



Board of Directors Meeting

May 24, 2022

2:00pm



BOARD OF DIRECTORS

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

DATE: May 24, 2022

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 22, 2022*
- 4. RECOGNITION**
- 5. EXECUTIVE DIRECTOR'S REPORT**
- 6. ITEMS FROM THE PUBLIC**

For matters not listed on the agenda for public hearing
- 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. Approval of FY 2022-2023 Personnel Management Plan Update*
 - d. Approval of FY 2022-2023 Pay Scale Adjustment*
 - e. Award of Contract for Municipal Solid Waste Transportation and Disposal*
- 9. OTHER BUSINESS**
 - a. Presentation, History and Organizational Agreements of the RSWA
Bill Mawyer, Executive Director*

- b. Presentation, Public Hearing and Approval: FY 2022 - 2023 Budget and Rate Schedule
Bill Mawyer, Executive Director*
- c. Presentation and Award of Contract: Construction of the Southern Albemarle Convenience Center
Phil McKalips, Director of Solid Waste*

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, Matters Not Listed for Public Hearing on the Agenda.” 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, Matters Not Listed for Public Hearing on the Agenda.” 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, Matters Not Listed for Public Hearing on the Agenda” 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. March 24, 2022

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 24, 2022 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 7, 2022 (Ordinance No. O-22-029), Albemarle County's Continuity of Government Ordinance adopted on April 15th, 2020, and last revised effective November 4, 2020 (Ordinance No. 20-A(16)) 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. Andrews: Please state your full name and location.

Mr. Pinkston: Please state your full name and location.

Mr. Richardson: Please state your full name and location.

Mr. Rogers: Please state your full name and location.

Mr. Smalls: 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 and consultants:

Bill Mawyer, Phil McKalips, Lonnie Wood, David Tungate, John Hull, Jeff Southworth, Betsy Nemeth, and Deborah Anama.

We are also joined electronically by Carrie Stanton, counsel to the Authority.



RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
March 22, 2022

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Tuesday, March 22, 2022, at 2:00 p.m. via Zoom.

Board Members Present: Mike Gaffney, Jeff Richardson, Jim Andrews, Brian Pinkston, Stacey Smalls, Lance Stewart, Michael Rogers.

Board Members Absent: None

Rivanna Staff Present: Bill Mawyer, Lonnie Wood, Deborah Anama, John Hull, Jeff Southworth, Phil McKalips, Jennifer Whitaker.

Attorney(s) Present: Carrie Stanton.

1. CALL TO ORDER

Mr. Gaffney convened the March 22, 2022 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:

“This is Mike Gaffney, Chair of the Rivanna Solid Waste Authority. I would like to call the March 22, 2022 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.”

Mr. Gaffney called the roll.

Mr. James H. Andrews stated he was located at his home in the Samuel Miller District of Charlottesville.

Mr. Brian Pinkston stated he was located at his office at the University of Virginia in Charlottesville, VA.

Mr. Jeff Richardson stated he was located at the McIntire County Office Building in Charlottesville, VA.

Mr. Rogers stated he was located at City Hall in Charlottesville, VA.

Mr. Stewart stated he was located at 401 McIntire Road, Charlottesville, VA (County Office Building).

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

Mr. Stacey Smalls, City Public Works Administration offices, Charlottesville, VA, was present.

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

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

3. MINUTES OF PREVIOUS BOARD MEETING

a. Minutes of the Regular Meeting of the Board on November 16, 2021

b. Minutes of the Regular Meeting of the Board on January 25, 2022

Ms. Stanton provided guidance to the Board that members may vote on the meeting minutes if the member was not present at the meeting.

Mr. Gaffney asked if there were comments or changes to the November 16, 2021 minutes. There were none.

Mr. Gaffney asked if there were comments or changes to the January 25, 2022 minutes. There were none.

Mr. Rogers moved to approve the minutes for the November 16, 2021 and the January 25, 2022. Mr. Stewart seconded the motion, which passed unanimously (7-0).

4. ELECTION OF CHAIR, VICE CHAIR, & SECRETARY-TREASURER

Mr. Gaffney is currently the Chair, Mr. Richardson is the Vice Chair, and the Secretary-Treasurer position has been vacant since the departure of Mr. Boyles in October 2021.

Mr. Gaffney asked Ms. Stanton if this was the regular election schedule from the four-party agreement as to who the Chair and Vice Chair would be.

Ms. Stanton stated this was a regular election under the bylaws, so Article 3 of the bylaws sets up the officers of the Authority that were required, that would be Chair, Vice Chair, and Secretary-

97 Treasurer, and the elections were to be held at the March meeting in even-numbered years, which
98 was this meeting, and the officers would take office on May 1 and serve for a two-year term.
99

100 Mr. Gaffney stated the Secretary-Treasurer position was vacant and was usually held by the City
101 Manager. He stated to Mr. Rogers that it would normally be a position that he would hold.
102

103 Ms. Stanton stated that if he wanted to have a discussion briefly first and then open nominations to
104 formally do motions, that would be preferred.
105

106 Mr. Gaffney asked if there was discussion for the office.
107

108 Mr. Rogers stated as being the interim City Manager of Charlottesville, he could only give the time
109 he had been given, so he was expected to be there for six months and he did not know if that would
110 be extended, but the City was not looking to fill out a two-year term, so how they wanted to handle
111 that for the Secretary-Treasurer should be discussed.
112

113 Mr. Gaffney stated he understood. He stated for the Board information because they had a lot of
114 new Board members, in the 20 years he had been Chair of the Rivanna Solid Waste Authority the
115 Vice Chair and Secretary-Treasurer positions were usually rotated with those positions on the
116 Rivanna Water and Sewer Authority,
117

118 Ms. Stanton stated she believed that was simply historic practice. She stated the bylaws stated the
119 Chair and Vice Chair must be members of the Board, and the Secretary-Treasurer did not even have
120 to be a member, but it would definitely be best practice, so it was not required that it be Mr. Rogers
121 in this instance.
122

123 Mr. Rogers stated before he was appointed, one of the deputies represented the City Manager's
124 Office. He stated if he were reappointed and his term ended, that delegation would go back into
125 effect, and the Board position should be taken by one of the deputies in office, probably Samuel
126 Sanders, who was the previous representative for the Office of the City Manager.
127

128 Mr. Pinkston stated that sounded like a good workaround for the time being, and it made sense if
129 Mr. Rogers was the Secretary-Treasurer, Mr. Sanders could fill in if need be.
130

131 Mr. Mawyer asked Ms. Stanton if that was an issue that Council needed to appoint Mr. Rogers'
132 replacement if there was one as an official interim or acting City Manager.
133

134 Ms. Stanton stated there were some steps they would need to go through for that appointment and
135 document it accordingly.
136

137 Mr. Pinkston asked if that documentation was for the City to officially appoint Mr. Sanders to take
138 Mr. Rogers' place.
139

140 Ms. Stanton stated that was correct. She stated they would need to have that appointment
141 documented.
142

143 Mr. Mawyer asked if that was from Council.
144

145 Ms. Stanton stated yes, it was from City Council.
146

Mr. Pinkston asked if they had to do that now.

Mr. Rogers stated no.

Ms. Stanton stated no.

Mr. Gaffney asked if there was further discussion.

Mr. Pinkston stated the other option would be if Mr. Smalls would be interested in doing it.

Mr. Smalls stated he was there to serve.

Mr. Pinkston stated that if Mr. Rogers liked his plan, they should move forward with it.

Mr. Rogers stated that was how he thought they should proceed because the City Manager had historically served in the position of Secretary-Treasurer, and if it was appropriate now to be elected and then at the point the current sitting Board member was no longer available to serve, the Office of the City Manager would designate someone, and that person would be the Deputy City Manager, and they would take the appropriate steps to have Council confirm the appointment to the Rivanna Solid Waste Authority.

Mr. Gaffney stated since a slate was not proposed and just stated who the current holders were, someone must propose the new officers before an election was held.

Mr. Pinkston moved that Mr. Gaffney remain as Chair, Mr. Richardson as Vice Chair, and Mr. Rogers be nominated as Secretary-Treasurer. The motion was seconded by Mr. Stewart and passed unanimously (7-0).

5. RECOGNITION

There were no recognitions for the month.

6. EXECUTIVE DIRECTOR'S REPORT

Mr. Mawyer stated business was still busy at the Ivy MUC. He stated they had over 5,000 vehicles in January and over 6,000 vehicles passed through the station in February with an average municipal solid waste and construction demolition debris of 143 tons per day. He stated that was the blue line shown on the graph, the green was the 2019 number, yellow for 2020, and orange for 2021. He stated it could be seen for each graph that the volume of refuse was getting higher almost every month with their transfer operations, which was good news. He stated they were pleased to recognize their safety manager, Liz Coleman, had completed the requirements to become a certified safety professional. He stated Ms. Coleman told him it took about seven years to achieve this certification. He stated it required certain academic degrees, experience, and passing a 5.5-hour exam. He congratulated and complimented her and added that our safety program was moving forward with her guidance.

Mr. Mawyer stated Mr. McKalips was working through the "Mulch Madness Giveaway" at the Ivy MUC, which had been successful because they had mulch available after the free vegetated debris disposal program from the storm in January. They were giving away the first two tons and then began charging for the rest to try and get the mulch pile reduced before they had any issues such as a fire hazard. He stated Mr. McKalips would discuss the large clean-fill project, which was going well. He stated he would mention the Board approved a buffer management plan in 2019 that would

optimize the vegetated buffer around the landfill with some tree thinning. He stated that was approved in 2019 and the contractor should start as soon as this week with the first phase of that work.

Mr. Stewart stated the tree pruning or removal was supposed to create revenue. He asked if there was a projection for the amount of revenue generated this year.

Mr. Mawyer stated they had \$50K included in this year's budget for that revenue.

7. ITEMS FROM THE PUBLIC

There were no items from the public.

8. RESPONSES TO PUBLIC COMMENT

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

9. CONSENT AGENDA

a. Staff Report on Finance

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

Mr. Gaffney asked if anyone wanted to pull the remaining items for comments or questions and heard none.

Mr. Richardson moved that the Board approve the Consent Agenda as presented. The motion was seconded by Mr. Andrews and passed unanimously (7-0).

9. OTHER BUSINESS

a. Presentation: Public Hearing and Approval: Revised Rate Schedule, Large Clean Fill Program; Phil McKalips, Director of Solid Waste

Mr. Phil McKalips, Director of Solid Waste, stated in January they discussed the Large Clean Fill Program. He stated the Board authorized them to move forward with a pilot program, which they had been running since the 18th of February. He stated it was working pretty well. He stated the contractor was responsible for all the grading, compaction, seeding, and installation of interim stormwater controls.

Mr. McKalips stated they had been working with Faulconer Construction. He stated as of today, they had delivered 17,000 tons. He stated they had been doing a good job trying to be responsive to manage traffic, take care of the roads, deal with any mud on roadways, and phasing the number of truck deliveries each day. He stated that was going well. He stated in total, they were expected to deliver 30,000 - 40,000 tons by the end of May. He stated they had up to 165 trucks in one day, and with their other operations, it was a bit of a stress for the site staff that were having to do a lot of traffic control on Dick Woods Road and things that were not acceptable for long-term operations, so they were working on that. He stated they put a limit at 120 trucks per day, and if they needed to, they would work with Faulconer to reduce that number.

Mr. McKalips stated these were parameters they would include when they moved forward with this program if the Board approved it. He stated they had earned about \$60K in revenue on this project, so that had been going well. He stated an additional point was that they had gotten calls from other contractors interested in participating. He stated it appeared there was some real interest in the

development community in the area, and he felt like they had struck a chord and were meeting a need that had been present. He showed them one of the project sites from about a month ago which was the UVA upper class two housing project.

Mr. McKalips showed photos of the interim stormwater controls. He stated the clean fill areas already had some stormwater controls that were designed when the site was originally developed. He stated as an abundance of caution, they developed additional controls to make sure they did not have any issues. He stated there was a retention settlement basin that was part of the stormwater control system.

Mr. McKalips showed a photo to give a sense of how much fill was coming in and how much area they had to work with. He stated it was quite a large area and would hold 193,000 cubic yards, which was roughly 250,000 tons of material.

Mr. McKalips stated the current slide showed the working area. He stated they had done a great job of bringing in gravel matting so that the trucks were minimizing how much mud was picked up while they were dumping. He stated there was at least one contractor representative on site all the time compacting and grading the material. He stated they felt the pilot project had been successful and they wanted to continue with it. He stated they would like the Board to consider conducting a public hearing so the adoption of a new revised rate schedule can be considered.

Mr. Gaffney stated it sounded like they were limiting it to one contractor at a time as opposed to multiple contractors.

Mr. McKalips stated if they were getting 100 trucks a day, there were limitations at their site. He stated with the way that trucks had to come in, they had to come in through the main entrance through the scales, which was how they kept track of how much fill they had brought in. He stated with vegetation, the transfer station for the regular clean fill had scales that were a hive of activity. He stated right now he did not see how they would get multiple contractors into the clean fill site.

Mr. Gaffney asked if he had a wash rack for the trucks that were leaving the site.

Mr. McKalips stated they did not, but they were trying to keep the roads on site well graveled. He stated there was about a mile of well-graveled road to come out on, and right now Faulconer had committed to coming out once or twice a week as needed to wash and broom the public roads. He stated they were not getting clumps of mud on Dick Woods Road, but there was brown dust getting on the road.

Mr. Pinkston asked if the intention was to extend this offer to other contractors if it moved forward.

Mr. McKalips stated that any contractor in the region could apply and have access to the program, and they would then go through a separate agreement with a lot of information about where the material was coming from, what kind of material it was, parameters on how many trucks a day, and other constraints. He stated it would be fair and open to the contractor community.

Mr. Pinkston asked if a new contractor would require advance approval.

Mr. McKalips stated that was correct.

Mr. Gaffney asked if there were any other comments. Hearing none, he asked if there was Board agreement to conduct a public hearing to see if there were any members of the public who would like to speak on this topic.

Mr. Stewart asked for confirmation that other than the addition of the clean fill for projects over 10,000 tons that the rate schedule was otherwise staying the same as the existing rate schedule.

Mr. McKalips stated that was correct.

Mr. Gaffney asked if there were any Board members opposed to conducting a public hearing to see if any members of the public would like to speak.

Mr. Mawyer stated they had advertised in the newspaper twice that there would be a public hearing today.

Mr. Gaffney asked if there was anyone from the public who wished to speak.

Mr. Hall stated there was no one signed up for public comment.

Mr. Pinkston asked if the new rate schedule was all of the pieces on the rate schedule or just the one on this special project.

Mr. Mawyer stated all the rates were approved in the last budget cycle in May 2021. He stated they had a current rate schedule, but this was to revise it and to add the two asterisk items, the \$3.50 per ton for the clean fill project, and the note at the bottom, otherwise the current schedule remained unchanged. He stated it was an approval of the entire schedule, but those were the only two changes, and there was only one fee change. He stated they would be effective starting tomorrow if approved.

Mr. Rogers moved to approve the new rate schedule. Mr. Pinkston seconded the motion, which passed unanimously (7-0).

b. Presentation and Approval: Introduction of the FY 2022 – 2023 Budget and Adoption of the Preliminary Rate Schedule for Public Hearing: Bill Mawyer, Executive Director

Mr. Mawyer stated this was the proposed budget for the next fiscal year beginning on July 1 for the Rivanna Solid Waste Authority. He stated they proposed a budget estimated to be \$6.8M, which represented their expenses, a \$1.4M increase from the current year totaling a 25.8% increase. He stated they also projected revenues of \$3.5M, which were a \$946K increase from the current year, or 36.5% increase. He stated those created a net \$3.3M deficit, which was an increase between the expenses and revenues of \$460K, or 16.1%. He stated the County, the City, and UVA contributed to the solid waste deficit. He stated the contribution they estimated for the County would be \$2.7M, which was a \$450K increase over the current year. He stated that was substantially for the increase in tonnage they had through the transfer station, as well as the midyear opening of the Keene convenience center. He stated the City had a small increase in their contribution of \$508K for the year, which was about \$9K more than last year, for environmental expenses. He stated they had gas remediation system repairs they needed to make so there was a small increase. He stated UVA was under contract with the Authority to contribute \$79,982 to the environmental program through the year 2035.

Mr. Mawyer stated the \$6.8M budget was on a linear path since 2018. The budget was \$9.3M when the City changed its process and withdrew from the refuse disposal program of the Authority, which was when the budget declined over a number of years, and later, the County decided to build a new transfer station, which had been the initiative that started the solid waste budget back on an incline.

Mr. Mawyer stated some of the things accomplished this year included an increase in the transfer permit from the Virginia DEQ from 300 to 450 tons per day as a maximum amount, although they averaged around 140-150 tons per day, there were a few days when that number almost doubled if a big project was underway. He stated there was an irrigation pond that was built when the cells were being closed to use as irrigation water to establish grass on those closed cells. He stated they no longer needed the pond for that purpose, and it was under the Virginia Department of Conservation and Recreation dam regulations, and they would have to complete modifications to that dam, similar to what they were going to have to do at the Beaver Creek Reservoir. He stated rather than do that, they reduced the height of the pond dam and made it an unregulated structure. He stated this week, they were starting phase one of the buffer management program, the tree thinning process, which was in Area A on the right side of the slide. He stated that was where there were pine trees they would harvest and replant to help preserve and maintain the vegetated buffer. He stated they continued their household hazardous waste, e-waste, and compost programs this year.

Mr. Mawyer stated one of the big projects for the next year was building a new baling facility. He stated it was an aged and rented facility, so they were looking for a new home for this facility, and so far had identified the IMUC as a location for construction of a new baling facility. He stated this would be where all recyclable products from McIntire, Ivy, or Keene would be processed through a baling machine and then put on a truck to be taken to the appropriate locations, some in Lynchburg and some in North Carolina. He stated that was a big project, and there must be an agreement between the City and the County on how that facility would be funded. He stated they were well along in their effort for designing the Keene convenience center. He stated they expected to get construction started this summer and hopefully finished by the end of the calendar year, with an opening in the third quarter of the fiscal year. He stated as they had heard from Mr. McKalips, they also would have full implementation of the clean fill program bringing clean soil into the Ivy MUC next year.

Mr. Mawyer stated there were a number of programs managed through the solid waste budget. He stated the Ivy Transfer Station was their largest program at 51% and \$3.5M. He stated their environmental program was 16% and \$1M. He stated operations was 13% and almost \$900K. He stated recycling cost about \$800K at 12% of the budget, and the convenience centers were 8%, or over \$550K. He stated the environmental program managed groundwater remediation, gases from the closed landfill cells, electronic waste, the household hazardous waste program, and the paint disposal program. He stated it had zero revenue and expenses of just over \$1M, and through their contracts, UVA contributed \$79,982. He stated the County contributed 64.5% of the remaining cost, or \$637K. He stated the City contributed 35.5%, or \$350K. He stated those contracts and percentages were included in their Environmental MOU that was completed in 2005, along with the UVA contribution, and this program supported 30% of their administrative services expense that was billed to the Solid Waste Authority.

Mr. Mawyer stated recycling at McIntire Recycling Center and the Paper Sort was anticipated to have revenues of \$265K, and expenses close to \$800K for a net deficit of \$524K. He stated by contract, the County and the City shared those costs at 70% and 30% through the Local Government Support Agreement for Recycling Programs that was put in place in 2011. He stated it also supported 20% of their administrative services expenses. He stated the Ivy transfer operation was

396 fully funded by the County, and they anticipated \$2.5M in revenue and \$3.5M in expenses for about
397 \$1M in net deficit. He stated that supported 20% of their total administrative expenses. He stated the
398 operations program was for the vegetation and mulch program, furniture, tires, appliance recycling
399 and disposal, as well as the clean fill program. He stated all the revenue they received from taking in
400 clean fill, including now the Large Clean Fill Program, would come to this account. They
401 anticipated \$632K in revenue next year and expenses of almost \$900K. He stated the County
402 supported that net deficit of \$268K.

403
404 Mr. Mawyer stated lastly were their convenience centers at Ivy and the planned one for Keene,
405 which they hoped to open midyear. He stated they anticipated revenues of about \$60K and expenses
406 of over \$550K, and a net deficit of about \$490K. He stated it was 100% supported by the County
407 through the Ivy Convenience Center Agreement of 2019. He stated in summary, the total allocation
408 to the City was \$508K, to the County was \$2.7M and UVA \$79,982. He stated that was how they
409 balanced their budget after revenues. He stated some of the investments and expenses in the budget
410 this year for infrastructure were building and equipment repairs and replacements. He stated there
411 was additional building depreciation as they built more facilities, and they had a depreciation charge
412 in their operating budget to replace those facilities. He stated they proposed three additional
413 positions to support the Keene Convenience Center at midyear, a \$60K expense.

414
415 Mr. Mawyer stated they were proposing a 4% merit pool for July 1 for their staff, and they also
416 included in the budget the midyear FY 2022 cost of living increase that was approved in February.
417 He stated they allocated cost from their administrative team, which included IT personnel, Finance,
418 HR, and administrative staff. He stated they typically had an annual health insurance increase. They
419 were reprocurring their health insurance this spring to see what the market would give them as the
420 best price, but they were anticipating a small increase in that charge.

421
422 Mr. Mawyer stated operationally, they had additional tonnage of 12,800 tons that they estimated
423 would be received through the transfer station, and that had a net cost of about \$175K. He stated
424 they knew fuel prices were increasing, so \$60K was estimated for fuel, and \$50K in additional costs
425 for wood grinding. He stated the fee schedule that was just approved did not include any proposals
426 to have any changes to their tip fees for the next fiscal year. He stated he mentioned the additional
427 three staff proposed: two attendants to operate the facility and one driver to drive the products back
428 to the baling facility or landfill.

429
430 Mr. Mawyer stated in summary, their total budget was \$6.8M and their net deficit increase was
431 about \$460K, of which the County was allocated most of that at \$450K with the City contribution
432 totaling about \$9,000 in increase, with UVA paying its share. He stated they had a resolution to
433 adopt the preliminary rate schedule, which was the same schedule they adopted a few minutes ago
434 to be effective tomorrow. He stated this would renew the schedule and set their rates and fees for
435 July 1, 2022 -- June 30, 2023. He stated there were no changes to the rate schedule. He stated they
436 would like the Board to approve this resolution to adopt the proposed preliminary rate schedule and
437 allow them to advertise a public hearing to be held at the May 24 meeting.

438
439 Mr. Gaffney asked if there were any comments or questions for Mr. Mawyer.

440
441 Mr. Pinkston stated he had some questions for his own edification. He asked if the fees or increases
442 in costs that the City needed to pay, for example the \$9200, would be reflected in the City's budget.

443

Mr. Smalls stated it was reflected in their budget, so conversations they would have about the potential baling facility they want to build would have to be discussed and placed into their budgets in the appropriate years.

Mr. Pinkston asked if they had a sense of when this new baling facility would be necessary.

Mr. Mawyer stated they planned for it to be opened in about two years. He stated it was a good question, because the baling machine broke a couple of weeks ago, and they were able to get it repaired, but it was a limiting factor for them, because they only had one baling machine, and they would have to make some significant arrangements to process recycling products if it did not work. He stated this Board approved them going forward with the planning and design on the new baling facility last year for a \$4M facility, but they currently believed it would cost more than that. He stated they would like to have that facility constructed and completed in FY24, which was two years from now.

Mr. Pinkston asked if that would belong in the CIP, or if it was a one-time expense they were hoping to recoup.

Mr. Mawyer stated it was in their CIP. He stated they would have to put together an agreement for the City and the County on how they would share those costs. He stated there currently was not an agreement on what each entity would pay for that facility. He stated that was on their list of items to discuss with Mr. Smalls and Mr. Stewart and include in their budgets for the future. He stated the facility was dependent on funding from the City and County.

Mr. Rogers asked if this would fall into the City-County budget for FY24.

Mr. Mawyer stated that was for most of the money. He stated they would like to have some money for next year for design purposes, which was about \$400K. They would determine a final estimate for the budget for construction and include that in FY2024.

Mr. Rogers stated he was specifically talking about the baling facility. He asked Mr. Smalls if the money for the baling facility in the FY2023 budget was something he did not recall.

Mr. Smalls stated FY24 was what he was seeing and what had been part of the conversations he had with the Deputy City Manager.

Mr. Rogers stated that was what he had thought. He asked Mr. Mawyer for what the timing was for getting the agreement on the table for their review.

Mr. Mawyer stated they would like to get together in the next month or so with Mr. Smalls and Mr. Stewart to put the agreement in place so everyone knew what their allocation would be, and then they could get the costs aligned with the budgets and fiscal schedules.

Mr. Rogers said that sounded okay.

Mr. Stewart stated to clarify, there was a study that was approved, as had been previously mentioned. He stated that study had in mind a site that the County owned as a possibility. He stated the design that came from preliminary design of the facility that came from the new study was different than the study they had done a couple of years ago. Mr. Stewart stated it was smaller, hence the change now where Ivy was a consideration because it would be a less expensive option,

and he would be fine with more conversation, but they needed to know when they could expect the draft study to be in their hands in time to review it so they could really understand the cost involved in both design and construction and the timing to do those things so they could think about how that may fit into future budget discussions. He stated if there was any comment on when they could expect a better and more complete draft that took into account the Ivy site, he would like to hear more about that.

Mr. McKalips stated they could complete that amended estimate in the preliminary engineering report by the end of the month or beginning of April.

Mr. Andrews stated his question was about trying to understand the process. He stated the budget was not what they were asked to approve at the moment, but it did contemplate expenditures by the County and the City, and he was not exactly sure the order of events on how things were decided on being put in their respective parts of the budget. He stated he knew the question for today was the approval of the preliminary rates schedule, and he wanted to know the difference between that and what they just did.

Mr. Mawyer stated there was no difference between the schedule they just approved and the schedule they had now proposed as the preliminary rate schedule. He stated they were trying to establish a rate schedule for FY23 which started July 1. He stated their history had been that even if they did not change the tipping fees, they would advertise to the public and the Board would hold a public hearing to confirm and approve the proposed rate schedule.

Mr. Andrews asked if the difference was that one schedule was for now and one was to take place as of July 1.

Mr. Mawyer stated that was correct.

Mr. Gaffney stated they amended the rate schedule they adopted last year today.

Mr. Andrews stated he wanted to make sure that was clear. He asked at what point the rate schedule was studied for possible adjustment, particularly in light of increased expenses in many other areas.

Mr. Mawyer stated they started meeting with County and City staff in the fall, usually in September or October to try and give projections on what their budget would be in the upcoming years, which would be FY24. He stated the baling facility would be a topic for discussion as they got into those meetings this fall, so the County and City could include the costs in their own budgets, which would be coming in FY24.

Mr. Andrews stated he was also asking on the revenue side that if these rates were essentially the subject of discussion in the fall as to whether or not there would be any increases, he was not sure at what point circumstances changed and it would need to be reconsidered.

Mr. Mawyer stated on the revenue side, they usually did a local area survey and study of what other local landfills were charging. He stated some of the history was that a few years ago, their rates were \$66 per ton, rather than their current rate of \$52 per ton. He stated they were not getting that much tonnage, approximately 35 tons per day, and the Board made a decision when it decided to build the new transfer station that they wanted to be more competitive to increase the tonnage coming through the new facility, so they did a market survey and decided that \$52 was an appropriate fee for refuse disposal. He stated that was adopted in 2019 and had been that way since

544 then. He stated they periodically did another market survey to make sure they were still competitive
545 or if there was room for them to raise their rates.

546
547 Mr. Gaffney asked Mr. McKalips if they had done a market survey of rates by local transfer
548 stations.

549
550 Mr. McKalips stated that was done in November.

551
552 Mr. Gaffney stated in the Ivy Transfer Station's proposed FY23 budget, the projected 12 months for
553 2022 to the proposed for 2023 showed revenue down \$126K and costs up about \$206K. He stated
554 he supposed they were planning on keeping the rates steady and absorb that difference.

555
556 Mr. Mawyer asked Mr. Gaffney if he was looking at a particular cost center.

557
558 Mr. Gaffney stated he was looking at page 9 on the Ivy Transfer Station proposed budget.

559
560 Mr. Mawyer stated their revenues that were budgeted this year, FY22, were going to be \$1.9M, but
561 their actual revenues had been closer to \$2.7M. He stated this was what was projected through the
562 end of this year, so they would be similar to the revenues that they projected for next year. He stated
563 their expenses, similarly, were estimated to be \$2.6M this year, and it looked like they were going to
564 be closer to \$3.5M next year because of the higher tonnage they were running through the transfer
565 station. He stated they had more revenue, but they also had more expenses, and every ton was
566 processed at a deficit, so the more tons they had, the greater net deficit they had between revenues
567 and expenses, which was in large part why they predicted a net deficit of \$956K for the transfer
568 operation in FY23.

569
570 Mr. Gaffney asked for clarification that it was due to the increased tonnage.

571
572 Mr. Mawyer stated yes, because higher tonnage created a higher net deficit at the rates they charged.
573 He stated they tried to balance within the market, so when they raised rates they could lose tonnage,
574 and that was the balancing they did several years ago when they lowered rates to increase tonnage.
575 He stated they tried to monitor that with a market survey. He stated it recently had not indicated that
576 they could raise the tip fees without losing tonnage.

577
578 Mr. Stewart commented that discussions between staff in the fall and spring included one factor he
579 thought was fairly significant in terms of offsetting some of the County's contribution, and that was
580 a rebounding recyclables market. He stated the "China effect" from recent years had really put the
581 City and County upside down with those programs and the improved market for recyclables had
582 offset the market for those costs. The increase was in large part driven by the new convenience
583 center and the known costs related to construction.

584
585 Mr. Mawyer stated that Mr. Stewart was correct. He stated this year, they estimated they would
586 have revenue of \$136K for recycling products, but they were projecting an actual revenue this year
587 of close to \$280K, which was the rebound in the recyclables market. He stated it was overcoming
588 what they called the "China effect," where years ago, China closed its doors and stated they would
589 not take any more recyclables, because they were a primary recycling destination. He stated the
590 expenses in that program stayed pretty much the same; they were \$746K projected for this year, and
591 they estimated actual expenses would end up close to that in FY22 at \$786K, and would be
592 essentially the same expense budget they projected for the following year, at \$789K. He stated the
593 net deficit in recycling they expected to decrease in FY23 compared to FY22.

Mr. Rogers asked if there was a scenario in which they would see the Authority budget being balanced in any point in the future on this program.

Mr. Mawyer stated not as a whole. He stated all of their programs ran at a deficit, and perhaps the optimism would be that a couple of the programs could start breaking even, but they would have to have a significant increase in the transfer tip fee without losing tonnage, and they needed a greater rebound in the recycling market in order for that to break even, because it cost three times what it made. He stated that had been the history of recycling since it was started. He stated a few products potentially could break even, but the program as a whole would struggle to break even. He stated he would not be optimistic that they would see the Solid Waste Authority begin to break even with its current programs. He stated a program like the Clean Fill Program that was just approved would help, because they would make revenue from that over the years, but there still was a pretty significant overall deficit to make up.

Mr. Smalls brought up a good point about the Clean Fill Program. He stated they were doing just one contractor at a time. He asked if there was a way that they could look at having multiple contractors by modifying the site.

Mr. Mawyer stated they could look at that. He stated they were limited by the road network there and access, as they only had one scale. He stated Mr. McKalips discussed the possibility of alternate entrances and ways to get the contractors in without impacting the neighborhood and Dick Woods Road, and the other customers that were trying to get through the scale area. He stated that was a good suggestion that they were exploring, and he was happy to talk more about it at any time. He stated with their strategic plan objectives of optimizing their programs, they looked at all the programs constantly for how they could generate more revenue or reduce expenses. He stated that was tough to do in the area of solid waste.

Mr. Gaffney stated it would be helpful for the Board if they had in a future Board meeting a presentation on the landfill and thirty-year mitigation of it, because they were still spending \$1M per year on that, and it went to 2035. He stated it would be helpful to have the background and what was included in the current cost.

Mr. Mawyer stated that was a good idea. He stated he planned to give a presentation on some of the Authority's foundation documents that were referred to and where they came up with the cost sharing allocation. He gave that presentation to the Board last year, and now that there were a number of new members, he was planning on doing that again in the next few months, so he would include that information in that presentation.

Mr. Pinkston stated he would appreciate that.

Mr. Pinkston moved to adopt the preliminary rate schedule and advertise for a public hearing during the regular meeting of the Board of Directors on May 24, 2022. The motion was seconded by Mr. Rogers and passed unanimously (7-0).

Mr. Mawyer thanked the Board.

10. OTHER ITEMS FROM BOARD/STAFF NOT ON AGENDA

Mr. Gaffney asked if there were any other items from Board or staff not on the agenda.

644
645 Mr. Mawyer stated there were no items from staff.

646
647 ***11. CLOSED MEETING***

648 There was no closed meeting.

649
650 ***12. ADJOURNMENT***

651 **At 3:04 p.m., Mr. Andrews moved to adjourn the meeting of the Rivanna Solid Waste**
652 **Authority. Mr. Pinkston seconded the motion, which passed unanimously (7-0).**
653

DRAFT

MEMORANDUM

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

FROM: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S REPORT

DATE: MAY 24, 2022

STRATEGIC PLAN GOAL: SOLID WASTE SERVICES

Use of the Ivy Materials Utilization Center:

March 2022

Vehicles

9,381

Avg MSW & CDD Tons/Day

144

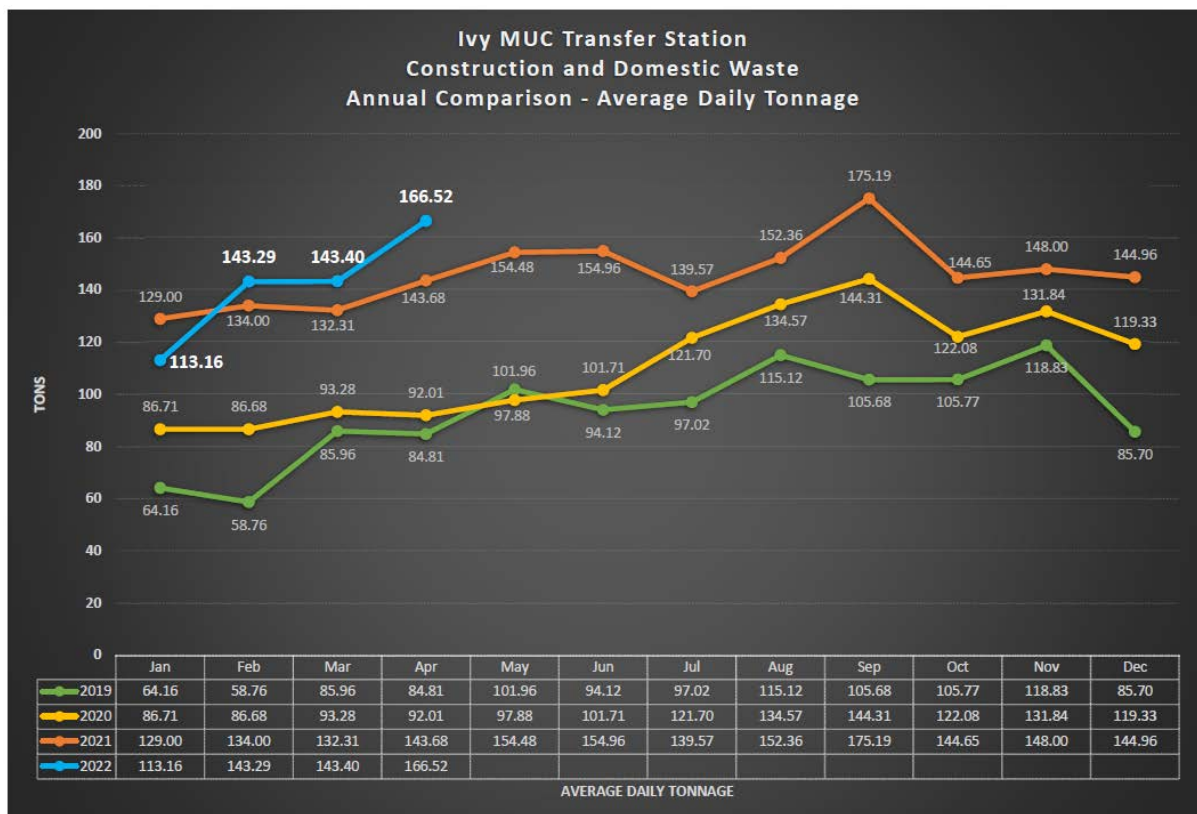
April 2022

Vehicles

7,908

Avg MSW & CDD Tons/Day

167



STRATEGIC PLAN GOAL: ENVIRONMENTAL STEWARDSHIP

Electronic Waste, Household Hazardous Waste and Bulky Waste Amnesty Day

The Ivy MUC held successful eWaste, HHW and Bulky Waste Days this spring, as follows:

			<u>Albemarle</u>	<u>Charlottesville</u>
<u>eWaste</u>	Saturday	4/23/2022		
		Customers	244	79
<u>HHW</u>	Friday	4/29/2022		
		Customers	246	71
	Saturday	4/30/2022		
		Customers	229	75
<u>Bulky Waste:</u>	Furniture/Mattresses	- Pounds Collected	26,700	7,800
	Saturday	5/7/2022		
	Appliances	- Pounds Collected	6,640	1,660
		- Freon units Collected	87	18
	Saturday	5/14/2022		

STRATEGIC PLAN GOAL: COMMUNICATION & COLLABORATION

Staff tours of RSWA facilities:

--April 13th with Jim Andrews, Albemarle Supervisor and RSWA Board Member, along with Donna Price, Chair, Albemarle County Board of Supervisors

--May 3rd with Michael Rogers, Interim Charlottesville City Manager and RSWA Board Secretary-Treasurer

--May 9th with Brian Pinkston, Charlottesville City Councilor and RSWA Board Member, along with Mike Gaffney, RSWA Board Chair

-- May 13th with Stacey Smalls, Director of Charlottesville Public Works Department and RSWA Board Member



MEMORANDUM

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

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

REVIEWED: BILL MAWYER, EXECUTIVE DIRECTOR

SUBJECT: MARCH 2022 FINANCIAL SUMMARY

DATE: MAY 24, 2022

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	\$ 2,755,652	\$ -	\$ 2,755,652
Total Expenses	<u>(4,045,488)</u>	<u>(647,287)</u>	<u>(4,692,775)</u>
Net operating results	(1,289,836)	(647,287)	(1,937,123)
Support - MOU & Local	<u>1,409,033</u>	<u>747,866</u>	<u>2,156,899</u>
Surplus/(Deficit)	<u><u>\$ 119,197</u></u>	<u><u>\$ 100,579</u></u>	<u><u>\$ 219,776</u></u>

Total operating revenue through March was \$852,000 over budget, and total operating expenses were \$827,000 over budget. The Authority has processed 52,632 tons of waste and recycling products 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 - Other</u>	<u>Recycling</u>	<u>Total</u>
Tonnage	33,572	17,186	1,874	52,632
Net operating revenue (costs)	\$ (618,466)	\$ (62,086)	\$ (609,284)	\$ (1,289,836)
Net revenue (cost) per ton	\$ (18.42)	\$ (3.61)	\$ (325.12)	\$ (24.51)

Attachments

March 1-31,2022

Days of

Operation: 27

Days 30:

Operation: 27

		MSW collected at Transfer Station (tons)						Non-MSW
		Vehicles	Count	Citizen-Can	Construction	Domestic	MSW Total	Total Tons
03/01/22	Tuesday	283	299	0.29	48.45	98.32	147.06	181.24
03/02/22	Wednesday	291	308	0.21	30.67	103.65	134.53	666.61
03/03/22	Thursday	348	383	0.23	50.42	134.40	185.05	911.64
03/04/22	Friday	321	324	0.27	45.97	89.37	135.61	636.37
03/05/22	Saturday	388	452	0.66	15.26	44.28	60.20	45.22
03/06/22	Sunday	-	-	-	-	-	-	-
03/07/22	Monday	428	506	0.23	47.91	177.71	225.85	723.76
03/08/22	Tuesday	430	418	0.31	49.48	86.64	136.43	1,592.05
03/09/22	Wednesday	178	230	0.35	40.69	60.09	101.13	88.14
03/10/22	Thursday	434	417	0.27	34.89	114.38	149.54	2,226.71
03/11/22	Friday	461	489	0.59	41.98	74.16	116.73	1,482.48
03/12/22	Saturday	135	127	0.39	12.50	13.37	26.26	36.54
03/13/22	Sunday	-	-	-	-	-	-	-
03/14/22	Monday	387	377	0.22	48.20	143.97	192.39	1,483.51
03/15/22	Tuesday	380	356	0.25	32.99	71.17	104.41	1,063.80
03/16/22	Wednesday	492	452	0.18	43.83	86.02	130.03	2,103.67
03/17/22	Thursday	218	234	0.42	32.44	146.70	179.56	392.03
03/18/22	Friday	342	315	0.58	40.92	73.65	115.15	299.66
03/19/22	Saturday	444	377	0.74	17.11	38.64	56.49	163.07
03/20/22	Sunday	-	-	-	-	-	-	-
03/21/22	Monday	415	348	0.35	63.70	151.10	215.15	542.16
03/22/22	Tuesday	439	393	0.40	55.54	136.74	192.68	951.27
03/23/22	Wednesday	229	189	0.20	47.24	123.20	170.64	128.23
03/24/22	Thursday	224	233	0.27	88.55	141.22	230.04	126.02
03/25/22	Friday	335	326	0.63	75.29	77.15	153.07	629.66
03/26/22	Saturday	401	367	0.74	16.56	30.74	48.04	138.08
03/27/22	Sunday	-	-	-	-	-	-	-
03/28/22	Monday	376	353	0.32	64.58	179.51	244.41	785.84
03/29/22	Tuesday	365	339	0.27	46.40	81.86	128.53	997.57
03/30/22	Wednesday	382	330	0.29	45.86	108.32	154.47	1,206.87
03/31/22	Thursday	255	260	0.20	27.63	121.81	149.64	483.65
Total		9,381	9,202	9.86	1,165.06	2,708.17	3,883.09	20,085.85
Average		347	341	0.37	43.15	100.30	143.82	743.92
Median		376	348	0.29	45.86	98.32	147.06	636.37
Maximum		492	506	0.74	88.55	179.51	244.41	2,226.71
Minimum		135	127	0.18	12.50	13.37	26.26	36.54

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, 2022

Days of

Operation: 26

Days 31

Operation: 26			MSW collected at Transfer Station (tons)				Non-MSW
	Vehicles	Count	Citizen-Can	Construction	Domestic	MSW Total	Total Tons
04/01/22 Friday	405	406	0.39	35.53	81.92	117.84	1,428.80
04/02/22 Saturday	308	365	0.47	13.29	38.68	52.44	44.66
04/03/22 Sunday						-	
04/04/22 Monday	413	464	0.36	65.68	211.84	277.88	1,611.09
04/05/22 Tuesday	331	397	0.17	37.20	92.02	129.39	1,449.66
04/06/22 Wednesday	216	254	0.24	51.05	110.25	161.54	83.92
04/07/22 Thursday	163	197	0.15	25.07	137.68	162.90	116.11
04/08/22 Friday	256	292	0.40	52.51	90.46	143.37	640.40
04/09/22 Saturday	314	409	0.62	14.84	31.36	46.82	18.74
04/10/22 Sunday						-	
04/11/22 Monday	429	474	0.12	34.86	184.35	219.33	1,933.01
04/12/22 Tuesday	376	401	0.42	56.69	136.55	193.66	1,652.65
04/13/22 Wednesday	417	460	0.37	59.93	150.13	210.43	1,935.39
04/14/22 Thursday	322	356	0.02	64.54	149.33	213.89	1,288.49
04/15/22 Friday	334	387	0.40	170.31	74.05	244.76	699.48
04/16/22 Saturday	281	355	0.96	21.00	31.27	53.23	12.03
04/17/22 Sunday						-	
04/18/22 Monday	142	180	0.38	262.00	170.90	433.28	9.40
04/19/22 Tuesday	201	251	0.47	135.13	67.67	203.27	126.24
04/20/22 Wednesday	342	416	0.35	43.94	117.86	162.15	1,454.94
04/21/22 Thursday	291	288	0.41	53.04	125.09	178.54	1,258.24
04/22/22 Friday	320	385	0.29	43.36	88.13	131.78	806.63
04/23/22 Saturday	285	360	0.79	17.62	36.84	55.25	31.33
04/24/22 Sunday						-	
04/25/22 Monday	314	336	0.50	70.71	205.12	276.33	682.38
04/26/22 Tuesday	273	297	0.22	42.45	106.57	149.24	681.31
04/27/22 Wednesday	251	315	0.25	46.57	104.39	151.21	578.28
04/28/22 Thursday	252	291	0.53	44.51	136.22	181.26	599.39
04/29/22 Friday	348	440	0.71	44.88	90.77	136.36	1,120.17
04/30/22 Saturday	324	421	0.85	15.99	37.24	54.08	24.96
Total	7,908	9,197	10.84	1,522.70	2,806.69	4,340.23	20,287.64
Average	304	354	0.42	58.57	107.95	166.93	780.29
Median	314	363	0.40	44.70	105.48	161.85	681.85
Maximum	429	474	0.96	262.00	211.84	433.28	1,935.39
Minimum	142	180	0.02	13.29	31.27	46.82	9.40

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

Target Rate: 75.00%

Operations	BudgetActual Y-T-D		IVY		MSW-IVY		IVY CONVENIENCE		RECYCLE		ADMIN.	
			OPERATIONS		TRANSFER		CENTER		OPERATIONS		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	\$ 334,800	493,667	\$ 334,800	493,667								
Ivy MSW Transfer Tipping Fees	1,833,400	1,836,316			1,833,400	1,836,316						
Material Sales-Ivy	110,000	66,999	110,000	66,999								
Recycling Revenues	156,300	257,938					20,000	31,613	136,300	226,325		
Other Revenues	93,000	81,370			93,000	81,370						
Interest & Fees	10,400	19,362									10,400	19,362
Total Revenues	\$ 2,537,900	\$ 2,755,652	\$ 444,800	\$ 560,666	\$ 1,926,400	\$ 1,917,686	\$ 20,000	\$ 31,613	\$ 136,300	\$ 226,325	\$ 10,400	\$ 19,362
Budget vs. Actual*		108.58%		126.05%		99.55%		158.07%		166.05%		186.18%
EXPENSES												
Ivy Operations	518,796	477,897	518,796	477,897								
Ivy MSW Transfer	2,414,696	2,391,298			2,414,696	2,391,298						
Ivy Convenience Center	314,473	221,790					314,473	221,790				
Recycling Operations	581,368	529,549							581,368	529,549		
Administration	834,506	598,779									834,506	598,779
Total Expenses	\$ 4,663,839	\$ 4,219,313	518,796	477,897	2,414,696	2,391,298	314,473	221,790	581,368	529,549	834,506	598,779
Budget vs. Actual*		90.47%		92.12%		99.03%		70.53%		91.09%		71.75%
Net Results Before Administrative Allocation	\$ (2,125,939)	\$ (1,463,662)	\$ (73,996)	\$ 82,768	\$ (488,296)	\$ (473,612)	\$ (294,473)	\$ (190,177)	\$ (445,068)	\$ (303,224)	\$ (824,106)	\$ (579,417)
Administrative allocations:												
Administrative costs to Envir. MOU (below)	247,232	173,825									247,232	173,825
Administrative costs to Operations	-	-	(206,027)	(144,854)	(206,027)	(144,854)	-	-	(164,821)	(115,883)	576,874	405,592
Net Operating Income (Loss)	\$ (1,878,707)	\$ (1,289,837)	\$ (280,023)	\$ (62,086)	\$ (694,323)	\$ (618,466)	\$ (294,473)	\$ (190,177)	\$ (609,889)	\$ (419,107)	\$ -	\$ -
Other Funding Sources												
Local Government Contributions	1,878,707	1,409,033										
County Contribution - Capital Grant	1,100,000	-										
Transfer to Capital Fund - Southern Recycling Center	(1,100,000)	-										
Surplus (Deficit) - Operations	\$ -	\$ 119,197										

Environmental Programs		
	Budget	Actual Y-T-D
REVENUES		
Remediation Support	1,020,496	747,866
Total Revenues	1,020,496	747,866
Budget vs. Actual*		73.28%
EXPENSES		
Ivy Environmental	773,264	473,462
Administrative Allocation	247,232	173,825
	1,020,496	647,287
Budget vs. Actual*		63.43%
Cash Reserves Used	-	-
Surplus (Deficit) - Environmental	\$ -	\$ 100,579
Total Surplus (Deficit)		
	\$ -	\$ 219,776

**Rivanna Solid Waste Authority
Monthly Financial Status Report
FY 2022**

	July	August	September	October	November	December	January	February	March	Year-to-Date
<u>Revenues</u>										
Ivy Operations Tipping Fees	\$ 35,994	\$ 38,495	\$ 39,946	\$ 38,191	\$ 62,475	\$ 43,706	\$ 51,990	\$ 70,960	\$ 111,910	\$ 493,667
Ivy MSW Transfer Tipping Fees	197,270	217,069	239,559	208,308	205,042	208,081	155,677	191,351	213,959	1,836,316
Ivy Material Sales	7,680	9,230	10,013	8,972	7,272	6,049	4,424	6,965	6,395	66,999
Ivy Convenience Center	-	-	9,176	-	-	12,690	-	-	9,747	31,613
Recycling	12,816	16,292	10,331	28,198	33,568	59,341	21,439	25,685	18,655	226,325
Other Revenues	16,510	9,031	9,570	7,508	6,879	7,770	6,486	7,576	10,040	81,370
Interest & Late Fees	2,463	1,914	2,783	3,492	1,133	414	2,509	2,499	2,155	19,362
Total Revenues	\$ 272,733	\$ 292,031	\$ 321,377	\$ 294,670	\$ 316,369	\$ 338,051	\$ 242,526	\$ 305,035	\$ 372,860	\$ 2,755,652
<u>Expenses</u>										
Ivy Operations	\$ 33,561	\$ 33,911	\$ 104,383	\$ 44,749	\$ 35,402	\$ 29,580	\$ 36,952	\$ 118,043	\$ 41,315	\$ 477,897
Ivy Environmental	37,298	50,978	53,561	71,467	32,769	92,418	45,185	39,085	50,701	473,462
Ivy MSW Transfer	145,425	351,638	226,868	335,377	263,567	216,721	326,225	239,978	285,499	2,391,298
Ivy Convenience Center	23,687	22,962	29,206	36,397	26,709	28,379	26,417	(109)	28,143	221,790
Recycling Operation	57,427	47,534	62,637	54,115	41,028	51,212	57,963	86,037	71,595	529,549
Administration	64,067	62,839	63,892	70,088	64,676	65,339	74,289	66,355	67,235	598,779
Total Expenses	\$ 361,466	\$ 569,861	\$ 540,547	\$ 612,192	\$ 464,152	\$ 483,648	\$ 567,031	\$ 549,390	\$ 544,487	\$ 4,692,775
Net Operating Income (Loss)	\$ (88,733)	\$ (277,830)	\$ (219,170)	\$ (317,522)	\$ (147,782)	\$ (145,597)	\$ (324,506)	\$ (244,356)	\$ (171,628)	\$ (1,937,123)
<u>Other Funding Sources</u>										
Local Government Contributions	\$ 423,936	\$ 45,742	\$ -	\$ 469,678	\$ -	\$ -	\$ 469,678	\$ -	\$ -	\$ 1,409,033
Remediation Support and Revenue	223,577	79,033	-	222,628	-	-	222,628	-	-	747,866
<u>Use of Cash Reserves</u>	-	-	-	-	-	-	-	-	-	-
Surplus (Deficit)	\$ 558,780	\$ (153,056)	\$ (219,170)	\$ 374,783	\$ (147,782)	\$ (145,597)	\$ 367,800	\$ (244,356)	\$ (171,628)	\$ 219,776

Rivanna Solid Waste Authority
Fiscal Year 2022
March 2022
Revenue Detail Report

Revenue Line Item

IVY TIPPING FEES

Clean Fill Material	9,000	11,473
Grindable Vegetative Material	4,000	5,363
Tires, Whole	120	65
Tires/White Good (per item)		
<i>Subtotal</i>	13,120	16,901

IVY TRANSFER STATION

Compost Services	500	281
MSW Transfer Station	33,200	33,572
<i>Subtotal</i>	33,700	33,853

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 2022	Actual YTD
9,000	11,473
4,000	5,363
120	65
13,120	16,901
500	281
33,200	33,572
33,700	33,853

Revenue				
Budget FY 2022	Budget YTD	Actual YTD	Budget vs. Actual	Variance %
\$ 90,000	\$ 67,500	\$ 185,878	\$ 118,378	175.37%
192,000	144,000	260,981	116,981	81.24%
22,800	17,100	12,266	(4,834)	-28.27%
30,000	22,500	34,542	12,042	53.52%
\$ 334,800	\$ 251,100	\$ 493,667	\$ 242,567	96.60%
\$ 89,000	\$ 66,750	\$ 49,904	\$ (16,846)	-25.24%
1,744,400	1,308,300	1,786,412	478,112	36.54%
\$ 1,833,400	\$ 1,375,050	\$ 1,836,316	\$ 461,266	33.55%
\$ 20,000	\$ 15,000	\$ 6,847	\$ (8,153)	-54.35%
40,000	30,000	25,382	(4,618)	-15.39%
30,000	22,500	25,670	3,170	14.09%
20,000	15,000	9,100	(5,900)	-39.33%
-	-	-	-	
\$ 110,000	\$ 82,500	\$ 66,999	\$ (15,501)	-18.79%
\$ 20,000	\$ 15,000	\$ 31,613	\$ 16,613	110.75%
\$ 20,000	\$ 15,000	\$ 31,613	\$ 16,613	110.75%
\$ 105,300	\$ 78,975	\$ 181,623	\$ 102,648	129.98%
6,000	4,500	4,582	82	1.82%
25,000	18,750	40,120	21,370	113.97%
\$ 136,300	\$ 102,225	\$ 226,325	\$ 124,100	121.40%
\$ 85,000	\$ 63,750	\$ 69,007	\$ 5,257	8.25%
8,000	6,000	12,363	6,363	106.05%
\$ 93,000	\$ 69,750	\$ 81,370	\$ 11,620	16.66%
\$ 2,200	\$ 1,650	\$ 77	\$ (1,573)	-95.33%
1,200	900	15,487	14,587	1620.74%
2,000	1,500	1,218	(282)	-18.77%
5,000	3,750	2,580	(1,170)	-31.20%
\$ 10,400	\$ 7,800	\$ 19,362	\$ 11,562	148.24%
\$ 2,537,900	\$ 1,903,425	\$ 2,755,652	\$ 852,227	44.77%
\$ 79,982	\$ 59,987	\$ 79,982	\$ 19,996	33.33%
574,381	430,786	430,785	(1)	0.00%
316,132	237,099	237,099	-	0.00%
50,000	37,500	-	(37,500)	
\$ 1,020,495	\$ 765,371	\$ 747,866	\$ (17,505)	-2.29%

Rivanna Solid Waste Authority Historical Material Tonnage Report - Recycling Fiscal Years 2018-2022
--

Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022 (Jul-Mar)
------------------------	------------------------	------------------------	------------------------	-------------------------------------

In U.S. Tons

Fiber Products

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

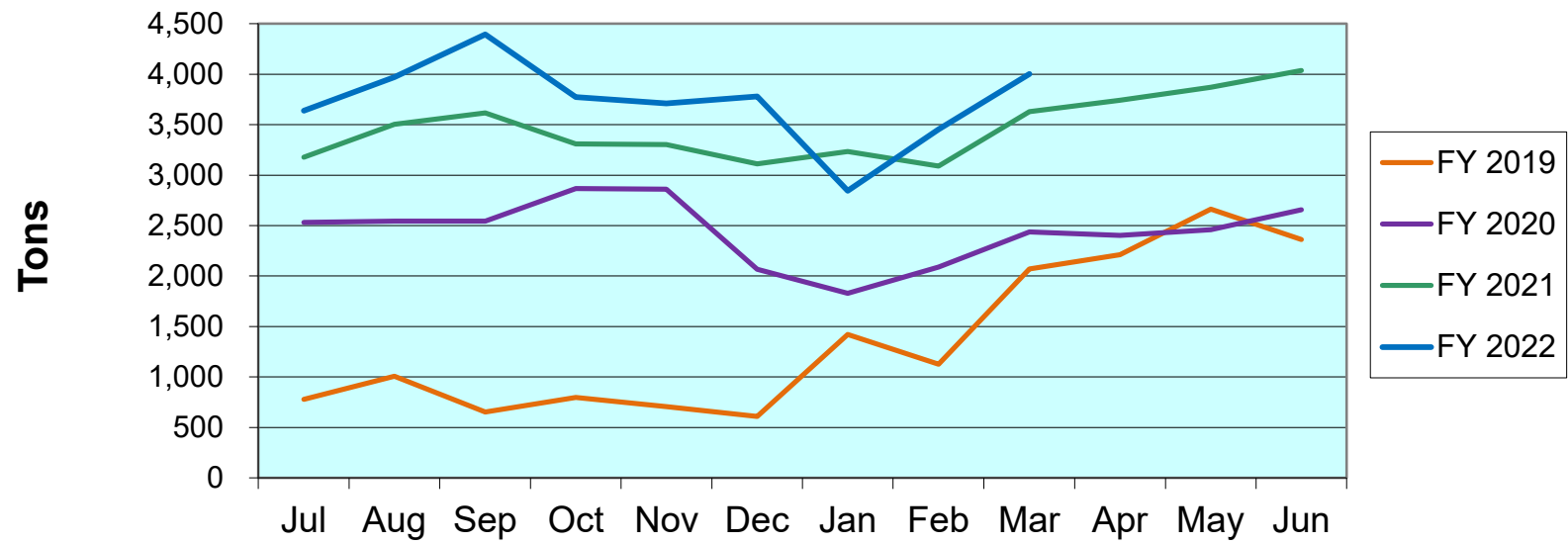
	424	427	120	-	-
	763	807	560	843	677
	187	265	792	777	547
	111	128	77	22	-
Total Fiber Products	1,485	1,627	1,549	1,642	1,224

Other Products

Glass
Metal Cans
Plastic

	252	411	467	564	489
	41	58	54	92	65
	103	127	114	146	96
Total Other Products	396	596	635	802	650
Total	1,881	2,223	2,184	2,444	1,874

**Rivanna Solid Waste Authority
Ivy MSW Transfer Tonnages
FY 2019 - 2022**





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 24, 2022

Ivy Material Utilization Center (IMUC) : DEQ Permit 132: 450 tons/day MSW limit

March 2022

- **9,381 vehicles crossed the scales**
- The IMUC transfer station operated 27 days and received a total of 3,883.09 tons of municipal solid waste (MSW), an average of 143.82 tons per day of operation. The monthly transfer station tonnage figures are attached to this report.
- 20,085.85 tons of non-MSW materials were received
- 23,968.94 tons were received as a combined total tonnage (MSW + non-MSW)

April 2022

- **7,908 vehicles crossed the scales**
- The IMUC transfer station operated 26 days and received a total of 4,340.23 tons of municipal solid waste (MSW), an average of 166.93 tons per day of operation. The monthly transfer station tonnage figures are attached to this report.
- 20,287.64 tons of non-MSW materials were received
- 24,627.87 tons were received as a combined total tonnage (MSW + non-MSW)

Paint Collection:

As of April 26, 2022, the Ivy MUC has shipped 46 containers of paint cans. Each container holds about 4,200 one-gallon paint cans; therefore, we have shipped about 193,200 paint cans since the program began in August 2016. 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 7.58 tons of compostable materials from residents in March. The McIntire Recycle Center received 9.59 tons of compostable materials from residents in April. The Ivy Convenience Center received 0.54 tons of compostable materials from residents in March. The Ivy Convenience Center received 0.62 tons of compostable materials from residents in April.

Compost Sales at Ivy:

On April 17, 2020, compost sales began at Ivy (McGill Composting SoilBuilder®). As of May 7, 2022, 390.71 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 \$51.87 per ton, as well as defray other costs including administration, equipment, fuel, labor, etc.

Spring HHW and Bulky Waste Totals:

Saturday, April 23, 2022: *E-Waste*

A total of 323 vehicles participated, including 244 from the County and 79 from the City.

Thursday, April 28, Friday, April 29, and Saturday, April 30, 2022: *Special Collections*

The Very Small Quantity Generator (VSQG) Special Collection for business hazardous waste was held on Thursday, April 28, 2022. VSQG collection program is a pre-registration, fee-based program with sign-up information and instructions on the Rivanna.org website. 6 customers participated.

Household Hazardous Waste Day was a two-day event this Spring. Hours were from 9am-2pm on both Friday, April 29 and Saturday, April 30, 2022. There were no wait times on either day. The total customer count for the two-day event was 652 City/County residents. Friday: the split was 246 County, 71 City, and 8 Nelson County. Saturday: the split was 229 County, 75 City, and 23 Nelson County residents participated.

Saturday, May 7, 2022: *Furniture / Mattresses*

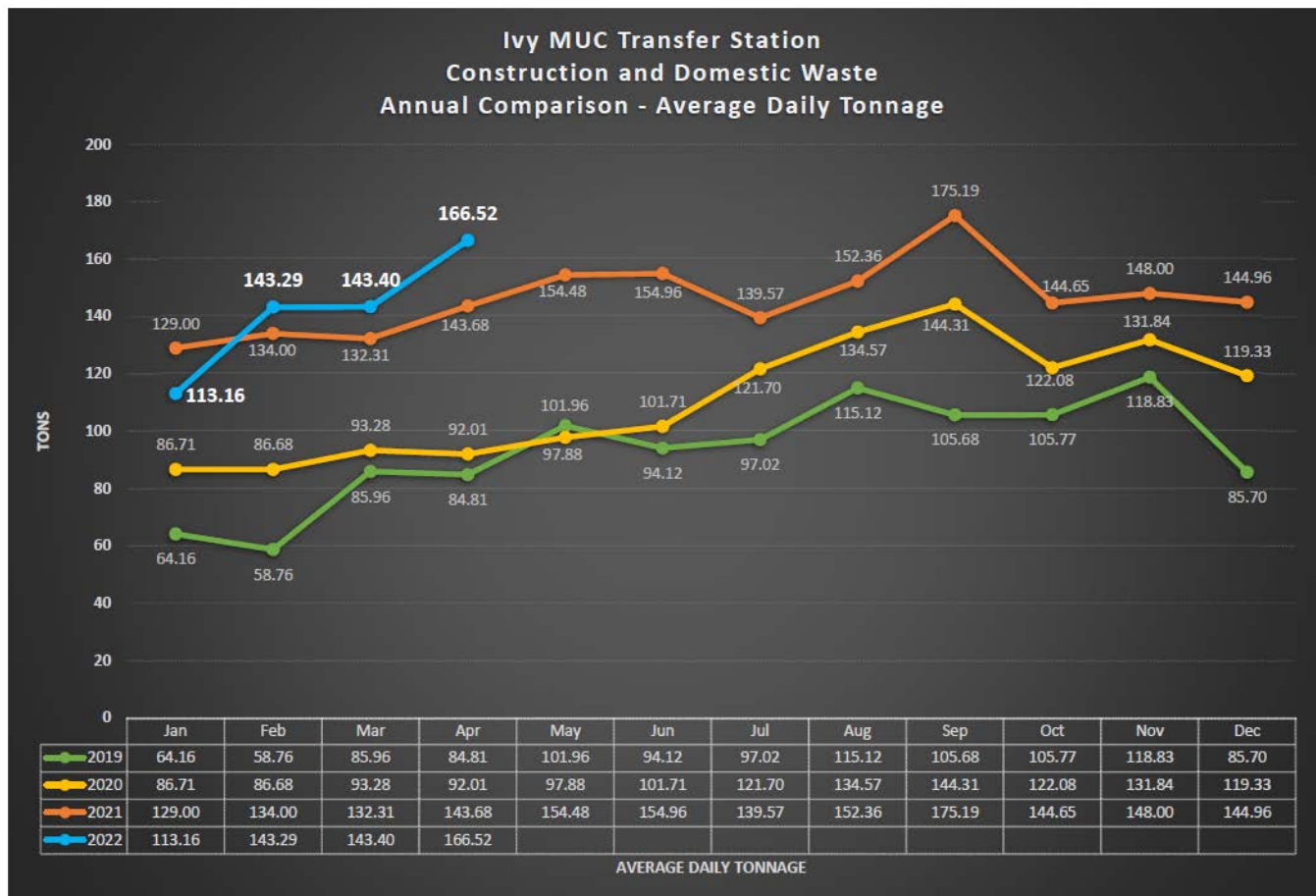
A total of 179 vehicles participated, including 141 from the County and 38 from the City. 26,700 lbs. of furniture and mattresses were collected from the county. 7,800 lbs. of furniture and mattresses were collected from the City.

Saturday, May 14, 2022: Appliances

A total of 134 vehicles participated, including 108 from the County and 26 from the City. 6,640 lbs. of appliances and 87 freon units were collected from the County. 1,660 lbs. of appliances and 18 freon units were collected from the City.

Transfer Station Update

Although we are generally receiving about 10% to 15% more waste each day, our average daily tonnages continue to follow seasonal trends as shown on the following figure.



Large Clean Fill Project Program

The Large Clean Fill Project Program pilot approved at the January 25, 2022 Board of Directors Meeting continues. Some lessons learned from the pilot relate to limiting the number of truck trips per day (120 to 140 seems to be a sustainable number to avoid undue traffic congestion for our transfer station customers) as well as modifying the program to be constrained by delivery of a set quantity of clean fill during a set time period. Removal of the “one project at a time” limitation provides greater flexibility to the contractor community and eases monitoring requirements of RSWA staff.

As of Monday, May 9, 2022, Ivy has received 41,760.07 tons of clean fill material. At the \$3.50 per ton tipping fee this equates to over \$146,000 of revenue.





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: APPROVAL OF FISCAL YEAR 2022-2023 PERSONNEL
MANAGEMENT PLAN UPDATE**

DATE: MAY 24, 2022

The Personnel Management Plan (PMP) is the policy guidance of the Authorities to document and communicate labor regulations, management practices, and overall personnel policies approved by the Board. It covers many topics ranging from employee hiring procedures, compensation, and benefits to grievance rights, substance abuse and code of conduct.

Annually, staff must review and update the PMP to reflect recent changes in the labor laws and benefits, and to provide a general review for best practices. This year's updates are a mixture of regulatory changes and administrative clarifications. Significant changes include:

- increases the pay for water or wastewater operators for each higher license they obtain from 5% to 7%. This increase is recommended due to ongoing employment market competition, retention of our licensed operators, and to provide incentive for operators to sit for and pass the required exams.
- Removes the "Family Sick Leave" category and allows employees to use any amount of their accrued sick leave time to take care of sick family members.
- Gives new employees 20 hours of sick leave on their date of hire to help avoid a "leave without pay" status for new employees with illness situations shortly after being hired.

Below is a summary of the changes proposed for the PMP.

Section B. – Recruitment and Hiring Policy

B.2. Job Posting - Changed length of time that all open positions must be posted from 10 business days to "until filled". Removed the requirement of listing a closing date on all job postings to allow Human Resources to hire candidates more quickly.

B.3. Application Policy - Allows applicants to submit a resume in lieu of a job application. Removed the requirement to complete an application before the closing date of a job posting.

B.5. Criminal Background Checks - Eliminated the requirement of having only the Executive Director review criminal offenses revealed on criminal background checks.

B.6. Post-Offer Physicals - Added the requirement to complete a drug test within 2 business days of receiving a job offer.

Section D. – Compensation Plan and Administration

D.5. Pay Rates - Added the requirement that all position reclassifications must be approved by the Executive Director. Eliminated pay change requirements for employees whose positions are reclassified.

D.7. Other Forms of Compensation - Increase the pay increase for operators who obtain licenses from 5% to 7%. Due to a change in State law, allows employees to request annual leave in lieu of up to 20 hours of overtime pay per calendar year. This allows employees to add up to an additional 30 hours of annual leave to their annual leave bank per calendar year.

Section F. – Leave Policies and Rules

F.3. Annual Leave - Removes Family Sick Leave and allows employees to use any amount of their sick leave time to take care of sick family members.

F.4. Sick Leave - Gives new employees 20 hours of sick leave on their date of hire.

Section I. – Administrative Policies

I.7. Inclement Weather Policy – Eliminated. This is a General Administrative Policy and no longer needs to be in this Manual.

I.13. Safety Shoe Program - Updated annual allowance for each authority.

Section J. – Employee Training, Development and Educational Assistance Program

J.6. Degree Program - Changed reimbursement time-period from fiscal year to calendar year to match the IRS regulation.

Board Action Requested:

Approve the recommended updates to the Personnel Management Plan to be effective on July 1, 2022.

Attached: Redline of changes to the PMP

RIVANNA AUTHORITY

PERSONNEL MANAGEMENT PLAN

Adopted May 2021

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RIVANNA AUTHORITY

PERSONNEL MANAGEMENT PLAN

Adopted May 2021

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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 to add full-time and part-time equivalent staff (FTE'S) and departments remains with the Boards. Nothing in this Personnel Manual is to be construed as a contract of employment.

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 ~~until filled 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, or submit a complete resume. All employment applications and resumes 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.~~

~~e.b.~~ All applications and resumes received for any position must be retained as stated in the retention policy of the Library of Virginia. Destruction of employment applications and resumes at the end of the retention period must be confidential.

~~d.c.~~ 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 will be reviewed. The Authorities may withdraw a job offer based on what type of offense an applicant was convicted of in the past.
- b. If an applicant should refuse to permit a background check, the applicant will be removed from further employment consideration.

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 within 2 business days of accepting a job offer. 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 because the previous title/pay grade/pay range no longer accurately reflects the duties performed. All reclassifications must be approved by the Executive Director.

~~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 ~~75~~⁷⁵% 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 nighttime 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.

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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 workload 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, 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 (Floating)
- *Presidents' Day, Third Monday in February (Floating)
- Memorial Day, Last Monday in May
- *Juneteenth, June 19 (Floating)
- Independence Day, July 4
- Labor Day, First Monday in September
- *Veterans Day, November 11 (Floating)
- Thanksgiving
 - o Fourth Wednesday of November, close at 12:00 pm
 - o Fourth Thursday and Friday of November
- Christmas Eve, December 24
- Christmas Day, December 25

*The RWSA/RSWA offices will be open. 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 Martin Luther King Day, Presidents' Day, Juneteenth or Veterans Day.

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)~~ 1) 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)~~ 2) 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)~~ 3) 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 ~~and the care of a sick family member, to include individuals residing in the same household.~~ 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 ~~or loved one~~, 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~~

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~~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.

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

All employees will accrue sick leave time at a rate of 12 days annually or 3.69 hours per pay period. New employees will be given 20 hours of sick time on their date of hire.

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 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.

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.

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.~~

~~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. 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.~~

~~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. (See Section I.19 Administrative Policies - Essential Employees)~~

~~3) 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~~

~~1) 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~~

~~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.~~

~~2) — Employees who are considered essential who do not report to their work location due to inclement weather are expected to use leave time.~~

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8.7. 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.

9.8. 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 own 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.

10.9. 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.

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.

11.10. 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.

12.11. 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.

13.12. 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.

14.13. Safety Shoe Program

The Rivanna Water and Sewer Authority will provide all employees required to wear composite steel toed shoes with \$125 per fiscal year (July 1 – June 30) towards the purchase of their shoes. The Rivanna Solid Waste Authority will provide all employees required to wear composite toed, puncture resistant shoes with \$190 per fiscal year towards the purchase of their shoes. An employee may carry over up to \$250 by not using their annual voucher.

15.14. 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.

16.15. 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.

17.16. 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.

18.17. 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.

19.18. 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 ~~calendar~~fiscal year (~~January 1~~ through ~~December 31~~June 30) for eligible educational expenses paid for by the employee.
- 3) Reimbursements that exceed the maximum of \$5,250 per ~~calendar~~fiscal year will be held and reimbursed in upcoming ~~calendar~~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 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

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.

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 Manager or Human Resource Manager for guidance and/or access to the 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.

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.

3. Drug and Alcohol Testing Requirements

a. Employee Testing Groups

Employees will be divided in to 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 or Commercial Driver's License and who do not operate vehicles requiring a Commercial Driver's License (Non-CDL Pool).

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.
 - 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.
- 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:
 - 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.

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 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.
- 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 at the workplace.
- 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.
- 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.

c. Testing Notification

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.

d. Refusal to Test and Uncompleted Tests

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.

e. Recordkeeping

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.

f. Employee Assistance Program (EAP)

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.

4. Testing Standards

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.

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.

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.

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.

6. Revision Dates

The policy was originally implemented 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

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



RIVANNA SOLID WASTE AUTHORITY
RIVANNA WATER & SEWER AUTHORITY

695 Moores Creek Lane
Charlottesville, Virginia 22902-9016

434.977.2970
434.293.8858
www.rivanna.org



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: FISCAL YEAR 2022-2023 PAY SCALE ADJUSTMENT

DATE: MAY 24, 2022

This request is to authorize a 5% increase in the pay ranges included in our Pay Scale. This increase will help us hire and maintain a qualified workforce and keep pace with extreme inflation. This adjustment will not apply to current staff salaries resulting in no budget impact for Fiscal Year 2022- 2023.

Background

The Rivanna Authorities Personnel Management Plan allows the Executive Director to recommend adjustments to the pay scale. In January 2022, the Board approved a 4% pay scale adjustment based on a Compensation Study that was completed in August 2021. Most of the data used in that report was from earlier in calendar year 2021. Since that time, there continued to be a significant increase in inflation. The Consumer Price Index for all Urban Consumers (CPI-U) as of April 2022 was 8.3%.

Staff recommends the pay scale be increased by 5% effective July 1, 2022 (Fiscal Year 2022-2023). 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.

The increase in the CPI-U from the Bureau of Labor Statistics from September 2021 to April 2022, the period after our Compensation study, is shown on the chart below:

Bureau of Labor Statistics CPI-U September 2021 to April 2022	
Month	Monthly Change
September 2021	0.4
October 2021	0.9
November 2021	0.7
December 2021	0.6
January 2022	0.6
February 2022	0.8
March 2022	1.2
April 2022	0.3
Cumulative Change	5.5

While the March 2022 unemployment rate in the Charlottesville area was 2.4%, the national unemployment rate in April 2022 was 3.6% and the unemployment rate for the State of Virginia in March 2022 was 3.0%. The Charlottesville area is still maintaining an unemployment rate that is lower than both the state and nation. The hiring market is proving to be very competitive as the unemployment rate continues to drop and inflation continues to increase. This adjustment will not apply to staff salaries, resulting in no budget impact for Fiscal Year 2022- 2023.

Attached is a comparison of the current pay scale and the recommended pay scale.

Board Action Requested:

Approve the recommended 5% increase in the pay scale to be effective July 1, 2022.

Current Pay Scale			
Grade	Min	Mid	Max
30	\$32,069	\$42,652	\$53,236
40	\$33,673	\$44,784	\$55,897
50	\$35,357	\$47,024	\$58,691
60	\$37,124	\$49,375	\$61,626
70	\$38,980	\$51,844	\$64,708
80	\$40,929	\$54,437	\$67,943
90	\$42,976	\$57,158	\$71,340
100	\$45,125	\$60,017	\$74,907
110	\$47,381	\$63,017	\$78,652
120	\$49,750	\$66,168	\$82,585
130	\$52,237	\$69,476	\$86,714
140	\$54,850	\$72,950	\$91,050
150	\$57,592	\$76,597	\$95,603
160	\$60,472	\$80,427	\$100,383
170	\$63,495	\$84,448	\$105,402
180	\$66,670	\$88,671	\$110,672
190	\$70,003	\$93,105	\$116,205
200	\$73,503	\$97,760	\$122,016
210	\$77,178	\$102,648	\$128,117
220	\$81,038	\$107,780	\$134,523
230	\$85,090	\$113,169	\$141,249
240	\$89,344	\$118,827	\$148,311
250	\$93,811	\$124,769	\$155,726

Proposed Pay Scale			
Grade	Min	Mid	Max
30	\$33,672	\$44,785	\$55,898
40	\$35,357	\$47,023	\$58,692
50	\$37,125	\$49,375	\$61,626
60	\$38,980	\$51,844	\$64,707
70	\$40,929	\$54,436	\$67,943
80	\$42,975	\$57,159	\$71,340
90	\$45,125	\$60,016	\$74,907
100	\$47,381	\$63,018	\$78,652
110	\$49,750	\$66,168	\$82,585
120	\$52,238	\$69,476	\$86,714
130	\$54,849	\$72,950	\$91,050
140	\$57,593	\$76,598	\$95,603
150	\$60,472	\$80,427	\$100,383
160	\$63,496	\$84,448	\$105,402
170	\$66,670	\$88,670	\$110,672
180	\$70,004	\$93,105	\$116,206
190	\$73,503	\$97,760	\$122,015
200	\$77,178	\$102,648	\$128,117
210	\$81,037	\$107,780	\$134,523
220	\$85,090	\$113,169	\$141,249
230	\$89,345	\$118,827	\$148,311
240	\$93,811	\$124,768	\$155,727
250	\$98,502	\$131,007	\$163,512

**MEMORANDUM**

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

FROM: PHILLIP MCKALIPS, DIRECTOR OF SOLID WASTE

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

**SUBJECT: AWARD OF CONTRACT FOR MUNICIPAL SOLID WASTE
TRANSPORTATION AND DISPOSAL**

DATE: MAY 24, 2022

This request is to award a unit price contract to BFI Waste Systems of Virginia to transfer and dispose of municipal solid waste (MSW), including construction debris, from the Ivy Material Utilization Center (IMUC). This one-year term contract will begin on July 1, 2022, and include the option for four annual renewals. MSW will be transferred for \$50.50/ton, with an estimated annual cost of \$2.1 M.

Background

Rather than renew the current transportation and disposal contract of \$48.22/ton with a contract-allowed CPI increase of approximately 8%, we decided to test the market for more competitive pricing. A Request for Bid (RFB 390) was developed and advertised on February 23, 2022 for a contract with qualified MSW transportation and disposal firms to serve the IMUC Transfer Station. Two bids were received on March 18, 2022. The lowest bidder was BFI Waste Systems of Virginia, LLC (a Republic Services Company) with a bid of \$50.50/ton, a 4.7% increase compared to the current unit price rate of \$48.22/ton. BFI will provide MSW transportation and disposal services from the IMUC to Republic Services' Old Dominion Landfill in Henrico County. The annual term contract will extend from July 1, 2022 through June 30, 2023. The contract will allow up to four renewals of this one-year contract. Based on the Fiscal Year 2022-2023 budget estimate of 42,000 tons for disposal from the Ivy Transfer Station, this contract will have a cost of approximately \$2.1 M.

Board Action Requested:

Authorize the Executive Director to execute an annual Term Contract with BFI Waste Systems of Virginia, LLC of Henrico, VA for a unit price of \$50.50/ton to provide MSW Transportation and Disposal services for Fiscal Year 2022-2023, with up to four annual contract renewals, and any necessary contract modifications up to 10% of the estimated annual contract amount.

History and Organizational Agreements of the RSWA

Presented to the Board of Directors



by Bill Mawyer, Executive Director
May 24, 2022

Rivanna Solid Waste Authority Board of Directors



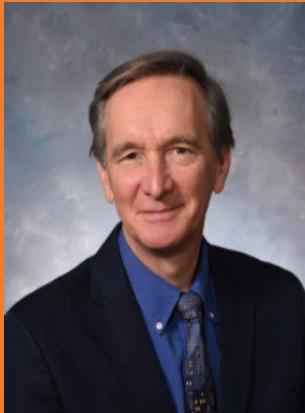
Mike Gaffney
Chair
City/County Appointee



Jeff Richardson
Vice-Chair
County Executive



Michael Rogers
Secretary-Treasurer
Interim City Manager



Jim Andrews
County Supervisor



Brian Pinkston
City Councilor

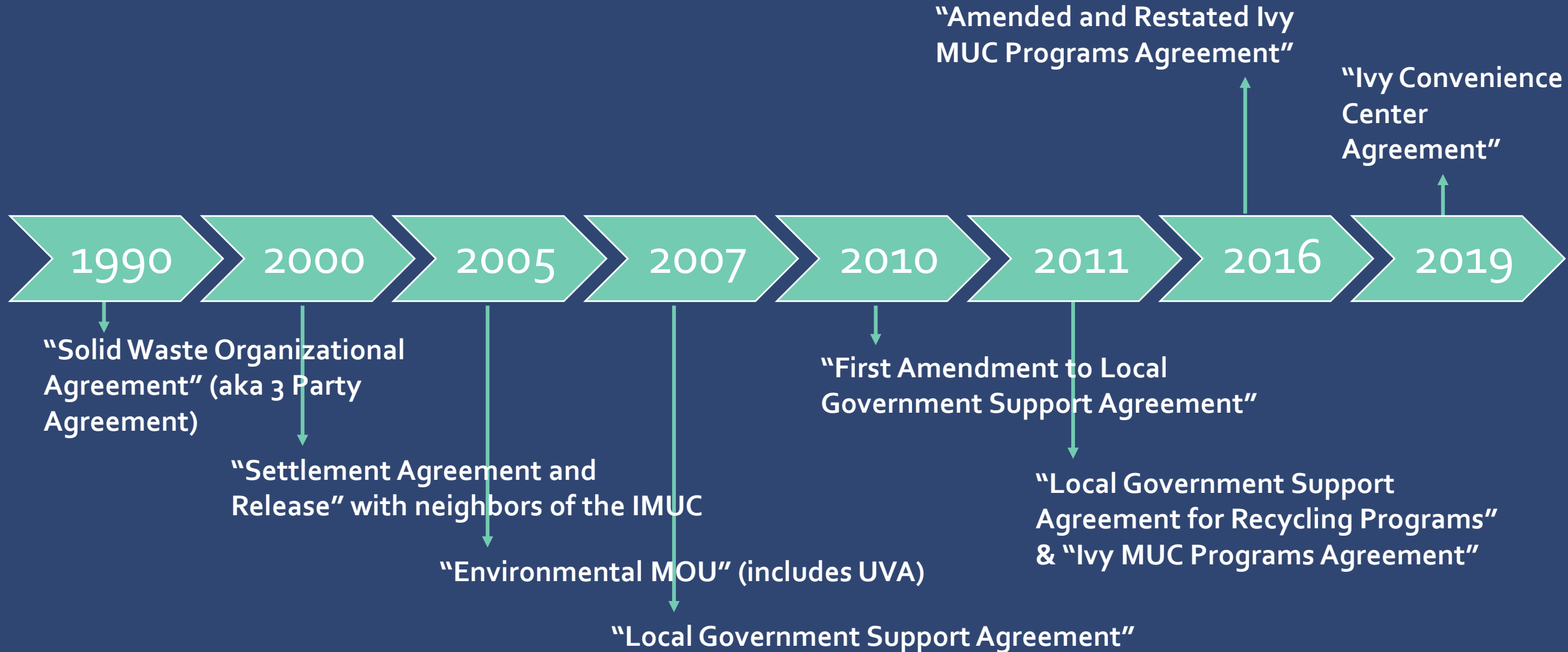


Stacey Smalls
City Director of Public Works



Lance Stewart
County Director of Facilities
and Environmental Services

History of the RSWA



History of the RSWA

1. **“Solid Waste Organizational Agreement” (aka 3 Party Agreement: City, County and RSWA) 1990**
 - “With the ultimate goal of acquiring, financing, constructing and/or operating and maintaining a regional garbage and refuse disposal system(s)... for reduction, recycling and disposal of solid waste”
2. **“Settlement Agreement and Release”, 2000, with neighbors of the IMUC**
 - Restrictions on continuing waste disposal operations. Ended landfilling at IMUC
3. **“Environmental MOU”, 2005 (City, County and UVA)**
 - Allocated funding for monitoring and maintenance of the closed LF cells
4. **“Local Government Support Agreement”, 2007**
 - Established City and County contributions to fund RSWA administrative and operating expenses. City may award a new residential curbside solid waste collection contract.
5. **“First Amendment to Local Government Support Agreement”, 2010**
 - City and County agreed to continue to fund RSWA administrative and operating expenses until December 31, 2010.

History of the RSWA

6. **“Local Government Support Agreement for Recycling Programs”, 2011**
 - City and County agreed to fund RSWA recycling services at the McIntire Recycling Center and the Paper Sort facility
7. **“Ivy MUC Programs Agreement”, 2011, County/RSWA**
 - County to fund RSWA services at the IMUC
8. **“Amended and Restated Ivy MUC Programs Agreement”, 2016, County/RSWA**
 - Design and construct a new Transfer Station, demolish the existing transfer station
9. **“Ivy Convenience Center Agreement”, 2019, County/RSWA**
 - Design and construct a new Convenience Center
10. **“Southern Albemarle Convenience Center Agreement”, 2022 (Proposed), County/RSWA**
 - Design, construct and operate the SAAC
11. **“Baling Facility Agreement”, 2022 (Proposed), County/City/RSWA**
 - Design, construct and operate a new, recycled products baling facility

Summary

There are a number of agreements staff must manage to properly allocate charges to the City, County and UVA.

Questions?

No Action Required by the Board. For Information Only.

MEMORANDUM

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

FROM: BILL MAWYER, EXECUTIVE DIRECTOR

**SUBJECT: ADOPTION OF FISCAL YEAR 2022- 2023 RATE SCHEDULE AND
APPROVAL OF PROPOSED BUDGET**

DATE: MAY 24, 2022

Fiscal Year 2022-2023 will be another dynamic year for the Rivanna Solid Waste Authority. A budget totaling \$6.8 million was reviewed in detail with the Board during the March 22, 2022 meeting. The proposed budget will provide essential refuse disposal and recycling services. We will complete a new Southern Albemarle Convenience Center (SACC) to provide recycling and refuse collection services by January 2023, at the request of the Albemarle Board of Supervisors. The Ivy Transfer Station continues to receive about 146 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 Fiscal Year 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, a Fiscal Year 2022-2023 budget totaling \$6.8 million is proposed. This budget represents an increase in operating expenses of \$1.4 million (25.8%), largely due to the additional costs to process more tonnage through the Transfer Station, as well as investments in building repairs and equipment replacement, along with support for our workforce. Revenues from tip fees and product sales are estimated to be \$3.5 million, a 37% increase above Fiscal Year 2021-2022 levels, resulting in a net budget increase of \$0.46 million. Estimated capital expenses totaling \$1 million are included to replace essential equipment (roll-off containers (3), trailers (2), tractor (1), scale (outbound) and small pickup truck), along with exhaust fans and leachate pumping/piping for the transfer station. These capital expenses are funded through depreciation charges in the operating budget. Three additional mid-year positions are proposed primarily to support the SACC. A 4% merit performance pool for all eligible employees is also proposed.

The estimated support required to provide our programs includes \$2.7 million from Albemarle County, an increase of \$450,000, \$508,000 from the City, an increase of \$9,200, and \$79,982 from the University of Virginia. Tipping fees for materials delivered to, or sold from, the Ivy MUC will remain unchanged.

Board Action Requested:

Adopt the attached Fiscal Year 2022-2023 Rate Schedule after conducting a public hearing, and approve the Budget for Fiscal Year 2022-2023.

Attachments



**RESOLUTION
TO ADOPT THE RATE SCHEDULE
FOR FISCAL YEAR 2022-2023, EFFECTIVE JULY 1, 2022
BY THE RIVANNA SOLID WASTE AUTHORITY**

WHEREAS, the Rivanna Solid Waste Authority (the “Authority”) Board of Directors has reviewed the proposed Rate Schedule for Fiscal Year 2022-2023; and

WHEREAS, the Authority conducted a public hearing for the proposed Rate Schedule on May 24, 2022 after advertising the actual date fixed for the public hearing in the Daily Progress on April 11, 2022 and April 18, 2022, and

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Solid Waste Authority Board of Directors hereby adopts the accompanying Rate Schedule for Fiscal Year 2022-2023, to be effective on July 1, 2022.

Rate Schedule

<u>Tipping Fees (Per Ton):</u>				<u>Tipping Fees (Per Item):</u>			
Clean Fill Material		\$10.00		Freon Appliances		\$17.00	
Clean Fill - Project > than 10,000 tons*		\$3.50		Non-Freon Appliances		\$9.00	
Vegetation/Yard Waste		\$48.00		Passenger Veh. Tire, Off Rim		\$6.00	
Non-Freon Appliances		\$105.00		Passenger Veh. Tire, With Rim		\$13.00	
Domestic Waste (MSW)		\$52.00		Large Truck Tire, Off Rim		\$17.00	
Construction Debris (CDD)		\$52.00		Large Truck Tire, With Rim		\$33.00	
Compostable Waste (Commercial Only)		\$178.00					
Tires		\$190.00					
<u>Other Charges:</u>							
Minimum Charge Per Load		\$6.00		Service Fee Per Ticket -			
Mulch, Sold (per ton)		\$30.00		Albemarle County Customers		\$1.00	
Compost, Sold (per ton)		\$75.00		Other Customers		\$10.00	
Trash Stickers (each)		\$2.00		Credit Application Fee (each)		\$35.00	
Ticket Request (per copy)		\$1.00					
* Project requires advanced approval by RSWA and agreement to special terms and conditions							

Proposed Budget

Fiscal Year 2022- 2023

Presented to the RSWA Board of Directors



by Bill Mawyer, Executive Director
May 24, 2022

Budget Summary

Fiscal Year 2022-2023

➤ Total Budget: \$6.8 M

Expenses	\$6,843,397	\$1,406,294	25.8 % increase
Revenues	\$3,534,100	\$946,200	36.5 % increase
<hr/>			
Net	\$3,309,297	\$460,094	16.1 % increase

➤ County Contribution: \$2,720,951 \$450,830 19.8% increase

➤ City Contribution: \$508,364 \$9,266 1.8% increase

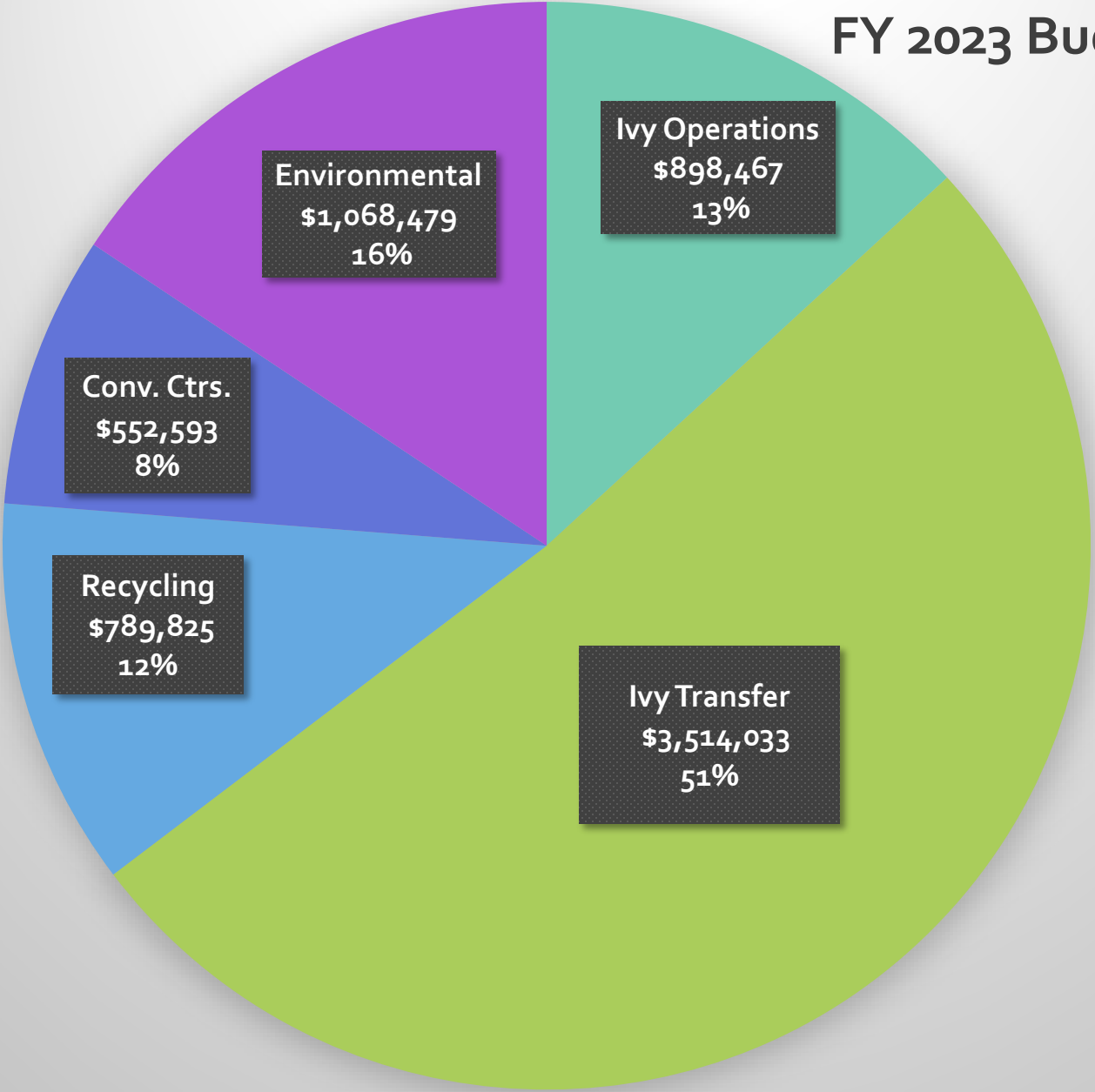
➤ UVA Contribution: \$79,982 (thru FY 2035)

Looking Ahead to Fiscal Year 2023

- Complete preliminary engineering and Co/City allocation agreement for new Baling Facility
- Open the Southern Albemarle Convenience Center
- Implement large, clean fill program



FY 2023 Budget: \$6.8 M



Solid Waste Program Expenses

Allocation Summary

Fiscal Year 2022-2023

Programs	City	County	UVA
1. Environmental	350,917	637,581	79,982
2. Recycling	157,448	367,378	0
3. Transfer	0	956,733	0
4. Operations	0	266,667	0
5. Convenience Ctrs	0	492,593	0
	\$508,364	\$2,720,951	\$79,982

Investments & Expense Increases

- Infrastructure

- Building Repairs, Equipment/Vehicles Replacement \$40k
- Building/Equipment Depreciation \$145k

- Workforce

- 3 Additional Positions (SACC, mid-yr) \$60k
 - Operator Attendant(2); Driver/Equipment Operator (1)
- 4% Merit Pool + mid-year FY 22 cola \$128k
- Administrative Services (Information Technology) \$100k
- Health Insurance, Workers Compensation \$45k

- Operational

- Transfer of Additional Refuse (12,800 tons) \$175k
- Fuel for Vehicles and Equipment \$60k
- Wood Grinding \$50k

- *No Change in Tip Fees*

Budget Summary

Fiscal Year 2022-2023

➤ Total Budget: \$6.8 M

Expenses	\$6,843,397	\$1,406,294	25.8 % increase
Revenues	\$3,534,100	\$946,200	36.5 % increase
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➤ City Contribution: \$508,364 \$9,266 1.8% increase

➤ UVA Contribution: \$79,982 (thru FY 2035)

Questions?

Action to be Considered by the Board:

1. Conduct a Public Hearing on the proposed Fiscal Year 2022-2023 Rate Schedule.
2. After receiving any comments, adopt the Rate Schedule, to be effective on July 1, 2022, and approve the Fiscal Year 2022 – 2023 Budget.

**MEMORANDUM**

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

FROM: PHILLIP MCKALIPS, DIRECTOR OF SOLID WASTE

REVIEWED BY: BILL MAWYER, EXECUTIVE DIRECTOR

**SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR THE SOUTHERN
ALBEMARLE CONVENIENCE CENTER**

DATE: MAY 24, 2022

This request is to authorize award of a construction contract totaling \$973,676 to Finley Asphalt & Sealing, LLC from Manassas, VA for completion of the Southern Albemarle Convenience Center (SACC).

Background

Albemarle County requested RSWA to design, construct and operate a Convenience Center in the Keene area of southern Albemarle County as a location for residents to drop off bagged trash and recyclable materials. The “Southern Albemarle Convenience Center” (SACC) will be located on Esmont Road near the intersection of Scottsville Road (VA Rt. 20). Draper Aden & Associates was engaged by RSWA to design the SACC. The design was completed, and the project was advertised for competitive sealed bids on April 15, 2022. A pre-bid conference was held on April 20, 2022. Construction bids were opened on May 5, 2022, and two bids were received for \$973,676 and \$1,033,000, with the low bid received from Finley Asphalt & Sealing, LLC.

Our design engineer has reviewed the bid received from Finley Asphalt & Sealing, LLC, and finds that the bid and attached documents are both responsive and responsible. Therefore, we are recommending award of the contract to Finley Asphalt & Sealing, LLC as the low bidder for a contract price of \$973,676. All project costs for the SACC (design, construction, construction administration and inspections), with an estimated budget of \$1.5 M, will be funded by Albemarle County during Fiscal Years 2022 and 2023.

Board Action Requested:

Authorize the Executive Director to execute a construction contract with Finley Asphalt & Sealing, LLC for a total value of \$973,676 to complete the Southern Albemarle Convenience Center Project, and any change orders up to 15% of the original contract amount.



Southern Albemarle Convenience Center

Presented to the Board of Directors by Phil McKalips, Director of Solid Waste

May 24, 2022



Services and Features

- bagged refuse disposal (with on-site compactors*)
- plastics, glass, metals, mixed paper/cardboard*
- stormwater management:
 - concrete curb/gutter, biofilters, level spreaders
- landscaping for screening
- fenced and gated site (no lights)
- one RSWA staff person on site at all times
- open 7:30AM – 5:30PM, 6 days/week
 - closed on Thursday to pull cans, clean
- space for future expansion of services

Conceptual Designs

Original Design



Current Design showing future expansion



Project Budget

BUDGET BREAKDOWN			
	2020 Estimate	Nov. 2021 Est.	Actuals (5/10/2022)
Site Costs			
Design	\$ 64,450.00	\$ 78,100.00	\$ 78,100.00
Construction	\$ 595,000.00	\$ 894,000.00	\$ 973,676.00
Construction Contingency (15%)	\$ 89,250.00	\$ 134,100.00	\$ 146,051.40
Construction Administration	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00
Total:	\$ 793,700.00	\$ 1,151,200.00	\$ 1,242,827.40
Equipment			
Containers (8)	\$ 46,400.00	\$ 96,000.00	\$ 83,512.00
MSW Compactors (2)	\$ 33,000.00	\$ 42,000.00	\$ 92,200.00
OCC Breakaway Compactor (1)	\$ 38,000.00	\$ 41,000.00	\$ 50,900.00
Catwalk (1)	\$ 11,000.00	\$ 20,000.00	\$ 20,000.00
Steps (6)	\$ 12,000.00	\$ 30,000.00	\$ 30,000.00
Roll-Off Truck (1)	\$ 190,000.00	\$ 250,000.00	\$ -
Total:	\$ 330,400.00	\$ 479,000.00	\$ 276,612.00
Grand Total:	\$ 1,124,100.00	\$ 1,630,200.00	\$ 1,519,439.40



Questions?

Board Action Requested:

Authorize the Executive Director to execute a construction contract with Finley Asphalt & Sealing, LLC for a total cost of \$973,676 to complete the Southern Albemarle Convenience Center Project, and any change orders up to 15% of the original contract amount.