments, for a total of 16 designated night shift operators.

Pay Grade/Grade: A single pay range within a pay scale to which one or more job titles may be assigned.

Pay Range: The minimum, midpoint and maximum annual salary range within a pay grade paid for a specific job/position.

Pay Scale: A system that determines how much an employee in a job/job title can or may be paid as a base wage/salary for the job/position.

Performance or Merit Increase: An increase within grade to reward performance which meets or exceeds expectations of the position.

Separation or Termination: An employee ceasing to be employed by the Authority, either by resigning or by being dismissed.

Temporary Employee: A person whose employment with the Authority will last no longer than 90 days. These employees are not eligible for participation in the Authority benefits program.

Workweek: A fixed and regular recurring period of 168 hours – seven consecutive 24-hour periods. Different workweeks may be established for different employees or groups of employees.

The Authority uses a pay scale of numbered pay grades, with each grade approximately 5% above the previous grade. The pay range for each position has a total spread from the minimum to the maximum of approximately 66%. The determination of a pay grade in which a particular position falls will take into account pay equity for work performed and consistency in pay with positions that perform similar work. The assignment of positions to pay ranges and the pay rates within each grade may be modified both by reclassification, such as through a classification study, or by across-the-board adjustments added to all pay rates as approved by the Authority Boards.

The Executive Director will recommend adjustments to the pay scale annually as needed. All adjustments to the pay scale must be approved by the Board of Directors.

The Authority will conduct a Compensation and Classification Study a minimum of every five years, or sooner as needed, to ensure the internal and external equity of the pay scale.

3. Job Descriptions

Each job title has a specific job description. In the job description, the following items are outlined:

- a. **Job Summary:** A statement that contains overall job function/duties, department manager responsibilities, if any, and the job title of the department manager of the position.
- b. **Essential Job Functions:** A detailed list of job responsibilities for the job title.
- c. **Minimum Education and Experience:** A list of the minimum education and work experience expected of the employee in the job.
- d. **Knowledge, Skills and Ability:** A list of the basic abilities an employee must possess in order to effectively perform the job.
- e. **Physical Requirements:** A list of physical acts that the employee must be able to perform in the job.
- f. **Work Environment:** A summary of the working conditions in which the job is performed.
- g. **Special Requirements:** Any requirements for the job that are not listed elsewhere in the job description or that are unique to the job.

4. Determination of Pay Grade

All job titles are assigned a pay grade based on:

a. Complexity of the Work

- 1) Unskilled: Work requiring the performance of uncomplicated tasks, physical work.
- 2) Semi-Skilled: Work requiring the performance of uncomplicated work, specialized physical work.
- 3) Skilled: Work requiring specialized physical skills used in the performance of complicated tasks.
- 4) Clerical: Work requiring the use of basic language, mathematical and social skills in orderly duplication, processing, recordation and maintenance of information documents.
- 5) Skilled Clerical: Work requiring the use of basic language, mathematical and social skills in orderly duplication, processing, recordation and maintenance of information and financial documents and requiring typing skills.
- 6) Technical: Work requiring the specific application of detailed procedures and techniques to recurring situations or problems. Work may also require specialized physical skills.
- 7) Paraprofessional: Work requiring the application of advanced knowledge and often advanced social skills in support of professional activities and may include research and data collection, client assistance or other activities.
- 8) Professional: Work requiring the application of advanced knowledge and personal ingenuity, creativity, estimation or related input and often advanced social skills, to the solution of complex problems or situations.
- 9) Administrative: Work requiring the application of general procedural knowledge and advanced social skills in the planning, organizing, coordinating, directing and/or control of agency activities, procedures and practices.

b. Level of Work

- 1) Routine: This is the lowest level of the type of work performed requiring the employee to handle a restricted scope of simple or more basic assignments or problems.
- 2) Responsible: This is the senior and often department manager level of this type of work requiring the employee to handle a variety of typical assignments or problems.
- 3) Difficult: This is the senior and often department manager level of this type of work requiring the employee to handle all assignments or problems except those requiring unit or departmental policy or procedural change.
- 4) Complex: This is the highest level of mastery of this type of work and is often a managerial position. It requires the employee to handle or direct the handling of all assignments or problems.

c. Supervision Received

- 1) Immediate Supervision: The employee works under close supervision and work is checked regularly.
- 2) Regular Supervision: The employee generally works independently, following standard practices requiring only occasional supervision, work is checked periodically for quality accuracy and quantity; department manager normally available for consultation and advice upon request.
- 3) General Supervision: The employee requires only general direction, working from broad policies and on general objectives. Refer specific matters to superior only when interpretation of municipal or agency policies is deemed necessary; sets own standard of performance, limited only by general policies and budget; direct responsibility for final results.
- 4) Supervision Exercised: The employee is responsible for the supervision of others. This is determined by the number of employees supervised – a small group being less than six employees, a medium group being between six and twenty employees and a large group being over 20 employees supervised.

d. Knowledge, Skills, and Abilities

- 1) Some Knowledge: the employee has sufficient familiarity with the subject to know elementary principles and terminology and to understand simple problems.
- 2) General Knowledge: The employee has sufficient knowledge of the subject to enable the employee to work effectively in a limited range of work situations.
- 3) Thorough Knowledge: The employee has almost complete coverage of the subject matter; work calls for sufficient comprehension to solve unusual as well as common-place work problems.
- 4) Comprehensive Knowledge: The employee has the most advanced degree of knowledge likely to be found; work calls for complete mastery and understanding of the subject.

e. Education and Experience

Level of education required for the job, as stated in the job description.

- 1) Some Experience: Sufficient to enable employee to acquire some familiarity with methods and nomenclature in common work situations of the occupational field (usually six months to two years).
- 2) Considerable Experience: Sufficient experience in an occupational field to perform work as assigned with little direct supervision, work calls for a journeyman comprehension of standard work situations (usually two to five years).
- 3) Administrative Experience: Extensive experience as defined and develop or advise on major policy matters and independently direct the operations of a major agency.

f. Special Job Requirements

These are specific requirements that must be met by an employee working in a particular job, such as licensing and specific physical requirements.

g. Current Pay Scale & Position Table

For current pay scale and position table, *see Section M., "Forms and Attachments"*.

h. The Authority will conduct a comprehensive classification and compensation study every five years at a minimum. The Executive Director may, if warranted, recommend an adjustment to the overall pay scale during a year that a survey is not completed, which must be approved by the Board of Directors.

5. Pay Rates

a. Starting Pay

The Executive Director is authorized to hire employees at any point within the salary range based on market conditions and the qualifications of the individual.

Original appointment above the minimum pay rate for a class may be recommended, subject to approval by the Executive Director, if any of the following conditions exist:

- 1) The qualifications and/or experience of the applicant exceed the basic requirements for the position.
- 2) The applicant is a former employee.
- 3) Difficulty of recruitment requires offering a higher pay rate.

b. Promotion, Demotion and Transfer

When an employee is promoted from one job to another having a higher pay range/pay grade and additional responsibilities, the employee shall receive an increase of at least ten percent (10%).

See 7.d. of this Section, "Other Forms of Compensation, Operator License Incentive Program" regarding license increases, which are not considered promotions under these rules and regulations.

When a position is filled by demotion, the employee shall be paid at any rate in the pay grade assigned to the position the employee is demoted to, as determined by the Executive Director.

When a position is filled by a transfer of an employee from a position assigned the same grade, the base pay rate normally shall not change. When an employee chooses to apply and transfers to a position in a lower pay grade, that employee may receive a reduction in base pay, as determined by the Executive Director.

c. Former Employee Hiring

A former employee who is hired to fill a position in the same pay grade in which they previously served, shall be paid the current base pay rate within the grade commensurate with their current work experience and qualifications.

A former employee who is hired to fill a position in a pay grade other than which they previously served, shall be paid the current base pay rate within the pay grade commensurate with his/her current work experience and qualifications, at the discretion of the Executive Director.

d. Reclassification

A reclassification is the change in a job title or the reassignment of a job title to a different pay grade to a position whose ~~because the previous title/-pay grade/pay range no longer accurately reflects the duties performed. A new pay grade within the pay scale may be established if necessary, with the approval of the Board.~~

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An employee whose regular and continuing duties are reclassified from one pay grade into a higher pay grade will receive a 5% pay increase in their base pay for reclassification resulting in a one pay grade increase and a 10% increase in their base pay for reclassification resulting in a two or more pay grade increase or the minimum in the new grade, whichever is higher.

An employee whose regular and continuing duties are reclassified to a lower pay grade shall not incur any base pay rate reduction even if the employee's current base pay rate is higher than the maximum in the new pay grade when not related to less than expected performance.

Any employee whose position is reclassified into a higher pay grade as the result of a Compensation/Classification study or market survey will not automatically be entitled to an increase in base pay, unless their current rate of base pay is below the minimum of the new pay grade.

6. Employee Performance Appraisal and Merit Pay

a. Purpose

The annual employee performance appraisal is a process that allows an employee and their department manager to discuss the employee's performance from the prior year, as well as to set performance expectations for the following year. Employee performance that meets or exceeds expectations can result in an annual merit increase. Merit increases will take effect on July 1 for the review period of April 1 through March 31. Merit increase funding is a function of the annual budget process and must be reviewed and approved by the Boards of Directors. The total merit pool is a percentage of total salaries.

Specific policy and procedures related to the execution of employee performance appraisals are found in the Performance Evaluation System Manual, a separate manual from this policy, which is approved by the Board of Directors.

b. Appraisal Procedure and Merit Increase Eligibility

If the Boards approve a merit increase with the adopted annual budget, increases can be awarded to all eligible employees, to be allocated based on each employee's performance appraisal by a calculation method stated in the Performance Evaluation System Manual and formally approved by the Board or Directors.

No employee shall receive a salary increase that would cause the employee's base pay rate to exceed the maximum pay rate in the employee's pay grade. If an employee is ineligible for a salary increase because an increase would cause their annual salary to exceed to top of their pay grade; the employee may receive a performance bonus. *See Section 7.b.1. of this Section, "Other Forms of Compensation, Bonuses, Performance Bonus".*

New employees in a probationary status as of March 31 are not eligible for a merit increase in the next fiscal year; however, the same employee may be eligible of a one-time administrative increase after a successful six-month probation period, pending Executive Director approval. *See 7.c. of this Section, "Other Forms of Compensation, Administrative Increase".*

Eligibility for performance increases shall not be affected by other salary increases, including administrative, promotion, and bonus increases or by a transfer or reclassification provided there remain sufficient range in the grade.

Employee performance information is personal information and shall be handled in a confidential manner and retained in their personnel file.

7. Other Forms of Compensation

a. On-Call Pay

Certain positions are required to participate in an after-hours on-call schedule. In the event of an emergency, the on-call employee is expected to respond immediately and be fit for duty. Employees that are on-call will receive a wage rate of 10% of their hourly base pay rate for every hour waiting to be called outside of their normal work schedule. Lunchtime during the normal workweek is not considered on-call time. Should the employee be required to come into work during their on-call schedule, he/she will receive Unscheduled Premium pay for two hours or the actual hours worked out of schedule. In the case of an emergency operation status, as determined by the Executive Director, other positions may temporarily be included in the on-call schedule. Department Managers shall designate any employee that is in On-Call status for each pay period.

b. Bonuses

1) Performance Bonus. An employee who is at the maximum of his or her pay grade shall be eligible for a performance bonus. If an employee is ineligible for a salary increase because an increase would cause their annual salary to exceed to top of their pay grade; the employee may receive a performance bonus as determined by the merit-based pay increases, if any. *See Section D.6.b., "Compensation Plan and*

Administration, Employee Performance Appraisal and Merit Pay, Appraisal Procedure and Merit Increase Eligibility”.

- 2) Meritorious Bonus Award. The Executive Director may make a cash award to an employee(s) for extraordinary events; such as, extraordinary performance or significant money saving suggestions conceived outside the usual and normal expectations of their position(s). The award is a one-time, lump sum bonus of \$100 to \$3000. Only the Executive Director has the authority to award such a bonus.

c. Administrative Increase

An employee who performs the duties and responsibilities of his position in a consistently superior manner deserving recognition beyond what is provided through pay for performance increases, as determined by the Executive Director, shall be eligible to be considered for an administrative increase where a promotion may not be possible and/or may not be warranted. An administrative increase may also be used to adjust any inequities, which may arise from the application of these rules and regulations. An administrative increase shall have no effect upon eligibility for pay for performance increases.

An administrative increase to advance an employee when such action seems justifiable may be recommended to or by a divisional director and/or the Executive Director. Such a recommendation shall be submitted in writing to the Executive Director for approval and shall state the reason for the recommendation.

An administrative increase shall not exceed 15% within grade.

An administrative increase may be granted in the case of a temporary promotion or transfer, limited to the duration of the temporary assignment. *See 7.c. of this Section, “Other Forms of Compensation, Administrative Increase”.*

d. Operator License Incentive Program

Persons in an Operator position who pass a licensing exam for a higher-class license than the one currently held will be reclassified and be paid either the minimum for the new pay grade or a rate in the new range 5% above the current salary/base pay, whichever is greater, if the experience requirements have been met.

Granting of a license increase shall not be considered a promotion under these rules and regulations.

e. Overtime

Overtime shall be utilized to relieve specific occasional peak workloads or emergencies, and as a part of the Authority’s day-to-day operations.

Non-exempt employees are paid overtime for hours worked in excess of 40 hours in a workweek. Overtime pay is based on the employee’s base rate of pay for hours actually worked. This includes compensation for hours worked while in unscheduled premium and

compensation while in on-call pay status; which is added to the base rate of pay (or blended). It also includes compensation for relief operator differential pay and night time shift differential pay within in any given week. It does not include compensation or time for sick, vacation, holiday or other leave granted, holiday premium pay, or discretionary bonuses received within the workweek. Pay for these items is added after overtime is calculated.

This will result in non-exempt employees receiving a Blended Overtime rate each week there is applicable time worked beyond the statutorily required 40 hours per week.

Regular part-time employees and interns receive overtime pay for work hours exceeding 40 hours in a workweek.

All overtime specified above, must be preauthorized by the immediate department manager on a daily basis.

Vacation leave is available to non-exempt employees in lieu of overtime pay. In all instances of overtime, the employee may request in lieu of overtime pay, a vacation leave credit at a rate of 1.5 times the overtime hours worked. An employee may request up to a total of 30 hours of vacation leave time instead of overtime pay (instead of 20 hours of overtime pay) per calendar year as allowed by law. An employee's department manager must approve the request for vacation leave in lieu of overtime.

f. Premium Pay

Holiday Premium Pay: Hourly employees will receive premium pay at the rate of 0.5 times their hourly rate of base pay, in addition to their regular base pay for any hours worked in the workweek that are on an Authority designated regular holiday.

Unscheduled Premium Pay: Hourly employees will receive premium pay at the rate of 0.5 times their hourly base pay rate, in addition to their regular base pay, for any hours worked in the workweek that are unscheduled hours worked due to emergency call-in, special work load needs or covering another employee's work schedule. (Examples: line breaks, plant shutdowns, special construction needs requiring nighttime work.)

g. Pay Differential – Relief Operators

In recognition of the additional demands with the Relief Operator assignment and to implement an incentive to retain qualified operators in Relief Operator assignment, the Relief Operator will be eligible to receive a 10% pay differential above their hourly base pay rate once fully trained at all related facilities as determined by the department manager. This new pay rate becomes their base pay.

At such time when a water or wastewater operator ceases to perform the assignment of a Relief Operator, the 10% pay differential for the Relief Operator assignment will no longer be paid.

h. Night Shift Pay Differential – Water and Wastewater Night Shift Operators

In recognition of the additional demands on water and wastewater operators who are working overnight shift schedules, these operators will be eligible to receive a 2% pay differential above their hourly base pay rate. This new pay rate becomes their base pay. Overnight shift operators must be designated by the Water and Wastewater Managers.

When a water or wastewater operator no longer works the overnight shift schedule, the 2% pay differential for the shift assignment will no longer be paid.

8. Benefits Briefly Explained

a. Retirement

The Authority is a member of the Virginia Retirement System (VRS). The Authority makes contributions into the plan as determined and instructed by VRS. In addition, the employee pays a minimum 5% employee member contribution as a pre-tax deduction from their creditable compensation. An employee's creditable compensation is their annual salary, or their hourly base pay rate multiplied by 2,080 hours (which is 40 hours per week for a year). Participation in VRS is a condition of employment for all eligible employees.

b. Retirement Pay Out

In recognition of employee service to the Authority, employees who are eligible to retire under the Virginia Retirement System will be paid one of the following upon their retirement based on the VRS Plan in which they participate:

- 1) VRS Hybrid Plan participants will be paid a Service Bonus of \$200 per year of continuous service to the Authority, up to a maximum of \$5,000.
- 2) VRS Plan 1 and Plan 2 participants will be paid a percentage of their accrued sick leave time at the time of retirement, based on the table below, up to a maximum of \$5,000.

Years of Service	%	Benefit Calculation
<3	0	No cash benefit
3 to <5	10	Sick leave balance x employee hourly rate x 10%
5 to <10	15	Sick leave balance x employee hourly rate x 15%
10 to <15	20	Sick leave balance x employee hourly rate x 20%
15 to <20	25	Sick leave balance x employee hourly rate x 25%
20 +	30	Sick leave balance x employee hourly rate x 30%

c. Life Insurance

All Authority employees must participate in a group life insurance plan tied to the retirement plan. The premium and benefits are based upon each employee's base gross salary. The Authority pays the premium cost. The contribution made by the Authority is subject to change as part of the Authority's annual budget. Employees may also elect to purchase additional life insurance and extend coverage to family members. This additional optional life insurance is at the employee's expense.

d. Medical/Dental Insurance

The Authority participates in a major medical and dental plan for employees and their families. The Authority makes a contribution towards the premiums and the employee pays the remaining amount through a payroll deduction. The specific features of this plan are normally subject to change annually.

e. Workers' Compensation

Under State Law, the Authority maintains workers' compensation insurance to pay for treatment of work-related injuries and to protect against loss of income resulting from a job-related injury. See Section F.10., "Leave Policy and Rules, Workers' Compensation Leave".

f. Leave

The various types of leave are covered in Section F., "Leave Policy and Rules".

g. Other Optional Benefits

In addition to optional life insurance noted above, other optional benefits include dependent and health care flexible spending accounts, health savings accounts, optional critical care insurance, a 457 Deferred Compensation Account and gym memberships at a reduced rate.

The Authority retains the right to change, alter or discontinue benefits offered where applicable.

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E. Harassment Policy

1. Policy

It is the policy of the Authority to provide a working environment that is free from all forms of discrimination and conduct that is considered harassing, coercive, intimidating, or disruptive, to include sexual harassment. Actions, words, jokes or comments based on an individual's sex ~~(including pregnancy)~~, race, color, national origin, age (over 40), religion, disability, genetic information, sexual orientation, gender identity, pregnancy, childbirth and related medical conditions, hairstyles, hair textures, and any other legally protected characteristic will not be tolerated. This policy includes reporting procedures and remedies in the event of harassing behavior.

2. Workplace Harassment

Offensive behavior toward an employee may constitute workplace harassment if:

- a. The conduct occurs because of a person's inclusion in a legally protected class;
- b. The conduct is unwelcome;
- c. The conduct results in a tangible employment action against the alleged victim (termination, demotion, denial of promotion, decrease in pay, or altering that individual's duties in a way that blocks the individual's opportunity for promotion or salary increase);
- d. Or if the conduct is sufficiently severe or pervasive to create a hostile, intimidating or offensive work environment, to unreasonably interfere with a person's work performance, or to otherwise adversely affect terms, conditions, or opportunities of a person's employment.

Such behavior can include, but is not limited to:

- a. Repeating stereotypical jokes or making stereotypical comments related to race, age, sex, sexual orientation, gender identity, national origin, religion or disability or any other legally protected characteristic;
- b. Displaying derogatory pictures or offensive printed material;
- c. Insults, name-calling, and any other words or comments that demean, stigmatize, intimidate, or single out a person because of one's sex, sexual orientation, gender identity, race, religion, national origin, age, disability or other legally protected status;
- d. Physical contact, invading one's physical space, damaging one's personal property, offensive gestures, or any other demeaning physical act directed at someone based on their legally protected status.

3. Sexual Harassment

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment. The following is a partial list of sexual harassment examples:

- a. Unwanted sexual advances;
- b. Offering employment benefits in exchange for sexual favors;
- c. Making or threatening reprisals after a negative response to sexual advances;
- d. Visual conduct that includes leering, making sexual gestures, or displaying sexually suggestive objects or pictures, cartoons, or posters;
- e. Verbal conduct that includes making or using derogatory comments, epithets, slurs or jokes;
- f. Verbal sexual advances or propositions;
- g. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes or invitations;
- h. Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal, written, online or physical), requests for sexual favors, and other verbal, written, online or physical conduct of a sexual nature constitute sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- b. submission or rejecting of the conduct is used as a basis for making employment decisions; or
- c. the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

4. Employee Responsibilities

All employees are responsible for assisting in the prevention of harassment by refraining from participation in, or encouragement of, actions that could be perceived as harassment. An employee who feels they have experienced or witnessed sexual or other unlawful harassment in the workplace is required to immediately report such incidents. Employees are required to report incidents to either their immediate department manager, their divisional director or any other divisional director, the Human Resources Manager, or the Executive Director. Employees are assured that concerns and reports can be made without fear of reprisal or retaliation.

5. Department Manager Responsibilities

Each department manager and divisional director is responsible for assisting in the prevention of harassment by monitoring the work environment for signs that harassment may be occurring, counseling employees on the types of behavior prohibited, and knowing and following procedures for reporting and resolving complaints of harassment.

6. Complaint Procedures

All allegations of sexual or other unlawful harassment will be quickly and discreetly investigated. To the extent possible, confidentiality of the complainant and any other witnesses, as well as the harasser, will be protected against unnecessary disclosure.

- a. Any employee encountering harassment is encouraged to tell the person directly responsible that their actions are unwelcome and offensive. The employee should document all incidents of harassment in order to provide the fullest basis for investigation.
- b. If the incident is serious (i.e., physical advance), unacceptable or repeated, especially if the employee has asked the offender to refrain from such behavior in the past, a written complaint should be filed immediately.
- c. A complaint should be reported to one's immediate department manager, a department manager from another department, their divisional director or any other divisional director, the Human Resources Manager, or the Executive Director. The employer representative taking such complaint must document all information including dates, times, places, names, and quotes.
- d. The employee will be informed as to how and when the employer representative intends to follow up on the complaint. If the situation warrants, immediate steps to protect the employee from further harassment may be taken.

7. Corrective and/or Disciplinary Action

Any employee engaging in sexual or other unlawful harassment will be subject to disciplinary action, including one or more of the following:

- a. A verbal reprimand
- b. A written reprimand
- c. Suspension with or without pay
- d. Discharge/Dismissal

In addition, the filing of a false complaint, or false statements during an investigation will be subject to disciplinary action as stated above.

8. Recourse Through Other Policies/Agencies

Employees who have encountered harassment, or employees accused of harassment, are not precluded by this policy from filing a complaint with the Equal Employment Opportunity Commission (EEOC). Employees may also file an appeal or grievance through the Authority's grievance policy, see *Section H., "Grievance Procedure"*.

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F. Leave Policy and Rules

1. Policy

Department managers shall grant leave in accordance with these policies, on the basis of the work requirements, and whenever possible in accordance with the wishes of the employee. Employees are encouraged to plan use of their cumulated annual leave far enough in advance that full consideration can be given to their requests.

2. Holiday Leave

It is the policy of the Authority to ensure that all regular employees enjoy the same number of holidays each year, irrespective of the provisions of the section below on granting holiday leave. The standard shall be the number of holidays in a year which will be celebrated by regular employees.

The following holidays are observed by the Authority and shall be granted to all full-time employees with pay, and to part-time, non-benefited employees without pay, unless such employees are required to be on duty as scheduled:

- New Year's Day, January 1
- Martin Luther King Day, Third Monday in January
- Presidents' Day, Third Monday in February
- *Jefferson's Birthday, April 13 (Floating)
- Memorial Day, Last Monday in May
- Independence Day, July 4
- Labor Day, First Monday in September
- *Veterans Day, November 11 (Floating)
- Thanksgiving, close at 12:00 pm the fourth Wednesday, closed on fourth Thursday and Friday of November
- Christmas Eve, December 24
- Christmas Day, December 25

*The RWSA/RSWA offices will be open on Jefferson's Birthday, April 13 and Veterans Day, November 11. Holiday leave may be taken on the formal holiday with the department manager's approval. If leave is not taken on the holiday, it will become 8 hours of annual leave and will be treated as such. Holiday premium pay will not be paid for time worked on April 13 and November 11.

Holidays observed by the Authority shall be subject to the following rules:

- a. Holiday on weekend. In the case of non-shift employees when a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday. Employees working shift schedules (water operators, wastewater operators) will observe the holiday on the actual day and be paid accordingly.
- b. Holiday on a mandatory work day. Any hours worked on a holiday will be paid at a rate noted in Section D., "Compensation and Plan Administration". The employee will also

receive 8 hours of pay at their base pay rate. Temporary employees are not eligible for holiday pay.

- c. Holidays during paid leave. A holiday falling within a period of paid leave shall not be counted as a workday when computing the amount of leave debited. When an employee takes unauthorized leave on a holiday, time shall be deducted from his/her sick leave or annual leave or be charged as leave without pay. *See Item 9. of this Section, "Unauthorized Absence/Leave".*
- d. Holiday during unpaid leave. When a holiday falls within a period of leave without pay or immediately preceding or following such leave, the employee shall receive no pay for the holiday.
- e. Employment or separation on a holiday. The employment or separation of a regular or part-time employee shall not be affected by a holiday, except when the employee works that day.

3. Annual Leave

Annual leave is intended to be used for personal leave and for vacations. Annual leave must be scheduled with and approved by the appropriate department manager at least one business day prior to the employee taking the leave time. Final approval rests with the department manager, divisional director or as delegated.

a. Accrual

Annual leave shall normally be accrued to regular full-time employees at the following rates (employees on unpaid leave will not receive an accrual during leave):

Years of Service	<5 Years	5 to <10 Years	10 to <15 Years	15 to <20 Years	20 to <25 Years	25 + Years
Annual Accrual Rate	96 hours	120 hours	144 hours	168 hours	192 hours	216 hours

b. Annual Carry Over

Annual leave may be carried over to the next calendar year at the following rates:

Years of Service	<5 Years	5 to <10 Years	10 to <15 Years	15 to <20 Years	20 to <25 Years	25 + Years
December 31 Maximum	192 hours	240 hours	288 hours	336 hours	384 hours	432 hours

Employees may carry over twice their annual accrual as of January 1st each year. Annual leave in excess of these limits on January 1st shall be lost. Only the Executive Director or his designate may grant an extension to this date.

c. Taking

The following rules pertain to taking annual leave:

- 1) In most cases, annual leave may not be taken until an employee has completed their 6-month probation period. This is at the department manager's discretion.
- 2) Annual leave shall normally be granted each calendar year. Any annual leave taken should be approved by the employee's department manager prior to the leave being taken.
- 3) Annual leave taken shall not exceed the annual leave time that has been accrued by the employee at the time they are taking annual leave. Exceptions must be approved by the Executive Director. Such excess leave granted will be debited against future annual leave credits. Any such negative accumulation at the time of separation must be reimbursed.
- 4) Failure to return from an approved annual leave may result in an unauthorized leave or in disciplinary action, up to and including termination.

d. Debiting

The amount of annual leave debited will be computed on the basis of the days or hours an employee is scheduled to work during the period when leave is taken. Holidays and other regular days off will not be included.

e. Effect of Separation

- 1) Provided that an employee has given a two-week notice at the time of resignation and worked through those two-weeks, any unused annual leave shall be paid to the employee at their current hourly base pay.
- 2) Annual leave credits shall be prorated through the employee's effective date of separation.
- 3) Upon separation, all annual leave hours shall be cleared from the employee's leave record.
- 4) Employees shall reimburse the Authority for any unearned or excess leave taken, regardless of leave type, upon separation. Any reimbursement to the Authority or any nonpayment for hours taken shall be documented for the record and appropriate action taken in accordance with these rules and regulations and the documentation filed in the employee's personnel file.

4. Sick Leave

Sick leave is leave with pay granted to an employee for an illness, bodily injury resulting in temporary disability, medically required confinement and medical/dental appointments. Up to 40 hours of sick leave may also be used for bereavement leave in the event of the death of an immediate family member, per instance. Up to 40 hours of sick leave may be used as immediate family sick leave per year. Immediate family includes spouse, children, parents, stepsiblings, foster children, siblings, grandparents, grandchildren, step-children, step-parents, guardian or same relative of spouse and any other relatives or individuals residing with the employee. The FMLA policy may apply in some instances of sick leave after the first 12 months of employment.

PERSONNEL MANAGEMENT PLAN

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A doctor's certificate or other documentation of illness may be required by a department manager should absence exceed three days or when misuse of sick leave is suspected. This certificate or documentation will include the nature of the employee's condition and the expected date on which the employee will be able to return to work and perform their normal job duties.

a. Accrual

1) ~~All VRS Plan 1 and VRS Plan 2 participating~~ employees will accrue sick leave time at a rate of 12 days annually or 3.69 hours per pay period.

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2) ~~VRS Hybrid Plan participating employees will receive annual sick leave based on the following:~~

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Months of Service	Sick Leave Accruals (hours)
Less than 60	96 (8 hours per month)
60 to 119	104
120 or more	120

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b. Annual Carry Over

1) VRS Plan 1 and VRS Plan 2 participating employees do not have any limit to the amount of sick time that they may carry over.

2) VRS Hybrid Plan participating employees may ~~not carry over sick leave~~ accrue up to 480 hours of sick leave time. Accrual of sick leave time will stop when an employee has accrued 480 hours and will begin again if they drop below 480 hours of sick leave time.

c. Taking

The following rules pertain to taking sick leave:

- 1) Sick leave taken shall not exceed the total cumulated sick leave hours earned by the employee.
- 2) Leave without pay may be granted for sickness extending beyond the use of all sick or other leave. *See Item 5 of this Section, "Family and Medical Leave Act (FMLA) Provisions".*
- 3) Employees who have completed six months of service may use annual leave hours when sick leave hours have been exhausted.

d. Debiting

The amount of sick leave debited will be computed on the basis of the days or hours an employee is scheduled to work during the period when the leave is taken. Holidays and other regular days off will not be included when computing debits.

e. Other Rules and Regulations Regarding Sick Leave

- 1) Reporting of sickness

- a) An employee who is absent from duty for reasons which entitle them to sick leave shall notify his/her department manager at least four (4) hours before his/her usual reporting time, or as required by his/her department manager, if physically able. Failure to do so may result in unauthorized *leave*. See *Items 2.b. and 3.a. below*.
- 2) Investigation of sickness
 - a) A department manager may verify the questionable illness of an employee using sick leave by requesting a note from the employee's physician.
 - b) Failure by the employee to cooperate in sick leave investigating or to return from sick leave when expected may result in an unauthorized leave or in disciplinary action.
- 3) False or fraudulent use of sick leave
 - a) Use of sick leave for other than the purposes stated above shall be cause of disciplinary action (including suspension or dismissal) against the offending employee.
- 4) Conversion of sick leave
 - a) the use of sick leave for annual leave purposes shall not be permitted.
- f. Sick Leave Pay Out Upon Separation

Accrued sick leave will not be paid out in the event of a termination or resignation. For sick leave pay out upon retirement, see *Section D.8.b., "Compensation Plan and Administration, Benefits Briefly Explained, Retirement Pay Out"*.

5. Family and Medical Leave Act (FMLA) Provisions

Notwithstanding any other provision of this Manual, eligible employees may take up to 12 workweeks of paid or unpaid leave under the provisions of the Family and Medical Leave Act, subject to the following rules and regulations. The twelve (12) month period during which an employee may take up to twelve (12) workweeks of leave under the Family and Medical Leave Act will begin on the first day that leave is taken. *In this Section, see: Item 3, "Annual Leave"; Item 4, "Sick Leave"; and, if eligible, Item 6, "Sick Leave Bank"*.

a. General Description

An eligible employee may take family/medical leave, continue any paid medical/dental insurance during such leave and be restored to the same position upon their return (or a position equivalent in pay, benefits and terms of employment) in any of the cases of:

- 1) Birth, adoption or foster placement of a child;
- 2) Care of a spouse, child or parent with a serious medical condition;
- 3) Serious health condition of the employee rendering the employee unable to perform an essential function of his/her position;

- 4) Covered military active duty; and
- 5) Care of a covered service member with a serious injury or illness when the employee is the spouse, child, parent or next of kin of the service member, as defined by the Family and Medical Leave Act. This type of leave may be for up to 26 workweeks.

b. Definitions

Child: Includes son or daughter under the age of 18 or son or daughter over 18 who is disabled and cannot care for themselves, legal wards, stepchildren and others for whom the employee stands in the place of parent.

Eligible employee: An employee who has been employed at least one year and has worked at least 1,250 hours during the 12 months immediately preceding the proposed leave.

Health Care Provider: A licensed medical doctor or any other person determined by the U.S. Secretary of Labor to be capable of providing health care service.

Parent: Biological parents as well as any others who have acted in the place of a parent to the employee. This does not include parents-in-law.

Serious Medical Condition: A physical or mental illness or an injury requiring inpatient care at a hospital, hospice, or residential medical care facility; or continued treatment by a health-care provider.

Leave due to the birth or adoption must be completed within the 12-month period beginning on the date of birth or adoption. In addition, in cases where the married couple are both employed by the Authority, the two together may be limited to a combined total of twelve (12) workweeks of leave during any 12-month period for the birth or adoption of a child, or for the care of the same son, daughter, or parent.

c. Notice of Leave

If the need for family/medical leave is foreseeable, the employee must give his/her immediate department manager written notice at least 30 days prior to leave, except in extraordinary circumstances. Additionally, if medical treatment is planned the employee must first consult with his/her immediate department manager regarding the dates of such treatment. If this is not possible, the employee must at least give notice as soon as practicable (within one or two business days of learning of the need for leave). Failure to provide such notice may be grounds for delay of leave. As in all cases of leave, a leave request form must be submitted to the immediate department manager. Family/medical leave forms are available from department managers or the Human Resources Manager. These forms must be used when specifically requesting family/medical leave. In cases where family/medical leave has not been specifically requested, but has been determined as FMLA-qualifying leave, a family/medical leave form will be provided and must be completed as soon as possible so that FMLA leave may be approved.

d. Medical Certification

If leave is requested due to the employee's or a covered relation's serious health condition, the employee and relevant health care provider must supply appropriate medical certification. Medical Certification forms are available from the Human Resources Manager. When leave is requested, the Authority will notify employees of the requirement for medical certification and when it is due. Failure to provide requested medical certification in a timely manner may result in delay of leave until such time as it is received. The Authority, at its expense, may require an examination by a second health care provider designated by the Authority if initial medical certification is deemed incomplete or unsatisfactory. If the second health care provider's opinion conflicts with the original medical certification, the Authority, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final binding opinion. The Authority may require subsequent medical recertification.

e. Reporting While on Leave

In cases of leave for the employee's own serious health condition, or to care for a covered relation, the employee and the Human Resources Manager will determine how often the employee should contact their department manager regarding the status of their condition and their intention to return to work. In addition, notice must be given as soon as is practicable (within two business days if feasible) if the dates of leave change or are extended, or initially unknown.

f. Pay During FMLA Leave

Family/medical leave is legally unpaid leave (with the exception of worker's compensation benefits). The Authority requires an employee taking a leave covered by the FMLA to use first, their sick leave hours, and then their annual leave hours during their FMLA leave. Family/medical leave runs concurrently with other type of leave, including leave for work-related injury or illness.

g. Medical and Other Benefits

During an approved family/medical leave, the Authority will maintain health benefits for the employee, as in cases of active employment. The Authority will continue to deduct the health and dental insurance premiums from the employees pay. If the employee does not have leave time to use during their family/medical leave and the family/medical leave is unpaid, the employee is responsible to pay by the 25th of each month, the monthly employee portion of the premium. Employees will be notified if payments are more than 15 days late. If payments are not received within 15 days from the date of the late notice, coverage will cease, effective on the last day for which premiums have been paid.

Membership with the Virginia Retirement System will not be affected by family/medical leave; however, no wages will be reported during periods of unpaid leave. In addition, life insurance premiums will not be paid by the Authority during periods of unpaid leave and must be paid by the employee, as well as applicable premiums for optional life insurance, as set forth above. Upon return to work, the employee may be eligible to purchase the

lost service with VRS, if the leave is necessitated by birth or adoption, as defined by VRS policies. The Authority will resume its contribution to life insurance and wage reporting to VRS, with no lapse in credited service.

h. Exemption for Highly Compensated/Key Employees

Highly compensated or key employees (the highest paid 10 percent of employees) may not be returned to their former or equivalent position following a leave if the employee's restoration to their position will cause substantial and grievous economic injury to the Authority. This determination is not based on whether the absence of the employee will cause such substantial and grievous injury to the Authority. The Authority will make this fact-specific determination on a case-by-case basis. The Authority will notify the employee at the time of a leave request if he/she qualifies as a "highly compensated" employee, if the Authority believes that the restoration of the employee to their position may be denied, and of the employee's rights in such instances.

i. Intermittent and Reduced-Schedule Leave

Leave due to a serious health condition, or to care for a covered relation with a serious health condition, can be taken intermittently (in separate blocks of time, due to a single health condition) or on a reduced-leave schedule (reducing the usual number of hours worked per workday or workweek), if medically necessary. Requests for intermittent or reduced leave schedule for birth or adoption of a child must be approved in advance and will be approved on a case-by-case basis. If leave is unpaid, the Authority will reduce the employee's salary based on the amount of time actually worked. In addition, while on intermittent or reduced-schedule leave, the Authority may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave, and which has equivalent pay and benefits.

j. Record Keeping and Anti-Retaliation

The Human Resources Manager shall maintain records necessary to demonstrate compliance with FMLA. A doctor's note is not required for each absence under a FMLA leave. FMLA requires that no employee be subject to any penalty for seeking rights under FMLA or for testifying for or otherwise helping other employees seek rights under FMLA.

6. Sick Leave Bank

Each Authority will maintain a sick leave bank to be used when a member of the bank becomes incapacitated by long-term and/or chronic illness or injury as long as one-third of the eligible employees agree to participate in accordance with the terms contained herein. The sick leave bank is not for use for any other type of illness or injury leave, such as that of a family member.

Membership in the sick leave bank shall be voluntary and open to all eligible personnel who accrue sick leave. Each employee of the Authority who accumulates sick leave is eligible for membership and agrees to donate eight (8) hours of their sick leave to join the bank.

The Human Resources Manager is designated as the administrator of the sick leave bank.

a. Enrollment Procedures

- 1) An eligible employee may enroll within the first thirty days of employment by completing a Sick Bank Donation Form.
- 2) An employee who does not enroll when first eligible may do so between any subsequent January 1 to January 31 period by completing a Sick Bank Donation Form and providing satisfactory evidence of good health from a doctor to the Human Resources Manager.
- 3) An employee gains membership into the sick leave bank by contributing eight (8) hours of their sick leave time to the bank and eight (8) hours thereafter whenever an assessment is required. The donated leave will be deducted from the employee's accumulated days of sick leave. Employees will be notified of an assessment two (2) weeks prior to any deduction to their sick leave hours.

b. Rules of Use

- 1) The first twenty (20) working days of illness or disability will not be covered by the bank and must be covered by the member's own accumulated leave or leave without pay.
- 2) Requests for use of the sick leave bank must be made in writing by the employee (or representative if the employee is unable to submit the request) prior to the absence for which the leave days are to be used. In extenuating circumstances, retroactive request may be considered. Requests must be supported by a medical doctor's certification.
- 3) A maximum of 180 hours each rolling 12-month period can be used by any one member.
- 4) Hours drawn from the sick leave bank for any one period of eligibility do not need to be used consecutively but must be for the same illness.
- 5) A member of the bank will not be able to use the sick leave bank benefit until all of the employee's leave balances decline to zero.
- 6) Members of the bank will be assessed an additional eight (8) hours of sick leave when the bank is depleted to 40 hours unless they choose not to participate further in the bank. Members who have no sick leave to contribute at the time of assessment will be assessed eight (8) hours and allowed to temporarily maintain a negative balance. Should an employee drop membership at the time of an assessment, the member will not be eligible to rejoin the bank until open enrollment in January of each year and only after providing satisfactory evidence of good health.
- 7) Members utilizing sick leave from the bank will not have to replace hours used except as a regular contributing member of the bank.

c. Termination

Upon termination of employment or membership in the sick leave bank, a participating employee may not withdraw the hours he/she has contributed to the bank.

7. Military Leave

This policy provides employees with the time required to perform any form of military service for the Armed Forces of the United States, National Guard or Naval Militia whether voluntary or involuntary, called or activated, such as being placed on active duty and for training.

Any full-time employee who is also a member of the organized reserve forces of any of the armed services of the United States, National Guard, or Naval Militia, is entitled to a leave of absence from their duties without loss of accumulated leave or regular salary on all days when in training or when called to duty by the Governor of Virginia, in accordance with the Code of Virginia, Article 10, Section 44-93 and Title 38 of the United States Code, Chapter 43, Section 2024 (d). Up to fifteen (15) days, or time as required by federal law, of Military Leave per calendar year is available to those employees who are called for training with their military units. Employees are required to submit a copy of their orders, prior to the effective date of the leave, to the Executive Director for approval. The Authority will pay to the employee the difference between the employee's military pay and their regular Authority base pay for the period of time that the employee is on Military Leave. It is not intended that the employee receive an amount of compensation greater than he would normally have received from their regular employment for the period of the Military Leave.

The Authority will make all efforts to accommodate National Guard weekend drills.

8. Court Leave

A regular employee shall be granted court leave when summoned to jury duty. Employees serving jury duty will receive full salary and may retain compensation received from the court. Employees are expected to give their department manager notice of jury duty and submit a copy of the official summons for jury duty. If the employee's presence is required for less than a full workday, the employee is required to contact the department manager concerning return to work.

Employees who are subpoenaed to appear as witnesses in legal proceedings in their capacity as an Authority employee will be entitled to treat time spent in such proceedings as compensable working time. However, employees who initiate or are otherwise involved in private legal actions of any kind (excluding employee grievance proceedings) will not be permitted to treat time spent during working hours in connection with such actions as compensable working time. Employees will be required to use accrued annual or compensatory time for all hours spent in connection with such action that occur during working hours.

9. Unauthorized Absence/Leave

Unauthorized absence includes:

- a. Failure to report for a scheduled shift without notifying your department manager.
- b. Failure to report to work at the end of an authorized leave.
- c. Absence without leave time available.

An employee shall receive no pay for the duration of any unauthorized leave and may be subject to disciplinary action, using the following procedure as a guide:

- a. The first occurrence of absence without approved leave shall result in a written reprimand.

- b. The second occurrence of absence without approved leave shall result in a suspension without pay.
- c. The third occurrence of absence without approved leave shall result in immediate dismissal.
- d. Failure to report for three consecutive scheduled shifts without department manager notification shall be considered a voluntary resignation.

10. Workers' Compensation Leave

All Authority employees receive benefits provided by the Virginia Workers' Compensation Act (referred to in this policy as "WCA") if they suffer a work-related injury or disease, and covered employees who are entitled to benefits under the WCA also are eligible for supplemental benefits provided by the Authority.

If an employee suffers a workplace injury that causes them to miss time from work, they will be placed on sick leave. If the disability continues past seven working days, workers' compensation insurance will provide compensation from that point forward. An employee may not receive payment from worker's compensation and sick leave at the same time. If an employee does not have enough sick and/or annual leave hours to cover the first seven days of absence, the employee will be placed on leave without pay.

Temporary modified duty or a reasonable accommodation (a modification or adjustment to the work environment, or to the manner or circumstances under which the position held is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position) may be offered to an injured employee, once the treating physician states that it is safe for the employee to return to work and once the physician provides information in regard to the employee's capabilities. When an employee is released to modified duty the Authority:

- a. May assign a temporary modified/light duty work assignment for the employee.
- b. May offer temporary modified duty at a reduced wage.
- c. May offer temporary modified duty in a different department than the employee's pre-injury job.
- d. May offer temporary modified duty at a reduced number of hours.
- e. May modify an employee's pre-injury job to accommodate the employee's restrictions.

The Authority will make every effort to place the employee in an available position for which he/she is qualified for. In all cases, the Authority will comply with the American's With Disabilities Act and will make reasonable accommodations to maintain the individual as an employee.

11. Procedures for Requesting Leave

For all leave except holiday and unplanned sick leave, a request indicating the type of leave, and duration of leave to include start date and time and end date and time must be approved in advance by the appropriate department manager. The request should be made at least one business day prior to the planned leave time that is being requested. This time is to allow the

department manager to make any schedule or workload adjustments necessary to accommodate the request. Unless an absence for voluntary leave is approved by the appropriate department manager, the absence will be regarded as unauthorized leave. All time away from work requires either the use of leave time or prior approval from the Executive Director for unpaid leave.

12. Maintenance of Leave Records

The Human Resources Manager is responsible for maintaining accurate leave records in a form acceptable to the Executive Director. Questions regarding leave should be addressed to the Human Resources Manager or the appropriate department manager.

G. Disciplinary Policy

1. Policy

This policy provides a guideline to effectively correct an employee's unsatisfactory work performance or misconduct in an effort to promote maximum employee potential. All employees will be covered under this policy. Any disciplinary matters involving drugs or alcohol are covered in *Section L, "Substance Abuse Policy"*.

2. Unsatisfactory Work Performance or Misconduct

Each need for discipline has varying circumstances and requires the exercise of discretion on the part of the employee's department manager. Disciplinary action may be taken for any of the following examples of unsatisfactory work performance and misconduct. These examples are not in any way to be construed as a comprehensive listing of possible violations nor are they to be considered as rigid guidelines.

- a. Recurring tardiness
- b. Absence without leave
- c. Violation of the Substance Abuse Policy
- d. Sleeping on the job
- e. Serious neglect of work
- f. Serious neglect of duty
- g. Insubordination, defined as refusal to comply with a direct order from a department manager
- h. Deliberate or careless conduct endangering the safety of oneself or other employees
- i. Pattern(s) of safety violations, severity of risk to be determined
- j. Negligence in the care and handling of Authority or customer property
- k. Theft or unauthorized use of Authority property or of another employee's property
- l. Incompetence or inefficiency in the performance of required job duties
- m. Use of offensive, abusive, threatening, coercive, indecent or discourteous language toward department managers, divisional directors, other employees, or members of the public
- n. Intentional falsification of personnel records, time records, or any other Authority records or reports
- o. Provoking, instigating or participating in a fight while on duty or on Authority property or in an Authority vehicle
- p. Harassing other employees
- q. Violation of *Section I.1., "Administrative Policies, Conflict of Interest/Accepting Gifts"*.
- r. Violation of Authority Policies

3. Progressive Discipline Policy

The Authority will support the practice whereby all employees will be disciplined by the same process. The discipline of an employee will be a progressive process in most cases, where disciplinary actions of lesser severity than dismissal/involuntary separation can be taken in an attempt to correct an employee's unsatisfactory work performance or misconduct before a dismissal/involuntary separation is initiated. However, the Authority reserves the right to bypass the progressive discipline policy to address breaches of law, Authority policy and actions by employees which hinder the goals and or public perception of the Authority. Disciplinary actions may take any of the following forms and are not necessarily restricted to the order set forth below:

- a. Verbal reprimand
- b. Written reprimand
- c. Suspension
- d. Executive Director Inquiry
- e. Administrative decrease
- f. Demotion
- g. Dismissal/Involuntary Separation

All formal disciplinary actions, as listed above, should be documented. In the case of all of the above, except for a verbal reprimand, the employee should receive a copy of the written notice that will be placed in their personnel file. Any written notice should contain a statement of reasons for the disciplinary action, a warning of what further disciplinary action could result if the situation is not corrected and a statement of the employee's right to appeal in accordance with the Authority's Grievance Procedure, *See Section H., "Grievance Procedure"*.

- a. Verbal Reprimand: A verbal reprimand is a discussion between the department manager and the employee during which the employee is advised and cautioned in reference to unsatisfactory work performance or misconduct. Department managers are required to document the date, subject and details of the conversation for future reference if needed.
- b. Written Reprimand: A written reprimand is a written documentation to the employee from the department manager during which the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct. A copy of the written reprimand should be signed by the employee and retained in their personnel file.
- c. Suspension: A suspension is the temporary prohibiting of an employee to perform his/her duties. The suspension period shall be without pay for just cause or with pay for investigative purposes. All suspensions must be approved by the Executive Director. A copy of the suspension letter should be signed by the employee and retained in their personnel file.
- d. Executive Director Inquiry: Prior to any demotion or dismissal recommendation from the department manager or divisional director, the Human Resources Manager/Director of Finance & Administration and the Executive Director will conduct a formal interview with

the employee and applicable management staff regarding the merits of the recommendation regarding the employee's unsatisfactory work performance or misconduct. Any disciplinary action that takes place will be approved by the Executive Director and documented in the employees personnel file.

- e. Administrative Decrease: An administrative decrease is a reduction in an employee's pay. All administrative decreases must be approved by the divisional director and the Executive Director. The letter of notification of an administrative decrease stating the specific reason for the decrease and signed by the employee should be retained in the employee's personnel file.
- f. Demotion: A demotion is a reduction in the pay range of an employee in conjunction with a change in job duties and responsibilities. All demotions must be approved by the divisional director and the Executive Director. The letter of notification of a demotion stating the specific reason for the demotion and signed by the employee should be retained in the employee's personnel file.
- g. Dismissal/Involuntary Separation: A dismissal is an involuntary termination from employment initiated by the Authority as a result of the employee's unsatisfactory work performance or misconduct. All dismissals/involuntary separations must be approved by the divisional director and the Executive Director and are subject to appeal or Loudermill hearing/grievance.

All formal disciplinary actions, as listed above, should be documented. In cases above, except for a verbal reprimand, the employee should receive a copy of the written notice that will be placed in their personnel file. Any written notice should contain a statement of reasons for the disciplinary action, a warning of what further disciplinary action could result if the situation is not corrected and a statement of the employee's right to appeal in accordance with the Authority's Grievance Policy. See Section H., "Grievance Procedure".

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H. Grievance Procedure

1. Policy

The Authority Grievance Procedure affords an immediate and impartial method for the resolution of disputes that may arise between the Authority and employees in the Authority service.

2. Coverage of Grievance Procedure

This procedure applies to all non-probationary employees in permanent full-time and permanent part-time positions in the Authority.

This procedure shall not apply to the following employees:

- a. Appointees of the Board of Directors;
- b. Employees in temporary or seasonal positions;
- c. Student interns, volunteers, or persons appointed to serve without pay;
- d. Probationary employees; and
- e. The Executive Director

3. Definitions

Executive Director: shall mean either the Executive Director or his/her designee.

Grievance: shall mean a complaint or dispute by an employee eligible to use this procedure relating to his or her employment, including but not limited to:

- a. disciplinary actions, including dismissals, demotions and suspensions, provided that dismissals shall be grievable only when resulting from formal discipline or unsatisfactory job performance;
- b. the application of personnel policies, procedures, rules and regulations;
 - 1) acts of retaliation as the result of using the grievance procedure or of participation in the grievance of another Authority employee;
- c. acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, or has reported an incidence of fraud, abuse, or gross mismanagement; and
- d. complaints of discrimination on the basis of sex, sexual orientation, gender identity, race, color, creed, political affiliation, religion, national origin, age, disability or other legally protected status.
- e. Grievant: shall mean an eligible employee who has filed a complaint under this procedure.

Human Resources Manager: shall mean either the Human Resources Manager or his/her designee.

Management: shall mean the Board of Directors and its designees who establish policy for the Authority.

4. Management Responsibilities

Management retains the exclusive right to manage the affairs and operations of the Authority. Accordingly, the following complaints are non-grievable:

- a. establishment and revision of wages or salaries, position classification or general benefits;
- b. work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
- c. the contents of established personnel policies, procedures, rules and regulations;
- d. failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;
- e. the methods, means and personnel by which or by whom work activities are to be carried out;
- f. termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job elimination, except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance;
- g. the hiring, promotion, transfer, assignment and retention of employees within the Authority; and
- h. the relief of employees from duties of the Authority in emergencies.

In any grievance brought under the exception to Section 4.f above, the Authority's action shall be upheld upon a showing by the Authority that:

- a. there was a valid business reason for the action, and
- b. the employee was notified of the reason in writing prior to the effective date of the action.

5. Human Resources Department Responsibilities

The Authority Human Resources Department shall serve as an impartial administrator of this process. Upon the filing of a grievance, the Human Resources Department shall do the following:

- a. establish and maintain a file;
- b. ensure that all parties are aware of the process;
- c. monitor procedures and time frames;
- d. notify either party of noncompliance;
- e. be informed of the status of the grievance by both parties at each step;
- f. maintain appropriate documentation; and
- g. perform all other responsibilities as specified in this Procedure.

6. Grievance Procedure Generally

For purposes of this procedure, “days” shall be defined as calendar days and time periods shall begin to run on the day following that on which any action is taken, or report rendered, without regard to weekends or Authority-observed holidays. If a time period specified in this procedure ends on a weekend or holiday, the last day of the time period shall be the next full business day following the weekend or holiday.

For example, a written grievance under Step 1 must be presented to the grievant’s immediate department manager within five (5) days of the department manager’s verbal reply to the informal grievance. The five (5) days shall begin to run on the day after receipt of the department manager’s verbal reply and shall terminate on the fifth day following. If the fifth day is a weekend or holiday, the time period shall terminate at the end of the next full business day.

Time limits established under this procedure are intended to be strictly construed and enforced. However, in the interests of fairness, such time limits may be extended if both parties agree to such extensions in writing.

All stages of this procedure beyond Step 1 shall be reduced to writing on forms supplied by the Human Resources Department. With the exception of the final management step, the only persons who may normally be present in the management step meetings are the grievant, the appropriate Authority official and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony. At Step 4 and above, the grievant may, at his option, choose to have a representative of his choice, including legal counsel. If the grievant is represented by legal counsel or other person(s), the Authority likewise has the option of being represented by legal counsel, provided that a person may not serve as both a witness and a representative at any Step under this procedure.

The grievant shall bear any and all costs involved in employing representation and preparing his case at all steps of this procedure, including but not limited to attorneys’ fees and expenses and any costs of judicial filings or appeals.

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of this procedure, without just cause, shall result in a decision in favor of the other party on any grievable issue, provided that the noncomplying party fails to correct the noncompliance within five (5) days of receipt of written notification by the other party of the compliance violation.

However, the right of the grievant to correct compliance violations shall not apply to any determinations under Steps 1 through 3, or to grievability determinations, provided that the grievant has previously received written notice of the applicable deadlines for appealing such determinations at the time the determination was rendered but has failed to respond in a timely fashion.

The Executive Director may require a clear written explanation of the basis for any requests for just cause extensions or exceptions and shall determine all compliance issues. Such determinations by the Executive Director are subject to appeal by the grievant by filing a petition with the Circuit

Court of Albemarle County within thirty (30) days of the compliance determination. The grievant shall be solely responsible for filing such petition.

7. Grievability

Decisions regarding grievability, including the question of access to this procedure, shall be made by the Executive Director. Grievability decisions shall be made at the request of the grievant or his divisional director or immediate department manager within ten (10) days of such request. A copy of the Executive Director's decision concerning grievability shall be sent to the grievant, to the divisional director and/or immediate department manager and to the Human Resources Manager.

Decisions by the Executive Director that an issue or complaint is not grievable may be appealed by the grievant to the Circuit Court of Albemarle County for a hearing de novo on the issue of grievability as provided in Virginia Code § 15.2-1507(A)(9).

Proceedings for the review of the Executive Director's decision regarding grievability shall be instituted by filing a notice of appeal with the Executive Director within ten (10) days from the date of receipt of the decision and giving a copy thereof to all other parties. Within ten (10) days thereafter, the Executive Director shall transmit to the Clerk of the Circuit Court of Albemarle County a copy of his decision, a copy of the notice of appeal, and any exhibits that may have been provided in connection with the resolution of the issue of grievability. A list of the evidence furnished to the court shall also be furnished to the grievant.

The failure of the Executive Director to transmit the record shall not prejudice the rights of the grievant. If the Executive Director fails to transmit the record within the time required, the Circuit Court, on motion of the grievant, may issue a writ of certiorari requiring the Executive Director to transmit the record on or before a certain date.

The Circuit Court, sitting without a jury, shall hear the appeal on the record transmitted by the Executive Director and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice require. The Court may affirm, reverse or modify the decision of the Executive Director. The decision of the Court is final and is not appealable.

The issue of grievability may be raised at any step of the Grievance Procedure prior to the panel hearing provided in Section 13 of this procedure, or it shall be deemed waived by all parties. Once raised, the issue shall be resolved before further processing of the complaint. A request that grievability be determined shall toll the time limits under this procedure. Time limits shall begin to run again the day after the decision on grievability is made by the Executive Director or the Circuit Court.

The classification of a complaint as nongrievable by either the Executive Director or the Circuit Court of Albemarle County shall not be construed to restrict any employee's right to seek, or management's right to provide, customary administrative review of complaints outside the scope of the Grievance Procedure.

8. Consolidation of Grievances

If more than one grievance is filed arising from the same factual circumstances, the Executive Director may, at any time prior to a panel hearing, consolidate those grievances for joint processing, including grievability determinations. If consolidation occurs, all time limits set forth in this procedure shall thereafter be calculated from the date of the last filed grievance. Once consolidated, the grievances shall all be processed as a single matter pursuant to this procedure.

9. Step 1 Procedure - Immediate Department Manager

No later than fifteen (15) days after the occurrence or condition giving rise to the grievance, the employee affected shall identify the grievance verbally to his immediate department manager. Within ten (10) days of such identification, the immediate department manager shall give his response to the employee with respect to the particular grievance. The failure of an employee to identify the grievance within the time specified above shall constitute forfeiture and a waiver of any rights to proceed further and shall terminate the grievance.

If a satisfactory resolution is not reached by this informal process, the employee shall notify the Human Resources Department of the intent to file a grievance and shall obtain a copy of Grievance Form, see *Section M., "Forms and Attachments"*. The employee shall reduce the grievance to writing on the Grievance Form, Part A, identifying specifically and in detail the nature of the grievance and the requested remedy. Should he prevail in the grievance, an employee is entitled only to the relief specifically requested. Such written grievance shall be presented to the immediate department manager within five (5) days of the department manager's verbal reply to the oral grievance. The department manager shall then reply in writing to this written grievance within five (5) days of receiving it.

If the employee's immediate department manager is also his department manager, he shall pass by Step 2 of this procedure and proceed immediately to Step 3. If the employee's immediate department manager is the divisional director, he shall pass by Steps 2 and 3 and proceed to Step 4. If the employee's immediate department manager is the Executive Director, he shall pass by Steps 2, 3 and 4 and proceed to Step 5.

10. Step 2 Procedure - Department Manager

If a satisfactory resolution is not reached at the conclusion of Step 1 as outlined above, the grievant shall have the right to appeal as follows. Within five (5) days following receipt of the Step 1 (written reply), the grievant shall notify his department manager and the Human Resources Department in writing on the Grievance Form, Part A that resolution has not occurred and shall supply the reasons why the grievant believes that resolution has not occurred. The department manager shall schedule and hold a meeting with the grievant to review the grievance within five (5) days of receipt of such submission, or on such other date as the parties may mutually agree.

The only persons who may be present at this meeting are the grievant and the department manager. The Human Resources Manager may be present if requested by either party. The meeting may be adjourned to another time or place by agreement of the parties. A written reply to the grievance shall be provided to the employee and the Human Resources Department within five (5) days after the meeting.

11. Step 3 Procedure - Divisional Director

If a satisfactory resolution is not reached at the conclusion of Step 2 as outlined above, the grievant shall have the right to appeal as follows. Within five (5) days following receipt of the Step 2 written reply, the grievant shall notify the divisional director and the Human Resources Department in writing on the Grievance Form, Part A that resolution has not occurred and shall supply the reasons why the grievant believes that resolution has not occurred. The divisional director shall schedule and hold a meeting with the grievant to review the grievance within five (5) days of receipt of such submission, or on such other date as the parties may mutually agree.

The only persons who may be present at this meeting are the grievant and the divisional director. The Human Resources Manager may be present if requested by either party. The meeting may be adjourned to another time or place by agreement of the parties.

A written reply to the grievance shall be provided to the employee and the Human Resources Department within five (5) days after the meeting.

12. Step 4 Procedure - Executive Director Level (Final Management Step)

If a satisfactory resolution is not reached at the termination of Step 3 as outlined above in Section 11, the grievant shall notify the Human Resources Department, indicate on the Grievance Form, Part A that resolution has not occurred and submit the grievance to the Executive Director within five (5) days following receipt of the Step 3 reply. The Executive Director or his designee shall schedule and hold a meeting with the grievant to review the grievance within ten (10) days of receipt of such submission, or on such other date as the parties may mutually agree.

The grievant may have legal representation or another representative present at the Step 4 meeting. If the grievant is represented by legal counsel or another representative, the Executive Director may also have legal counsel or another representative present. The grievant shall inform the Authority in writing of the name of his legal counsel or other representative at least five (5) days prior to the Step 4 meeting and failure to do so shall result in a waiver by the employee of his right to representation. The Executive Director or designee shall, in his sole discretion, determine whether the testimony of a witness is relevant or, if witnesses have testified, whether additional testimony by other witnesses is necessary.

A written reply to the grievance shall be provided to the grievant and the Human Resources Department within ten (10) days after the Step 4 meeting, or on such other date as the parties may mutually agree.

13. Step 5 Procedure - Grievance Panel

If a satisfactory resolution is not reached at the termination of Step 4 as outlined above in Section 12, the grievant shall notify the Human Resources Department, indicate on the Grievance Form, Part A that resolution has not occurred and request a hearing before a Grievance Panel ("Panel"). The request shall be submitted to the Human Resources Manager within five (5) days following receipt of the Step 4 reply.

An impartial Grievance Panel shall be constituted and selected for each grievance hearing. The Human Resources Manager shall arrange for the Panel selection. If the Human Resources Manager

is a party to the grievance, the request form shall be submitted to the Director of Administration, who shall make the necessary arrangements.

14. Composition of the Grievance Panel

The Panel shall be composed of three (3) members who shall be chosen in the following manner: one member shall be appointed by the grievant, one member shall be appointed by the Executive Director and a third member shall be selected by the first two Panel members. To ensure an objective, impartial Panel, no persons having direct involvement with the grievance being heard by the Panel, or with the complaint or dispute giving rise to the grievance, shall serve on the Panel. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin.

Both the grievant and the Executive Director shall make their appointments to the Panel within ten (10) days after the request for a panel hearing is filed. The Human Resources Manager shall be notified of the appointments on the Grievance Form Part B. The two panel members chosen by the grievant and Executive Director shall select the third panel member within ten (10) days after the request for a panel hearing is filed and shall notify the Human Resources Manager of their selection. Unless it is necessary to involve the Circuit Court in the selection of the third member, a complete panel shall be selected within ten (10) days after the request for a panel hearing is filed.

In all cases where the first two members cannot reach an agreement as to the third member within ten (10) days, the Human Resources Manager, after confirming such fact, shall immediately notify the Director of Administration who shall request the Chief Judge of the Circuit Court of Albemarle County to appoint the third member pursuant to the selection procedures outlined in paragraph one of this section. The Authority and grievant shall share equally in the costs and expenses, if any, of the third panel member.

The Authority, at its sole option, may use an administrative hearing officer in employee termination or retaliation cases. When the Authority elects to use an administrative hearing officer as the third panel member in an employee termination or retaliation case, the administrative hearing officer shall be appointed by the Executive Secretary of the Supreme Court. The appointment shall be made from the list of administrative hearing officers maintained by the Executive Secretary pursuant to Va. Code § 9-6.14:14.1. If the Authority elects to use an administrative hearing officer, it shall bear the expense of such officer's services.

In all cases, the third member shall serve as chairperson of the panel. The chairperson shall set the time for the hearing and notify the Human Resources Manager, who shall in turn notify the grievant and Executive Director. The grievant and the Executive Director shall each be responsible for arranging the presence of their respective witnesses. The hearing shall be held as soon as possible after the date of the original request for a hearing, allowing sufficient time for access to records as specified in paragraph six below. Either party may have an attorney or other representative of his choice present at the Panel hearing.

The Human Resources Manager shall provide the Panel with copies of the grievance record prior to the hearing and provide the grievant with a list of documents furnished to the Panel. At least ten (10) days prior to the hearing, the grievant and his attorney or other representative shall be allowed access to and copies of all relevant documents intended by the Authority to be used in the hearing. At least five (5) days prior to the hearing, the grievant and the Authority shall exchange lists of witnesses and exhibits to be called or introduced at the proceeding.

15. Conduct of Grievance Panel Hearing

The Panel is constituted solely for the purpose of determining whether a grievance filed by an employee is substantiated and what remedy, if any, should be provided. The Panel may not formulate or change Authority policy, rules or procedures. The Panel shall determine whether the grievant has demonstrated, by a preponderance of the evidence, that the action complained of was without cause, or done in violation of a law, rule, regulation or other policy. The Panel shall not otherwise substitute its judgment for that of management.

The Panel shall conduct the hearing as follows:

- a. At the request of either party, the hearing shall be private and limited to the grievant, the Panel members, the legal counsel or other representative of the grievant and the Authority, appropriate witnesses as they testify, and any court reporters or other official recorders of the hearing. At the request of either party, witnesses shall be separated from the hearing room and allowed to be present only during the time that they actually testify.
- b. The Panel shall consider the grievance without regard to any proposed disposition (including offers of settlement) by any lower authority, unless the grievant and the Executive Director shall agree in writing that the issue(s) shall be so limited. In all other cases, the Panel shall consider the matter as if presented to it in the first instance.

The Panel may at any time ask the parties or their representatives for statements clarifying the issues involved in the grievance.

Exhibits, when offered by the grievant or the Authority, may be received as evidence by the Panel, and when so received shall be marked and made a part of the record.

Both parties shall have the right to make opening statements, starting with the grievant. After opening statements, the order of the hearing shall be as follows: the grievant shall proceed first and shall bear the ultimate burden of persuasion. At the conclusion of the grievant's evidence, the Authority shall have the opportunity to present its evidence. At the conclusion of the Authority's presentation, the Chairperson shall specifically inquire of all parties whether they have any further evidence to offer or witnesses to be heard. Upon receiving a negative response, the Chairperson shall permit the parties to summarize their cases (beginning with the grievant) and shall then declare the hearing closed.

Both parties have the right to offer evidence, cross-examine witnesses, and shall produce such additional evidence as the Panel deems necessary for understanding and ruling upon the dispute. There shall be no formal rules of evidence at the hearing; however, the Panel shall have the right

to determine the relevancy of any evidence offered. All evidence shall be taken in the presence of the Panel and the parties, except by mutual consent of the parties.

The hearing may be reopened by the Panel on its own motion or upon application of either party for good cause shown at any time before a final decision is made.

Upon the request of the Panel, the Authority or the grievant, the Human Resources Manager shall insure that a verbatim record of the hearing is made and retained in his/her custody for not less than 12 months. The record may be in writing or by a taped recording. The party requesting the record shall bear the costs of preparation and transcription, including any costs associated with attendance of a court reporter. If both the grievant and the Authority request such a record, they shall share equally in all costs incurred.

The Human Resources Manager or his/her designee may be called upon by the Panel or either party as a witness at any time to provide specific policy interpretation or clarification of applicable Authority policy and these procedures.

In any matters not covered by this section, the Panel shall determine the applicable procedures to be followed.

16. Decision of Grievance Panel Hearing

The decision of the Panel shall be filed in writing by the Chairperson with the Executive Director and the grievant no later than thirty (30) days after the completion of the hearing. The decision shall summarize the grievance and the evidence, shall make specific findings of fact, and shall state in full the reasons for the decision, and the remedy (if any) to be granted. Decisions shall be made by majority vote of the entire Panel. The decision of the Panel shall be final and binding and shall be consistent with law and written policy.

The question of whether the relief granted by the Panel is consistent with written policy shall be determined by the Executive Director, or his designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Commonwealth's Attorney of Albemarle County. The Executive Director or Commonwealth's Attorney shall request the Panel to reconsider any decision which in his judgment is inconsistent with the laws or written policy applicable to grievance resolution. He shall not disturb any decision consistent with the laws or written policy.

If the Panel determines that the grievant prevails on any grievable complaint or dispute, it may remedy that complaint or dispute by ordering that the grievant be reinstated to a former position; awarding back pay; or ordering expungement of information contained in the grievant's personnel file(s) maintained by the Authority Human Resources Department or individual department; or rendering opinions specifying the application or interpretation of Authority personnel policies and procedures as they may relate to the specific facts of the grievance. The grievant shall not, however, be entitled to any relief that he has not specifically requested in the original written grievance form, unless the parties have mutually agreed otherwise as to alternative relief.

If, in response to a grievable complaint or dispute, the Panel finds that a divisional director or other Authority official failed to follow established procedures governing promotion, demotion, transfer,

hiring or layoff, the Panel shall remand the grievance back to the divisional director or official with instructions that the actions taken be rescinded, and proper procedures be followed for the matter at issue. In connection with such remand, the Panel may make appropriate provisional orders concerning the case.

17. Implementation of Grievance Panel Decision

The Executive Director shall implement any remedy that may be ordered by the Panel, provided that such remedy is consistent with applicable law and Authority personnel policies. If the Executive Director determines that the Panel decision is not consistent with applicable law or Authority personnel policies, the following steps shall be taken:

- a. The Executive Director shall inform the Panel and the grievant of his determination within ten (10) days of his receipt of the Panel's written decision; and,
- b. The Executive Director shall not implement the decision of the Panel.

Either party may petition the Albemarle County Circuit Court for an order requiring implementation of the Panel decision. The review of the Circuit Court shall be limited to the question of whether the panel's decision is consistent with provisions of law and written policy.

I. Administrative Policies

1. Conflict of Interest/Accepting Gifts

All employees are expected to make business decisions that are in the best interest of the Authority and the customers it serves. Employees are prohibited from engaging in any private business or professional activity, or having a financial interest in such activity, which would be or appear to be in conflict with their public responsibilities. Any employees having official responsibility for procurement transactions will conduct themselves in a manner that avoids the appearance of impropriety or unlawful conflicts of interest.

An employee cannot accept money, loans, trips, gifts, gift cards, reward cards, favor, service, business or professional opportunity of any value that might influence them in the performance of their official duties, or when it is known there is a reasonable likelihood that the item is being offered to influence an Authority employee in the performance of their duties. Employees are responsible for avoiding any impropriety or the appearance of impropriety. If there is a question as to what is permissible, the final decision will be made by the Executive Director.

2. Service Awards

This is a program that recognizes employees' years of work service. Awards are presented for service in five-year increments. All awards are presented annually in a mass setting.

Gift cards or cash are fully taxable under IRS regulations; all appropriate federal, state and other taxes will be withheld from the employee's next payroll.

3. De Minimis Fringe Benefits

De minimis fringe benefits are defined by the Internal Revenue Service as any property or service given to an employee by the employer which, after taking into account the frequency provided, whose value is so small as to make accounting for it unreasonable or administratively impracticable. Any benefit, with the exception of cash or gift cards, with a value of under \$25 will be considered as a de minimis fringe benefit by the Authority and will not be subject to taxation. In accordance with Internal Revenue Service regulations, any cash or gift cards given to employees as awards or benefits will be subject to taxation.

4. Termination of Employment

Any employee who voluntarily terminates their employment with the Authority is expected to give two-weeks' notice to their department manager. All Authority property, to include phones, uniforms and any other equipment supplied to the employee by the Authority, is to be returned prior to any employee's last day of employment. If the employee fails to return any Authority property, they will be expected to reimburse the Authority for the cost of the property through a payroll deduction from their last paycheck.

5. Voluntary Early Retirement Incentive Program (VERIP)

a. Eligibility

Participants in the VERIP must be regular full-time employees eligible for benefits and meet the following requirements:

- 1) Be eligible for early or full retirement under the provisions of the Virginia Retirement System (VRS). Part-time employees must meet the same criteria as if covered under VRS.
- 2) Have been employed by the Authority for 10 of the last 13 years prior to retirement and meet the VRS requirements.
- 3) Employees retiring under the disability provisions of VRS and/or Social Security shall not be eligible for the VERIP.

b. Benefits

VERIP benefits shall be paid monthly for a period of five years after retirement or until age 65, whichever comes first.

Benefits under VERIP will be calculated as follows:

- 1) Compute the annual VRS benefit. This computation shall include any reductions for early VRS retirement if appropriate;
- 2) Recompute the annual VRS benefit with the addition of five more years of service or the number of additional years needed to reach age 65, whichever is the lesser;
- 3) The difference between these two calculations shall be the annual VERIP benefit to be paid on a monthly basis.

The Board will pay the employee the amount of the Board's contribution toward an individual employee's health insurance as long as the employee is covered by VERIP benefits. The benefit will be paid to the retiree on a monthly basis.

If the retiree returns to work in a part-time position with the Authority and chooses to participate in the Authority's health care program while receiving VERIP benefits, there will be no additional Board contribution towards the individual's health insurance.

c. Application

Applications for VERIP must be made to the Executive Director prior to December 1st of the year preceding the fiscal year the VERIP takes effect. Applications received after December 1 may be approved based on the needs of the Authority.

d. VERIP Contract

Any employee retiring under the VERIP program must read and sign a VERIP Contract. The contract is administered by the Human Resources Manager and it reviews all of the provisions and rules of the VERIP program, as well as information specific to the employee.

PERSONNEL MANAGEMENT PLAN

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e. Administration

Administration of the VERIP policy is delegated by the Board of Directors to the Executive Director.

f. Duration

Once an employee has been approved for VERIP, the benefits will continue without interruption as outlined in this policy. Subsequent alternations or deletion of this policy shall not affect the benefits of those who have retired under these provisions.

This policy automatically continues unless the Board acts to discontinue the policy for another year.

6. Anti-Nepotism Policy

No administrator or any other person in a department manager position shall have under his or her direct supervision any employee whose relationship is that of father, mother, brother, sister, spouse, son, daughter, son in law or daughter in law, aunt, uncle, or same relative of spouse and any other relatives or individuals residing with the employee. In the event of a promotion which brings about the conditions thus described, the employee of lower rank shall be transferred to another position for which he or she is qualified when and if such a vacancy occurs.

7. Inclement Weather Policy

The objective of this policy is to establish procedures and guidelines for all Authority employees concerning the potential closings or delays in opening Authority facilities.

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1. a. Roles and Responsibilities

(i) The Executive Director will be responsible for determining whether a delayed opening or closing of some or all of the Authority facilities is necessary due to inclement weather. Non-essential employees who are able to work from home will be expected to work from home if their work location is closed for the day. If there is a delay, the Executive Director/Divisional Director will determine if non-essential employees should work from home prior to coming into their work location.

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(ii) Essential employees will be expected to report to work regardless of the weather. It is the department manager's responsibility to ensure their employees know whether they are considered essential employees. Essential employees are employees who are designated to work, even when offices are closed, because they work in operations that provide services to the community around the clock. (See Section I.19 – Administrative Policies – Essential Employees)

(iii) The number that non-essential employees should call to ascertain weather-related instructions is (434) 977-2970, ext. 333.

b. Use of Leave during Inclement Weather

(i) Employees who are delayed due to weather conditions on days when the facilities are opened at the regular time or who need to leave early due to weather-related

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~~concerns when the facility remains open until its normal closing time will be expected to account for time missed within the same workweek or use annual leave time to account for the time missed.~~

- ~~(ii) Employees who are considered essential who do not report to their work location due to inclement weather are expected to use leave time.~~

~~The objective of this policy is to establish procedures and guidelines for all Authority employees concerning the potential closings or delays in opening Authority facilities.~~

~~a. Roles and Responsibilities~~

- ~~1) The Executive Director will be responsible for determining whether a delayed opening or closing of some or all of the Authority facilities is necessary due to inclement weather.~~
- ~~2) Essential employees will be expected to report to work regardless of the weather. It is the department manager's responsibility to ensure their employees know whether they are considered essential employees. Essential employees are employees who are designated to work, even when offices are closed, because they work in operations that provide services to the community around the clock.~~
- ~~3) Notice of delayed opening or closing may be announced via local radio and local television announcements for the public. The number that non essential employees should call to ascertain weather related instructions is (434) 977-2970, ext. 333.~~

~~b. Use of Leave during Inclement Weather Incidents~~

- ~~1) Employees will not be required to make up time missed due to weather related delayed openings or early closings that have been authorized by the Executive Director.~~
- ~~2) Employees will not be required to make up lost time if offices are authorized to be closed for the entire day by the Executive Director.~~
- ~~3) Employees who are delayed due to weather conditions on days when the offices are opened at the regular time or who need to leave early due to weather related concerns when the facility remains open until its normal closing time will be expected to account for time missed within the same workweek or use annual leave time to account for the time missed.~~

8. Personal Use of Authority Vehicles

Personal use of Authority vehicles is not permitted. Employees who use vehicles for personal errands or chores not incidental to work assignments are subject to disciplinary action.

9. Technology System Acceptable Use Policy

All employees will have access to the Authority's Technology System, which can include computers, printers, phones, cell phones, networks, software, internet access, email, voicemail, radios, Supervisory Control and Data Acquisition systems for industrial process control and any other technology used by the Authority. The following policies apply to all employees of the Authority:

- a. All employees are expected to follow the Technology System Acceptable Use Policy.
- b. All employees will receive a copy of this policy during their new hire orientation and will sign an acknowledgement of receipt of this policy at that time.
- c. All employees will maintain their secure passwords to the Technology System, and they will keep them confidential.
- d. Use of these systems by any employee implicitly consents to the Authority's right to monitor their activity on the systems.
- e. All employees using these systems to communicate are acting as representatives of the Authority.
- f. All information/communications must be retained as required to comply with the Library of Virginia Records Retention and Disposition Guidelines.
- g. No electronic communication is assured to be confidential. Sensitive and/or confidential information should not be sent electronically unless it is encrypted.

Further details as related to the Technology System Acceptable Use Policy can be found in the policy document (see Section M., "Forms and Attachments"). Any violation of this policy can result in disciplinary action, up to and including termination of employment.

10. Effect of Criminal Conviction or Arrest

It is the policy of the Board not to employ or to continue the employment of personnel who may be deemed unsuited for service by reason of arrest and/or criminal conviction. ~~Individuals applying for employment with the Authority for any position shall be required to disclose prior convictions of law other than minor traffic violations or juvenile offenses. Information provided by applicants may be certified by work history, personal reference or criminal record inquiries to determine the applicant's acceptability for employment. In the case of a prior criminal conviction, the Authority will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought. If an applicant makes any misrepresentation or willful omissions of fact regarding prior criminal history, such misrepresentation or omission shall be sufficient cause for disqualification of the applicant or termination of employment.~~

Any employee who is arrested for a criminal violation of any kind, whether misdemeanor or felony, is required to report such arrest promptly to their department manager or divisional director within one (1) business day unless mitigating circumstances exist. This reporting requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including dismissal. In addition, all employees shall have the continuing duty to notify the Authority of any arrest or criminal conviction that occurs subsequent to being hired by the Authority.

Department managers or divisional directors shall contact the Executive Director or designee upon receiving notification that an employee has been arrested. The Authority reserves the right to

determine appropriate disciplinary action in such cases, up to and including dismissal, depending upon the facts and circumstances surrounding the arrest.

11. Fitness for Duty

All job descriptions will clearly state the minimum physical and emotional health requirements of the particular job. Employees are responsible for familiarizing themselves with these requirements.

All new employees are required to have a fit for duty medical examination within two days of signing their job offer and prior to their first day of work. The results must be received by the Human Resources Manager before the employee begins working.

Results of the fitness for duty examination will be shared with the employee. If the fitness for duty examination indicates that the employee requires some treatment prior to resuming their employment responsibilities, the employee is responsible for obtaining treatment sufficient to qualify as again fit for duty before returning to work. The employee may use leave authorized by this policy during the period of absence to the extent leave is available. If the Authority physician or the EAP counselor indicates that the employee is not fit for duty on a permanent basis, the employee may also have benefits such as retirement disability.

If the fitness for duty examination indicates that the employee could perform their responsibilities with some reasonable accommodation to the job, the Executive Director will determine whether or not such modifications to the job can be made.

When employees return to work after hospitalization or prolonged absence for health reasons, a doctor's release to return to duty is required. Should circumstances dictate, the Executive Director may require that the employee be examined by the Authority physician prior to allowing the employee to return to duty.

12. ID Badges

As a vital part of the Authority's security system, an identification badge with the employee's name, photo and department will be issued to employees on their first day of employment. All employees are required to carry an ID badge during their shift or while conducting any Authority business on or off premises. All employees are required to produce said ID badge when requested.

If an identification badge is lost or stolen, the employee must report the loss to their supervisor immediately and obtain a replacement. A fee of \$5.00 will be assessed for all replacement badges. Lost or stolen cards should be reported to the department manager as soon as possible. Failure to be able to display or produce your ID badge when requested or excessive loss or damage to cards can lead to disciplinary action.

Upon termination, employees will be required to return ID badges to the Human Resources Department.

13. Dress Code/Personal Hygiene

All employees are expected to dress neat and professionally based on the needs of their position.

- a. Uniforms are provided to certain departments. Employees in those departments are expected to wear their uniforms. Uniforms are to be returned to the Authority upon termination of employment.
- b. Any Personal Protective Equipment required in a certain location or work environment must be worn.

14. Safety Shoe Program

The Authority will provide all employees required to wear steel toed shoes with \$125 per fiscal year (July 1 – June 30) towards the purchase of their shoes. An employee may carry over up to \$250 by not using their annual voucher.

15. Prescription Safety Glasses Program

The Authority will provide all employees required to wear prescription safety glasses a voucher for \$250 for the purchase of those glasses. This program is administered by the Safety Manager.

16. Social Media Policy

The primary online presence for the Authority will be the Authority's website. If it is deemed necessary to establish an additional online presence via social media, the Communications Manager will be responsible for maintaining that presence. This policy will be further amended at that time.

17. Smoking/Vaping

Smoking and vaping are not permitted in any Authority building or vehicle. Additionally, employees are not permitted to smoke or vape at building entrances. Smoking and vaping will be permitted in designated areas and employees are expected to dispose of cigarette butts in the appropriate receptacles.

18. Transferring Between Authority

Employees may apply for open positions in the other Authority. If an employee transfers to the other Authority, they will maintain their years of service with the Authority. At the time of transfer, all annual and sick leave balances will be transferred to that Authority with no loss of accrued time. The employee will continue to accrue leave time based on their combined years of service.

19. Essential Employees

Employees who are designated as required to work when the main office is closed due to weather or other emergencies are considered essential. Essential employees generally must work to maintain ongoing and safe operations and basic public services, such as Water Operators, Wastewater Operators, Chemists and Mechanics. Occasionally, employees who are not normally considered essential may be required to work if the circumstances require it. This determination will be made by the Executive Director and/or the employee's Manager or Divisional Director.

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J. Employee Training, Development and Educational Assistance Program

1. Policy

The Authority promotes professional excellence and encourages employees to achieve their highest potential through education, training, and mentoring. The Authority encourages employees to use developmental opportunities to enhance their career progression, develop fully in their current position, and/or prepare for and become eligible to seek promotional opportunities within the organization. Training and education are separated into three categories: Essential Training, Advanced Development Training and Degree Programs.

2. Definitions

Advanced Development Training: Voluntary training and education that will assist the employee in their pursuit towards an advanced skill or licensing level.

Degree Program: Training and education that will result in credit or credit hours towards a college degree.

Essential Training: All training that is determined by the employee's department manager or divisional director to be necessary to perform duties of the employee's current position.

Financial Assistance: Financial assistance offered and paid for by the Authority, available to an employee participating in approved Advanced Development Training and Degree Programs.

Work Schedule: An employee's assigned hours to work as required by their position.

3. Employee Eligibility

Employees who have been employed for six months or less, are eligible to apply for Essential Training but are not eligible to participate in Advanced Development Training or Degree Programs. Employees who have been employed for more than six months are eligible to apply for Essential Training, Advanced Development Training and Degree Programs.

4. Essential Training

- a. All training and education that is determined by the department manager and/or the divisional director as necessary to perform the duties of the employee's current position to include:

- 1) Training and education necessary to maintain and/or improve the employee's knowledge, skills and ability to perform the required job tasks;
- 2) Training and education mandated by law; and
- 3) Training and education necessary to keep up with technological or process changes.

- b. Types of Essential Training includes:

- 1) Authority sponsored in-house training;
- 2) Off-site training;

- 3) Seminars or conferences; and
- 4) Webinars.
- c. Textbooks or study materials purchased for Essential Training may be:
 - 1) Prepaid and purchased by the Authority; or
 - 2) Prepaid and purchased by the employee, who will then be reimbursed by the Authority.
- d. Registration or Enrollment Fees will be:
 - 1) Paid for in advance by the Authority if possible; or
 - 2) Paid for by the employee and be reimbursed.
- e. Expense Reimbursement

Expenses paid by the employee related to the approved Essential Training are reimbursable. Request for reimbursement must be submitted to the Authority within 60 days after the expenses were incurred. Request for reimbursement must be clear, concise, itemized and include original receipts.

5. Advanced Development Training

- a. All training and education that will assist the employee in their pursuit towards an advanced skill or licensing level as well as enhancing the employee's contribution to the Authority.
- b. Types of Advanced Development Training includes but is not limited to:
 - 1) Authority pre-approved training and education programs for operator correspondence courses (Sacramento); and
 - 2) Authority pre-approved mechanic training programs.
- c. Textbooks and/or study materials purchased for Advanced Development Training may be:
 - 1) Prepaid and purchased by the Authority; or
 - 2) Prepaid and purchased by the employee.
- d. Registration or Enrollment Fees will be:
 - 1) Paid for in advance by the Authority if possible; or
 - 2) Paid for by the employee and to reimbursed.
- e. Expense Reimbursement

Expenses paid by the employee related to the approved Advanced Development Training are reimbursable. Request for reimbursement must be submitted to the Authority within 60 days after the expenses were incurred. Request for reimbursement must be clear, concise, itemized and include original receipts.

6. Degree Program

- a. All training and education that will result in the earning of credit or credit hours towards a college degree and will enhance the employee's contribution to the Authority.
 - 1) A Degree Program is not required to maintain the employee's current position.
 - 2) A Degree Program must be directly related to the employee's current position.
- b. Registration, enrollment, tuition, textbooks and study materials must be paid for by the employee.
- c. Financial Assistance & Reimbursement Requirements

The Authority offers financial assistance to those employees participating in an approved Degree Program. Through the financial assistance program, employees may request reimbursement for expenses related to an approved Degree Program to include registration/enrollment/tuition fees, textbooks, study materials or other degree related expenses.

- 1) All reimbursements are conditional upon the approval of the Authority's annual budget;
 - 2) The Authority will reimburse up to a maximum of \$5,250 per fiscal year (July 1 through June 30) for eligible educational expenses paid for by the employee.
 - 3) Reimbursements that exceed the maximum of \$5,250 per fiscal year will be held and reimbursed in upcoming fiscal years until all expenses have been reimbursed.
- d. Employee Requirements for Education Reimbursement
- 1) The employee's Degree Program and request for financial assistance must be pre-approved by the employee's department manager and divisional director;
 - 2) The employee must complete all course requirements within the prescribed timeframe;
 - 3) The employee must receive a passing grade of a C or higher for all undergraduate or business courses;
 - 4) The employee must receive a passing grade of a B or higher for all graduate college courses;
 - 5) The employee must submit an official grade transcript within ~~60~~30 days of course completion;
 - 6) The employee must remain employed by the Authority; and
 - 7) In the event of voluntarily separation of employment the employee shall be required to repay all received reimbursed expenses from the prior 12-month period.

e. **Tax Liability for Tuition Reimbursements**

In some circumstances, education aid or reimbursement may be considered taxable income under the IRS regulations. Generally, educational assistance for job-related courses is not counted as taxable income. If an employee receives more than the annual IRS maximum allowable amount for educational assistance, the amount exceeding the IRS maximum will be subject to payroll taxes.

7. Pre-Approval

All employee requests for training, regardless of type, must be pre-approved by the employee's department manager or divisional director before registration.

8. Work Schedule Adjustment

Provided it is in the best interest of both the employee and the Authority, an adjusted work schedule may be approved if the Essential Training or Advanced Development Training is not allowed to be conducted during the normal work schedule hours. All requests will be approved on a case by case basis and must occur before training registration. Adjusted work schedules will not be granted for Degree Programs.

9. Authority Responsibilities

- a. Provide for the training and education necessary for employees to obtain or renew required certificates and licenses necessary for the position.
- b. Provide for the training and education necessary to keep up with changing work requirements.
- c. Provide for the training and education which is mandated by law.
- d. Provide timely payment and/or reimbursement upon receipt of all required expense reimbursement requests and transcripts if applicable.
- e. Register employees for training and education provided employee gives ample time to process. See employee's responsibilities below.

10. Employee Responsibilities

- a. Must submit a completed training request form to the department manager in enough time to process request.
- b. Complete all registration forms and if necessary, register in person at the training site.
- c. Complete all the required applications related to examinations.
- d. Employees seeking assistance from the Administration Office with registration, fees, travel and/or lodging arrangements must be made 30 days prior to travel and/or registration date.
- e. Must provide proof of successful completion.

- f. Expense Reimbursement Requests for reimbursement must be submitted to the Authority within 60 days after the expenses were incurred. Reimbursement requests must be clear, concise, itemized and include original receipts.

11. Human Resources Responsibilities

The Human Resources Manager or designee will maintain records of training, education and related requirements.

12. Department Manager Responsibilities

- a. The department manager will promptly review all employee requests for training and consistently apply the rules relating to this policy.
- b. The department manager will monitor the employee's progress.
- c. The department manager will develop an annual training and education needs assessment and request funds need in the department budget.

13. Divisional Director Responsibilities

The divisional director will ensure the rules of this policy are consistently applied.

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K. Travel Policy

1. Policy

This policy establishes guidelines for the approval and reimbursement of travel related expenses. The Authority will reimburse employees traveling on official Authority business for reasonable and necessary expenses incurred. It is the policy of the Authority to limit travel costs to expenses that are necessary for providing essential services to its customers. The use of Authority funds to accommodate personal comfort and convenience is not permitted. Travelers and travel planners must seek ways to reduce the cost of travel.

2. Travel Reimbursement Requirements

a. Travel Request

All travel outside of the Authority's service area (Charlottesville or Albemarle County) requiring reimbursable travel expenses must be approved in advance by the employee's department manager or divisional director. The employee traveling must complete a Travel Request Form. (Please note – if travel expenses are related to properly approved training, education or conference attendance, then the appropriate form for that approval will suffice for approval of related travel request. This is for the form approval only and all policies herein apply.) Each Travel Request Form should detail anticipated or estimated expenses for the trip. The USGSA can be used to estimate travel costs.

The Authority has a policy of reimbursement for reasonable costs actually incurred to exempt such payments to employees from federal and state taxation. When an employee is seeking reimbursement of expenses incurred during a trip, they should complete an Expense Reimbursement Form, and have it approved by their department manager. An approved Travel Request Form should be attached to all Expense Reimbursement Forms that include overnight trips.

b. Reservations

Whenever possible, travel reservations should be made in advance through the Administration department. This would include airline tickets, hotel reservations, conference fees and any other travel cost that can be paid in advance.

Itemized receipts must be provided for all reimbursed travel. Any travel costs submitted without an itemized receipt will not be reimbursed, to include meals. An Expense Reimbursement Form should be completed with all receipts attached.

c. Expense Submittal

- 1) An Expense Reimbursement Form must be submitted to an employee's department manager within 14 days of the completion of the trip. The following expenses are reimbursable for overnight stays:

- a) Mileage
 - b) Transportation (airfare, rail, bus, rental car, taxi)
 - c) Tolls and Parking
 - d) Lodging
 - e) Meals
 - f) Registration Fees (conferences)
- 2) The following expenses are not reimbursable:
- a) Lost or stolen property
 - b) Alcoholic beverages
 - c) Damages to personal items
 - d) Movies charged to hotel bill
 - e) All expenses related to personal negligence such as fines
 - f) Entertainment expenses
 - g) Towing charges
 - h) Expenses for children, spouses or other companions while traveling
 - i) Travel insurance

This list is not all inclusive and traveler should use prudent judgement regarding travel expenses. Department managers have a responsibility to question any costs that seem to be unreasonable and deny any costs that are unreasonable or undocumented.

3. Authority Vehicles

Employees are encouraged to use Authority vehicles for business travel whenever possible. Vehicles can be reserved in advanced and can be used for overnight travel. All Authority vehicles must be signed out by the employee who is driving the vehicle. Authority vehicles must be returned immediately when the employee returns from a trip.

Employees who have take-home Authority vehicles should use those vehicles for all business travel.

Authority vehicles should not be used for any personal travel unless approved by the Executive Director or the Divisional Director.

4. Mileage

When traveling outside the service area, employees are permitted to use their personally owned vehicle when an Authority owned vehicle is not available, or when the use of a personally owned vehicle is cost-beneficial to the Authority. Employees electing to use their personal vehicle as a matter of convenience will not be reimbursed for mileage unless approved by their department manager.

Mileage will be reimbursed (when traveling outside of the service area) at the current same rate as the Federal IRS published rate for business travel deduction.

Round trip mileage for reimbursement purposes will be total miles traveled to and from the destination from the employee's home or Administration Office location, whichever is shorter. (i.e. any normal commuting costs are not reimbursable.)

5. Transportation

a. Air Travel

- 1) Any air travel booked should be at economy airfare unless approved by the Executive Director or if the difference between the airfare purchased and economy airfare is paid for by the employee.
- 2) All flight reservations must be made by the Administration department.
- 3) Any baggage fees incurred will be reimbursed for a checked bag. Any baggage fees that are incurred due to a bag being over the air carriers weight limits or multiple bags checked must have a legitimate business reason or they will not be reimbursed.
- 4) Any change fees incurred due to flight changes made by the employee must have a legitimate business reason or they will not be reimbursed.

b. Other Transportation

Other forms of transportation can be used for business travel is permissible if the reduction in cost is beneficial to the Authority.

c. Rental Cars

- 1) Employees traveling to attend conferences should book the hotel where the conference is being held or a hotel within walking distance whenever possible.
- 2) All rental car reservations will be made through the Administration department.
- 3) Any fees, other than basic car rental expenses will not be reimbursed.

6. Lodging

- a. Reimbursement for lodging will include hotel nightly rate and any hotel taxes, fees or surcharges. Any other charges will not be reimbursed unless approved by the employee's department manager and/or divisional director. An itemized hotel bill must be provided.
- b. If travel plans change and a hotel reservation needs to be cancelled, it is the responsibility of the employee to notify either the Administration department so that the reservation can be cancelled or to cancel it themselves so as to not incur a cancellation charge.

7. Meals and Incidentals

- a. The employee must provide itemized receipts in order to be reimbursed for meals and incidentals.
- b. Employees will be reimbursed for tips up to 15% on meals.

- c. Any meal or incidental expenses deemed excessive will not be reimbursed. The Authority will use the U.S. GSA per diem as a guideline when appropriate.

8. Compensation While Traveling, Overnight Travel

- a. Overnight travel is travel away from home community, as defined by the FLSA and the Code of Virginia.
- b. An employee will be compensated for travel away from home when it clearly cuts across the employee's normal workday or the hours that correspond to an employee's normal work hours on nonworking days.
- c. An employee will be compensated for any hours spent in a class or training that was mandated by a department manager or divisional director.
- d. An employee will be compensated for time spent driving other employees to a location in an Authority vehicle if the employee was directed to do so by a department manager or divisional director.
- e. If an employee is offered transportation (air, rail, etc.) for travel away from home and chooses to use his/her own vehicle, either the time spent driving their own vehicle or the time it would have taken to use the offered transportation will be compensated if the time clearly cuts across the employee's normal workday.

9. Travel Advances

Cash advance for travel should be avoided; however, occasionally there is a need for an employee to estimate the costs of travel and obtain a cash advance. Once a cash advance has been approved (request must be made 30 days in advance of need) the employee is responsible for handing in all receipts to document the costs incurred like any other travel event. If the cash advance was more than the documented receipts, the employee will be required to pay the difference to the Authority. If, however; there were more costs (documented by receipts turned in) than the cash advance, the Authority will pay the employee the difference.

Then all the rules for submitting the documentation of costs will apply per 4 above. Any excess the employee will have to reimburse the Authority any shortage the Authority will pay the employee.

~~L. Substance Abuse Policy~~

~~The goal of the Rivanna Solid Waste Authority and the Rivanna Water & Sewer Authority, collectively the "Authority", through this policy is to establish and maintain a safe and healthy workplace that is free from alcohol abuse and illegal drug use for its employees and to protect the safety of its customers by providing the highest quality service.~~

~~This policy contains all the Authority's policies relating to substance abuse as it affects the workplace.~~

~~This policy is separated into and will be detailed into the following sections:~~

~~Section I – General Policy, Provisions and Definitions~~

~~Section II – Federal Motor Carrier Safety Administration (FMCSA) Highway Administration (FHWA)
Coverage Commercial Driver's License (CDL)~~

~~Section III – All Other Authority Coverage Non CDL~~

~~Section IV – Appendixes~~

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L. Substance Abuse Policy

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Section I: General Policy, Provisions and Definitions

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1. Policy

It is the policy of the Authority to ensure that its' workplaces are free of alcohol, illegal drugs and controlled substances by prohibiting the use, possession, purchase, distribution, or sale of these substances. Although the sale and use of alcohol by an adult is legal, the possession, use, or distribution of alcohol in the workplace or in any Authority vehicle is strictly prohibited.

This policy is applicable while employees are engaged in any work-related activity which includes performance of Authority business or any services for or by the Authority.

The use or distribution of alcohol; reporting to work under the influence of alcohol, or having alcohol in the body system at work, whether the alcohol was consumed at work or away from work, are all prohibited in the workplace. The Authority prohibits the use of alcohol while assigned to "on call" duty.

The unlawful possession, use, manufacture, or distribution of a controlled substance or illegal drug; the reporting to work under the influence of a controlled substance or illegal drug; having an illegal drug in the body system; or possession of drug paraphernalia are all prohibited in the workplace.

All Authority employees must report the use of any prescribed controlled substance or prescribed drug which may affect their ability to perform any aspect of their job to their Supervisor.

All Authority employees must notify their supervisor of any arrests, charges and/or convictions for criminal drug statute violations or of any alcohol beverage control law or law that governs driving while intoxicated.

When reasonable suspicion exists that any employee has reported to work under the influence of alcohol, illegal drugs, or is impaired due to the abuse or misuse of controlled substances or prescribed medications, the employee may be subject to assessment, testing, and disciplinary action or termination of employment.

This policy establishes clear and uniform guidelines in accordance with federal and state regulations for the Commonwealth of Virginia regarding alcohol, drugs, or controlled substances, including the provisions of the Drug-Free Workplace Act of 1988.

- Further, the purpose of this policy is to make every effort to provide and maintain a drug and alcohol-free workplace. The policy shall cover all Authority employees.
- The policy is to establish an Anti-Drug/Alcohol Misuse Policy that complies with the Department of Transportation's (DOT) 49 CFR parts 382 and 40, which mandates that employers provide Drug and Alcohol testing for drivers who are required to hold commercial driver's licenses (CDL), for the use of alcohol and controlled substances. Part 40 outlines the manner in which and by whom these tests are conducted.

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The policy's goal is to comply with the Drug Free Workplace statute to eliminate the presence and/or use of alcohol, controlled substances and illegal drugs in the workplace.

- The intent of this policy is to ensure that all Authority workplaces and sites are safe, productive and secure for employees and the public we serve.
- This policy prohibits the use of alcohol and/or illegal drugs in the workplace as such use may affect an employee's job performance; bring discredit upon the reputation of the Rivanna Authorities as the employer, threaten the safety of fellow employees, the general public, and expose the Rivanna Authorities to any liability.

The Authority shall:

- Maintain a copy of the Drug Use/Alcohol Abuse policy in an accessible location.
- Enforce the policy and take appropriate action against individuals who are convicted or violate the policy as soon as possible from the date of the conviction or violation.
- Promptly deal with any possession, consumption, and /or distribution of alcohol, an illegal drug or controlled substance in the workplace, in accordance with legal and administrative disciplinary procedures as outlined in the Personnel Management Plan. Supervisors should contact their Department Head/Manager or Human Resource Manager for guidance and/or access to the ~~Drug and Alcohol~~ Substance Abuse Policy located in the Personnel Management Plan. However, in emergency situations supervisors should first ensure the safety of others and then if necessary, contact 911 should the situation warrant such.

2. Definitions

Alcoholic Liquors/Alcohol: These include alcohol, beer, wine, and any liquid or solid containing alcohol and capable of being consumed.

Arrest/Charges: To be taken in custody or to be formally accused by law enforcement due to a violation of criminal statute.

Commercial Driver's License: Some maintenance and solid waste personnel are required to obtain and maintain a Class-A Commercial Driver's License as part of their job. Employees that have a Class-A License have a lower Breath Alcohol Concentration (BAC) limit of less than (0.04) while a non-CDL holder may have a (BAC) level of less than (0.08).

Controlled Substance: A federally regulated substance listed Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C.812) and Virginia Code (2.2) that when taken into the body, may impair one's mental faculties and /or physical performance.

Conviction: A finding of guilt, (including a plea of no contest) or the imposition of a sentence or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Criminal Drug Statute: A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

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Employee: Any person who works full-time or part-time, or temporary staff who are directly engaged in the performance of work for the Authority.

Legal Drug: Legal drugs include medications prescribed by a physician (to include controlled substances), and over the counter medications which have been legally obtained and are being used solely for the purpose for which they were prescribed by a physician or manufactured.

Illegal Drug: Any drug which is not legally obtainable or is being used in a manner or for a purpose other than as prescribed. Illegal drugs include those controlled substances under federal law or State Law (Virginia) which are not authorized for sale, possession, use, and legal drugs which are obtained or distributed illegally.

Safety Sensitive Functions: Any task performed where the employee performing the task has a responsibility for his/her own safety or the safety of others. The Authority has established the following list as Safety Sensitive Functions:

- All time working at any water or wastewater treatment facility.
- All time spent working at any Rivanna Solid Waste Authority facility.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations.
- All time spent at the driving controls of any motor vehicle or any motorized equipment.
- All time spent performing any assigned duties at a confined space operation.
- All time spent performing duties involving locating utilities.
- All time spent operating power tools such as chainsaws, pipe saws, drills, grinders, welders, etc.
- All time spent working on electrical equipment.
- All time spent working above ground/floor level.
- All time spent "On Call". On call will be considered "ready to perform safety-sensitive functions;" therefore failure to be available for an emergency due to drug use or alcohol misuse while on scheduled call will result in disciplinary action up to and including termination.

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy), or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Workplace: A worksite where service or work is conducted in the performance of an employee's employment. The workplace shall include jobsite, facilities, properties, buildings, offices, structures, automobiles, trucks, and any location that work is performed as a representative of the Authority.

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3. Drug and Alcohol Testing Requirements

a. Employee Testing Groups

Employees will be divided into two testing groups:

- 1) Employees whose position requires them to have a Class A Commercial Driver's License and who operate vehicles requiring a Commercial Driver's License (CDL Pool).
- 2) Employees whose position does not require them to have a Commercial Driver's License and who do not operate vehicles requiring a Commercial Driver's License (Non-CDL Pool).

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b. Types of Drug and Alcohol Testing

- 1) Random Testing – All fulltime and part time employees will be subject to unannounced drug and alcohol testing based on random selection by an outside contractor.

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- The percentage of employees tested from the CDL Pool will be determined by requirements from the Federal Motor Carrier Safety Administration and will be subject to changes based on these requirements.
- The percentage of employees tested from the Non-CDL Pool will be 10% annually. This percentage can be changed by the Executive Director based on statistics from the prior year.
- The Executive Director can, at any time, suspend random testing for the Non-CDL Pool.

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- 2) Post-Accident – As soon as possible following an accident involving an Authority vehicle, the Authority shall test the employee driving the vehicle when any of the following apply:

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- The accident involves a fatality.
- The accident involves bodily injury to any person who receives immediate medical treatment away from the accident scene.
- The employee receives (or is expected to receive) a citation under state of local law for a moving violation arising from the accident.
- One or more motor vehicles incur damage requiring the vehicle(s) to be towed away from the accident scene.

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It is the employee's immediate supervisor's responsibility to ensure that the above provisions for post-accident testing are followed. The employee involved should

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submit to the test within two hours of the accident if able. Any employee who does not remain available for testing, unless they are receiving emergency medical care, shall be deemed as refusing to submit to testing. If the employee is receiving medical care at an emergency facility, every attempt should be made to get a test performed however, any effort to get a test should stop after 32 hours.

- 3) Pre-Employment – Any person who has been offered a position with the Authority must take and pass a drug test, at the Authority’s expense, within 2 business days of receiving the job offer. If an applicant does not pass the drug test, their job offer will be rescinded immediately, and they will not be eligible for employment with the Authority for a period of three years.

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- 4) Reasonable Suspicion – The Authority will test any employee when there is reasonable cause to believe that the employee is under the influence of drugs or alcohol during work hours or while on call. Only an employee’s supervisor, department manager or divisional director can send an employee for reasonable suspicion testing. Any factors leading to testing based on reasonable suspicion must be documented in writing. In making a determination of reasonable suspicion, the following should be considered:

- Physical signs and symptoms that the employee is under the influence.
- Evidence of alcohol or drug use, such as bottles, cans or drug paraphernalia.
- Occurrence of a serious or potentially serious accident that may have been caused by flagrant violation of established safety, security or other policy/procedure.
- Adequately documented pattern of unsatisfactory work performance for which no apparent non-impairment related reason exists, or a change in an employee’s prior pattern of work performance, especially where there is some evidence of alcohol or drug related impairment related behavior on or off at the workplace site.

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- 5) Return to Duty – An employee who has engaged in prohibited conduct based on this policy must undergo a return to duty test with a negative result before returning to their job duties. If an employee refuses to submit to return to duty testing, they will not be permitted to return to work.

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- 6) Follow-Up – Any employee who has engaged in prohibited conduct based on this policy will be subject to unannounced random follow up testing. The testing will be conducted while the employee is on duty. A minimum of six tests will be conducted in the twelve months following an employee’s return to duty or more if directed by a substance abuse professional (SAP). The SAP can terminate the requirement for the follow-up testing in excess of the minimum at any time if it is determined that the testing is no longer necessary.

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c. Testing Notification

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The Medical Review Officer (MRO) will notify the employee of the results of random, reasonable suspicion, and post-accident drug/alcohol tests if the results are verified as positive, prior to notification of the employee's department head. The MRO will notify a job candidate of results from a pre-employment drug test that are verified to be positive before notifying the Authority.

Should the employee want the split sample retested as the result of a positive test, the employee needs to make arrangements with the Medical Review Officer's (MRO) staff for prepaying to have the test redone. The Authority will not be responsible for the expense of the retest.

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d. Refusal to Test and Uncompleted Tests

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Compliance with this drug/alcohol testing policy is a condition of employment. Refusal to take a required drug/alcohol test, failure of a drug/alcohol test, or attempting to adulterate a sample may result in the termination of employment by the Authority.

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e. Recordkeeping

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The Authority will maintain all records and documentation in the Administration Office and under the control of the Executive Director and the Human Resources Manager. Each record shall be kept private and confidential and stored in a secured location. With the exception of the testing laboratory, MRO, designated supervisor(s), Human Resources Manager, or upon request of the FMCSA or other federal or state agency officials as part of an accident investigation, the results of individual drug and alcohol tests will not be released to anyone without the expressed written authorization of the individual tested. Drug and alcohol tests and/or rehabilitation records will only be released to subsequent employers upon written consent from the covered employee. Then only the specific information requested by the employer will be released.

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f. Employee Assistance Program (EAP)

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The Authority contracts with an Employee Assistance Program (EAP). EAP services are available to all employees. The EAP staff can provide employees with the appropriate education regarding the use of prohibited drugs.

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4. Testing Standards

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All testing procedures performed under this policy must be in compliance with United States Department of Transportation Drug and Alcohol Regulations, 49 CFR, Part 40, regardless of if the testing is administered to an employee in the CDL Pool or the Non-CDL Pool. This includes regulations regarding sample collection, testing laboratories, medical review officers and the verification process.

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The Authority are required by the Federal Motor Carrier Safety Administration (FMCSA) to adhere to the minimum annual percentage rate for random controlled substance testing for drivers of commercial motor vehicles requiring a commercial driver's license as determined by the FMCSA. This rate is subject to change on an annual basis and effects the CDL Pool only.

All test results are considered confidential information and will not be released to third parties without the specific written consent of the employee.

a. Medical Review Officer (MRO)

The Medical Review Officer must meet the criteria in the US Department of Transportation's 49 CFR Parts 382 and 40.

b. Testing Laboratory

The testing laboratory for this policy must meet the criteria set in the US Department of Transportation's 49 CFR Part 382 and 40.

c. Specimen Collection Requirements

Specimen collection will be as required in the US Department of Transportation's 49 CFR Parts 382 and 40.

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5. Disciplinary Actions

Once the Medical Review Officer (MRO) makes a determination that there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of alcohol or a prohibited drug, the Authority will not knowingly allow such employee or person to work in any capacity. The employee shall be suspended or placed on unpaid leave immediately and referred to the Employee Assistance Program. The employee may return to work only after a Substance Abuse Professional (SAP) has determined the employee is fit for duty and has successfully completed the prescribed drug rehabilitation program. The employee must also have a negative drug screening under return-to-duty testing.

An employee will be dismissed immediately if:

a. The employee refuses to report to a substance abuse professional (SAP) for assessment and evaluation and/or referral for treatment with an Authority substance abuse professional.

b. The employee is referred for rehabilitation, by a substance abuse professional, and then refuses to enter or fails to successfully complete the rehabilitation program.

c. The employee refuses to provide an adequate urine sample for drug testing without a valid medical explanation after receiving notice of the requirement to be tested, or who engages in conduct that clearly obstructs the testing procedure.

d. The employee tests positive a second time during their employment with the Authority.

e. The employee is in their probationary period.

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Possession of illegal drugs on Authority property or in an Authority vehicle is considered unacceptable and will be considered grounds for termination of employment with the Authority.

This policy establishes guidelines and procedures for the detection of on the job alcohol use and illegal drug use within the workplace. All Authority employees shall be responsible for reporting any evidence of illegal drug use or the use of alcohol in the workplace by any co-worker or supervisor. All such reports shall be thoroughly investigated and reported to the Executive Director or designee and appropriate action will be taken as necessary. The Authority's Executive Director, or his/her designee, shall be the person responsible for the administration, evaluation, and oversight of the Substance Abuse Policy and all its components.

For purposes of this policy, "illegal drugs" shall mean any controlled substance, or imitation controlled substance, whose unauthorized manufacture, distribution, dispensing, possession, consumption, use, or sale is prohibited by federal or state law. "Unauthorized use of prescription drugs" means use of a drug by anyone other than the person for whom the drug was prescribed, or in any manner that is prohibited by federal or state laws.

The Authority will not tolerate any violation of the law and, in accordance with the law, will fully support any employee who, in good faith and with probable cause acts to report the activities of other employees as they relate to the use of alcohol or drugs on Authority property. Any Authority employee determined to have violated this policy will be subject to disciplinary action up to and including dismissal.

In the event of conflict between federal or state law and the policy stated herein, federal and/or state law shall prevail.

2. Employee Rules of Conduct

All employees are expected to adhere to the following guidelines as a condition of their employment with the Authority, and any violation of this policy may subject the employee to discipline, up to and including dismissal from employment and can include a first offense.

- a. The manufacture, distribution, dispensing, possession, consumption, use, transportation, or sale of illegal drugs at anytime and anywhere on the Authority property, at an Authority sponsored function or event, or in any other manner while performing duties or obligations related to the Authority employment, is strictly prohibited.
- b. No employee shall report to work, perform assigned duties, or otherwise engage in the Authority's business, with detectable amounts of alcohol, illegal drugs, unauthorized prescription drugs, or illegal drug metabolites in his or her system. Whether the employee has alcohol, illegal drugs, unauthorized prescription drugs, or illegal drug metabolites in his or her system shall be determined in accordance with medically established standards for detectable amounts of these substances. The only limited exception to the foregoing pertains to employees who are not on an official on-call roster and who are called in to work outside their normal duty hours to perform emergency or unscheduled work. No such employee will be disciplined for off duty consumption of alcohol that results in reporting to duty with alcohol in his or her system so long as the employee first reports that

~~consumption of alcohol to the supervisor making the work request prior to the commencement of any work activity, and such consumption does not impair the employee's ability to safely perform his/her job functions.~~

- ~~e. Employee must submit to substance detection testing (alcohol and drug tests) when requested to do so by management pursuant to this policy.~~
- ~~d. Employee must provide within one day (24 hours) of request evidence of a current valid prescription for any drug found to be in his/her possession or identified in a positive drug screen analysis. Failure to provide a valid prescription shall give rise to a presumption that the employee did not legally possess or use the drug.~~
- ~~e. Employee must notify the employer of any criminal drug or alcohol charge or conviction no later than five (5) days after such charge or conviction. Failure to notify the Authority of such charge or conviction is grounds for dismissal.~~
- ~~f. Employees must notify his/her supervisor of any suspension, revocation, or other loss of driver's license privileges within one (1) work day (24 hours) of the event, provided the employee must drive an Authority vehicle as part of their job duties. This notice to Supervisor shall also precede any use of a motor vehicle for Authority business after the time the employee becomes aware of the lost license privilege.~~

~~3. Selection Process~~

- ~~a. All employees are subject to unannounced testing based on random selection.~~
- ~~b. The random selection procedure will be a computer-based number generator and conducted by the Medical Review Officer (MRO) facility.~~
- ~~c. The Authority will maintain two separate random drug testing pools: a CDL Drivers testing pool and a Non CDL Drivers testing pool. "Covered positions" include both Commercial Driver's License (CDL) positions and Non Commercial Driver's License (Non CDL) positions from which selection will take place. The Non CDL pool selection will be 10% for the first twelve months after the adoption of this policy and will remain 10% in subsequent years unless the Executive Director determines on a year to year basis that the percentage needs to be increased, decreased or suspended on the basis of statistics showing increased number of positive Non-CDL alcohol or drug tests in the preceding year or due to unforeseen circumstances that may cause regular testing of Non-CDL employees to potentially be hazardous or unsafe. Non-CDL testing should not exceed 25% without the Board of Directors' approval. The CDL pool selection will be based on the requirements from the United States Department of Transportation.~~
- ~~d. Within every twelve (12) month calendar period, the Authority shall randomly test from each pool unless the Executive Director has suspended Non-CDL testing. An employee may be randomly picked more than once or not picked at all during a twelve month period.~~
- ~~e. An employee shall only be tested for alcohol while the employee is performing, just before the employee is to perform, or just after the employee has performed their work tasks. It~~

is the Authority's position that covered employees are expected to perform their work functions any time that they are on duty or on paid on call to report to duty.

4. Leave During Testing

The following provisions will apply when persons are waiting to be tested for alcohol or drugs and when employees refuse tests:

- a. ~~If an employee refuses to take a test, he shall be deemed "not qualified" for duty. Employees deemed "not qualified" for duty as a result of refusal to take their test, in addition to any disciplinary action, shall have their time charged as unauthorized absence without pay.~~
- b. ~~When employees are sent to be tested, awaiting tests to be conducted by the medical provider, he/she shall remain in pay status and no leave time is charged, unless there is an unrelated reason for the Authority to suspend pay or charge leave time.~~
- c. ~~Employees who are awaiting the results of a substance detection test shall have time away from the job handled on a case-by-case basis giving consideration to the total circumstance.~~

5. Physical Searches

- a. ~~Supervisors may not physically search employees or employee personal property under any circumstances.~~
- b. ~~Supervisors may search without employee consent, all areas and property in which the Authority maintains either joint control with the employee or full control. All Authority vehicles, equipment and Authority owned property are subject to full search without the employee's consent.~~
- c. ~~If illegal drugs are found in an employee's possession or in any area under their control, the police will be immediately summoned, and the drugs will not be touched, moved, or confiscated by the supervisor. All reasonable efforts short of physical force shall be used to prevent the employee from disposing of the drugs before the police arrive.~~

6. Disciplinary Actions

All employees, who engage in any of the following conduct, will be subject to disciplinary action up to and including dismissal in accordance with due process:

- a. ~~Violate any of the foregoing rules regarding manufacturing, distributing, dispensing, possessing, consuming, using, or selling drugs or alcohol;~~
- b. ~~Have drugs or alcohol in their systems in violation of this policy;~~
- c. ~~Refuse to submit to or cooperate with drug and/or alcohol testing which includes, but is not limited to:~~
 - 1) ~~tampering with or attempting to adulterate the specimen or collection procedure;~~
 - 2) ~~not reporting directly and immediately to the collection site;~~

- ~~3) not accurately signing in and reporting the arrival and departure times at the test site; and~~
- ~~4) leaving the scene of an accident without a valid reason before the tests have been concluded;~~
- ~~d. Fail to report their consumption of over the counter or prescribed medication(s) that could impair their ability to perform their duties safely; or~~
- ~~e. Fail to report any drug or alcohol conviction or charge as required by this policy.~~

~~This policy shall be administered consistently with the Authority's obligations under federal, state and local laws and regulations. Recommendations for disciplinary actions, including dismissal for violation of this policy, will be consistent with standard operating procedures to ensure that due process is observed throughout all proceedings. Disciplinary actions affecting employment status shall be reviewed by the Executive Director or designee, before a final decision with respect to continued employment status or disciplinary actions is reached. An employee who is charged with a drug related felony or convicted of any criminal offense shall notify his or her immediate supervisor who shall report the information to the Human Resources Manager within five (5) days of the charge or arrest or prior to reporting for duty, whichever is earlier.~~

~~7. Multi-Function Position (CDL and Non-CDL employees)~~

~~Employees may be responsible for performing different functions (i.e. job duties which are covered under both CDL and Non-CDL provisions). When these cases arise, the following rules generally apply:~~

- ~~a. Federal Highway Administration (FHWA) provisions which apply to post-accident testing under the CDL licensing requirement and the Authority provisions which apply to post-accident testing for Non-CDL employees are the same. Therefore, all employees are subject to same set of testing guidelines regardless of class vehicle the employee may be driving (i.e. commercial motor vehicle or other licensed or unlicensed vehicles).~~
- ~~b. Employees who perform duties requiring a CDL license shall be placed in the CDL pool for random selection testing and only those CDL employees are subject to all of the pre-employment requirements of the federal agency rules.~~

~~8. Severability~~

~~If any part of this policy is held to be unconstitutional, illegal, or otherwise unenforceable, that part shall be deemed severable and the hold shall not affect the validity and enforceability of the remaining parts.~~

~~9. Definitions~~

~~Accident – CDL (FHWA): an incident involving a commercial motor vehicle in which there is either:~~

- ~~• a fatality; or~~
- ~~• the employee driver receives (or is expected to receive) a citation under state or local law for a moving violation arising from the accident which also includes at least one of the following;~~

- bodily injury to any person who immediately receives medical treatment away from the scene; and/or
- one or more motor vehicles incur damage requiring the vehicle(s) to be towed away from the scene.

Accident – Non CDL: an incident involving a state licensed or unlicensed vehicle in which there is either:

- a fatality; or
- the employee driver receives (or is expected to receive) a citation under state or local law for a moving violation arising from the accident which also includes at least one of the following:
 - bodily injury to any person who immediately receives medical treatment away from the scene; and/or
 - one or more motor vehicles incur damage requiring the vehicle(s) to be towed away from the scene.

Air Blank: a reading by an evidential breath testing device (EBT) of ambient air containing no alcohol.

Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

Alcohol Concentration: the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test conducted under Federal regulations.

Alcohol Misuse Prevention Plan (AMPP): the portion of the Authority's Substance Abuse Policy that outlines the employer's policy on alcohol misuse in the workplace.

Alcohol Program Manager (APM): the person designated by the Authority who is primarily responsible for the administration of the AMPP as it relates to the Substance Abuse Policy.

Alcohol Use: the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Anti Drug Plan (ADP): Anti Drug Plan portion of the Authority's Substance Abuse Policy.

Authority: shall mean Rivanna Water & Sewer Authority and/or Rivanna Solid Waste Authority.

Breath Alcohol Technician (BAT): an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Code of Federal Regulations (CFR): the United States Code of Federal Regulations.

Canceled Test: a drug or alcohol test that has a problem identified by a Medical Review Officer that cannot be or has not been corrected, or which this part otherwise required to be canceled. A canceled test is neither a positive nor a negative test. A sample that has been rejected for testing by a laboratory is treated the same as a canceled test.

Chain of Custody: the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

Collection Container: a container into which the employee urinates to provide the specimen for a drug test.

Collection Site: a place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

Collector: a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the CCF.

Commercial Driver's License (CDL): a license issued by a government agency that allows an individual to operate a commercial motor vehicle.

Commercial Motor Vehicle (CMV): a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; (2) has a gross vehicle weight rating of 26,001 or more pounds; (3) is designed to transport 16 or more passengers, including the driver; or, (4) is of any size and is used in the transportation of hazardous materials requiring placards. This includes all qualifying vehicles in all departments.

Confirmation Test: a second alcohol test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances, confirmation testing means a second analytical procedure to identify and quantify the presence of a specific drug or metabolite and reviewed by the Medical Review Officer.

Confirmed Drug Test: a confirmation test result.

Consortium/Third-party Administrator (C/TPA): a service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers.

Controlled Substance: shall mean the same as "drug" unless another meaning is clear from context and shall include marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.

Covered Employee: any full time, part time or temporary employee to include both CDL and Non-CDL positions.

Designee: an agency, firm, individual, or other party contacted by the Authority to provide services under this program.

Department of Health and Human Services (DHHS): United States Department of Health and Human Services.

Director, Staff: Executive Director, Director of Finance and Administration, Director of Operations (RWSA only), Director of Maintenance and Engineering (RWSA only), Director of Solid Waste (RWSA only).

DOT Agency: in agency of the United States Department of Transportation administering regulations related to drug or alcohol testing. The Federal Highway Administration and Federal Transit Administration are DOT agencies.

Driver: an employee who operates a motor vehicle owned by the Authority.

Driver CDL: any employee who operates a commercial motor vehicle (CMV) requiring a commercial driver license (CDL) or is in a position which requires a CDL as an eligibility criterion because they must drive or be on call and ready to drive if necessary. This includes full time, part time, and temporary personnel. In every position requiring a CDL, the employee is either driving or in a state of readiness on call if required to drive. Drivers are subject to drug and alcohol testing under federal and Authority policy. For purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying to the Authority to drive a commercial motor vehicle.

Drug: shall mean the same as "controlled substance" unless another meaning is clear from the context and shall include marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. Additionally, the use of any substance for the purpose of achieving a drug like effect will fall under the prohibition against drugs.

Drug Metabolite: the specific substance produced when the human body metabolizes a given drug as it passes through the body and is excreted in the urine.

Drug Program Designee (DPD): the person designated by the Authority who is primarily responsible for the administration of the ADP as it relates to the Substance Abuse Policy.

Drug Test: the laboratory analysis of urine specimen collected in accordance with 49 CFR part 40 and analyzed in a DHHS approved laboratory.

Employee Assistance Program (EAP): a program provided to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and reentry to the work force are usually arranged through an EAP.

Evidential Breath Testing Device (EBT): an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for evidential testing of breath and placed on NHTSA's conforming products list of evidential breath measurement devices (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

Employee: any full time, part time, temporary or intern status person who is employed by the Authority and receives some form of compensation.

Federal Highway Administration (FHWA): the DOT operating authority that regulates commercial motor vehicles.

~~**Invalid Drug Test:** the result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.~~

~~**Medical Review Officer (MRO):** a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.~~

~~**Medical Service Provider (MSP):** Authority Medical Services Provider.~~

~~**Motor Vehicle:** motorized equipment, either licensed or unlicensed, capable of carrying one or more passengers, including the driver.~~

~~**Non-DOT Test:** drug or alcohol testing conducted for employees who do not hold a CDL but drive other non-CDL Authority vehicles as part of job duties and responsibilities.~~

~~**Omnibus Transportation Employees Testing Act of 1991:** the federal law that requires drug and alcohol testing of drivers in various industries. By the authority of this act, the Office of the Secretary of Transportation, U.S. Department of Transportation (DOT) on February 15, 1994, has published rules requiring employers to test each applicant for employment or employee who is required to obtain a CDL for the illegal use of alcohol and controlled substances.~~

~~**Prohibited Drugs:** any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act, 21 U.S.C. 801.812 (1981 & 1987 Cum. P.O.): marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).~~

~~**Refusal to Submit (to an alcohol or controlled substance test):** a covered employee fails to provide an adequate breath sample for testing without a valid medical explanation after receiving notice of the requirement to be tested; or fails to provide an adequate urine specimen for controlled substances testing without a valid medical explanation after he has received notice of the requirement for drug testing; or engages in conduct that clearly obstructs the testing process.~~

~~**Safety Sensitive Function:** an employee is performing a safety sensitive function whenever he/she is engaged in driving a commercial motor vehicle (CDL required) or working in any employment capacity which could affect the safe operation of the vehicle and the safety and welfare of others. This includes any period in which the employee is actually performing, ready to perform or immediately available to perform any safety sensitive functions.~~

~~**Substance Abuse Professional (SAP):** a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of alcohol or drug abuse related disorders.~~

Screening Test (or initial test): an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen. In controlled substances testing, an immunoassay test on urine specimens to eliminate "negative" specimens from further testing.

Split Sample Testing: division of the urine specimen in controlled substance testing into two separate containers, the primary specimen used for the screening test and the split specimen used if the employee requests a second test after being informed of a verified positive screening test of the primary specimen or a verified adulterated or substituted test result.

Stand down: the practice of temporarily removing an employee from the performance of their safety sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Verified Positive (drug test result): a drug test result reviewed by a Medical Review Officer and determined to have evidence of prohibited drug use.

Workplace: any Authority facility, vehicle, equipment, site or location as well as any other facility, vehicle, equipment or other site or location where an Authority employee is on duty or performing work tasks.

49 CFR, Part 40: refers to the U.S. Department of Transportation Drug Testing Program Procedures (laboratory testing, specimen collection, etc.) in the federal register.

49 CFR, Part 382: refers to the regulations issued by the U.S. Department of Transportation relating to alcohol and drug testing for commercial motor vehicles and commercial driver's licenses.

10. Federal Mandates

This Policy applies to all employees. Federal law provides standards for creating a workplace free of illegal drugs with the passage of the Drug Free Workplace Act of 1988. In addition, required standardized tests have been established by the government with the passage of the Omnibus Transportation Employee Testing Act of 1991 (Omnibus Act) for employees who are drivers of commercial motor vehicles. The Authority has exceeded these minimum requirements to establish and maintain a drug free workplace for all employees.

- a. The Drug Free Workplace Act of 1988 requires that an organization receiving federal funds through grants or other means shall maintain a drug free workplace. The Authority from time to time receives such funds. Under this Act the employee must notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to notify the Authority of drug related convictions is grounds for dismissal. The Authority must notify any federal contracting agency within ten (10) days of having received notice that an employee engaged in the performance of such contract has had any criminal drug statute conviction for a violation occurring in the workplace. The Authority will impose a sanction on any employee who is so convicted.

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~~b. Under the U.S. Department of Transportation final rules implementing the Omnibus Transportation Employee Testing Act of 1991, the Authority is required to establish a program to conduct pre employment/pre duty, reasonable suspicion, random and post accident alcohol and controlled substances testing of each applicant for employment or employee who is required to obtain a commercial driver's license (CDL).~~

11.6. Revision Dates

The policy was originally implemented in January 1, 1996 and has been revised on the following effective dates:

November 25, 1996

September 24, 1999

July 25, 2005

April 2019

March 2021

Section II: Federal Highway Administration (FHWA) Coverage, US Department of Transportation, CDL Positions

Section II of the Authority Substance Abuse Policy applies to all those employees who are required to maintain a commercial driver's license (CDL) to perform any portion of their job duties. It is the Authority policy to comply with all Federal and State laws rules, and regulation relating to commercial driving safety. This section incorporates those policies and procedures found in the US Department of Transportation Federal Highway Administration (FHWA) Regulations 49 CFR, Part 40 and 49 CFR, Part 382.

In the event of any conflicts between Federal Law and the Policy stated herein, Federal Law shall prevail.

This section is separated into two categories:

Part A — Alcohol Misuse and Prevention Plan (AMPP)

Part B — Anti Drug Plan

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Part A — Alcohol Misuse and Prevention Plan (AMPP)

The goal of the Authority is to establish and maintain a safe and healthy workplace that is free from alcohol abuse by all employees and to protect the safety of its customers by providing the highest quality of service. Therefore, the Authority maintains a zero tolerance policy for levels of alcohol use that could imperil the health and well being of its employees or threaten the safety and reliability of service to its customers and the public.

There are mandates that require employers to test all employees who must maintain a commercial driver's license (CDL) to perform any portion of their job duties. The Authority require testing for misuse of alcohol under the following conditions:

- Random
- Post Accident
- Reasonable Suspicion
- Return to Duty
- Follow Up

The US Department of Transportation Federal Highway Administration (FHWA) Regulations 49 CFR, Part 40 and 49 CFR, Part 382 specifies procedures which must be followed.

The purpose of this policy is to:

- Set consistent guidelines and procedures for the detection and deterrence of alcohol abuse within the Authority;
- Identify management and employees' responsibilities; and
- Comply with the US Department of Transportation (DOT), Federal Highway Administration (FHWA) Drug Testing Regulations.

In the event of any conflicts between Federal Law and the Policy stated herein, Federal Law shall prevail.

This document in providing specific information and guidance to employees is used for complying with Federal Regulations. Employees may view a copy of these Federal Regulations for specific requirements of compliance during normal business hours at the Administration Office, 695 Moores Creek Lane, Charlottesville, Virginia.

1. Responsibilities

- a. **Alcohol Program Manager (APM):** Appendix A contains the name and phone number of the individual(s) who are responsible for the preparation of an alcohol misuse plan which complies with requirements of the Department of Transportation regulations as set for the in 49 CFR, Parts 40 and 382. The APM shall be responsible for providing oversight and evaluation of the plan; providing guidance and counseling in regards to the plan; ensuring that all discipline applied under this plan is consistent and conforms to human resources policies and procedures; scheduling for types of testing (i.e. random); maintaining a locked file system on all alcohol test results; and overseeing the referral of employees for evaluation and treatment. The Authority shall ensure that all covered employees are aware of the provisions and coverage of the Authority AMPP. All employees will have access to the current Substance Abuse Policy.
- b. **Supervisor(s):** Supervisors are responsible for observing the performance and behavior of employees; observation and documentation of events suggestive of reasonable suspicion; and requesting post-accident testing if determined that it is applicable.
- c. **Employees:** Covered employees shall be knowledgeable of the provisions of the Authority AMPP and fully comply with the provisions of the plan.

2. Applicability

- a. **Individuals Subject to Alcohol Testing:** Any employee who is required to maintain a commercial driver's license (CDL) to perform any portion of his/her duties is subject to alcohol testing under Section 2, Part A of the Policy. A complete copy of all covered positions is maintained in Main Office for inspection.
- b. **Procedure for Notifying Covered Employees:** Upon receipt of the Authority's Substance Abuse Policy which contains the AMPP, each manager and/or supervisor shall post a copy of the Policy in a prominent location that is readily accessible to all covered employees. All covered employees will have access to a copy of the Substance Abuse Policy.
- c. **Employee Notification Criteria:** Each new employee will be informed of the Authority's testing policy and will be required to sign an Employee Notification Letter which will tell them which drug testing pool they are in. In addition, all employees will be notified of any changes and/or revision through notices.

When requested, Human Resources shall provide information to all covered employees on the following elements:

- a. Name of representative designated to answer questions for covered employees about the alcohol regulations (See Appendix A).
- b. List covered employees who are subject to the alcohol regulations. A detailed position listing of all covered positions is maintained in the Administration Office.
- c. Circumstances under which a covered employee will be tested for alcohol under the AMPP portion of the Substance Abuse Policy.

- d. ~~Procedures that cover:~~
 - 5) ~~testing for presence of alcohol;~~
 - 6) ~~protection of employee rights;~~
- e. ~~Information concerning requirements for covered employees to submit to various types of alcohol tests.~~
- f. ~~Information detailing what constitutes a refusal and consequences of such refusal.~~
- g. ~~Information detailing consequences of covered employees who violate the prohibitions as set forth in the AMPP portion of the Substance Abuse Policy. This information addresses the removal from performing covered functions and guidance on referral for evaluation and/or treatment.~~
- h. ~~Information detailing consequences of covered employees who test at an alcohol concentration of 0.02 or greater.~~

~~3. Types of Testing~~

~~a. Random~~

~~All FHWA employees covered by this Policy are subject to random alcohol testing.~~

~~The refusal of an employee who is on duty to report and submit to a random test within thirty (30) minutes of such a request and notification shall be considered as a refusal and shall be deemed equivalent to failure of the test and lead to disciplinary action up to and including termination.~~

~~b. Post Accident~~

~~As soon as possible following an accident involving a commercial motor vehicle, the Authority shall test the employee driver for alcohol when either:~~

- 1) ~~The accident involved a fatality; or~~
- 2) ~~The employee driver receives (or is expected to receive) a citation under state or local law for a moving violation arising from the accident which also includes at least one of the following:~~
 - a) ~~bodily injury to any person who immediately receives medical treatment away from the scene; or~~
 - b) ~~one or more motor vehicles incur damage requiring the vehicle(s) to be towed away from the scene.~~
- 3) ~~It is the employee's immediate supervisor's responsibility to ensure that the provisions of post accident testing are followed.~~
- 4) ~~Each employee shall be required to submit to an alcohol test within two (2) hours of the accident. If a test is not administered within eight (8) hours following the accident, the Authority shall cease all attempts to conduct an alcohol test and shall prepare and maintain on file written documentation indicating why the alcohol test was not~~

conducted. A copy of all such determinations shall be forwarded to the APM and, upon request, made available to FHWA officials.

~~5) An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying the supervisor or department representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, shall be deemed by the Authority to have refused to submit to testing.~~

~~6) The employee must remain available for alcohol testing and may not consume any alcohol for either (8) hours following the accident or until the alcohol test has been conducted. Notwithstanding the previous statement, nothing in this Policy shall prevent employees from seeking and obtaining emergency medical care whenever necessary.~~

~~4. Reasonable Suspicion~~

~~Reasonable suspicion testing is designed to provide the Authority with a tool, in conjunction with the supervisor training on the signs and symptoms of alcohol misuse, to identify employees affected by/under the influence of alcohol who may pose a danger to themselves and others in their job performance. Supervisors must make a decision as to whether there is reasonable suspicion to believe an employee is using or has used alcohol.~~

~~The supervisor's determination that reasonable suspicion exists to require a covered employee to undergo an alcohol test shall be based on specific, articulated observations concerning the appearance, behavior, and speech or body odors of the employee who is just reporting for duty, currently on duty, or has immediately finished duty.~~

~~In making a determination of reasonable suspicion, some factors to be considered include, but are not limited to the following:~~

- ~~a. Adequately documented pattern of unsatisfactory work performance for which no apparent non impairment related reason exists, or a change in an employee's prior pattern of work performance, especially where there is some evidence of alcohol related behavior on or off the work site.~~
- ~~b. Physical signs and symptoms consistent with alcohol abuse.~~
- ~~c. Evidence of prohibited alcohol use while on duty or on paid on call for duty.~~
- ~~d. Occurrence of a serious or potentially serious accident that may have been caused by flagrant violation of established safety, security or other operational procedures.~~

~~The potentially affected employee should not be allowed to proceed alone to or from the collection site. Supervisor or other appropriate personnel shall accompany him/her to and from the collection site.~~

~~The Supervisor shall not permit a covered employee to report for duty or remain on duty while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, or~~

~~performance indicators of alcohol misuse, nor shall the employee be permitted to perform or continue to perform work duties until:~~

- ~~a. An alcohol test is administered and the employee's alcohol concentration measures 0.00;~~
- ~~or~~
- ~~b. The start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions as contained in the AMPP portion of this Policy.~~

~~5. Return to Duty~~

~~Before an employee may return to duty to perform covered functions after engaging in prohibited conduct, he shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of 0.00. The Authority or their designated supervisors, managers, or agents shall not permit an employee who refuses to submit to an alcohol test to perform or continue to perform their job duties.~~

~~*Note: Return to Duty Testing presumes that the Authority has elected to retain the employee and has not exercised its authority to dismiss the employee under this Policy or under any other Authority disciplinary rules and regulations.*~~

~~6. Follow-Up~~

~~The Authority shall ensure that the employee is subject to unannounced random follow up alcohol testing as directed by a substance abuse professional (SAP).~~

~~Follow up testing shall be conducted when the employee is performing job functions; just before the employee is to perform job functions; or just after the employee has ceased performing job functions.~~

~~A minimum of six (6) unannounced, follow up alcohol tests must be administered within the first twelve (12) months after the employee has returned to duty. The SAP can direct additional testing during this period or for an additional period up to a maximum of 60 months from the date that the employee returned to duty. The SAP can terminate the requirement for the follow up testing in excess of the minimum at any time, if the SAP determines that the testing is no longer necessary.~~

~~*Note: Return to Duty Testing presume that the Authority has elected to retain the employee and has not exercised its authority to dismiss the employee under this Policy or under any other Authority disciplinary rules and regulations.*~~

~~7. Alcohol Prohibited Conduct~~

- ~~a. **Alcohol Concentration:** A covered employee shall be prohibited from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.02 or greater. If an Authority representative has actual knowledge that a covered employee has an alcohol concentration of 0.02 or greater, the employee shall not be permitted to perform or continue to perform job duties.~~

- ~~b. **Pre-Duty Use:** Federal Regulations prohibit a covered employee from using alcohol within four (4) hours prior to performing covered function, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report to duty. If the Authority or their agents has actual knowledge that a covered employee has used alcohol within four (4) hours prior to performing covered functions or within the time period after the employee has been notified to report for duty, the employee will not be permitted to perform or continue to perform job duties.~~
- ~~c. **Possession of Alcohol:** All covered employees are prohibited while on duty from possessing alcohol including the possession of medicines containing alcohol unless the seal is unbroken.~~
- ~~d. **On-Duty Use:** Federal Regulations prohibit a covered employee from using alcohol while performing covered functions. If the Authority or their agents have actual knowledge that a covered employee is using alcohol while performing covered functions, the employee shall not be permitted to perform or continue to perform covered functions.~~

~~8. **Refusal to Submit to Alcohol Tests**~~

~~Compliance with this the alcohol testing policy is a condition of employment. Refusal to take a required alcohol test may be deemed equivalent to failure of the test and lead to disciplinary action up to and including termination.~~

~~9. **Disciplinary Actions for FHWA Covered Position**~~

- ~~a. **Refusal to Report for Assessment with a Substance Abuse Professional:** If an employee refuses to report for assessment, evaluation, and/or referral for treatment with the Authority's substance abuse professional, the employee shall be dismissed.~~
- ~~b. **Refusal to Enter or Successfully Complete a Rehabilitation or Counseling Program:** If an employee is referred for rehabilitation or counseling and the employee refuses to enter or fails to successfully complete such a program, the employee shall be dismissed.~~
- ~~c. **Refusal to Submit to an Alcohol Test:** An employee who refuses to provide an adequate breath sample for alcohol testing without a valid medical explanation after he has received notice of the requirement to be tested, or who engages in conduct that clearly obstructs the testing procedure, shall be dismissed.~~
- ~~d. **On-Duty Use of Alcohol:** On duty use of alcohol during work time shall result in removal from performing a covered function and will result in disciplinary action up to an including dismissal.~~
- ~~e. **Alcohol (Confirmation) Test with a Concentration of 0.02 or Greater, but less than 0.04:** When an employee has tested for alcohol at a concentration of 0.02 or greater, but less than 0.04, that employee will be immediately suspended or placed on leave. Such employee may conditionally return to duty after he/she has retested at an alcohol concentration of 0.00. Mandatory referral to the Authority EAP, participation for counseling is required as a condition of continued employment upon return to duty.~~

- f. ~~Alcohol (Confirmation) Test with a Concentration of 0.04 or Greater:~~ When an employee has tested for alcohol at a concentration of 0.04 or greater that employee will be immediately suspended or placed on leave. Such employee may conditionally return to duty after he/she has retested at an alcohol concentration of 0.00. Mandatory referral to the Authority EAP, participation in and successful completion of rehabilitation is required as a condition of continued employment upon return to duty.
- g. ~~Repeat Usage:~~ In all cases where an employee tests positive a second time during their employment with the Authority at an alcohol concentration of 0.02 or greater, the employee shall be dismissed.
- h. ~~Re employment:~~ Any covered employee, who violates the provisions of this Part of the Authority Substance Abuse Policy, which results in a dismissal from Authority employment, that individual shall be barred from re-employment in any position for a period of three (3) years from the date of dismissal. Any employee rehired and dismissed a second time for violation of the Substance Abuse Policy shall be ineligible for re-employment in any position with the Authority.

10. ~~Alcohol Testing Requirements~~

The alcohol testing procedures contained herein and in Appendix B shall be complied with by the designated alcohol testing sites. These procedures address the requirements contained in 49 CFR, Parts 40 and 382.

The alcohol testing site shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the testing and processing of alcohol test results.

11. ~~Disclosure of Alcohol Information and Records~~

The Authority will maintain all alcohol related testing information including all test results and other appropriate records in a secure manner to prevent the disclosure of such information to unauthorized personnel. The APM will maintain a locked file system which will contain the alcohol testing information and records. This file shall be maintained as confidential. Employee files will be handled on a strict "need to know" basis. Alcohol test results shall not be included in personnel files.

The Authority shall not release covered employee information that is contained in records in accordance with federal requirements except as required by law or when expressly authorized or required by 49 CFR, Part 382.

A covered employee is entitled, upon written request, to receive copies of any records pertaining to his/her use of alcohol, including any records pertaining to his/her alcohol tests. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.

The Authority shall make available copies of all results for alcohol testing and any other information pertaining to the administrative process of the Authority' AMPP portion of the Substance Abuse Policy as required by 49 CFR, Part 40 and 382 when requested by any FHWA or state agency with regulatory authority over the Authority.

When requested by the National Transportation Safety Board as part of an accident investigation, the Authority shall disclose information related to its administration of any post accident alcohol test administered following the accident under investigation.

The Authority shall make alcohol records available to a subsequent employer, upon receipt of the written request from the covered employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request.

The Authority may disclose information required to be maintained under this program pertaining to an employee, the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substance test, or from the employer's determination that the employee engaged in conduct prohibited by this program (including, but not limited to worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.)

The Authority shall release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

12. Employee Assistance Program (EAP)

The Authority contract with an Employee Assistance Program (EAP). EAP services are available to all employees. The EAP staff shall be available to provide employees with the appropriate education regarding the use of alcohol. Alcohol information will be periodically distributed and/or displayed in Authority work areas. The telephone number of the EAP office is located in Appendix D and is displayed in the work areas.

Supervisory personnel responsible for those employees covered under FHWA regulations will receive training under the alcohol misuse prevention plan. This training shall include at least one sixty (60) minute period of training on the specific, contemporaneous, physical, behavior, speech and performance indications of probable alcohol misuse. This training shall be for any supervisor who may determine whether an employee must be alcohol tested for reasonable suspicion.

13. Recordkeeping Procedures

The Authority maintains testing records in compliance with 49 CFR, Part 382. All recordkeeping requirements and guidelines may be found in Appendix E.

~~Part B — Anti-Drug Plan (ADP)~~

~~Section II, Part B of the Substance Abuse Policy has been developed by the Authority for those employees who are required to maintain a commercial driver's license (CDL) in order to perform any portion of their duties as outlined by Regulation administered by the Federal Highway Administration (FHWA). Our goal is to establish and maintain a safe, healthy and productive working environment. Therefore, the Authority maintains a policy of non-tolerance for any drug use that imperils the health and well-being of its employees or threatens the safety and quality of services to its customers or citizens.~~

~~This policy requires all CDL employees be subject to the following testing for detection of illegal drug use under the following conditions:~~

- ~~• Pre-Employment~~
- ~~• Random~~
- ~~• Post-Accident~~
- ~~• Reasonable Suspicion~~
- ~~• Return To Duty~~
- ~~• Follow Up~~

~~The purpose of the FHWA Anti-Drug Plan (ADP) is to:~~

- ~~• Set consistent guidelines and procedures for the detection and deterrence of drug abuse within the Authority;~~
- ~~• Identify management and employee responsibilities; and~~
- ~~• Comply with the US Department of Transportation (DOT), Federal Highway Administration (FHWA) Drug Testing Regulations.~~

~~It is the policy of the Authority to comply with all Federal, State and Municipal laws, rules and regulations relating to commercial driving safety.~~

~~The Federal Highway Administration (FHWA) Anti-Drug Plan (ADP) incorporates those policies and procedures found in the US Department of Transportation, Federal Highway Administration Regulations, 49 CFR, Part 40 and Part 382 and this information is the foundation for this Section of the Substance Abuse Policy.~~

~~In the event of any conflicts between Federal Law and the Policy stated herein, Federal Law shall prevail.~~

~~This document provides specific information and guidance to employees and is used for complying with Federal Regulations. Employees may view a copy of these Regulations for specific requirements of compliance during normal business hours at the Main Office, 695 Moores Creek Lane, Charlottesville, Virginia.~~

1. Responsibilities

- a. **Drug Program Designee (DPD):** Appendix A contains the name and phone number of the individual(s) who are responsible for the preparation of a drug testing and anti-drug plan which complies with requirements of the US Department of Transportation regulations as set for the in 49 CFR, Parts 40 and 382. The DPD shall be responsible for providing oversight and evaluation of the plan; providing guidance and counseling; reviewing discipline applied under this plan for consistency and conformance to human resources policies and procedures; scheduling for types of testing, random and return to duty testing; overseeing the referral of employees for evaluation and treatment; and maintaining a locked file system on all drug testing results. The Authority shall ensure that all covered employees are aware of the provisions of the Authority's Anti Drug Plan. All covered employees will be provided a copy of the current Substance Abuse Policy.
- b. **Supervisor(s):** Authority individuals responsible for observing the performance and behavior of employees; observation and documentation of events suggestive of reasonable cause; and making requests of second supervisor for substantiation and concurrence for reasonable cause testing, if applicable.
- c. **Employees:** Each employee has the responsibility to be knowledgeable of the requirements of the Authority's ADP and fully comply with the provisions of the plan.

2. Applicability

- a. **General:** All FHWA covered employees who fall under the "persons covered" section of 49 CFR, Part 382 will be subject to random drug testing. "Persons covered" include all persons listed under the definition of "FHWA Covered Employee" as stated earlier in the Authority's Substance Abuse Policy.
- b. **Covered Employees:** A complete listing of positions which will be required to adhere to FHWA random drug testing requirements is maintained in the Main Office and is available for review during normal business hours. Routinely, Human Resources will review the list of "covered persons" to ensure it is up to date and accurate. Names and positions may be added or deleted as jobs and circumstances change.
- c. **Notifying Employees of Plan:** The goal of the Authority is to establish and maintain a workplace that is free from drug use; one that is safe and healthy, and one that is a model for others to follow. Therefore, as early as the interview process, all job applicants will be informed as to whether or not the position/job they are seeking is a "FHWA" position, subject to the FHWA rules and procedures regarding drug testing. Each new employee will be informed of the Authority' testing policy and will be required to sign an "Acknowledgement Form" after receiving and reading their individual copy (see Appendix C). In addition, all employees will be notified of any changes and/or revision through notices.
- d. **FHWA Unauthorized Substances:** FHWA employees covered under the FHWA Regulations, 49 CFR, Part 30 and Part 382 will be tested for the following unauthorized substances:
 - 1) Marijuana (THC)

- ~~2) Cocaine~~
- ~~3) Opiates (Morphine and Codeine)~~
- ~~4) Phencyclidine (PCP); and~~
- ~~5) Amphetamines (Amphetamine, Methamphetamine)~~

~~3. Types of Testing~~

~~a. Pre-Employment~~

- ~~1) The Authority will not hire any person unless that person successfully passes a drug test.~~
- ~~2) All job applicants selected for employment under this Part shall undergo a drug test as part of a pre-employment physical at the Authority's expense. It is the Authority's policy, that any persons testing positive will be denied employment in any position with the Authority for a period of three (3) years from the date of the drug test results. Any applicant testing positive a second time shall be ineligible for employment.~~
- ~~3) A drug test will be conducted when a current employee moves from a Non CDL position into an FHWA covered position.~~
- ~~4) An employee who previously was moved from an FHWA covered position will be subject to another pre-employment test prior to returning to his/her former position or in any other FHWA covered position.~~
- ~~5) All pre-employment job applicants who test positive shall have the right to have their original sample re-tested by a laboratory approved by the Medical Review Officer, at the applicant's own expense.~~
- ~~6) Employees moving into a FHWA covered position who test positive have the right to have their original sample re-tested at their own expense. Employees who fail the re-test will not be moved to an FHWA position and are subject to disciplinary action under the Non-CDL Parts of the Substance Abuse Policy.~~
- ~~7) An employee, who moves from one Authority FHWA position to another Authority FHWA position without interruption of service, shall not require testing under this Part of the Authority's Substance Abuse Policy.~~

~~b. Post-Accident~~

~~As soon as possible following an accident involving a commercial motor vehicle, the Authority shall test the employee driver for drugs when either:~~

- ~~1) The accident involved a fatality; or~~
- ~~2) The employee driver receives (or is expected to receive) a citation under state or local law for a moving violation arising from the accident which also includes at least one of the following:~~

- ~~a) bodily injury to any person who immediately receives medical treatment away from the scene; or~~
 - ~~b) one or more motor vehicles incur damage requiring the vehicle(s) to be towed away from the scene.~~
- ~~3) It is the applicable employee's immediate supervisor's responsibility to ensure that the provisions of post accident testing are followed.~~
- ~~4) All covered employees shall be required to submit to a drug test within two (2) hours or as soon as possible after the accident. If a test is not administered within 32 hours following the accident, the Authority shall cease all attempts to conduct a drug test and shall prepare and maintain on file written documentation indicating why the drug test was not conducted. A copy of all such determinations shall be forwarded to the DPD and upon request, made available to FHWA officials.~~
- ~~5) An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the supervisor or department representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, shall be deemed by the Authority to have refused to submit to testing.~~
- ~~6) The employee must remain available for drug testing until the drug test has been conducted. Notwithstanding the previous statement, nothing in this Policy shall prevent employees from seeking and obtaining emergency medical care whenever necessary.~~
- ~~7) If an employee is injured, unconscious, or otherwise unable to grant consent to the drug test, all reasonable steps must be taken to obtain a urine sample. The Authority or their agents may decide not to test under this paragraph; however, such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident, or that because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.~~
- ~~c. Random Testing~~
 - ~~1) Once notified for random testing, the employee must report no later than the time it takes to travel from the work site to the testing site, plus 30 minutes. There are no exceptions and the employee will report to the designated facility.~~
 - ~~2) A covered employee who tests positive for drug use will be removed from performing job duties. Such employee shall be disciplined in accordance with the provisions of the Substance Abuse Policy.~~
- ~~d. Reasonable Suspicion Testing~~
 - ~~1) The Authority will test an FHWA covered employee when there is reasonable cause to believe the employee is under the influence and/or using prohibited drugs.~~

- ~~2) Reasonable suspicion is a belief based on objective and clearly stated facts sufficient to lead a supervisor, exercising sound judgment, to suspect that an employee is under the influence of drugs.~~
- ~~3) Every supervisor covered by this Policy, who will determine whether or not an employee will be subject to a reasonable suspicion drug test, will receive at least a one-hour training period on the specific physical, behavioral and performance indicators of probable drug use.~~
- ~~4) In making a determination of reasonable suspicion, some factors to be considered include, but are not limited to the following:~~
 - ~~a) Adequately documented pattern of unsatisfactory work performance for which no apparent non impairment related reason exists, or a change in an employee's prior pattern of work performance, especially where there is some evidence of alcohol related behavior on or off the work site.~~
 - ~~b) Physical signs and symptoms consistent with alcohol abuse.~~
 - ~~c) Evidence of prohibited alcohol use while on duty or on paid on call for duty.~~
 - ~~d) Occurrence of a serious or potentially serious accident that may have been caused by flagrant violation of established safety, security or other operational procedures.~~
- ~~e. Return to Duty~~
 - ~~1) Before an employee may return to duty to perform job duties after engaging in prohibited conduct, the employee shall undergo a return to duty drug screening test with a negative result.~~
 - ~~2) The Authority or their designated supervisors, managers, or agents shall not permit an employee who refuses to submit to a drug screening test to return to duty.~~
- ~~f. Follow Up~~
 - ~~1) The Authority shall ensure that the employee is subject to unannounced random follow up drug screening tests as directed by a substance abuse professional (SAP).~~
 - ~~2) Follow up testing shall be conducted when the employee is performing job tasks; just before the employee is to perform job tasks; or just after the employee has ceased performing job tasks.~~
 - ~~3) A minimum of six (6) unannounced, follow up drug tests must be administered within the first twelve (12) months after the employee has returned to duty. The SAP can direct additional testing during this period or for an additional period up to a maximum of 60 months from the date that the employee returned to duty. The SAP can terminate the requirement for the follow up testing in excess of the minimum at any time, if the SAP determines that the testing is no longer necessary.~~

4. Disciplinary Actions for FHWA Covered Positions

Once the Medical Review Officer (MRO) makes a determination that there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of a prohibited drug, the Authority will not knowingly use such employee or person in any capacity. The employee shall be suspended or placed on leave immediately. The employee may return to work only after a Substance Abuse Professional has determined the employee is fit for duty and has successfully completed the prescribed drug rehabilitation program. The employee must also have a negative drug screening under return to duty testing.

An employee will be dismissed immediately:

- a. if an employee refuses to report to a substance abuse professional for assessment, evaluation, and/or referral for treatment with the Authority's abuse professional;
- b. if an employee is referred for rehabilitation and the employee refuses to enter or fails to successfully complete such a rehabilitation assessment program;
- c. if an employee refuses to provide an adequate urine sample for drug testing without a valid medical explanation after he has received notice of the requirement to be tested, or who engages in conduct that clearly obstructs the testing procedure; or
- d. if an employee tests positive a second time during their employment with the Authority.

If an employee uses or has in their possession illegal drugs on Authority property or in an Authority vehicle, the Authority may impose discipline on the employee up to and including dismissal, even for a first offense.

Any covered employee, who violates the provisions of this Part of the Authority Substance Abuse Policy, which results in a dismissal from Authority employment, that individual shall be barred from re-employment in any position for a period of three (3) years from the date of dismissal. Any employee rehired and dismissed a second time for violation of the Substance Abuse Policy shall be ineligible for re-employment in any position with the Authority.

5. Specimen Collection Requirements

A complete copy of the specimen collection requirements may be found in Appendix F.

6. Drug Testing Laboratory

The Authority uses a laboratory certified by the DHHS to conduct the analysis of urine samples. These documents contain specific Drug Testing Procedures and may be found in Appendix F. The testing laboratory will comply with all methods and procedures of 49 CFR and will provide annual reports to the contracting agency, and to the DPD showing compliance. The designated collection agency and testing laboratory information for the Authority ADP is listed in Appendix G.

7. Blind Sample Performance Test Procedures

Regulations regarding the submission of blind samples may be found in Appendix F of this Policy. The Authority's Medical Services Provider (MSP) shall be responsible for the submission of blind samples in compliance with Federal Regulations.

~~8. Review of Drug Testing Results~~

~~The Authority contract for the services of a Medical Review Officer (MRO). The name, address and general responsibilities of the MRO for the Authority are listed in Appendix H.~~

~~9. Retention of Samples~~

~~All FHWA covered applicants and employees who test positive may challenge the test results by notifying the DPD in writing within seventy two (72) hours of receiving the test results. If a test result is challenged, the original sample will then be re-tested by a certified DHHS laboratory other than the Authority's medical provider primary laboratory. The selection of the certified laboratory must be made from a list of laboratories maintained by the MSP provider and approved by DPD.~~

- ~~a. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence or absence of the drug or metabolite.~~
- ~~b. All costs associated with a positive re test will be borne by the applicant or employee raising the challenge and must be prepaid.~~

~~10. Disclosure of Drug Information and Records~~

~~Except as provided in the following paragraphs, the MRO shall not disclose to any third party medical information provided by the individual to the MRO as a part of the testing verification process.~~

~~The MRO may disclose such information to the DPD in Human Resources; FHWA, or other Federal safety agency officials; or to a physician responsible for determining the medical qualification of the applicant or employee under the appropriate FHWA regulations, as applicable, only if:~~

- ~~a. An applicable FHWA regulation permits or requires such disclosure;~~
- ~~b. In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable FHWA rule; or~~
- ~~c. In the MRO's reasonable medical judgment, in a situation, in which there is not a FHWA rules establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his/her covered function could pose a significant safety risk.~~
- ~~d. Before obtaining medical information from an applicant or employee as part of the verification process, the MRO shall inform the applicant or employee that information may be disclosed to third parties as provided in this section and the identity of any parties to whom information may be disclosed.~~

~~11. Employee Assistance Program (EAP)~~

~~The Authority contracts with an Employee Assistance Program (EAP). EAP services are available to all FHWA employees covered under this Policy. The EAP staff shall be available to provide employees with the appropriate education regarding the use of prohibited drugs. Drug information~~

will be periodically distributed and/or displayed in Authority work areas. The telephone number of the EAP office is located in Appendix D and is displayed in the work areas.

12. Record Keeping Procedures

The Authority maintains testing records in compliance with 49 CFR, Part 382. All recordkeeping requirements and guidelines may be found in Appendix E.

~~Section III: All Other Authority Coverage, Non-CDL Employees~~

~~Section III of the Authority Substance Abuse Policy applies to all employees other than those employees who are required to maintain a commercial driver's license (CDL). For purposes of this policy, all employees other than CDL employees will be referred to as Non-CDL employees. It is Authority policy to comply with all Federal and State laws, rules, and regulations relating to driving safety.~~

~~This section is separated into two categories:~~

~~Part A—Alcohol Misuse and Prevention Plan~~

~~Part B—Anti-Drug Plan~~

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Part A — Alcohol Misuse Prevention Plan (AMPP)

The goal of the Authority is to establish and maintain a safe and healthy workplace that is free from alcohol abuse by all employees and to protect the safety of its customers by providing the highest quality of service. Therefore, the Authority maintains a zero tolerance policy for levels of alcohol use that imperil the health and well being of its employees or threaten the safety and reliability of service to its customers and the public.

This policy requires all Non-CDL employees be subject to the following testing for misuse of alcohol under the following conditions:

- Random
- Post Accident
- Reasonable Suspicion
- Return to Duty
- Follow Up

The purpose of this policy is to:

- Set consistent guidelines and procedures for the detection and deterrence of alcohol abuse within the Authority relating to all covered employees; and
- Identify management and employee responsibilities.

1. Responsibilities

- a. **Alcohol Program Manager (APM):** Appendix A contains the name and phone number of the individual(s) who are responsible for the preparation of an alcohol misuse plan which applies to all covered employees. The APM shall be responsible for providing oversight and evaluation of the plan; providing guidance and counseling in regards to the plan; ensuring that all discipline applied under this plan is consistent and conforms to human resources policies and procedures; scheduling for types of testing (i.e. random); maintaining a locked file system on all alcohol test results; and overseeing the referral of employees for evaluation and treatment. The Authority shall ensure that all covered employees are aware of the provisions of the Authority's AMPP. All employees will have access to the current Substance Abuse Policy.
- b. **Supervisor(s):** Supervisors are responsible for observing the performance and behavior of employees; observation and documentation of events suggestive of reasonable suspicion; and requesting post accident testing if determined that it is applicable.
- c. **Employees:** Covered employees shall be knowledgeable of the provisions of the Authority AMPP and fully comply with the provisions of the plan.

2. Applicability

- a. **Individuals Subject to Alcohol Testing:** All Non-CDL employees are subject to alcohol testing under this section.

~~b. **Procedure for Notifying Covered Employees:** Upon receipt of the Authority's Substance Abuse Policy which contains the AMPP, each manager and/or supervisor shall post a copy of the Policy in a prominent location that is readily accessible to all employees. All employees will have access to a copy of the Substance Abuse Policy.~~

~~c. **Employee Notification Criteria:** Each new employee will be informed of the Authority's testing policy and will be required to sign an Employee Notification Letter, which will tell them which drug testing pool they are in. In addition, all employees will be notified of any changes and/or revision through notices.~~

~~When requested, Human Resources shall provide information to all covered employees on the following elements:~~

- ~~a. Name of representative designated to answer questions for covered employees about the alcohol regulations (see Appendix A).~~
- ~~b. List employees who are subject to the alcohol regulations. A detailed position listing of all covered positions is maintained in the Main Office.~~
- ~~c. Circumstances under which a covered employee will be tested for alcohol under the AMPP portion of the Substance Abuse Policy.~~
- ~~d. Procedures that cover:
 - ~~1) testing for presence of alcohol,~~
 - ~~2) protection of employee rights,~~~~
- ~~e. Information concerning requirements for covered employees to submit to various types of alcohol tests.~~
- ~~f. Information detailing what constitutes a refusal and consequences of such refusal.~~
- ~~g. Information detailing consequences of covered employees who violate the prohibitions as set forth in the AMPP portion of the Substance Abuse Policy. This information addresses the removal from performing job assignments and guidance on referral for evaluation and/or treatment.~~
- ~~h. Information detailing consequences of covered employees who test at an alcohol concentration of 0.02 or greater.~~

~~3. **Types of Testing**~~

- ~~a. **Random**
 - ~~1) All employees covered by this Policy are subject to random alcohol testing.~~
 - ~~2) The refusal of an employee who is on duty to report and submit to a random test within thirty (30) minutes of such a request and notification shall be considered as a refusal and shall be deemed equivalent to failure of the test and lead to disciplinary action up to and including termination.~~~~

~~b. Post Accident~~

~~As soon as possible following an accident involving an Authority motor vehicle, the Authority shall test the employee driver for alcohol when either:~~

- ~~1) The accident involved a fatality; or~~
- ~~2) The employee driver receives (or is expected to receive) a citation under state or local law for a moving violation arising from the accident which also includes at least one of the following:~~
 - ~~a) bodily injury to any person who immediately receives medical treatment away from the scene; or~~
 - ~~b) one or more motor vehicles incur damage requiring the vehicle(s) to be towed away from the scene.~~
- ~~3) It is the employee's immediate supervisor's responsibility to ensure that the provisions of post accident testing are followed.~~
- ~~4) Each employee shall be required to submit to an alcohol test within two (2) hours of the accident. If a test is not administered within eight (8) hours following the accident, the Authority shall cease all attempts to conduct an alcohol test and shall prepare and maintain on file written documentation indicating why the alcohol test was not conducted. A copy of all such determinations shall be forwarded to the APM.~~
- ~~5) An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying the supervisor or department representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, shall be deemed by the Authority to have refused to submit to testing.~~
- ~~6) The employee must remain available for alcohol testing and may not consume any alcohol for either (8) hours following the accident or until the alcohol test has been conducted. Notwithstanding the previous statement, nothing in this Policy shall prevent employees from seeking and obtaining emergency medical care whenever necessary.~~

~~c. Reasonable Suspicion~~

- ~~1) Reasonable suspicion testing is designed to provide the Authority with a tool, in conjunction with the supervisor training on the signs and symptoms of alcohol misuse, to identify employees affected by/under the influence of alcohol who may pose a danger to themselves and others in their job performance. Supervisors must make a decision as to whether there is reasonable suspicion to believe an employee is using or has used alcohol.~~
- ~~2) The supervisor's determination that reasonable suspicion exists to require a covered employee to undergo an alcohol test shall be based on specific, articulated observations concerning the appearance, behavior, and speech or body odors of the~~

employee who is just reporting for duty, currently on duty, or has immediately finished duty.

~~3) In making a determination of reasonable suspicion, some factors to be considered include, but are not limited to the following:~~

- ~~a) Adequately documented pattern of unsatisfactory work performance for which no apparent non impairment related reason exists, or a change in an employee's prior pattern of work performance, especially where there is some evidence of alcohol related behavior on or off the work site.~~
- ~~b) Physical signs and symptoms consistent with alcohol abuse.~~
- ~~c) Evidence of prohibited alcohol use while on duty or on paid on call for duty.~~
- ~~d) Occurrence of a serious or potentially serious accident that may have been caused by flagrant violation of established safety, security or other operational procedures.~~

~~4) The potentially affected employee should not be allowed to proceed alone to or from the collection site. A supervisor, or other appropriate personnel, shall accompany the employee to and from the collection site.~~

~~5) The Supervisor shall not permit a covered employee to report for duty or remain on duty while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, nor shall the employee be permitted to perform job duties until:~~

- ~~a) An alcohol test is administered and the employee's alcohol concentration measures less than 0.00; or~~
- ~~b) The start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions as contained in the AMPP portion of this Policy.~~

~~d. Return to Duty Testing~~

~~Before an employee may return to duty to perform job duties after engaging in prohibited conduct, the employee shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of 0.00. The Authority or their designated supervisors, managers, or agents shall not permit an employee who refuses to submit to an alcohol test to perform or continue to perform their job duties.~~

~~e. Follow Up Testing~~

~~1) The Authority shall ensure that the employee is subject to unannounced random follow up alcohol testing as directed by a substance abuse professional (SAP).~~

2) Follow up testing shall be conducted when the employee is performing job tasks; just before the employee is to perform job tasks; or just after the employee has ceased performing job tasks.

3) A minimum of six (6) unannounced, follow up alcohol tests must be administered within the first twelve (12) months after the employee has returned to duty. The SAP can direct additional testing during this period or for an additional period up to a maximum of 60 months from the date that the employee returned to duty. The SAP can terminate the requirement for the follow up testing in excess of the minimum at any time, if the SAP determines that the testing is no longer necessary.

4. Alcohol Prohibited Conduct

- a. **Alcohol Concentration:** A covered employee shall be prohibited from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.02 or greater. If an Authority representative has actual knowledge that a covered employee has an alcohol concentration of 0.02 or greater, the employee shall not be permitted to perform or continue to perform job duties.
- b. **Pre-Duty Use:** This policy prohibits a covered employee from using alcohol within four (4) hours prior to performing job duties, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report to duty. If the Authority or its agents has actual knowledge that a covered employee has used alcohol within four (4) hours prior to performing covered functions or within the time period after the employee has been notified to report for duty, the employee will not be permitted to perform or continue to perform their work duties.
- c. **Possession of Alcohol:** All covered employees are prohibited while on duty from possessing alcohol including the possession of medicines containing alcohol unless the seal is unbroken.
- d. **On-Duty Use:** The policy prohibits an employee from using alcohol while performing job duties. If the Authority or their agents has actual knowledge that an employee is using alcohol while performing work duties, the employee shall not be permitted to perform or continue to perform work duties.

5. Refusal to Submit to Alcohol Tests

Compliance with the alcohol testing policy is a condition of employment. Refusal to take a required alcohol test may be deemed equivalent to failure of the test and lead to disciplinary action up to and including termination.

6. Disciplinary Actions for All Non-CDL Employees

- a. **Refusal to Report for Assessment with a Substance Abuse Professional:** If an employee refuses to report for assessment, evaluation, and/or referral for treatment with the Authority's substance abuse professional, the employee shall be dismissed.

- ~~b. **Refusal to Enter or Successfully Complete a Rehabilitation or Counseling Program:** If an employee is referred for rehabilitation or counseling and the employee refuses to enter or fails to successfully complete such a program, the employee shall be dismissed.~~
- ~~c. **Refusal to Submit to an Alcohol Test:** An employee who refuses to provide an adequate breath sample for alcohol testing without a valid medical explanation after he has received notice of the requirement to be tested, or who engages in conduct that clearly obstructs the testing procedure, shall be dismissed.~~
- ~~d. **On-Duty Use of Alcohol:** On duty use of alcohol shall result in removal from performing job duties. The policy prohibits an employee from using alcohol while performing job duties and shall be disciplined up to and including dismissal.~~
- ~~e. **Alcohol (Confirmation) Test with a Concentration of 0.02 or Greater, but less than 0.04:** When an employee has tested for alcohol at a concentration of 0.02 or greater, but less than 0.04, that employee will be immediately suspended or placed on leave. Such employee may conditionally return to duty after he/she has retested at an alcohol concentration of 0.00. Mandatory referral to the Authority EAP, participation in counseling is required as a condition of continued employment upon return to duty.~~
- ~~f. **Alcohol (Confirmation) Test with a Concentration of 0.04 or Greater:** When an employee has tested for alcohol at a concentration of 0.04 or greater that employee will be immediately suspended or placed on leave. Such employee may conditionally return to duty after he/she has retested at an alcohol concentration of 0.00. Mandatory referral to the Authority' EAP, participation in and successful completion of rehabilitation is required as a condition of continued employment upon return to duty.~~
- ~~g. **Repeat Usage:** In all cases where an employee tests a second time during their employment with the Authority at an alcohol concentration of 0.02 or greater, the employee shall be dismissed.~~
- ~~h. **Re-employment:** Any covered employee, who violates the provisions of this Part of the Authority's Substance Abuse Policy, which results in a dismissal from Authority employment, shall be barred from re-employment in any position for a period of three (3) years from the date of dismissal. Any employee rehired and dismissed a second time for violation of the Substance Abuse Policy shall be ineligible for re-employment in any position with the Authority.~~

~~7. Alcohol Testing Requirements~~

~~The alcohol testing procedures contained herein and in Appendix B shall be complied with by the designated alcohol testing sites. These procedures mirror the requirements contained in 49 CFR, Parts 40 and 382.~~

~~The alcohol testing site shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the testing and processing of alcohol test results.~~

8. Disclosure of Alcohol Information and Records

The Authority will maintain all alcohol related testing information including all test results and other appropriate records in a secure manner to prevent the disclosure of such information to unauthorized personnel. The APM will maintain a locked file system which will contain the alcohol testing information and records. This file shall be maintained as confidential. Employee files will be handled on a strict "need to know" basis. Alcohol test results shall not be included in personnel files.

The Authority shall not release covered employee information that is contained in records except as required by law or when expressly authorized by the employee.

A covered employee is entitled, upon written request, to receive copies of any records pertaining to his/her use of alcohol, including any records pertaining to his/her alcohol tests. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.

The Authority shall make alcohol records available to a subsequent employer, upon receipt of the written request from the covered employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request.

The Authority may disclose information required to be maintained under this program pertaining to an employee, the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substance test, or from the employer's determination that the employee engaged in conduct prohibited by this program (including, but not limited to worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.)

The Authority shall release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

9. Employee Assistance Program (EAP)

The Authority contracts with an Employee Assistance Program (EAP). EAP services are available to all covered employees. The EAP staff shall be available to provide employees with the appropriate education regarding the use of alcohol. Alcohol information will be periodically distributed and/or displayed in Authority work areas. The telephone number of the EAP office is located in Appendix D and is displayed in the work areas.

Supervisory personnel responsible will receive training under the alcohol misuse prevention plan. This training shall include at least one sixty (60) minute period of training on the specific, contemporaneous, physical, behavior, speech and performance indications of probable alcohol misuse. This training shall be for any supervisor who may determine whether an employee must be alcohol tested for reasonable suspicion.

10. Recordkeeping Procedures

~~The Authority maintains testing records. All recordkeeping requirements and guidelines may be found in Appendix E.~~

Part B — Anti-Drug Plan (ADP)

The goal of the Authority is to establish and maintain a safe and healthy workplace that is free from drug abuse by all employees and to protect the safety of its customers by providing the highest quality of service. Therefore, the Authority maintains a zero tolerance policy for any drug use that imperils the health and well-being of its employees or threatens the safety and reliability of service to its customers and the public.

This policy requires all employees be subject to the following testing for illegal drug use under the following conditions:

- Pre-Employment
- Post-Accident
- Random
- Reasonable Suspicion
- Return to Duty
- Follow Up

The purpose of the Anti-Drug Plan (ADP) is to set consistent guidelines and procedures for the detection and deterrence of drug abuse within the Authority and identify management and employee responsibilities.

1. Responsibilities

- a. **Drug Program Designee (DPD):** Appendix A contains the name and phone number of the individual(s) who are responsible for the preparation of a drug testing and anti drug plan. The DPD shall be responsible for providing oversight and evaluation of the plan; providing guidance and counseling in regards to the plan; ensuring that all discipline applied under this plan is consistent and conforms to human resources policies and procedures; scheduling for types of testing random and return to duty testing; overseeing the referral of employees for evaluation and treatment; and maintaining a locked file system on all drug testing results. The Authority shall ensure that all covered employees are aware of the provisions and coverage of the Authority's Anti Drug Plan. All covered employees will have access to a copy of the current Substance Abuse Policy.
- b. **Supervisor(s):** Supervisors are responsible for observing the performance and behavior of employees; observation and documentation of events suggestive of reasonable cause; and making requests of second supervisor for substantiation and concurrence for reasonable cause testing, if applicable.
- c. **Employees:** Covered employees shall be knowledgeable of the requirements of the Authority's ADP and fully comply with the provisions of the plan.

2. Applicability

- a. **General:** All employees will be subject to random drug testing. Section 3, "Persons covered" include all employees other than those covered under Section 2, FHWA Covered Employee as stated earlier in the Authority's Substance Abuse Policy.
- b. **Notifying Covered Employees of Plan:** The goal of the Authority is to establish and maintain a workplace that is free from drug use. Therefore, as early as the interview process, all job

~~applicants will be informed that all Authority employees are subject to these rules and procedures regarding drug testing. Each new employee will be informed of the Authority's testing policy and will be required to sign an Employee Notification Letter which tells them which drug testing pool they are in. In addition, all employees will be notified of any changes and/or revision through notices.~~

~~Following is a list of unauthorized substances that are subject to drug detection:~~

- ~~c. Marijuana (THC)~~
- ~~d. Cocaine~~
- ~~e. Opiates (Morphine and Codeine)~~
- ~~f. Phencyclidine (PCP)~~
- ~~g. Amphetamines (Amphetamine, Methamphetamine)~~

~~3. Types of Testing~~

~~a. Pre Employment~~

- ~~1) The Authority will not hire any person, unless that person successfully passes a drug test.~~
- ~~2) All job applicants selected for employment under this Part shall undergo a drug test as part of a pre-employment physical at the Authority's expense. It is the Authority's policy, that any persons testing positive will be denied employment in any position with the Authority for a period of three (3) years from the date of the drug test results. Any applicant testing positive a second time shall be ineligible for employment.~~
- ~~3) A drug test will be conducted when a current employee moves from a Non-CDL position into a CDL FHWA covered position.~~
- ~~4) All pre-employment job applicants who test positive shall have the right to have their original sample re-tested by a laboratory approved by the Medical Review Officer, at the applicant's own expense.~~
- ~~5) Employees moving into an FHWA covered position who test positive have the right to have their original sample re-tested at their own expense. Employees who fail the re-test will not be moved to an FHWA position and are subject to disciplinary action under the Substance Abuse Policy.~~

~~b. Post Accident~~

~~As soon as possible following an accident involving a motor vehicle, the Authority shall test the employee driver for drugs when either:~~

- ~~1) The accident involved a fatality; or~~
- ~~2) The employee driver receives (or is expected to receive) a citation under state or local law for a moving violation arising from the accident which also includes at least one of the following:~~

- ~~a) bodily injury to any person who immediately receives medical treatment away from the scene, or~~
 - ~~b) one or more motor vehicles incur damage requiring the vehicle(s) to be towed away from the scene.~~
- ~~3) It is the applicable employee's immediate supervisor's responsibility to ensure that the provisions of post accident testing are followed.~~
- ~~4) Each employee shall be required to submit to a drug test within two (2) hours or soon as possible. If a test is not administered within 32 hours following the accident, the Authority shall cease all attempts to conduct a drug test and shall prepare and maintain on file written documentation indicating why the drug test was not conducted.~~
- ~~5) An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying the supervisor or department representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, shall be deemed by the Authority to have refused to submit to testing.~~
- ~~6) The employee must remain available for drug testing until the drug test has been conducted. Notwithstanding the previous statement, nothing in this Policy shall prevent employees from seeking and obtaining emergency medical care whenever necessary.~~
- ~~7) If an employee is injured, unconscious, or otherwise unable to grant consent to the drug test, all reasonable steps must be taken to obtain a urine sample. The Authority or their agents may decide not to test under this paragraph; however, such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident, or that because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.~~
- ~~c. Random~~
 - ~~1) Once notified for random testing, the employee must report no later than the time it takes to travel from the work site to the testing site, plus 30 minutes. There are no exceptions and the employee will report to the designated facility.~~
 - ~~2) A covered employee who tests positive for drug use will be removed from performing job duties. Such employee shall be disciplined in accordance with the provisions of the Substance Abuse Policy.~~
- ~~d. Reasonable Suspicion~~
 - ~~3) The Authority will test a covered employee when there is reasonable cause to believe the employee is under the influence and/or using prohibited drugs.~~
 - ~~4) Reasonable suspicion is a belief based on objective and clearly stated facts sufficient to lead a supervisor, exercising sound judgment, to suspect that an employee is under~~

~~the influence of drugs while just reporting for duty, while on duty or having immediately finished duty.~~

~~5) Every supervisor covered by this Policy, who will determine whether or not an employee will be subject to a reasonable suspicion drug test, will receive at least a one-hour training on the specific physical, behavioral and performance indicators of probable drug use.~~

~~6) In making a determination of reasonable suspicion, some factors to be considered include, but are not limited to the following:~~

- ~~a) Adequately documented pattern of unsatisfactory work performance for which no apparent non-impairment related reason exists, or a change in an employee's prior pattern of work performance, especially where there is some evidence of alcohol-related behavior on or off the work site.~~
- ~~b) Physical signs and symptoms consistent with alcohol abuse.~~
- ~~c) Evidence of prohibited alcohol use while on duty or on paid on call for duty.~~
- ~~d) Occurrence of a serious or potentially serious accident that may have been caused by flagrant violation of established safety, security or other operational procedures.~~

~~e. Return to Duty~~

~~1) Before an employee may return to duty after engaging in prohibited conduct, the employee shall undergo a return to duty drug screening test with a negative result.~~

~~2) The Authority or their designated supervisors, managers, or agents shall not permit an employee who refuses to submit to a drug screening test to return to duty.~~

~~f. Follow Up~~

~~3) The Authority shall ensure that the employee is subject to unannounced random follow up drug screening tests as directed by a substance abuse professional (SAP).~~

~~4) Follow up testing shall be conducted when the employee is performing job tasks; just before the employee is to perform job tasks; or just after the employee has ceased performing job tasks.~~

~~5) A minimum of six (6) unannounced, follow up drug tests must be administered within the first twelve (12) months after the employee has returned to duty. The SAP can direct additional testing during this period or for an additional period up to a maximum of 60 months from the date that the employee returned to duty. The SAP can terminate the requirement for the follow up testing in excess of the minimum at any time, if the SAP determines that the testing is no longer necessary.~~

~~4. Disciplinary Actions for Non-CDL Positions~~

~~Once the Medical Review Officer (MRO) makes a determination that there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of a prohibited~~

~~drug, the Authority will not knowingly use such employee or person in any capacity. The employee shall be suspended or placed on unpaid leave immediately. The employee may return to work only after a Substance Abuse Professional has determined the employee is fit for duty and has successfully completed the prescribed drug rehabilitation program. The employee must also have a negative drug screening under return-to-duty testing.~~

~~An employee will be dismissed immediately:~~

- ~~a. if an employee refuses to report to a substance abuse professional for assessment, evaluation, and/or referral for treatment with the Authority's abuse professional;~~
- ~~b. if an employee is referred for rehabilitation and the employee refuses to enter or fails to successfully complete such a rehabilitation assessment program;~~
- ~~c. if an employee refuses to provide an adequate urine sample for drug testing without a valid medical explanation after he has received notice of the requirement to be tested, or who engages in conduct that clearly obstructs the testing procedure;~~
- ~~d. if an employee tests positive a second time during their employment with the Authority, the employee will be dismissed.~~

~~If an employee uses or has in their possession illegal drugs on Authority property or in an Authority vehicle, the Authority may impose discipline on the employee up to and including dismissal, even for a first offense.~~

~~Any covered employee, who violates the provisions of this Part of the Authority's Substance Abuse Policy, which results in a dismissal from Authority employment, that individual shall be barred from re-employment in any position for a period of three (3) years from the date of dismissal. Any employee rehired and dismissed a second time for violation of the Substance Abuse Policy shall be ineligible for re-employment in any position with the Authority.~~

~~5. Specimen Collection Requirements~~

~~A complete copy of the specimen collection requirements may be found in Appendix F.~~

~~6. Drug Testing Laboratory~~

~~The Authority use a laboratory certified by the DHHS to conduct the analysis of urine samples. These documents contain specific drug testing procedures and may be found in Appendix F. The testing laboratory will comply with all methods and procedures of 49 CFR and will provide annual reports. The designated collection agency and the testing laboratory information for the Authority ADP is listed in Appendix G.~~

~~7. Blind Sample Performance Test Procedures~~

~~Regulations regarding the submission of blind samples may be found in Appendix F of this Policy. The Authority Medical Services Provider (MSP) shall be responsible for the submission of blind samples in compliance with Federal Regulations.~~

~~8. Review of Drug Testing Results~~

~~The Authority contract for the services of a Medical Review Officer (MRO). The name, address and general responsibilities of the MRO for the Authority are listed in Appendix H.~~

~~9. Retention of Samples~~

~~All applicants and employees who test positive may challenge the test results by notifying the DPD in writing within seventy two (72) hours of receiving the test results. If a test result is challenged, the original sample will then be re-tested by a certified DHHS laboratory other than the Authority's medical provider primary laboratory. The selection of the certified laboratory must be made from a list of laboratories maintained by the MSP provider and approved by DPD.~~

~~Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence or absence of the drug or metabolite.~~

~~All costs associated with a positive re-test will be borne by the applicant or employee raising the challenge and must be prepaid.~~

~~10. Disclosure of Drug Information and Records~~

~~Except as provided in the following paragraphs, the MRO shall not disclose to any third party medical information provided by the individual to the MRO as a part of the testing verification process.~~

~~The MRO may disclose such information to the DPD in Human Resources; or other Federal safety agency officials; or to a physician responsible for determining the medical qualification of the applicant or employee, as applicable, only if:~~

- ~~a. In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified; or~~
- ~~b. In the MRO's reasonable medical judgment, the information indicates that continued work performance by the employee could pose a significant safety risk.~~

~~Before obtaining medical information from an applicant or employee as part of the verification process, the MRO shall inform the applicant or employee that information may be disclosed to third parties as provided in this section and the identity of any parties to whom information may be disclosed.~~

~~11. Employee Assistance Program (EAP)~~

~~The Authority contracts with an Employee Assistance Program (EAP). EAP services are available to all employees. The EAP staff shall be available to provide employees with the appropriate education regarding the use of prohibited drugs. Drug information will be periodically distributed and/or displayed in Authority work areas. The telephone number of the EAP office is located in Appendix D and is displayed in the work areas.~~

~~12. Recordkeeping Procedures~~

~~All recordkeeping requirements and guidelines may be found in Appendix E.~~

APPENDIX

~~The Appendixes of the Substance Abuse Policy may be changed without prior Board approval in response to changes in process and operational controls, medical providers, substance abuse professionals, and personnel turnover.~~

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PERSONNEL MANAGEMENT PLAN

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A. Substance Abuse Policy Personnel

The following individuals are responsible for the administration of the Authority's Substance Abuse Policy and each of its Sections and Sub-parts and may be contacted for information regarding the Policy.

Executive Director	Director of Finance/Administration	Human Resources Manager
(434) 977-2970, ext. 103	(434) 977-2970, ext. 198	(434) 977-2970, ext. 111
(434) 293-8858, Fax	(434) 293-8858, Fax	(434) 977-9507, Fax
(434) 906-2623, Cell	(434) 906-0759, Cell	(434) 981-9583, Cell

B. Alcohol Testing Procedures, Evidential Breath Testing (EBT) Procedures**1. Scope**

The evidential breath testing procedures set forth in this appendix address all the requirements as set forth in 49 CFR, Part 40, and specifies the required form and disposition of such testing forms.

2. Alcohol Testing Form and Log Book

The BAT shall utilize the Breath Alcohol Testing form. The alcohol testing form must comply with the provisions as contained in 49 CFR, Part 40, with regard to the information that must be contained on the form. The form must address the specific requirements contained in §40.59.

The Authorities and their EMS contractors may utilize a form that is directly generated by an EBT and may omit the space for affixing a separate printed result to the testing form. The form shall provide triplicate or three consecutive identical copies with copy 1 being retained by the APM in the Authority's Human Resources Office, copy 2 shall be provided to the employee, and copy 3 shall be retained by the BAT.

The medical provider shall use a log book in conjunction with any EBT used for screening tests that does not meet the requirements listed in the AMPP.

The breath alcohol testing form may include such additional information as may be required for billing or other legitimate purposes necessary to the testing, provided that personal identifying information on the individual (other than the social security number or employee identification number) may not be provided.

3. Breath Testing Locations

The Authorities shall ensure that there are sufficient breath testing sites or that the breath testing sites are located within a reasonable proximity to various work locations.

Testing shall be conducted in a location that affords visual and audio privacy to the employee being tested. The location shall prevent unauthorized personnel from seeing or hearing test results. All necessary equipment, personnel, and materials for conducting the alcohol testing shall be provided at the testing site.

~~No unauthorized persons shall be permitted access to the testing site when the EBT remains unsecured, or in order to prevent such individuals from seeing or hearing a test result.~~

~~The BAT shall supervise only employee's use of the EBT at a time. The BAT shall not leave the alcohol testing site while the testing process is in progress.~~

4. ~~Breath Alcohol Testing Preparations~~

~~When an employee arrives at the alcohol testing site, the BAT shall ensure that the individual is positively identified as the employee selected for alcohol testing (e.g. through presentation of photo identification or identification by the department's representative). If the employee's identity cannot be established, the BAT shall not proceed with the alcohol test. If the employee requests, the BAT shall show proper identification to the employee.~~

~~The BAT shall explain the alcohol testing process to the employee.~~

5. ~~Screening Test Procedures~~

~~The BAT shall begin the alcohol testing process by completing Step 1 on the Alcohol Breath Testing form. The employee shall then complete Step 2 by signing the certification. Refusal by the employee to sign the certification shall be regarded as a refusal to take the alcohol test.~~

~~The BAT shall select an individually sealed mouthpiece and it shall be opened in full view of the employee and attached to the EBT in accordance with the manufacturer's instructions.~~

~~The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT instrument indicates that an adequate amount of breath has been obtained.~~

~~If the EBT does not meet the requirements of the AMPP, the BAT shall show the employee the result displayed on the EBT. The BAT shall record the displayed result, test number, testing device, serial number of the testing device, time and quantified result in Step 3 of the form. They BAT shall record in the log book the test number, date of the test, name of the BAT, location, and quantified test result. The employee shall then initial the log book entry.~~

~~If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper-evident tape.~~

~~If the EBT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT.~~

~~If the result of the screening alcohol test is a breath alcohol concentration of less than 0.02, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then sign the certification and fill in the date in Step 4 of the form. If the employee does not sign the certification in Step 4 or does not initial the log book entry for a test, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form.~~

If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and the employee shall initial or sign the notation. The alcohol test is invalid and the APM and the employee shall be so advised.

At this point, no further testing is authorized. The BAT shall transmit the result of less than 0.02 to the APM or other designated representative in a confidential manner. The Authorities shall receive and store the information ensuring that confidentiality is maintained as required in the AMPP.

If the result of the screening test is an alcohol concentration of 0.02 or greater, then the BAT shall perform a confirmation test. If the confirmation test will be conducted by a different BAT, then the BAT who conducts the screening test shall complete and sign the form and log entry. The BAT will upon completion of the alcohol test, provide the employee with Copy 2 of the breath alcohol testing form.

6. Confirmation Test Procedures

When a BAT other than the one who conducted the screening test is required to conduct the confirmation test, the new BAT will require the employee to provide positive identification such as photo ID card or identification by a representative. The BAT will, upon request of the employee being tested, provide such identification.

The BAT shall instruct the employee not to eat, drink, put any object or substance in his/her mouth and, to the extent possible, not belch during the waiting period just prior to the confirmation test being conducted. This waiting period shall begin with completion of the screening test and shall not be less than 15 minutes but must be within 20 minutes of the completion of the screening test. The BAT shall explain to the employee that the reason for this is to prevent any accumulation of mouth alcohol leading to an artificially high reading and that it is for the benefit of the employee to comply with these instructions. The BAT shall also explain that the test will be conducted at the end of the required waiting period, even if the employee has disregarded the instructions. Should the BAT become aware that the employee has not complied with the instructions as provided, the BAT shall note the observations in the "Remarks" section of the form.

When a BAT other than the one who conducted the screening test is required to conduct the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing form. The BAT shall then complete Step 1 on the form and the employee shall then complete Step 2 by signing the certification. If the employee should choose not to sign the certification, the BAT shall then make an appropriate notation in the "Remarks" section indicating the employee's refusal to take the alcohol test. The BAT shall note in the "Remarks" section that a different BAT conducted the screening test.

The BAT shall open, in the presence of the employee, a new individually sealed mouthpiece and attach the mouthpiece to the EBT in accordance with the manufacturer's instructions. The BAT will then instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.

The BAT shall ensure, prior to the confirmation test being administered to the employee, that the EBT shall register 0.00 on an air blank. If the reading is greater, the BAT shall conduct one more air

~~blank. Should the EBT again register greater than 0.00, the testing shall not proceed using that EBT. An EBT taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the EBT is found to be within the accepted tolerance limits. Alcohol testing using another EBT may proceed.~~

~~In the event that the screening and confirmation test results are not identical, the confirmation test result shall be deemed to be the final result on which disciplinary action is taken in order to comply with the requirements of the AMPP and any applicable federal requirements.~~

~~If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper evident tape.~~

~~If the EBT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT.~~

~~After the confirmation test is completed, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then be instructed to sign the certification and fill in the date in Step 4. If the employee should elect not to sign the certification or to provide his/her initials in the log book entry for the test conducted, it shall not be considered as a refusal to be tested. The BAT shall then note the employee's failure to sign or initial the log book entry in the "Remarks" section of the testing form.~~

~~If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and employee shall initial or sign the notation on the testing form. The test shall be considered "invalid" and the APM and the employee shall be so advised.~~

~~The BAT shall transmit all alcohol testing results to the APM or other designated Authority representative in a confidential manner. All communications by BATs shall be to the APM or designee only and may be provided in writing, in person, or by telephone or electronic means. The BAT shall ensure that immediate transmission of test results to the Human Resources Manager in order to prevent the employee from performing any covered functions.~~

~~Should the initial transmission not be accomplished in writing, but via telephone notification, the APM or designee shall establish a mechanism to verify the identity of the BAT providing the information. The BAT shall follow the initial transmission by providing to the APM or designee the Authorities' copy of the breath alcohol testing form. The test results shall be stored in such a manner so as to protect the confidentiality of the results and to eliminate the disclosure of information to unauthorized persons.~~

~~7. Refusals to Test and Uncompleted Tests~~

~~Refusal by an employee to complete and sign Step 2 of the breath alcohol testing form, to provide breath, to provide an adequate amount of breath, or to otherwise cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the BAT in the~~

~~"Remarks" section of the form. The testing process shall be dismissed and the BAT shall immediately notify the APM or designee without delay.~~

~~If a screening or confirmation test cannot be completed or if an event occurs to invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test using a new breath alcohol testing form with a new sequential test number.~~

~~8. Inadequate Amount of Breath~~

~~If the employee is unable, or alleges that he is unable, to provide a sufficient amount of breath to permit a valid breath test because of a medical condition, the BAT shall again instruct the employee to attempt to provide an adequate amount. If the employee refuses to make the attempt, the BAT shall immediately inform the APM.~~

~~If the employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the testing form and shall immediately inform the APM. The APM shall direct the employee to obtain, as soon as practical after the attempt, an evaluation from a licensed physician who is acceptable to the Authorities concerning the employee's medical ability to provide an adequate amount of breath.~~

~~If the physician determines, in his/her reasonable medical judgment, that a medical condition has or could have precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed as a refusal to take an alcohol test. The physician shall provide to the APM a written statement for the basis of his/her conclusion.~~

~~If the physician, in his/her reasonable medical judgment, is unable to make the determination that a medical condition has precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal to take a test. The physician shall provide a written statement for the basis of his/her conclusion to the APM.~~

~~9. Invalid Tests~~

~~A breath alcohol test shall be invalid under the following circumstances:~~

- ~~a. The EBT does not pass its next external calibration check. This invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test. This would not invalidate any negative tests conducted.~~
- ~~b. The BAT does not observe the minimum 15 minute waiting period prior to conducting the confirmation test.~~
- ~~c. The BAT does not perform an air blank of the EBT before a confirmation test, or an air blank does not result in a reading of 0.00 prior to the administration of an alcohol test.~~
- ~~d. The BAT does not sign the breath alcohol testing form.~~

- e. ~~The BAT fails to note in the "remarks" section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test results.~~
- f. ~~An EBT fails to print a confirmation test result.~~
- g. ~~The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.~~

10. Alcohol Testing Equipment

~~The Authorities' Employee Medical Services (EMS) provider shall use only approved evidential breath testing (EBTs) devices for conducting the alcohol testing.~~

a. ~~Screening Devices~~

~~The Authorities' EMS provider shall utilize a log book to record information relative to screening alcohol tests, if the EBT being utilized does not have:~~

- 1) ~~capabilities to be attached independently or by direct link to a separate printer, print a result in triplicate (or three consecutive identical copies) of each breath test;~~
- 2) ~~capabilities to assign a unique and sequential number to each completed test so that the number can be read by the breath alcohol technician (BAT) and the employee before each test and be printed out on each copy of the result;~~
- 3) ~~capabilities of printing out the manufacturer's name of the device, serial number and time of the test.~~

~~A log book shall be used for each device that does not meet the above criteria and the log book shall include the following information: test number, date of test, name of BAT, location of test, test result and initials of the employee taking each test.~~

b. ~~Confirmation Devices~~

~~The Authorities' Employee Medical Services provider shall utilize an EBT for confirmation testing that has the required capabilities. The EBT shall also be able to distinguish alcohol from acetone; be capable of testing an air blank prior to each collection of breath; and perform an external calibration.~~

c. ~~NHTSA Conforming Products List~~

~~All devices that will be used by the Authorities' Employee Medical Services provider for alcohol testing shall be National Highway Transportation Safety Administration (NHTSA) approved evidential breath testing (EBT) devices. NHTSA has model specifications for evidential breath testing devices and periodically publishes an updated Conforming Products List, which states which devices have met NHTSA standards.~~

11. Breath Alcohol Technician (BAT) Guidance

~~The Authorities' Employee Medical Services provider breath alcohol technician (BAT) shall receive sufficient training and be certified to proficiency in the specific operation of the evidential breath~~

testing (EBT) device he uses in the required alcohol testing procedures as outlined in the Substance Abuse Policy. These products include the following:

- a. Each BAT used by the EMS shall be able to demonstrate by successful completion of a course of instruction which, at a minimum, provides training in the principles of EBT methodology, operation, and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required for obtaining a breath sample, and interpreting and recording EBT results.
- b. The EMS provider shall ensure that only courses of instruction that are equivalent to the National Highway Traffic Safety Administration (NHTSA), as amended, model course may be used to train BATs to proficiency. Upon request to NHTSA, they will review a BAT instruction to determine equivalency.
- c. The EMS provider shall ensure that the course of instruction shall provide documentation that the BAT has demonstrated competence in the operation of the specific EBT(s) to be used.

The EMS provider shall ensure that any BAT who will perform an external calibration check of an EBT shall be trained to proficiency in conducting the check:

- a. on the particular model of the EBT to be used. The BAT training shall also include practical experience and demonstrated competence in preparing the breath alcohol simulator or alcohol standard, and in the maintenance and calibration of the particular EBT.
- b. The EMS provider shall ensure the BAT(s) receives sufficient additional training to ensure proficiency concerning any new or additional devices or changes in technology for equipment used.
- c. The EMS provider and/or its designated agent, who are involved in conducting alcohol testing, shall establish documentation regarding the training and proficiency testing of any BAT it uses to test employees. The documentation shall be maintained in accordance with the requirements of federal regulations.

C. Employee Assistance Program (EAP)

The Authorities maintain a provider of employee assistance services. Services provided by this program include all employees of the Authorities.

The Authorities' Employee Assistance Program (EAP) provider is:

OPTIMA HEALTH

www.OptimaEAP.com

(800) 899-8174 or (757) 363-6777

This program is available to both the employee and your immediate family. The program is easily accessible with convenient appointment scheduling and emergency access to counselors 24 hours, seven days a week, through the 800 Helpline (800-932-0034).

D. Recordkeeping Procedures

Alcohol Records

1. General

The APM shall maintain the alcohol testing records in accordance with the provisions set out in the Substance Abuse Policy. Records shall be maintained for the specified periods of time as required in 49 CR, 282 and 40. In addition, the Authorities' Employee Medical Services (EMS) provider will maintain the alcohol testing records as specified in the Federal Regulations and the Authority Records Retention Guidelines.

2. Record Retention Provisions

- a. The following types of records shall be maintained for a minimum period of five years:
 - 1) Records of employee alcohol test results with results indicating an alcohol concentration of 0.02 or greater.
 - 2) Documentation of refusals to take required alcohol tests.
 - 3) Calibration documentation of each EBT used in alcohol testing, including records of the results of external calibration checks.
 - 4) Employee referrals and evaluations.
 - 5) Annual alcohol misuse report data.
- b. The following types of records shall be maintained for a minimum period of two years:
 - 1) Records related to the collection process (except calibration of EBT devices).
 - 2) Records related to training.
 - 3) Records of the inspection and maintenance of each EBT used in employee testing.
 - 4) Documentation of the Authorities' EMS provider compliance with the Quality Assurance Plan (QAP) for each EBT it uses for alcohol testing under the AMPP.
 - 5) Records of the training and proficiency testing of each BAT used in employee testing.
 - 6) Log books used in conjunction with EBTs.
- c. The following types of records shall be maintained for a minimum period of one year:
 - 1) Records of all test results below 0.02.

3. Maintenance of Specific Types of Records

- a. The following types of records related to the collection process shall be maintained:
 - 1) Collection log books, if used.
 - 2) Calibration documentation of EBT devices.
 - 3) Documentation of BAT training.

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- ~~4) Documents generated in connection with decisions to administer reasonable suspicion alcohol tests.~~
- ~~5) Documents generated in connection with decisions to administer post-accident alcohol test.~~
- ~~6) Documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath for alcohol testing.~~
- ~~b. The following types of records related to test results:~~
 - ~~1) EMS copy of the alcohol test form, including the results of the test.~~
 - ~~2) Documents related to the refusal of any covered employee to submit to a required alcohol test.~~
 - ~~3) Documents presented by a covered employee to dispute the result of an alcohol test administered under the AMPP.~~

~~Records related to other violations outlined in the AMPP.~~
- ~~c. The following types of records related to referrals and evaluations:~~
 - ~~1) Records pertaining to a determination by an SAP concerning a covered employee's need for assistance.~~
 - ~~2) Records concerning a covered employee's compliance with the recommendations of the SAP.~~
 - ~~3) Records related to the annual alcohol misuse testing data. The Authorities shall submit the required alcohol misuse MIS testing data and FHWA as prescribed by the regulations.~~
- ~~d. The following types of records related to education and training of employees and supervisors:~~
 - ~~1) Materials on alcohol misuse awareness, including a copy of the Authorities' policy on alcohol misuse.~~
 - ~~2) Documentation of compliance with the requirements of Part 382.~~
 - ~~3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol testing based on reasonable suspicion.~~
 - ~~4) Certification that any training conducted under the AMPP be in compliance with the requirements of 49 CFR, Parts 199, 382 and 40.~~

Drug Records

1. General

The DPD shall maintain the drug testing records in accordance with the provisions set out in the Substance Abuse Policy. Records shall be maintained for the specified periods of time as required in 49 CFR, Parts 382 and 40. In addition, the Authorities' Employee Medical Services (EMS) provider will maintain drug testing records as specified in the Federal Regulations.

2. Record Retention Provisions

Records that demonstrate the collection process conforming to 49 CFR, Part 382, will be kept for a minimum of three (3) years by the program contractor.

Records of employee drug test results that show employees who had a positive test, and the type of test (e.g., post accident), and records that demonstrate rehabilitation, if any, must be kept for at least five (5) years, and include the following information:

- a. The function performed by each employee who had a positive drug test.
- b. The prohibited drugs that were used by an employee who had a positive drug test.
- c. The disposition of each employee who had a positive drug test or refused a drug test (e.g., dismissal, rehabilitation, removed from covered function, other).

Records of employee drug test results that show employees passed a drug test must be kept for at least one (1) year.

A record of the number of employee tests, by type of test (e.g., post accident), must be kept for at least five (5) years.

Records confirming that supervisors and employees have been trained as required by federal regulations must be kept for at least three (3) years.

Information regarding an employee's drug test results or rehabilitation may be released only upon the written consent of the employee, except that such information must be released regardless of consent to the federal agency or the representative of a state agency upon request as part of an accident investigation. Statistical data related to drug testing and rehabilitation that is not name-specific and training records must be made available to FHWA or the representative of a state agency upon request.

E. Specimen Collection Procedures

Policy

The Authorities' Employee Medical Services provider will provide collection of urine drug screens based on guidelines by the Department of Transportation Procedures for Transportation Workplace Drug Testing Programs. The EMS will send all Drug Screens to an NIDA-certified laboratory for testing based on DOT guidelines.

References

- ~~a. Federal Register, Volume 53, Number 224~~
- ~~b. Federal Register, Volume 59, Number 110~~
- ~~c. U.S. Department of Transportation's Specimen Collection Workbook, May, 1992.~~

Procedure

1. Collection Site Security

~~The following conditions will be maintained to ensure that the collection site is secured for the purpose of drug testing:~~

- ~~a. Doors to the collection rooms (bathrooms) will remain locked at all times. Access codes will be limited to department staff responsible for urine sample collections.~~
- ~~b. All collection rooms will be inspected for paraphernalia which could be used to tamper with or adulterate the urine sample at the beginning of each workday and randomly throughout the day.~~
- ~~c. Bluing agent will be added to the toilet water.~~
- ~~d. During the collection process, all water faucets will be secured by the collector.~~

2. Employee and Collector Identification

- ~~a. The collector of the urine specimen will be a licensed medical professional or technician who has been instructed in the collection process.~~
- ~~b. All employees/donors will present valid photo identification at the time they are scheduled for the drug screening procedure. (Driver's license, employee ID, or identification by the employer's representative.)~~
- ~~c. If the employee's/donor's identity cannot be established, the collection site person shall not proceed with the collection.~~

3. Collection Procedure

- ~~a. Complete Step 1 (A, B, C, D and E) on Chain of Custody form.~~
- ~~b. The employee/donor is directed to remove any unnecessary outer garments, such as a coat or jacket, that might conceal items or substances that could be used to tamper with or adulterate the urine specimen. The employee/donor is directed to leave all personal belongings, such as a purse or briefcase, with the outer garments. The employee/donor may retain his/her wallet.~~
- ~~c. The donor is instructed to wash his/her hands using soap from a dispenser outside the bathroom.~~
- ~~d. The water is then turned off from a remote control switch outside the bathroom.~~
- ~~e. A sealed split specimen sample COC box is handed to the donor for sample collection.~~
 - ~~1) Collect an adequate amount of urine (45 ml minimum).~~

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- ~~2) If the amount of urine is less than 45 ml, the collection is void and the urine sample is discarded.~~
- ~~3) The donor is provided not more than 24 ounces of fluid, and after a period of up to two hours, is instructed to provide a complete sample using a fresh collection kit.~~
- ~~4) If, after another attempt to collect, the specimen is less than 45 ml of urine, notify the employer and discard the urine.~~
- ~~f. Both the donor and the collector shall keep the specimen in full view at all times prior to its being sealed and labeled.~~
- ~~g. Check temperature. This must be done within four minutes after collection. The collector shall also inspect the specimen to determine its color and look for any signs of contamination.~~
 - ~~1) If temperature sensor is not within 90-100 degrees, record actual temperature with thermometer in aliquot. Fill out Step 2 on COC Form.~~
 - ~~2) A donor may volunteer to have his/her temperature taken to provide evidence to counter the reason to believe the donor may have altered or substituted the specimen caused by the specimen's temperature falling outside the prescribed range.~~
- ~~h. Open sealed bottle in kit and pour off 15 ml into it from the first bottle. This is now sample bottle B (split). Cap both bottles firmly.~~
- ~~i. Seal containers with numbered bottle seals provided with the form. Specimen A should contain at least 30 ml. Collector dates both bottle seals. Donor initials both bottle seals. Place in COC bags and seal.~~
- ~~j. Have donor complete Step 4 and Copy 4 (pink page) of COC form. Instruct donor to read certification statement before printing and signing name.~~
- ~~k. Collector fills out Step 5 on Copy 1. Remarks section can be used for comments, type of ID, suspicious behavior or witness's signature if indicated.~~
- ~~l. Collector prints and signs name on RECEIVED BY line on the first line of Step 6, signs and prints name again under RELEASED BY line. Under RECEIVED BY, line 2, write COC box/AML Courier (or other delivery service used). Under PURPOSE OF CHANGE write "ship specimen to lab."~~
- ~~m. Give DOT copy 5 (green) to donor. Place sealed specimens and top 3 copies of form in COC box. Place red security seal over opening and initial and date. Place box in secure area.~~

4. Direct Observation Collection

- ~~a. Direct observation collection may be conducted in the following circumstances:~~
 - ~~1) The donor has provided a specimen that falls outside the acceptable temperature range (90-100 degrees).~~

- ~~2) The collector observes conduct clearly indicating an attempt to substitute or adulterate the sample (i.e. substitute urine in plain view, blue dye in specimen presented, adulterated substance in view).~~

~~NOTE: In both of the above described circumstances the collector must obtain, in advance of the direct observation collection, the review and concurrence of the collection site supervisor or the designated employer representative. The person directly observing the specimen collection shall be of the same gender.~~

- ~~b. The DOT regulations permit a subsequent collection to be collected under direct observation if:~~
- ~~1) The last specimen provided by the donor (i.e. on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and Creatinine concentration below 2.g/l.~~
 - ~~2) The donor has had a verified positive result on a previous drug test and is subject to return to duty or follow-up testing under DOT regulations.~~
- ~~c. The decision to conduct a direct observation collection in the two circumstances described above is made by the employer, not the collection site personnel. In these cases, it is the responsibility of the employer to notify the collection site personnel when a direct observation collection is warranted.~~

5. Reporting and Reviewing of Results

- ~~a. The Medical Review Officer (MRO) shall be a licensed physician with knowledge of substance abuse disorders.~~
- ~~b. The MRO will review and interpret confirmed positive test results. If the test of the first specimen bottle (bottle A) is verified positive by the MRO, the MRO shall report the result to Human Resources Manager.~~
- ~~1) Prior to making a final decision to verify a positive test result of an individual, the MRO shall give the individual an opportunity to discuss the test results with him.~~
 - ~~2) The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test results with him.~~
 - ~~3) If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact a designated management official who shall direct the individual to contact the MRO as soon as possible.~~
 - ~~4) If, after making all reasonable efforts, the designated management official is unable to contact the employee, the employer may place the employee on temporary medically unqualified status or medical leave.~~
- ~~c. The MRO may verify a test as positive without having communicated directly with the employee about the test in two circumstances.~~
- ~~1) The employee expressly declines the opportunity to discuss the test.~~

~~2) The designated employer representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO, and more than five days have passed since the date the employee was contacted by the designated employer representative.~~

~~a) If a test is verified positive under the circumstances specified in subparagraph (C 2) of this paragraph, the employee may present to the MRO information documenting the serious illness, injury or other circumstances which unavoidably prevented the employee from timely contacting the MRO. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.~~

~~d. Following verification of a positive test result, the MRO shall, as provided in the employer's policy, refer the case to the employer's employee assistance or rehabilitation program and, if applicable, to the management official empowered to recommend or take administrative action (or the official's designated agent), or both.~~

6. Verification for Opiates

~~Review for prescription medication. Before the MRO verifies a confirmed positive result for opiates, he or she shall determine that there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate or opium derivative (e.g., Morphine, Codeine): (This requirement does not apply if the employer's GC/MS confirmation testing of opiates confirms the presence of 6 Monoacetylmorphine.)~~

7. Reanalyzes Authorized

~~a. Should any questions arise as to the accuracy or validity of a positive test result, only the MRO is authorized to reanalyze the original sample and such retests are authorized only at laboratories certified by DHHS. The MRO shall authorize a reanalysis of the original sample if requested to do so by the employee within 72 hours of the employee's having received actual notice of the positive test. If the retest is negative, the MRO shall cancel the test.~~

~~b. Only the donor may request, through the MRO, that the second specimen bottle (Bottle B) be tested in a DHHS-certified lab for presence of the drug for which a positive result was obtained in the test of the first specimen bottle (Bottle A). The MRO shall honor such a request if it is made within 72 hours of the donor having received notice that he/she tested positive.~~

~~c. The result of this test is transmitted to the MRO without regard to the cutoff levels used to test the first specimen bottle (Bottle A).~~

8. Result Consistent with Legal Drug Use

~~If the MRO determines there is a legitimate medical explanation for the positive test results, the MRO shall report the test to the employer as negative.~~

~~9. Result Scientifically Insufficient~~

~~Additionally, the MRO based on review of inspection reports, quality control data, multiple samples, and other pertinent results, may determine the result as scientifically insufficient for further action and declare the test specimen negative. In this situation the MRO may request reanalysis of the original sample before making this decision. (The MRO may request that reanalysis as provided in §40.22 (c) be performed by the same laboratory or, that an aliquot of the original specimen be sent for reanalysis to an alternate laboratory which is certified in accordance with the DHHS Guidelines.) The laboratory shall assist in this review process as requested by the MRO by making available the individual responsible for day-to-day management of the urine drug testing laboratory or other employee who is a forensic toxicologist or who has equivalent forensic experience in urine drug testing, to provide specific consultation as required by the employer. The employer shall include, in any required annual report to a DOT agency, a summary or any negative findings based on scientific insufficiency but shall not include any personal identifying information in such reports.~~

~~10. Disclosure of Information~~

- ~~a. Except as provided in this paragraph, the MRO shall not disclose to any third-party medical information provided by the individual to the MRO as part of the testing verification process.~~
- ~~b. The MRO may disclose such information to the employer, a DOT agency or other Federal Safety Agency, or physician responsible for determining the medical qualification of the employee under an applicable DOT agency regulation, as applicable, only if:~~
 - ~~1) An applicable DOT regulation permits or requires such disclosure.~~
 - ~~2) In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable DOT agency rule.~~
 - ~~3) In the MRO's medical judgment, in a situation in which there is no DOT agency rule establishing physical qualification standards applicable to the employee, the information by the employee of his or her safety sensitive function could pose a significant safety risk.~~
- ~~c. Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that information may be disclosed to third parties as provided in this paragraph and the identity of any parties to whom information may be disclosed.~~
- ~~d. Protection of Employee Records The EMS provider contract with laboratories shall require that the laboratory maintain employee test records in confidence as provided in DOT agency regulations. The contracts shall provide that the laboratory shall disclose information related to a positive drug test of an individual to the individual, the employer, or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a certified positive drug test.~~

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- e. ~~Individual Access to Test and Laboratory Certification Results~~ Any employee who is the subject of a drug test conducted under this part shall, upon written request, have access to any records relating to his or her drug test and any records relating to the revocation of certification proceedings.

F. Designated Collection Agency/Medical Services Provider and Testing Laboratories

Collection Agency and Medical Services Provider

MedExpress Urgent Care Pantops
260 Pantops Center
Charlottesville, VA 22901
Monday – Friday, 9:00 AM – 5:00 PM

All Other Times

University of Virginia Emergency Room
1215 Lee Street
Charlottesville, VA 22902
(434) 924-0000 (ask Operator to page #1616)*

- Supervisor must call ahead
- Stay on line while #1616 is paged
- Tell answering Respiratory Therapy Supervisor that answers page that an after hours substance testing is coming to them
- Employee reports directly to the ER at UVA Medical Center and tell desk they are there for after hours substance screening provided through UVA Work Med
- Tell ER registration to page #1616 and tell them of their arrival
- Employee Must show picture ID

Name and Address of Testing Laboratory:

Quest Diagnostics Philadelphia
400 Egypt Road
Norristown, PA 19403

G. Medical Review Officer

MedExpress Urgent Care Pantops
260 Pantops Center
Charlottesville, VA 22901

MEDICAL REVIEW OFFICER GENERAL RESPONSIBILITIES:

The Medical Review Officer is generally responsible for the following:

- a. Although the laboratory analysis will determine whether the specimen is positive, any confirmed positive test results from the laboratory must be reviewed and interpreted by a Medical Review Officer (MRO) prior to transmission of the results to the Authority's DPD. The MRO's review must include a review of the chain of custody to ensure that it is complete and sufficient on its face.
- b. Prior to confirming a positive result for opiates, the MRO must determine that there is clinical evidence (in addition to the urine test) of unauthorized use of any opium, opiate or opium derivative (e.g., morphine/codeine).
- c. The MRO must be a licensed physician with knowledge of both substance abuse disorders and possible alternate medical explanations for a positive test result. The MRO may not be an employee of the laboratory conducting the controlled substances test(s).
- d. As part of his/her responsibilities, the MRO must examine alternate medical explanations for any positive test results and review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO may not consider results of urine samples that were not obtained or processed in accordance with the DOT controlled substances testing program requirements.

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Additional detailed rules governing the responsibilities of the MRO may be found in 49 CFR, 40.33.

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H. Alcohol & Drug Testing Percentages

In accordance with federal and Authority mandates, the Authority shall test the following percentages of employees for calendar year 2005:

ALCOHOL TESTING

Pre-employment	0%	0%
Post-Accident	100% of who met requirements	100% of who met requirements
Random	10%	10%
Movement/Transfer	100% of those who move into a CDL position from a Non-CDL position	0% of those who move into a Non-CDL position from a CDL position
Return-To-Duty	100%	100%
Follow-Up	100%	100%
Reasonable Suspicion	100% based on specific, contemporaneous, and articulated observations	100% based on specific, contemporaneous, and articulated observations

DRUG TESTING

Pre-employment	100%	100%
Post-Accident	100% of who met requirements	100% who met requirements
Random	50%	10%
Movement/Transfer	100% of those who move into a CDL position from a Non-CDL position	0% of those who move into a Non-CDL position from a CDL position
Return-To-Duty	100%	100%
Follow-Up	100%	100%
Reasonable Suspicion	100% based on specific, contemporaneous, and articulated observations	100% based on specific, contemporaneous, and articulated observations

~~I. Quality Assurance Plan for Intoximeters, Inc – RBT IV/Alco-Sensor IV~~

~~1. Designated Methods for External Calibration ("Accuracy") Checks~~

~~Assuming that they are approved for use by NHTSA, Intoximeters, Inc. recommends that external accuracy checks be performed using either an approved compressed dry gas standard made up of $\pm 0.5 \pm 2$ ppm ethanol in nitrogen or any NHTSA approved wet bath simulator in conjunction with a properly certified and maintained ethanol solution that has been manufactured to produce an apparent breath alcohol concentration of $0.040 \pm .002$ grams per 210 liters of breath.~~

~~In all cases the compressed gas tanks, simulators and simulator solutions should be used and maintained only in accordance with the quality assurance plans provided by their respective manufacturers in order to ensure that they produce consistent and reliable samples.~~

~~Instruction for use of these accuracy check standards with the instrument can be found in the documentation provided with the instrument.~~

~~2. Minimum Intervals for Accuracy Checks~~

~~In order to maintain the highest level of integrity for all alcohol breath tests performed, an accuracy check would have to be performed before and after every breath test. For most employers this will be a cumbersome requirement that will not offer much benefit.~~

~~When a test is run, an accuracy check must be run prior to that test if an accuracy check has not occurred within the past 31 days.~~

~~Intoximeters, Inc. also highly recommends that an accuracy check be run on the instrument as soon after a positive confirmation test as is practical.~~

~~Because an accuracy check that produces a result outside of the expected tolerances outlined below throws into doubt the validity of all previous breath tests since the last successful accuracy check, this procedure ensures that only one positive test (the last one) will be comprised. Also, if the accuracy check is run immediately, it gives the BAT an opportunity to test the subject again.~~

~~Intoximeters, Inc. suggests, if practical, that an accuracy check be run before the first test on each day that the instrument is used. This procedure offers additional assurances that the instrument is functioning properly especially when there is a long period during which there are no positive tests and an accuracy check would not otherwise be run according to the procedures outlined above.~~

~~3. Acceptance Tolerances on an External Accuracy Check~~

~~The result of an accuracy check must be with ± 0.005 grams per 210 liters of breath inclusive of the expected value.~~

~~For wet bath simulators, the requirement is measured by using simulator solution manufactured to produce an apparent breath alcohol concentration of $0.040 \pm .002$ grams per 210 liters of breath. The value of a sample from the wet breath simulator, as read by the Alco-Sensor IV, should be 0.040 ± 0.005 grams per 210 liters of breath inclusive.~~

For compressed dry gas standards, the requirement is met by using compressed dry gas tanks containing 105 \pm 2ppm of ethanol in nitrogen. The value of a sample of this gas delivered at 760mm of Hg. absolute barometric pressure as read by the Alco Sensor IV should be 0.038 \pm 0.005 grams per 210 liters of breath inclusive. However, both weather conditions and higher elevations for operation will change the barometric pressure and cause the expected value of the dry gas standard to change. For instance, in Santa Fe at 7000 ft. the compressed dry gas tank will have a value of approximately 0.025. To accommodate these variations, the TRUE CAL device is supplied with compressed dry gas tanks for manual accuracy checks and calibrations.

The TRUE CAL device contains a precision pressure sensor which monitors the barometric pressure and automatically corrects the expected value of the dry gas standard at that moment. The information is available by pushing a button on the TRUE CAL device.

Altitude tables may be used for this correction, but weather extremes may cause variations of up to \pm .002 grams per 210 liters in the expected value.

This value must be entered into the memory of the RBT IV/Alco Sensor IV by the BAT before the standard is run and is recorded on the test record, along with the result obtained from running the standard.

If the instrument does fail an accuracy check, the employer shall take the instrument out of service as per 49 CFR, Part 40.55(b)(2) and re-calibrate it.

4. Inspection, Maintenance and Calibration Requirements

The instrument should be calibrated when the result of an accuracy check is \pm 0.005 grams per 210 liters of breath or more from the expected value as outlined above.

The instrument should be taken out of service if:

- a. The instrument repeatedly fails to maintain its calibration (i.e., if after two successful attempts to calibrate the device a successful accuracy check was not obtained);
- b. the instrument fails to maintain its calibration on three consecutive monthly accuracy checks;
- c. the instrument consistently takes more than two minutes to perform a breath analysis on a sample with a concentration less than 0.100 grams per 210 liters of breath.

The instrument should be inspected by a certified technician at least once every two years in service.

Routine maintenance procedures are specified in the manuals of each instrument and must be followed in order to ensure accurate test results.

J. The Effects of Alcohol, Controlled Substances, Prescription Drugs and Over the Counter Medications

Testing for controlled substances is done for the following five drugs and their metabolites: Amphetamines, Cocaine, Marijuana, Opiates and Phencyclidines (PCP). Alcohol testing is also required. Each of these substances, as well as prescription and over the counter medications are discussed in detail in this section:

Alcohol

1. Description

Alcohol is a drug. It is a depressant, not a stimulant as is commonly believed, which slows down physical responses and progressively impairs mental functions. Ethyl alcohol is the alcohol which is contained in beer, wine and liquor. Medically, alcohol is found in elixirs, cough syrups, cold medicines, and in such items as breath spray, mouthwash, etc. Alcohol is alcohol whether it is found in an over the counter medication or a beer and has the same effect at the same level. It is immaterial how it got in the individual's system—it has the same effect. Although alcohol is legally and socially acceptable in our society, it is not legally acceptable to consume alcohol prior to or while on duty or subject to a call to report to duty. Commonly you hear that a cutoff defined as a decimal such as 0.02 breath alcohol concentration, which means 2 drops of pure alcohol to 10,000 drops of blood.

2. Health Effects

The effects are dependent on many factors—the amount consumed, a person's body weight, whether the person is rested or tired, sick or healthy, stomach content, age, altitude, gender, and metabolism. Malnutrition, lower resistance to infections, irreversible damage to brain, liver, pancreas, kidneys, pancreas, and nutritional deficiencies occur with long term use; as do birth defects, increased cancers of the mouth, malignant melanoma of the tongue, etc. Alcohol also carries a high risk of psychological and physical dependence.

It is necessary to have an understanding of what “a drink” is since the regulation prohibits consuming alcohol within four hours of reporting to work. A drink is defined as 1/2 oz. of pure alcohol. A five-ounce glass of 12% wine, a 12 oz. can of beer and a 1 oz. (a shot glass) of 100 proof liquor, all contain 1/2 oz. of pure alcohol. The body takes about two hours to eliminate the alcohol that has been consumed in a 1/2 oz. of alcohol.

A 150 lb. man could drink two 1 oz. shots of 100 proof liquor OR two beers OR two glasses of wine and measure and register a 0.05% on the breathalyzer. Two hours later, he may still register at the 0.02% breath alcohol content.

3. Symptoms of Use

Glazed eyes, flushing, slurred speech, emotional instability, decreased inhibitions, stupor, impaired coordination, slowed reflexes, odor of alcohol, hangover, sweating, blackouts, impaired thinking, aggressiveness, tunnel vision, slowed reaction times, nausea, memory loss, unsteadiness, short attention span, blurred vision, hostility, drowsiness, distorted sense of time and distance. Except for the odor, these are the signs and symptoms of any depressant substance.

4. Performance Effects

The first part of the brain to be affected is the part which controls judgment and self control. Once judgment and self control have been disrupted, the impaired individual is unable to recognize that he/she is impaired and is unable to make rational decisions. This is what ultimately leads to the decision to get behind the wheel when impaired. Reaction time decreases as much as 60% after just two drinks. Some performance problems would include faulty judgment, reasoning and lack of coordination, inability to watch other vehicles as they approach or pass, excessive braking, inability to make rapid decisions, loss of peripheral vision, takes more risks, swerving, emotional instability and increased aggressiveness, distorted sense of time and distance and blurred vision. It is important to know that the number of drinks consumed compared to body weight is only a small portion of the equation used when determining the impairment level in an individual.

5. Other Issues

Two to three percent of the driving population is legally drunk at any one time — this rate is doubled at night and on weekends. More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related. Each year 24,000 people will die on the highway due to the legally impaired driver (0.08 blood alcohol content) and 12,000 more will die on the highway due to the alcohol affected driver (less than 0.08 blood alcohol content). The rate of separation and divorce in families with alcohol dependency problems is seven times the average. Coffee and exercise do not help a drinker sober up — only time. Food slows the absorption of alcohol.

Amphetamines

1. Description

Amphetamines ("speed," "white cross," "black beauties") may be taken orally in the form of pills or capsules. Methamphetamines ("meth," "crank," or "crystal") is usually a granular powder or lumps, and may be taken orally, injected or snorted into the nose. The physical sense of energy at lower doses and the mental exhilaration of higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is not limited to a very narrow range of medical conditions.

2. Health Effects

Amphetamines are stimulants, which speed up breathing and heart rate and raise blood pressure. Low doses produce increased alertness and talkativeness, feelings of power and energy, and decreased appetite and desire for sleep. Larger doses are associated with impaired judgment, insomnia, irritability, anxiety, tremors and, with long term or high dose usage, transient psychotic episodes, and paranoia. Chronic use may cause heart, brain, dental, bones, lungs, liver, and kidney damage, and seriously deplete the body of vitamins and nutrients. The legal use is limited to a very narrow range of medical conditions. Detection time in urine is 1-2 days for light use to 2-4 days for chronic use.

3. Symptoms of Use

Dilated pupils, rapid breathing, jerky eye movements, impaired coordination, decrease in appetite, weight loss, excessive talking, insomnia, hyperactivity, sweating, confusion, panic, inability to concentrate, mood elevations.

4. Performance Effects

Amphetamines will cause a short-term improvement in fatigue or alertness. However, with greater usage the effect reverses and has an impairing effect physical fatigue and depression. Work performance would be affected by impaired judgment, delayed reaction time, greater tendency to take risks, and impaired muscle coordination.

Cocaine

1. Description

Cocaine is a stimulant. It is also called crack, rock, coke, toot, blow, nose or freebase. Cocaine Hydrochloride is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 10 to 60 minutes per 1 inch line. Cocaine Base ("crack") is a small crystalline rock about the size of a small pebble or in tablet form for smoking. Crack is smoked in a pipe, mixed with marijuana or tobacco or doused with PCP. Crack is beige or slightly brownish; white or yellowish white. It boils at low temperature and is heated in a glass pipe and the vapor is inhaled. The effect is felt within several seconds. Medically, cocaine is used as a local anesthetic.

2. Health Effects

Cocaine causes the strongest mental dependency of any known drug. It is a stimulant which causes the heart to beat faster and harder, increases blood pressure, causes muscles to become more tense, etc. "Crack" cocaine is a more potent form of the drug and is especially addicting and dangerous. It produces an intense high almost instantly. The high is always followed by a low so unpleasant that the user will do almost anything to get more crack. Larger doses are associated with restlessness, headache, rapid pulse, irregular respiration, chills, rise in body temperature and nausea. Chronic uses or overdoses include delirium, convulsions, unconsciousness, and death from stroke or heart attack. Because crack dulls pain, users may ignore conditions that require medical attention. Detection time in urine is 1-2 days for light use and 4-6 days for chronic use.

3. Symptoms of Use

Nasal redness, increased physical activity and fatigue, extreme mood swings, violent, depression, short attention span, sensitive to noises, irritable, forgetfulness, weight loss, running nose, nose bleeds, sniffing, hyperactivity, bad breath, dilated pupils and visual impairment, anxiety.

4. Performance Effects

Absenteeism, tardiness, missed assignments or forgetfulness; difficulty in concentration, impairment of performance and judgment. Because the addiction is costly and the "high" so important, it's hard for the person to think about anything but how to get the next "high" financial

problems and theft or dealing may occur. Slower reaction time and ability to make decisions, distorted vision and depth perceptions, unable to judge time and distance.

Marijuana

1. Description

Marijuana comes from the hemp plant, cannabis sativa. It is a depressant which primarily affects the brain. Leaf marijuana ranges in color from green to light tan and the leaves are usually dry and broken into small pieces. Hashish is a compressed tar like substance ranging in color from pale yellow to black and is sold in small chunks. Marijuana has a distinct pungent smell. Marijuana, hashish, hash, oil are forms of cannabis which are smoked. Nicknames include pot, dope, grass, joint or reefer. Marijuana is usually smoked in a cigarette or pipe and can also be eaten. Marijuana contains hundreds of different chemicals, which produce many different effects on the mind and body.

2. Health Effects

Increases heart rate, lowers blood pressure and causes reddening of the eyes. One marijuana cigarette (joint) contains cancer causing substances equal to one half pack of cigarettes. Low to moderate dose effects range from relaxation and euphoria, talkativeness, and gaiety to mild fatigue, perceptual changes, and feelings of heightened sensitivity. High or repeated doses can produce panic reactions, reduced motivation, and distortions of body image. Medically, marijuana has been used in glaucoma treatment, epileptic spasms and seizures treatment, and relief of nausea associated with cancer chemotherapy. Marijuana poses a moderate potential for psychological dependence and some tolerance may develop with long term usage. Long term effects include lung cancer, immune system problems impaired memory, concentration and motivation, reduction in hormonal levels which regulate growth, reproduction and sexual development, and pregnancy problems. Because of the effect on the immune system, there is research on the possible connection between marijuana smoking and the activation of AIDS in positive HIV carriers. The potency of the active chemical, THC, in marijuana makes smoking 3-5 joints a week today equivalent to 15-40 joints a week in 1978. Detection time in urine is 2-7 days for light use and more than 30 days for chronic use.

3. Symptoms of Use

Bloodshot eyes, persistent cough, sore throat, or respiratory infection, increased appetite, memory lapses, reduced attention span, fatigue, slowed speech, odor on clothing, lack of motivation, paranoia, confusion and aggression.

4. Performance Effects

Produces a number of changes in perceptions, memory and thought processes including reduced concentration, impairment of judgment and coordination, reaction time, tracking ability, distorted vision and depth perception, inability to correctly measure time and distance all of which can linger up to 24 hours after use. Marijuana poses serious risks on the road or in jobs involving heavy or complicated equipment.

Opiates

1. Description

Opiates are classified as a narcotic analgesic that alleviate pain and depress body functions and reactions. Opium derivatives are more commonly known as morphine, codeine, and heroin. Nicknames are junk, smack, horse and brown sugar. Synthetic narcotics are methadone, meperidine (Demerol), hydromorphone (Dilaudid), oxycodone (Percodan), pentazocine (Talwin), propoxyphene (Darvon). Opiates have a sedating, calming effect, and act as a depressant to the central nervous system. They are taken either orally, by injection or smoked.

2. Health Effects

Narcotics slow down body systems, reduce sensitivity to pain and induce sleep. Low dose or infrequent use produces euphoria, fatigue, lower sensitivity to pain, and impaired concentration, while wiping out desire for food, sex and most physical activity. Higher dose or regular use promotes sleep and triggers a sense of detachment and reduced motivation. Medically, opiates are prescribed to relieve pain, cough and diarrhea and reduce pain in the terminally ill. Unwanted side effects include itchiness, constipation, nausea and vomiting, restlessness, abdominal pain and visual problems and if taken in excess, can cause coma or death. Users quickly build tolerance and risks of overdose are particularly high. Narcotics effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose. Detection time in urine is 2-4 days for light use and more than one week for chronic use.

3. Symptoms of Use

Pinpoint pupils, mood changes, confusion, shallow and slow breathing, sleepiness, unresponsiveness to pain, nausea and vomiting, memory loss, dry mouth, raspy speech, depressed reflexes, excess talking, cold, moist or bluish skin, slurred speech, hostility, euphoria, short attention span, unsteadiness, depression. High doses impair judgment and coordination.

4. Performance Effects

Work performance problems would include daydreaming or lack of concentration, drowsiness, distorted vision, distorted sense of time and distance, depressed reflexes, potential visual problems.

Phencyclidine (PCP)

1. Description

Phencyclidine is known as a dissociative anesthetic. Street names include hog, crystal, angel dust, embalming fluid, tic and THC. It is sold as pills, powder, and liquid, or sprinkled on marijuana or tobacco cigarettes. PCP may be smoked, snorted or injected. PCP is easily the most unpredictable of all psychoactive drugs and effects vary widely depending on the user and the dose.

2. Health Effects

PCP users may experience hallucinations and signs of intoxication. They will be unable to focus their attention or will experience confusion and lack of coordination. Although it has short term effects, it is known for its long term effect of causing psychotic behavior often associated with violent acts.

~~Low doses produce stimulation, numbness, and reduced inhibitions along with flushing, sweating, impaired coordination and judgment and slurred speech. Moderate doses of PCP act as a depressant, with a sense of detachment and being excited and confused. High doses of PCP effects resemble powerful hallucinogens, including agitation, increased aggression, paranoia, and near complete insensitivity to pain. Originally developed as an anesthetic, the side effects limited its use to a large animal tranquilizer but have no current medical use. Detection time in urine is 2-7 days.~~

3. Symptoms of Use

~~Lack of coordination, panic, loss of sensitivity to pain, imprecise eye movements, delusions, severe confusion, agitation, increased blood pressure, anxiety, flashbacks, muscle rigidity, blank stare, cyclic behavior, disorientation, perspiring, extreme mood shifts, dilated pupils, sweating, dizziness, depression, paranoia, inability to carry on a conversation, bizarre behavior.~~

4. Performance Effects

~~Work performance problems would include increased likelihood to take risks, powerfully impaired judgment and coordination, aggressive actions with vehicle, severe disorientation, hallucinations, distortion of size, shape and distance.~~

Over the Counter and Prescription Drugs

~~While it is legal to purchase nonprescription medicines over the counter, such medicines are not necessarily safe to use while driving or performing other duties. The Department of Transportation regulations do not permit drivers to take anything that can affect their ability to drive. For example, certain cold remedies contain antihistamines. Antihistamines may make the driver drowsy. If the warning on the box or label clearly states: "product may cause drowsiness. Do not operate heavy equipment or machinery while taking", it is a violation of the Department of Transportation regulations to take it and drive a commercial motor vehicle. Carefully examine the ingredients in any over the counter medication—alcohol, for instance, may be an ingredient.~~

~~Over the counter stimulants such as "No Doz" or "Stay Awake", are all considered legal and are used by drivers to stay awake. These products only keep the driver's eyes open, however. They cannot overcome the effects of fatigue on the body. Thought processes and reaction speed are still those of a person who is fatigued and tired. In an emergency, this driver may not be able to perform as well as if he or she were well rested.~~

~~Is it OK to take prescription medicine as long as it has been prescribed by the doctor? Maybe... but not if the prescription medication contains ingredients which may make you drowsy or affect your performance. While talking to the doctor, it is YOUR RESPONSIBILITY to make sure the doctor knows what kind of work you do so a medicine can be prescribed that won't affect your ability to safely perform your work tasks. The Authority has the right to require that you inform us of any medications you are taking that may affect on the job performance.~~

M. Attachments and Forms

- a. Rivanna Water & Sewer Authority Organizational Chart (*Section A*)
- b. Rivanna Solid Waste Authority Organizational Chart (*Section A*)
- c. Authority Pay Grade and Scale, Table 1 (*Section D*)
- d. Authority Pay Grade and Scale with Title, Table 2 (*Section D*)
- e. Sick Leave Bank Enrollment Form (*Section F*)
- f. Grievance Procedure Form Part A & Part B (*Section H*)
- g. Technology System Acceptable Use Policy (*Section I*)
- h. Employee Expense Reimbursement Form (*Section J*)
- i. Employee Training and Development Form (*Section J*)
- j. Employee Mileage Reimbursement Form (*Section K*)
- k. Employee Travel Request Form (*Section K*)
- l. Employee Drug and Alcohol Testing Pool Designation Letter (*Section L*)

~~m.~~ Employee Handbook

m.

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RIVANNA WATER & SEWER AUTHORITY

RIVANNA SOLID WASTE AUTHORITY

EMPLOYEE HANDBOOK



July 2021

WELCOME! As an employee of the Rivanna Water and Sewer Authority or the Rivanna Solid Waste Authority (Authority), we hope that you will find your association with this organization to be both pleasant and rewarding. This handbook is intended to give you basic information about personnel policies, operating rules, and benefits. Nothing in this handbook is to be construed as a contract of employment or can be modified. Employees are employed at will and can be terminated or resign with or without cause. Please talk to your immediate department manager or the Human Resources Manager if you have any questions not fully answered by this handbook or the Personnel Management Plan. Copies of the Personnel Management Plan are maintained by the department managers and divisional directors, a current copy can be found on our network in the Employee Drive Q: Personnel Management Plan\Personnel Management Plan Approved.

AUTHORITY

The Rivanna Water and Sewer Authority (RWSA) and Rivanna Solid Waste Authority (RSWA) are independent public agencies that serve the citizens of Charlottesville and Albemarle County.

The Rivanna Water & Sewer Authority is a wholesale agency with two customers, the City of Charlottesville and the Albemarle County Service Authority, which in turn provide service to individual retail customers. We provide clean drinking water to the community and treat wastewater and return it to the environment. We operate several water treatment plants and wastewater treatment plants throughout the Charlottesville and Albemarle County area.

The Rivanna Solid Waste Authority is an independent public agency formed to develop and operate regional garbage and refuse disposal services, including systems and facilities for transferring, recycling, waste reduction and other disposal alternatives, for the Charlottesville and Albemarle County area as well as to acquire and operate current facilities. The RSWA provides disposal services and does not collect solid waste.

The Authority has an Executive Director who is appointed and supervised by a Board of Directors. Under the supervision of the Executive Director are the Director of Operations, who supervises the Water, Wastewater, and Laboratory Departments; the Director of Engineering and Maintenance, who supervises the Maintenance and Engineering Departments; the Director of Finance and Administration, who handles administrative functions, including finance, data processing, accounting, budget, personnel, and purchasing; and the Director of Solid Waste who manages all solid waste services. All employees are expected to carry out the practices and policies established by the Board of Directors and administered by the Executive Director.

EMPLOYMENT

The Authority is an equal opportunity employer. The Authority prohibits discrimination and harassment of any type and affords equal employment opportunities to employees and applicants without regard to race (including hair styles and textures), color, religion, sex, sexual orientation, gender identity or expression, pregnancy, childbirth, pregnancy-related medical conditions, age, national origin, disability status, genetic information, protected veteran status, marital status or any other characteristic protected by law. The Authority conforms to the spirit as well as to the letter of all applicable laws and regulations.

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The Authority seeks to employ people who seek the challenge and rewards of meeting our critical public service needs. In return, the Authority offers on-the-job training, opportunity for advancement in most positions, good benefits and working conditions, and a fair wage.

Job applicants are evaluated for the ability, training, and experience necessary to perform the tasks for the position applied for. ~~RR~~ Race, color, sex, pregnancy, childbirth or related medical conditions, religion, sexual orientation, gender identity, national origin, age, marital status, hairstyles, hair textures, or non-job related disabilities are not considered in the selection or promotion of employees.

Employees are hired as either: 1) Full-time for a position of at least 2,080 hours annually and are eligible to receive benefits; 2) Part-time for positions working less than 32 hours a week. Part-time employees do not receive benefits. Work hours are specified at the time of employment. They may vary for each employee depending upon the position, the shift schedule, or the work site.

The Main Office maintains a Personnel File for each employee dating from time of employment. It contains copies of all promotions, merit reviews, pay changes, commendations, reprimands, tax withholding forms, retirement and life insurance forms, and other materials. It is available for your inspection, by appointment. Any and all changes to your vital information, such as address, home phone number, marital status, emergency contact and the like must be reported immediately to the Human Resources Manager.

REASONABLE ACCOMODATIONS FOR EMPLOYEES WITH DISABILITIES

The Authority is committed to providing equal employment opportunities to qualified individuals with disabilities, and complies with the Americans with Disabilities Act (ADA), as amended, the Virginians with Disabilities Act (VDA), and the Virginia Human Rights Act (VHRA), in addition to all other applicable federal, state, and local fair employment practices.

Reasonable Accommodation

Consistent with this commitment, the Authority will provide reasonable accommodation to disabled applicants and employees if reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create undue hardship upon the business. Employees seeking accommodation should contact their department manager.

Once an accommodation is requested, the Authority will engage in a timely, good faith interactive process with the employee to determine if the requested accommodation is reasonable and, if such accommodation is determined not to be reasonable, the Authority will discuss alternative accommodations that may be provided.

No Retaliation

The Authority is committed to enforcing this policy and prohibiting retaliation against employees and applicants who request an accommodation in good faith. However, the effectiveness of our efforts depends largely on individuals telling us about inappropriate workplace conduct. If employees or applicants feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to their department manager.

PREGNANCY DISCRIMINATION

No employer may refuse to hire, discharge, or otherwise discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment, on the basis of pregnancy, childbirth, or related medical conditions. The law requires employers to make reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions (including lactation), unless

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such accommodations would impose an undue hardship on the employer. Reasonable accommodations include more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth.

All nursing mothers are eligible to take reasonable breaks to express breast milk for up to one year after the birth of the employee's child. The Authority encourages all eligible employees who intend to take breaks under this policy to notify Human Resources. The employee will be provided reasonable break time to pump breast milk for a nursing child and a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used to pump breast milk. Please contact Human Resources for details.

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COMPENSATION PLAN

The Authority uses a pay scale and each position has a range from entry level to maximum as defined in the Personnel Management Plan (*Section D. Compensation Plan and Administration*). Positions are classified to a pay range according to job requirements and responsibilities. All employees are paid biweekly on Fridays. Paychecks may be automatically deposited. All new employees are requested to have their paychecks automatically deposited into a checking or savings account.

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must review your paychecks promptly to identify and to report all errors. You also must not engage in off-the-clock or unrecorded work. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to your manager or the Human Resources Manager.

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Work schedules vary by department and position. Non-exempt employees are paid overtime for hours worked in excess of forty in a workweek. Overtime pay at blended rate based on hours actually worked and compensation or those hours actually worked. Overtime does not include time for sick, vacation, or other leave. Additionally, employees will be paid a premium rate of 50% their hourly base pay rate regardless of the number of hours worked in the workweek for unscheduled hours worked due to emergency call-in or covering another employee's work schedule. Part-time employees receive overtime pay for work hours exceeding 40 in a workweek. Any other overtime which is not specified above, must be preauthorized by your immediate department manager on a daily basis. In all instances of overtime, the employee may request in lieu of overtime pay an annual leave credit at a rate of 1.5 times the overtime hours worked for up to 20 overtime hours per calendar year.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the Authority. This salary will be established at the time of hire or when you become classified as an exempt employee. You will be required to use accrued vacation, sick or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability. However, your salary will not be reduced for partial day absences if you do not have accrued paid time off. Your salary also may be reduced for

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certain types of deductions, such as: your portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or voluntary contributions to a 457 or pension plan. If you believe a deduction from your check was made in error, contact the Human Resources Manager.

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Certain positions are required to participate in an on-call rotating schedule. Currently, only one mechanic, ~~and one~~ engineering staff member and the water and wastewater supervisors are on-call during the normal off-duty hours. In the event of an emergency, this on-call employee is expected to respond promptly and be fit for duty. Non-exempt employees that are placed on-call will receive a wage rate of 10% of their normal hourly rate for every hour waiting to be called outside of their normal work schedule. Lunchtime during the normal workweek is not considered on-call time. Should the employee be required to come into work during their on-call schedule, he/she will receive unscheduled premium pay ~~overtime pay~~ for two hours or the actual hours worked, whichever is greater. In the case of emergency operation status, as determined by the Executive Director, other positions may temporarily be included in the on-call schedule.

Your performance is evaluated annually by your immediate department manager. Evaluations determine annual merit increases and also give you a concrete idea of job performance standards. The evaluation gives you an opportunity to discuss strengths and weaknesses in job performance and to express to the immediate department manager any problems found in performing the job. Further details of the performance evaluation/merit increase plan are available from your department manager or the Personnel Management Plan (*Section D. Compensation Plan and Administration*). Please remember that you do not have to wait for an evaluation to discuss how you are doing with your immediate department supervisor. The job descriptions used in performance evaluation have been worked out with contributions from all levels of employees. If you have suggestions for improving them let your department manager or the Human Resources Manager know. The Authority does not have any policies prohibiting our employees from discussing compensation information.

PROBATION PERIOD

New employees must successfully complete a six-month probation period. During probation, your immediate department supervisor has the opportunity to observe you on the job and determine your suitability for the job. Your performance will be evaluated in writing after 3 months and after 6 months, with minimum scores of 1.5 points after 3 months and 1.75 points after 6 months required for success during probation. Lower scores are grounds for termination. Accrued annual balances will not be paid should you terminate during initial probation. Dismissals during probation cannot be appealed under the Authority's grievance procedure. Employees who score below 1.60 on any subsequent evaluation after the initial probation period will reenter the probation period.

BENEFITS

The following benefits are provided or are available to all full-time employees. Further, medical insurance and prorated annual leave are offered to part-time employees working at least 30 hours per week. Nothing in this manual shall prevent the Authority from changing, altering or discontinuing Authority provided benefits.

HOLIDAYS

The following 12 and a half days are paid holidays:

- New Year's Day
- Martin Luther King Jr. Day (3rd Monday in January)
- Washington's Birthday/Presidents' Day (3rd Monday in February)

- Thomas Jefferson's Birthday (April 13, Floating Holiday)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Veterans Day (November 11, Floating Holiday)
- Thanksgiving (half day on the 4th Wednesday, 4th Thursday and Friday in November)
- Christmas Eve and Christmas Day (December 24 and 25)

In the case of Monday-Friday work schedules, if a holiday falls on a Sunday, it is observed the following Monday. If it falls on a Saturday, it is observed the preceding Friday. An employee scheduled to work on the actual day on which a holiday falls, will receive holiday premium pay for each hour worked. All employees will receive 8 hours of regular holiday pay. Thomas Jefferson's Birthday and Veterans' Day are floating holidays and can be taken any time during the year. Holiday premium pay is not paid for work on these days.

ANNUAL LEAVE

Full-time employees accumulate annual leave at the following rates:

Years of Service	<5 Years	5 to <10 Years	10 to <15 Years	15 to <20 Years	20 to <25 Years	25 + Years
Annual Accrual Rate	96 hours	120 hours	144 hours	168 hours	192 hours	216 hours

Annual leave hours may be accumulated until they equal twice the annual accrual rate. Annual leave accumulations over the allowed amount will be lost as of January 1 of each year. Unused annual leave hours are paid upon separation provided that at least two-weeks' notice is given if the separation is voluntary.

SICK LEAVE

~~All full-time employees who participate in Plan 1 or Plan 2 of the Virginia Retirement System accrue 96 hours of sick leave per year. Sick leave is accrued at a rate of 3.69 hours per pay period. Full-time employees who participate on the Virginia Retirement System Hybrid Plan can accrue up to 480 sick hours. All other full-time employees do not have a limit on the amount of sick time they can accrue. Sick time is earned every January 1st based on their service (see the chart below).~~

Sick leave is for personal illness, medical and dental appointments, or after exposure to a contagious disease. Sick leave used to attend members of your immediate family for the reasons above is limited to 40 hours per year (January 1 – December 31). Immediate family includes spouse, parents, parents-in-law, children, stepchildren, foster children, or other relatives or individuals residing in the same household. A supervisor may require a medical certificate for sick leave when leave is taken before or after a holiday or other scheduled day off, or when leave taken is in excess of three working days. A supervisor may also require a medical certificate when a sick leave occurrence exceeds one sick leave occurrence per three months.

Sick leave may also be used as bereavement leave in the event of a death in the immediate family, for up to 40 hours per occurrence. Your immediate family in this case includes spouse, children, parents, foster children, siblings,

grandparents, grandchildren, stepchildren, ~~step-parents~~stepparents, guardian or same relative of spouse and any other relatives or individuals residing with the employee.

SICKNESS DISABILITY AND PERSONAL TIME OFF POLICY (SDPTO)

~~This policy applies to all employees that are enrolled in the VRS Hybrid Plan. Full time employees earn SDPTO hours as follows:~~

Months of Service	Sick Leave Accruals (hours)
Less than 60	96 (8 hours per month)
60 to 119	104
120 or more	120

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~~SDPTO can be used for personal illness, medical and dental appointments, or after exposure to contagious diseases. SDPTO can be used for family illness or injury, or bereavement. The first year of employment, a new hire will be credited for the accruals based on their anticipated months of service; thereafter, the employee will receive their annual accrual on January 1. SDPTO cannot be carried forward year to year~~

SHORT-TERM LONG-TERM DISABILITY INSURANCE

Disability insurance is provided to employees enrolled in the VRS Hybrid Plan. After meeting specific eligibility requirements, an employee receives partial salary for a maximum of 26-weeks each year beginning the 8th calendar day after illness/disability. A disability lasting longer than 26-weeks requires coverage to transition to a Long-Term Disability Plan.

FAMILY AND MEDICAL LEAVE

All employees are eligible for up to 12 weeks per year of Family and Medical Leave in the circumstances of birth, adoption or foster placement of child, and of serious medical condition of a family member or the employee. In many cases, use of annual and sick leave will count toward the twelve weeks. Any Family and Medical Leave not covered by current paid leave benefits will be Leave Without Pay. Please see the Personnel Management Plan, (Section F., Leave Policy and Rules) your immediate department manager, or the Human Resources Manager if you have questions.

WORKER'S COMPENSATION

If you are hurt on the job and the injury is considered compensable under the Worker's Compensation Act, the costs of your treatment, medicines, supplies, therapy, hospital, and other items will be paid through our Worker's Compensation insurance. This insurance also provides for 66^{2/3} pay during time lost from the job should the lost time exceed seven calendar days. It is important that employee:

- Report every injury immediately to your immediate department manager and go to a doctor if necessary. Get help, don't tough it out. The Authority has a panel of physicians that handle all employee injuries or illnesses. Going to a physician other than a panel physician may result in you being personally responsible for these bills.
- Tell the doctor and others you were injured on the job and make sure the Authority receives the bill, not you. Do not provide your personal insurance information. If you do get a bill, give it to the Human Resources Manager as soon as possible for payment or reimbursement; and

- Cooperate with your immediate department manager, the insurance company and the Safety Committee in investigating the accident.

You are also required to review the Safety Manual and sign an acknowledgement.

MEDICAL INSURANCE

You as an employee may participate in the Authority group health, dental and vision insurance plans. Please see the plan handbook for more details. You will be provided a copy of the summary plans on your first day of employment. The Authority contributes toward whichever option and plan you choose. The Authority will not contribute to any other insurance plan you may wish to substitute for this group plan.

RETIREMENT

Full-time employees must participate in the Virginia Retirement System (VRS). On a biannual basis, the VRS actuarially determines the Authority's contribution rate. This contribution is a percentage of the employee's monthly credible compensation and is paid by the Authority into the VRS retirement funds for each employee. In addition, depending on an employee's enrollment in VRS Plan 1, VRS Plan 2 or VRS Hybrid the employee is required to make a minimum payment of 5% of their compensation into the VRS retirement fund. This member contribution is deducted on a pre-tax basis from the employee's biweekly pay. Please see the current VRS handbook for information on retirement, disability, and death benefits and options. There is no mandatory retirement age. A copy of the handbook can be found at www.varetire.org.

SOCIAL SECURITY (FICA)

Social Security is another part of our retirement benefit. A payment is withheld from your gross pay and this payment is matched by the Authority.

LIFE INSURANCE

Participation in VRS includes a group life insurance plan, paid for by the Authority. The amount of insurance provided is your annual wage rounded to the next higher thousand and then multiplied by two. See the VRS booklet for details. Employees may also elect to purchase additional life insurance for family members through optional insurance.

OPTIONAL BENEFITS

The Authority supplements its core benefits package with various voluntary or optional benefits. The optional benefits currently offered include a 457 Deferred Compensation plan, Flexible Dependent and Medical Spending Accounts, Health Savings Accounts, health club membership at reduced rates, Legal Resources and Liberty Mutual group auto and ~~homeowners~~[homeowners'](#) group discounted rates. These benefits are subject to review and may be altered, changed or discontinued.

OTHER BENEFITS

Military leave, court leave (jury or witness duty), supplemental leave, leave without pay, and educational assistance are described in the Personnel Manual, available from your immediate department manager, or can be viewed on our network in the Employee Drive Q: Personnel Management Plan\Personnel Management Plan Approved. Further information is available from your immediate department manager or the Human Resources Manager.

DEDUCTIONS

The following deductions must be taken from your pay: Federal and State tax withholding, Social Security taxes, VRS member contributions, garnishments, and mandated child support payments. Voluntary deductions may be taken for the following: optional medical and dental insurance, AFLAC insurance, ~~Credit Union~~, Deferred Compensation, Flexibility Spending Accounts, Health Club memberships, Health Savings Accounts, or others as the need arises.

DEPARTMENT MANAGERS

Every employee has an immediate department manager (IDM) to whom he or she is responsible for the effective job performance. Your IDM's main responsibility is to see that the job gets done and that you are treated fairly. Together you and your IDM can work out most problems. You are expected to carry out your duties thoughtfully and thoroughly in accordance with the performance standards for your position. Disciplinary problems are handled through the Disciplinary Policy in the Personnel Management Plan (*Section G., Disciplinary Policy*).

Disciplinary action options include reprimands, suspension, demotion, reduction in pay, or dismissal for such offenses as (examples only and not limited to):

- Tardiness
- Absenteeism
- Neglect of duty
- Sleeping on the job
- Dishonesty
- Insubordination
- Fighting
- Incompetence
- Criminal convictions
- Harassment
- Work rules violations
- Unauthorized use of Authority Property

UNIFORMS

Uniforms are provided to all operators, maintenance and certain engineering employees. You are expected to report to work in uniform and to remain in uniform until relieved of duty. You are required to wear your complete uniform while on the job and to wear appropriate shoes at all times. Failure to wear the complete uniform may result in disciplinary action. Uniforms may be worn home, but it is your responsibility to turn in uniforms for cleaning on the scheduled days so that clean uniforms will be available. Employees who prefer to launder their uniforms may do so. If you leave the Authority, all uniforms and other equipment must be returned. You will be expected to reimburse the Authority for the cost of items not returned.

Operators, maintenance employees and certain other employees are required to wear approved steel-toe safety shoes on the job. The Authority gives an allowance credited July 1st of each year as set out in the Personnel Management Plan (*Section I., Administrative Policies*).

SAFETY

Safety is important to everyone at the Authority. Your immediate department manager is expected to train you in the safety rules for your position and make sure that you have the proper equipment, use it properly, and follow the safety rules. Department managers are expected to provide continuing safety education. On-the-job accidents must be reported promptly to your department manager to ensure treatment and proper reporting. Employees must promptly report all accidents and injuries, no matter how slight. You are expected and encouraged to report to your department manager any unsafe conditions immediately and to bear safety in mind both on the job and at home. You may take safety concerns directly to the Safety Manager and/or the Safety Committee if you are not satisfied with your immediate department manager's response.

Our safety program is administered and advised by the Employee Safety Committee. Members serve two-year terms. This committee is charged with maintaining and improving our safety consciousness as well as improving the safety rules and safety education. Each accident is investigated to determine unsafe acts or unsafe conditions. The Authority has a safety incentive program. Please refer to the Safety Manual to which you will be provided access on your first day of employment.

SPECIAL INFORMATION FOR TREATMENT PLANT OPERATORS

Most operators are expected to remain at the plant while on duty and are not to leave the plant site during their shift without the plant supervisor's or department manager's permission. The operator on duty is expected to remain on duty and in uniform until he/she has been relieved. Every effort will be made to minimize overtime and shift schedule changes, but the plant has to be staffed at all scheduled times. Acceptance of overtime to fill in for sickness, vacation, and emergencies is expected.

A good work habit is to report to work sufficiently early to receive any special instructions from the operator on duty or to learn of any equipment problems so that the operator being relieved can leave on time. Repeated tardiness will result in disciplinary action. The fact that treatment plants operate around the clock puts special requirements on the operators to ensure good control of the process. It is your responsibility to notify your plant supervisor or department manager with as much advance notice as possible (a minimum of four hours) when you will be absent or late to work. Having some other person call the operator on duty is not acceptable and may result in disciplinary action. Only rare exceptions will be made to this policy.

Operators who pass a licensing exam for a higher class license than the one currently held will be reclassified and be paid either the minimum for the new class or a rate in the new range 5% above the current salary, whichever is greater, provided the experience requirements have been met.

These provisions are intended to help insure proper training and qualification of water and wastewater treatment plant operators. Each operator is required to earn a Class 1 license level. Failure to obtain the required license will be grounds for termination or other disciplinary action.

GRIEVANCES

The Authority hopes that all complaints and grievances can be resolved between you and your immediate department manager. If not, you deserve and have the right to submit grievances resulting from work situations and have them resolved speedily. The Personnel Management Plan contains a grievance procedure (*Section H., Grievance Procedure*) to be used when a grievable instance, situation or condition arises. Grievances cannot be used to change policy, but in general may be used to resolve interpretation/application of rules and policies, acts of reprisal for filing a grievance, certain disciplinary matters, or complaints of discrimination.

INCLEMENT WEATHER POLICY

The objective of this policy is to establish procedures and guidelines for all Authority employees concerning the potential closings or delays in opening Authority facilities. For more information, refer to the Personnel Management Plan (*Section I., Administrative Policies*).

ROLES AND RESPONSIBILITIES

The Executive Director will be responsible for determining whether a delayed opening or closing of some or all Authority facilities is necessary due to inclement weather and whether the Liberal Work from Home protocol will go into effect due to inclement weather. (Refer to General Administrative Procedures – Work from Home (WFH)/Telecommute Procedures))

Essential employees will be expected to report to work regardless of the weather. It is immediate department manager's responsibility to ensure their employees know whether they are considered essential or non-essential employees.

~~Notice of delayed opening or closing may be announced via local radio and local television announcements. These announcements are opening and closing notices to the general public that use these facilities and not Authority employee work schedule announcements.~~ Non-essential employees should call (434) 977-2970 extension 333 for weather-related delays or closings that effect their work schedules.

SNOW/ICE REMOVAL

Snow and ice removal will be based on the following priorities:

- Public parking and travel ways into and around all Authority facilities;
- Employee parking areas and travel ways;
- Main pedestrian walkways and ramps; and
- Other Authority driveways and facilities that are not maintained by other outside agencies.

These priorities may be altered as deemed necessary by the Department Manager when considering special events or circumstances.

USE OF LEAVE DURING INCLEMENT WEATHER INCIDENTS

In order to address the questions regarding time that has to be made up or leave debited, the following shall apply:

Delayed Opening and/or Early Closing

- Essential Employees who are scheduled to work on a day when liberal Work from Home is in effect must use annual leave if they do not report for their scheduled shift.
- Non-essential Employees must use annual leave if they do not work from home when the facility in which they work is closed or has a delayed opening due to inclement weather and the liberal Work from Home protocol is in effect.

~~Non-essential employees will not be required to make up time missed due to weather-related delayed opening or early closing. However, if the employee leaves work prior to an early closing, the time between the departure and the early closing time must be made up in the same payroll week or annual leave or comp time debited. Should the employee report to work after the delayed opening time, the time between the delayed opening time and the actual time the employee reported to work must be made up in the same payroll week or annual leave debited.~~

Closed for the Entire Day

~~Non-essential employees will not be required to make up lost time if offices are closed for the entire day.~~

Open or Close on Regular Scheduled Time

- Non-essential employees who are delayed due to weather conditions on days when the facilities/offices are opened at ~~their~~ regular time or who need to leave early due to weather-related concerns when the facility remains open until its normal closing time will be expected to account for time missed. Any time

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missed can be accounted for through either making up time or using annual leave. All time made up must be within the same payroll week.

◆ ~~Employee on Leave~~

~~When an individual is on leave during a day that there is a delayed opening, early closing, or a complete closing, the time assessed for such leave is not adjusted for the changed schedule. An individual will be charged the full time that they are not at work.~~

GENERAL INFORMATION AND BEHAVIOR GUIDELINES

The following information summarizes miscellaneous Authority policies from the Personnel Management Plan, previously written directives, and policy interpretations. It is not all-inclusive, and some information applies only to certain groups of employees, but the intent is to answer some of the more common questions as to what is expected with respect to attendance, work habits, and the like. All employees are expected to abide by these rules and guidelines and violation may result in disciplinary action.

Every effort will be made to minimize overtime and schedule changes, but certain staffing requirements must be met regardless of circumstances. Acceptance of overtime when necessary for operations is expected but immediate department managers are expected to be reasonable and fair in scheduling overtime and in making schedule changes.

Employees are expected to report to work on time. Repeated tardiness will result in disciplinary action. It is your responsibility to notify your immediate department manager with as much advance notice as possible, but a minimum of 4 hours before your shift starts, when you will be absent or late to work.

It is understood that treatment plant operators are to take time to eat between duties during their shifts. All other departments have a scheduled non-paid meal break. Limited kitchen facilities are available, but extensive meals should be prepared at home, not on the job. Normal work schedules vary from 8-hour, 9-hour, 10-hour to a 12-hour workday. The workweek may also vary among position and department.

Outside interests that conflict with your ability to be alert and attentive to your job are discouraged. Any employee that has another job outside of the Authority must advise their immediate department manager of this. It may be necessary that your extra employment be reviewed by the Executive Director for any conflicts of interests with your Authority position. Working a second job may not allow you sufficient rest to do a satisfactory job here and may result in poor performance evaluations. Should your outside interests or other job have an adverse impact on the Authority, you may be asked to terminate your outside job or activity if you wish to remain with the Authority.

Telephones are for Authority business and personal calls should be minimized. No personal long-distance calls may be charged to the Authority. You are expected to handle incoming calls politely and efficiently. Entertaining visitors while on duty is not permitted. If you want to show friends or relatives where you work, schedule visits on daylight hours during weekdays. You are not permitted to carry firearms while on duty or on Authority premises without prior permission from the Executive Director.

Employees who use, are under the influence of, or have possession of intoxicants or controlled substances (as defined by the Code of Virginia) while on duty either on or off Authority premises or in an Authority vehicle are subject to immediate dismissal. See Section L., Substance Abuse Policy of the Personnel ~~Management Plan~~ [Manual](#) for further information.

You are responsible for the proper use and maintenance of equipment and vehicles used in your work. You are expected to report any defect you cannot fix to your immediate department manager as soon as possible. Do not operate any equipment or vehicle if its safety is questionable.

The personal use of Authority equipment or facilities is permitted to a reasonable extent; however, permission must be obtained from a department manager each time something is borrowed or used. The personal use of Authority vehicles is not permitted. Abuse of this privilege or of the equipment may result in the loss of this privilege ~~for everyone~~. Use of Authority equipment or facilities, including personal car washing, is limited to off-duty hours or scheduled breaks.

Computers, internet, e-mail and voicemail are tools available to employees to perform the duties of their position. No user should presume that any file or message generated, received, transmitted or stored on any Authority system is private. This includes, but is not limited to, e-mail, voicemail, text documents, graphics files, executable files, audio files and printouts. No web page viewed using the Authority equipment or accounts are private. The Authority reserves the right to inspect any hardware, software or file at any time for any reason. The Authority reserves the right to monitor internet usage, including the logging of sites visited. If password protection is used on any file, directory, software package or machine, a copy of the password used must be forwarded to the appropriate department manager and the Human Resources Manager. Before any software or hardware is purchased or installed, you must check with the Information Systems Administrator first. Personal use of computers, printers, e-mail and the internet must be kept to a minimum. In addition, personal use should be confined to personal time. Excessive personal use may, at your immediate department manager's discretion, result in loss of the privilege of personal use. E-mail attachments should only be opened if they are from a trusted source. Users will be held responsible for damage done by computer viruses that come in attached to personal e-mail. The use of any of the Authority's equipment, e-mail or internet connections for any illegal, discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive purpose is strictly prohibited and will result in disciplinary action. See Personnel Management Plan for more information (*Section I-9, Administrative Policies, Technology System Acceptable Use Policy*).

As a vital part of the Authority's security system, an identification badge with the employee's name, photo and department will be issued to employees on their first day of employment. All employees are required to carry an ID badge during their shift or while conducting any Authority business on or off premises. All employees are required to produce their ID badge when requested.

If an identification badge is lost or stolen, the employee must obtain a replacement. A fee of \$5.00 will be assessed for all replacement badges. Lost or stolen cards should be reported to your immediate department manager, as soon as possible. Failure to be able to display or produce your ID badge when requested or excessive loss or damage to cards can lead to disciplinary action.

Upon termination, employees will be required to return ID badges to Human Resources.

STANDARDS OF CONDUCT

The Authority is a public corporation and thus special demands and responsibilities must be met by its employees. We are always in the public eye, with our work subject to critical review by the people who pay our wages through their water and wastewater rates. Also, our facilities by their nature lie across the property of many landowners

who have their own expectations of our conduct. We are required by these facts to conduct ourselves with courtesy, fairness, honesty, and efficiency while maintaining our own dignity.

Our function in the community is a critical one. This great responsibility requires conduct that not only meets the demands and responsibilities above but also helps ensure safe, effective, and efficient operations. The standards of conduct below define general and specific behavioral guides to which all employees are expected to conform. You are hired with this expectation and breaches of these standards will be met by a range of disciplinary actions. It is the intent of this policy to establish fair and objective process means for correcting and treating unacceptable conduct and to distinguish between less serious and more serious misconduct and provide for timely correct action. While the standards cannot cover all circumstances, you should remember that your actions with the public and your co-workers are expected to be and to appear to be courteous, fair, honest, non-discriminatory and efficient.

All employees are expected to have timely and regular attendance, their time at work applied to the duties of their position, satisfactory work performance, and appropriate work attire. See the Personnel Management Plan (*Section I., Administrative Policies*).

CONFLICT OF INTEREST

Employees must not have a material financial interest in or engage in any business or profession that conflicts or appears to conflict with job responsibilities or that tends to impair independence of judgment or action on the job. Likewise, employees must not use their positions for personal gain beyond wages and benefits and must keep confidential all information acquired through employment when that information is not available to the public. See the Personnel Management Plan (*Section I., Administrative Policies*).

- **Gifts**

Employees must not accept gifts of goods, favors, services, or money from any person or firm which would influence or could be inferred to influence the impartial discharge of duties. Employees also must not accept such gifts for services the Authority pays them to provide. If such gifts cannot be gracefully declined, the employee should either donate them to charity or in some cases make them available department-wide or Authority-wide. Promotional items such as individual caps, pens, pencils and the like can usually be accepted without fear of violating this standard. Likewise, acceptance of occasional meals or attendance at social activities provided by business contacts or vendors can usually be accepted. Favoritism will not be tolerated. Employees should remember that donors of gifts will probably expect or seek preferential treatment. If you have **any** doubts as to what to do, ask your department manager or the Executive Director before accepting any gift.

- **Nepotism**

No employee in a supervisory position shall have under his or her direct supervision any employee whose relationship is of the first or second degree either by blood or marriage. In the event of a promotion which brings about the conditions thus described, the employee of lower rank shall be transferred to another position for which he or she is qualified when a vacancy occurs.

Relationship of the first or second degree shall mean: father, mother, brother, sister, spouse, son, daughter, aunts, uncles, son-in-law or daughter-in-law, brother-in-law, ~~step-family~~stepfamily members and any other relatives or individuals residing with the employee.

- **Discrimination**

Employees must not discriminate on the basis of race, color, religion, age, sex, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, hair style, hair texture, disability, political affiliation, or national ancestry. Equal employment opportunity is not just a set of words but a commitment by the Authority to make affirmative action to provide a workplace in which employee qualifications, merit, and fairness are the governing rules regarding hiring, assigning work schedules, promotion, compensation, benefits, educational opportunities, and disciplinary actions. Further, the Authorities will give reasonable accommodation for known limitations related to pregnancy, childbirth or related medical conditions. If you see an apparent act of discrimination or feel you have been discriminated against, speak up or use the Grievance Procedure. The Human Resources Manager is available as a sounding board and any charges brought forth will be held in confidence as much as is legally allowable.

The Virginia Human Rights Act, found in Chapter 39 of the Virginia Code, makes it illegal for an employer to discriminate against someone on the basis of: race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. A violation of this act will be deemed an unlawful discriminatory practice.

Further, an employee has a right to reasonable accommodation for known limitations as related to pregnancy, childbirth or related medical conditions. (*"Reasonable accommodation" includes more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth.*)

An employee or applicant who has been denied any of the rights may bring an action in a general district or circuit court having jurisdiction over the employer that allegedly denied such rights. Any such action shall be brought within two years from the date of the unlawful denial of rights, or, if the employee or applicant has filed a complaint with the Division of Human Rights of the Department of Law or a local human rights or human relations agency or commission within two years of the unlawful denial of rights, such action shall be brought within 90 days from the date that the Division or a local human rights or human relations agency or commission has rendered a final disposition on the complaint.

- **Harassment**

The Authority is committed to provide a work environment that is free from all forms of conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, pregnancy, childbirth or related medical conditions, sexual orientation, gender identity, race, color, national origin, hair style, hair texture, age, religion, disability, or any other legally protected characteristic will not be tolerated. Specifically related to sexual harassment, it is illegal for any employee, male or female, to harass another employee by (1) making unwelcome sexual advances or requests for sexual favors, or engaging in other verbal or physical conduct of a sexual nature; (2) making submission to or rejection of such conduct a basis for employment decisions affecting the employee; or, (3) creating an intimidating, hostile, or offensive working environment by such conduct. See the Personnel Management Plan for more information (*Section E., Harassment Policy*).

If you see an apparent act of harassment of any nature or feel you have been harassed, speak up and/or use the Grievance Procedure. The Human Resources Manager is available as a sounding board and any charges brought forth will be held in confidence as much as is legally allowable.

- **Outside Activities**

Employees are encouraged to be active in professional, civic, and charitable organizations. With department manager approval, employees may occasionally work for such organizations (other than religious or partisan political organizations) during working hours, provided there is a reasonable relationship to work duties.

- **Ethics in Purchasing**

Those employees responsible for purchasing, that is, divisional directors, department managers, and the Accounting/Purchasing Technician are expected to be familiar with the code of ethics incorporated into the Authority's Purchasing Manual.

- **Other Standards of Conduct**

See the Personnel Management Plan for additional expectations for standards of conduct.

- **Violations**

Any employee, who is found in violation of the Standards of Conduct after the appropriate investigation, will be subject to disciplinary action depending upon the circumstances, from a warning in his or her personnel file up to and including immediate dismissal from employment.

- **Reporting Violations**

Under the Fraud and Abuse Whistle Blower Protection Act of Virginia, employees are freely able to report violations of any federal or state law committed by a governmental agency or independent contractor of a governmental agency without fear of retaliation. Employees can report suspected violations to their manager, director or the Executive Director, or they can anonymously report any violations by completing a Waste, Fraud or Abuse form which is located at all Employee Suggestion boxes.

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FURTHER INFORMATION

The Human Resources Manager, the Director of Finance and Administration, and your department manager are the people to contact for general information about topics in this Handbook. They can also give you copies of such material as the Grievance Procedure if you need them. Don't hesitate to call, because there are no "silly" questions if you are concerned about work matters.

MEMORANDUM

**TO: RIVANNA SOLID WASTE BOARD OF DIRECTORS
RIVANNA WATER & SEWER AUTHORITY BOARD OF DIRECTORS**

**FROM: LONNIE WOOD, DIRECTOR OF FINANCE & ADMINISTRATION
BETSY NEMETH, HUMAN RESOURCES MANAGER**

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: FY 22 PAY SCALE ADJUSTMENT

DATE: MAY 25, 2021

The Rivanna Authorities Personnel Management Plan allows the Executive Director to recommend adjustments to the pay scale in those years when we do not conduct a compensation study. A compensation study is currently underway and will be completed this fall for consideration in FY 23. In the interim, staff recommend that the pay scale be raised by 4.5% effective July 1, 2021 (FY 22). This recommendation supports our Strategic Plan – Workforce Development goal of attracting and retaining a highly-skilled team of professionals by increasing starting pay at the lower end of our pay scale, and reducing compression at the higher end of our pay scale.

In May of 2019, a 5% increase to the Rivanna Authorities pay scale was approved by the Board of Directors and became effective on July 1, 2019. This increase was closely linked to the increase in the Consumer Price Index for Urban Consumers (CPI-U) from 2017 and 2018, and the low unemployment rate in the Charlottesville area. There have been no changes to our pay scale since that adjustment in 2019.

The increase in the CPI-U from the Bureau of Labor Statistics from April 2019 to April 2021 is shown on the chart below:

Bureau of Labor Statistics CPI-U April to April	
Year	Yearly Change
2020 - 2021	4.2
2019 - 2020	.3
Cumulative Change	4.5

While the March unemployment rate in Charlottesville was 4.5%, the national unemployment rate in

April was 6.0% and the unemployment rate for the State of Virginia in March was 5.1%. Charlottesville is still maintaining an unemployment rate that is lower than both the state and nation. While the unemployment rate is higher than in May 2019, when the last increase to the pay scale was approved, the hiring market is still proving to be competitive as the unemployment rate continues to drop. This adjustment will not apply to staff salaries unless a salary is below the minimum, resulting in a budget impact of less than \$1000 for FY 2022.

Attached is a comparison of the current pay scale and the recommended pay scale.

Board Action Requested:

Approve the recommended 4.5% increase in the pay scale effective July 1, 2021.

Current Pay Grade Scale FY 2020 - 2021			
Grade	Min	Mid	Max
10	\$26,765	\$35,597	\$44,429
20	\$28,103	\$37,377	\$46,651
30	\$29,508	\$39,246	\$48,983
40	\$30,983	\$41,208	\$51,433
50	\$32,533	\$43,268	\$54,004
60	\$34,159	\$45,432	\$56,704
70	\$35,867	\$47,703	\$59,540
80	\$37,661	\$50,089	\$62,517
90	\$39,544	\$52,593	\$65,642
100	\$41,521	\$55,223	\$68,925
110	\$43,597	\$57,984	\$72,371
120	\$45,777	\$60,883	\$75,989
130	\$48,066	\$63,927	\$79,789
140	\$50,469	\$67,123	\$83,778
150	\$52,992	\$70,480	\$87,967
160	\$55,642	\$74,004	\$92,365
170	\$58,424	\$77,704	\$96,984
180	\$61,345	\$81,589	\$101,833
190	\$64,412	\$85,668	\$106,925
200	\$67,633	\$89,952	\$112,271
210	\$71,015	\$94,449	\$117,884
220	\$74,565	\$99,172	\$123,779
230	\$78,294	\$104,131	\$129,967
240	\$82,208	\$109,337	\$136,466
250	\$86,319	\$114,804	\$143,289

Proposed Pay Grade Scale FY 2021 - 2022			
Grade	Min	Mid	Max
10	\$27,969	\$37,199	\$46,429
20	\$29,368	\$39,059	\$48,750
30	\$30,836	\$41,012	\$51,188
40	\$32,378	\$43,062	\$53,747
50	\$33,997	\$45,215	\$56,434
60	\$35,696	\$47,476	\$59,256
70	\$37,481	\$49,850	\$62,219
80	\$39,355	\$52,343	\$65,330
90	\$41,323	\$54,960	\$68,596
100	\$43,389	\$57,708	\$72,026
110	\$45,559	\$60,593	\$75,627
120	\$47,837	\$63,623	\$79,409
130	\$50,228	\$66,804	\$83,379
140	\$52,740	\$70,144	\$87,548
150	\$55,377	\$73,651	\$91,926
160	\$58,146	\$77,334	\$96,522
170	\$61,053	\$81,200	\$101,348
180	\$64,106	\$85,261	\$106,415
190	\$67,311	\$89,524	\$111,736
200	\$70,676	\$94,000	\$117,323
210	\$74,210	\$98,700	\$123,189
220	\$77,921	\$103,635	\$129,349
230	\$81,817	\$108,816	\$135,816
240	\$85,908	\$114,257	\$142,607
250	\$90,203	\$119,970	\$149,737



MEMORANDUM

**TO: RIVANNA SOLID WASTE BOARD OF DIRECTORS
RIVANNA WATER & SEWER AUTHORITY BOARD OF DIRECTORS**

**FROM: LONNIE WOOD, DIRECTOR OF FINANCE & ADMINISTRATION
BETSY NEMETH, HUMAN RESOURCES MANAGER**

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: PROPOSED FY 22 HOLIDAY SCHEDULE

DATE: MAY 25, 2021

The FY 22 Holiday Schedule is proposed below. The schedule maintains our current total of 12.5 holidays for staff, but includes several updates. Due to the essential nature of our 24/7/365 services to the community, the number of holidays on which Water & Sewer administrative support offices will be closed has been reduced from 10.5 to 8.5. Our Solid Waste and Recycling facilities will continue to be closed on six holidays. Correspondingly, the number of “floating” holidays for all staff has been increased from two to four days. Staff can use these “floating” holidays at their discretion, with their Supervisor’s approval. In addition, “Juneteenth” has been added to our schedule, while Jefferson’s Birthday has been removed. The chart below compares our current holiday schedule to the proposed schedule:

Offices Closed	
Current FY 21	Proposed FY 22
New Year's Day	New Year's Day*
Martin Luther King, Jr. Day	Memorial Day*
Presidents' Day	Independence Day*
Memorial Day	Labor Day*
Independence Day	Half Day Wednesday before Thanksgiving
Labor Day	Thanksgiving*
Half Day Wednesday before Thanksgiving	Friday after Thanksgiving
Thanksgiving	Christmas Eve
Friday after Thanksgiving	Christmas Day*
Christmas Eve	
Christmas Day	

Floating Holidays - Offices Open	
Current	Proposed
Jefferson's Birthday	Martin Luther King, Jr. Day
Veterans' Day	Presidents' Day
	Juneteenth
	Veterans' Day

*Days Solid Waste and Recycling Facilities will be closed.

Further, the addition of “Juneteenth” on June 18, 2021 is proposed to the FY 21 Holiday Schedule as a floating holiday for staff.

Board Action Requested:

Approve “Juneteenth” as an additional floating holiday to the FY 21 Holiday Schedule, and the proposed Holiday Schedule for FY 22.

MEMORANDUM

**TO: RIVANNA SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**

FROM: BILL MAWYER, EXECUTIVE DIRECTOR

**SUBJECT: REVIEW OF PROPOSED FISCAL YEAR 2021-2021 BUDGET, PUBLIC
HEARING, AND APPROVAL OF BUDGET AND TIPPING FEES
RESOLUTION**

DATE: MAY 25, 2021

After a detailed introduction of the proposed FY 2021-2022 budget in March, a brief review will be provided this month followed by a Public Hearing and consideration for approval. A budget totaling \$5.4 million is proposed to provide our essential services. A Public Hearing for the Tipping Fees was advertised in the Daily Progress on April 28 and May 5, 2021. Tipping fees for materials delivered to, or sold from, the Ivy MUC will remain unchanged.

Fiscal Year 2021-2022 will be another dynamic year for the Rivanna Solid Waste Authority. We expect to develop a new recycling and refuse collection Convenience Center located in southern Albemarle County, at the request of the Albemarle Board of Supervisors. The facility is scheduled to be completed and open for services in the first quarter of FY 2022 – 2023. In addition, solar energy facilities may be installed on the capped landfill cells at the IMUC by the Community Power Group, a company to whom we leased space in 2017. The Transfer Station continues to receive about 125 tons per day of municipal solid waste and construction demolition debris, far exceeding the transfer goal of 89 tons per day hoped for when the tip fee was decreased and operating days were increased in FY 2018 – 2019. Our Fall and Spring Amnesty Disposal Programs for Household Hazardous Waste, eWaste and Bulky Waste will also continue to be provided as beneficial services for the community.

To support these solid waste services, along with other operating and environmental programs, an FY 2021-2022 budget totaling \$5.4 million is proposed. This budget represents an increase in operating expenses of 5.5% (\$0.28 million), largely due to the additional costs to process more tonnage through the Transfer Station, as well as investments in building and equipment replacement along with our workforce. Revenues from tip fees and product sales are estimated to be \$2.6 million, a 7% increase above FY 2020-2021 levels, resulting in a net budget increase of \$0.11 million. Two additional positions are proposed to support our grounds maintenance and transfer/operation programs, along with a 2% merit performance pool for all eligible employees. Estimated capital expenses total \$1.84 million, including \$1.1 million for the Keene Convenience Center, along with \$0.74 million to replace essential equipment and complete building improvements. The estimated support required to provide our programs includes \$2.2 million from Albemarle County, an increase of \$262,000, \$499,000 from the City, an increase of \$52,000, and \$79,982 from the University of Virginia.

Board Action Recommended:

Conduct a Public Hearing, followed by approval of the FY 2021-22 Budget and Tipping Fees Resolution, with both to be effective on July 1, 2021.

Attachment



RESOLUTION

APPROVAL OF THE RIVANNA SOLID WASTE AUTHORITY BUDGET AND TIPPING FEES FOR FISCAL YEAR 2022

WHEREAS, Rivanna Solid Waste Authority (the “Authority”) Board of Directors has reviewed the proposed Budget and Tipping Fees for Fiscal Year 2022; and

WHEREAS, the Rivanna Solid Waste Authority conducted a public hearing for the proposed Budget and Tipping Fees on May 25, 2021 after advertising the actual date fixed for the public hearing in the Daily Program on April 28 and May 5, 2021; and

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Solid Waste Authority Board of Directors hereby approves the Budget and Tipping Fees for FY 2022 to be effective on July 1, 2021.

<u>TIPPING FEES PER TON:</u>				<u>TIPPING FEES PER ITEM:</u>			
Clean Fill Material	\$	10.00		Freon Appliances	\$	17.00	
Vegetation/ Yard Waste	\$	48.00		Non-Freon Appliances	\$	9.00	
Non-Freon Appliances	\$	105.00		Passenger Veh. Tire Off Rim	\$	6.00	
Domestic Waste (MSW)	\$	52.00		Passenger Veh. Tire With Rim	\$	13.00	
Construction Debris (CDD)	\$	52.00		Large Truck Tire Off Rim	\$	17.00	
Compostable Waste (Business Only)	\$	178.00		Large Truck Tire With Rim	\$	33.00	
Tires	\$	190.00					
<u>OTHER CHARGES:</u>							
Minimum Charge (per load)	\$	6.00		Service Fee Per Ticket:			
Mulch or Lumber Log (per ton)	\$	30.00		Albemarle County customers	\$	1.00	
Compost Sold (per ton)	\$	75.00		Other customers	\$	10.00	
Trash Stickers (for set of 12)	\$	24.00					
Ticket Request (per copy)	\$	1.00					
Credit Application Fee (each)	\$	35.00					



RIVANNA SOLID WASTE AUTHORITY PUBLIC HEARING CONCERNING THE DRAFT BUDGET AND PROPOSED TIPPING FEES FOR FY 2022, WHICH BEGINS JULY 1, 2021

Public Hearing:

Rivanna Solid Waste Authority will hold a public hearing on Tuesday, May 25, 2021 at 2:00 p.m. at the regular Rivanna Solid Waste Authority Board of Directors meeting. The purpose of the public hearing is to consider the following fees and charges effective July 1, 2021:

<u>TIPPING FEES PER TON:</u>		<u>TIPPING FEES PER ITEM:</u>	
Clean Fill Material	\$ 10.00	Freon Appliances	\$ 17.00
Vegetation/ Yard Waste	\$ 48.00	Non-Freon Appliances	\$ 9.00
Non-Freon Appliances	\$ 105.00	Passenger Veh. Tire Off Rim	\$ 6.00
Domestic Waste (MSW)	\$ 52.00	Passenger Veh. Tire With Rim	\$ 13.00
Construction Debris (CDD)	\$ 52.00	Large Truck Tire Off Rim	\$ 17.00
Compostable Waste (Business Only)	\$ 178.00	Large Truck Tire With Rim	\$ 33.00
Tires	\$ 190.00		
<u>OTHER CHARGES:</u>			
Minimum Charge (per load)	\$ 6.00	Service Fee Per Ticket:	
Mulch or Lumber Log (per ton)	\$ 30.00	Albemarle County customers	\$ 1.00
Compost Sold (per ton)	\$ 75.00	Other customers	\$ 10.00
Trash Stickers (for set of 12)	\$ 24.00		
Ticket Request (per copy)	\$ 1.00		
Credit Application Fee (each)	\$ 35.00		

Additional information can be obtained on the Rivanna website at www.rivanna.org. Please call 977-2976, ext. 0 or send e-mail to info@rivanna.org with any questions you may have.

Proposed Budget

FY 2021- 2022

Presented to the RSWA Board of Directors



by Bill Mawyer, Executive Director

May 25, 2021

Budget Summary

FY 2021-2022

➤ Total Budget: \$5.4 M

Expenses	\$5,437,103	\$285,634	5.5% increase
Revenues	\$2,587,900	\$170,200	7.0 % increase
Net	\$2,849,203	\$115,434	4.2 % increase

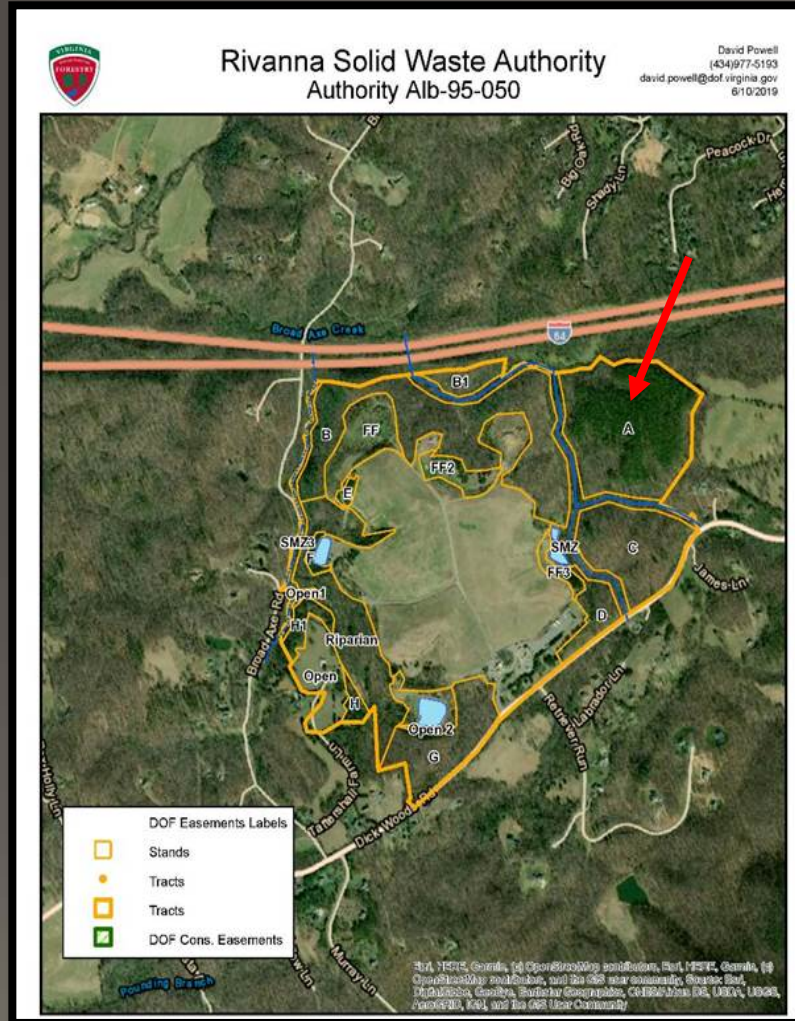
➤ County Contribution: \$2,270,122 \$262,701 13% increase

➤ City Contribution: \$499,099 \$52,734 12% increase

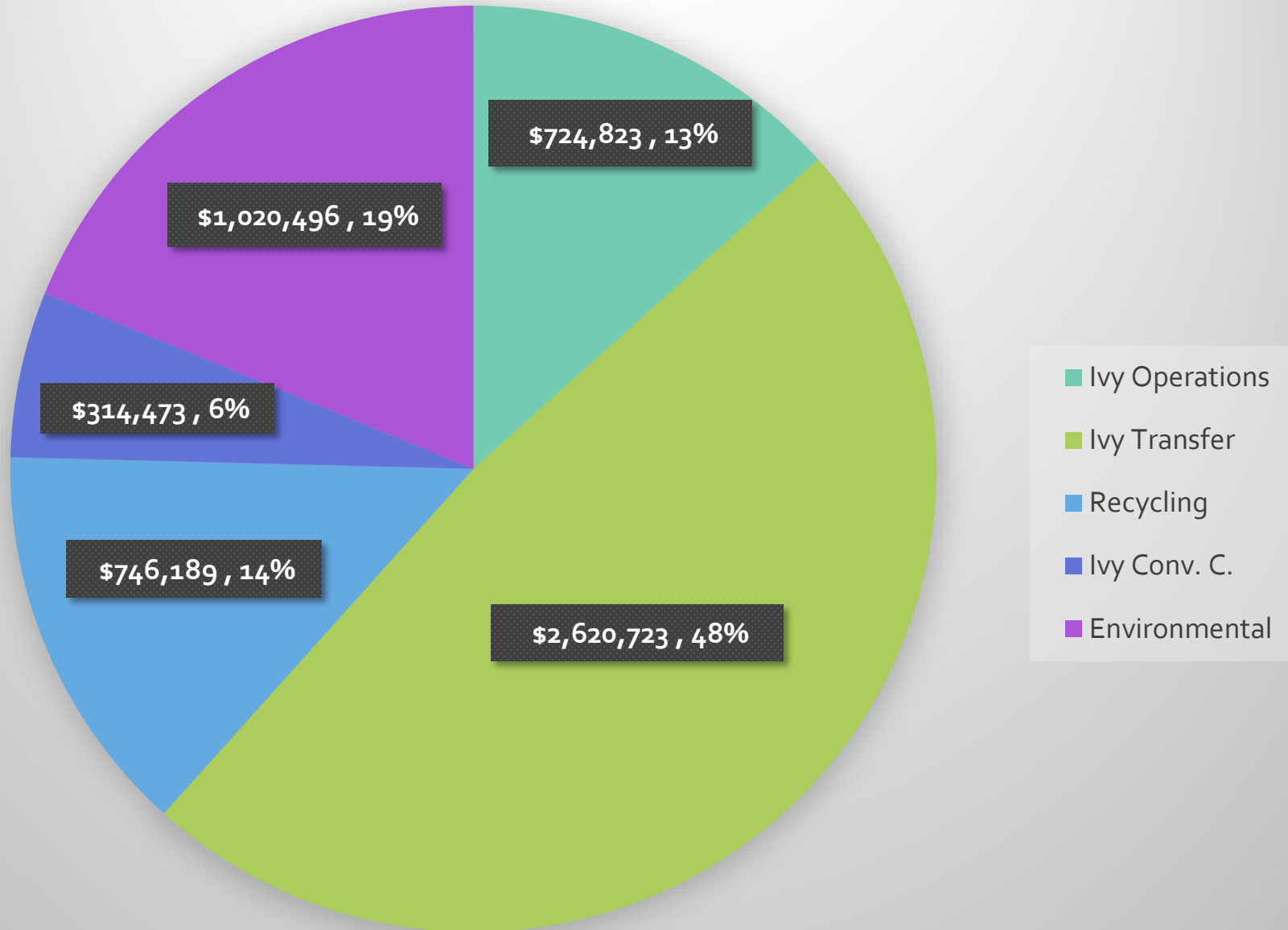
➤ UVA Contribution: \$79,982 (thru FY 2035)

Looking Ahead to FY 2022

- Complete the Keene Convenience Center
- Begin the Vegetated Buffer Management Program
- Explore sustainability opportunities (solar)
- Expand glass recycling and plastic reduction/compost programs



FY 2022 Budget: \$5.4 M



Solid Waste Programs

Allocation Summary

FY 2021-2022

Programs	City	County	UVA
1. Environmental	316,132	574,381	79,982
2. Recycling	182,967	426,922	0
3. Transfer	0	694,323	0
4. Operations	0	280,023	0
5. Ivy Convenience Ctr	0	294,473	0
	\$499,099	\$2,270,122	\$79,982

Strategic Investments

- Infrastructure

- Building and Equipment Depreciation \$130k

- Workforce

- 2 Additional Positions \$98k
 - Operator Attendant, Grounds Maintenance
 - Driver/Equipment Operator, Transfer Station
 - RSWA-absorbed Health Insurance, Workers Compensation Costs \$30k
 - 2% Merit Pool \$20k

- *No Change in Tip Fees*

FY 2021-2022 Budget Summary

➤ Total Budget: \$5.4 M

Expenses	\$5,437,103	\$285,634	5.5% increase
Revenues	\$2,587,900	\$170,200	7.0 % increase
Net	<\$2,849,203 >	<\$115,434>	4.2 % increase
Reserves	\$0	<u><\$200,000></u>	100% decrease
Total change		<\$315,434>	

- County Contribution: \$2,270,122 \$262,701 13% increase
- City Contribution: \$499,099 \$52,734 12% increase
- UVA Contribution: \$79,982 (thru FY 2035)

RESOLUTION

APPROVAL OF THE RIVANNA SOLID WASTE AUTHORITY BUDGET AND TIPPING FEES FOR FISCAL YEAR 2022

WHEREAS, Rivanna Solid Waste Authority (the “Authority”) Board of Directors has reviewed the proposed Budget and Tipping Fees for Fiscal Year 2022; and

WHEREAS, the Rivanna Solid Waste Authority conducted a public hearing for the proposed Budget and Tipping Fees on May 25, 2021 after advertising the actual date fixed for the public hearing in the Daily Program on April 28 and May 5, 2021; and

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Solid Waste Authority Board of Directors hereby approves the Budget and Tipping Fees for FY 2022 to be effective on July 1, 2021.

<u>TIPPING FEES PER TON:</u>				<u>TIPPING FEES PER ITEM:</u>	
Clean Fill Material	\$ 10.00			Freon Appliances	\$ 17.00
Vegetation/ Yard Waste	\$ 48.00			Non-Freon Appliances	\$ 9.00
Non-Freon Appliances	\$ 105.00			Passenger Veh. Tire Off Rim	\$ 6.00
Domestic Waste (MSW)	\$ 52.00			Passenger Veh. Tire With Rim	\$ 13.00
Construction Debris (CDD)	\$ 52.00			Large Truck Tire Off Rim	\$ 17.00
Compostable Waste (Business Only)	\$ 178.00			Large Truck Tire With Rim	\$ 33.00
Tires	\$ 190.00				
<u>OTHER CHARGES:</u>					
Minimum Charge (per load)	\$ 6.00			Service Fee Per Ticket:	
Mulch or Lumber Log (per ton)	\$ 30.00			Albemarle County customers	\$ 1.00
Compost Sold (per ton)	\$ 75.00			Other customers	\$ 10.00
Trash Stickers (for set of 12)	\$ 24.00				
Ticket Request (per copy)	\$ 1.00				
Credit Application Fee (each)	\$ 35.00				

Questions?

Action to be Considered by the Board:

Conduct a Public Hearing on the proposed Budget and Tipping Fees for FY 2021 – 2022 , followed by approval of both, to be effective on July 1, 2021.