

NOTICE OF REGULAR MEETING & PUBLIC HEARING

SOLID WASTE SPECIAL SERVICE DISTRICT #1

Monday, April 26, 2021 at 4:00pm

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. §54-2-207(4), the Administrative Control Board of the Solid Waste District has decided to continue to hold electronic meetings without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, the Solid Waste District will continue to hold meetings by electronic means. The public is invited and encouraged to view this meeting, which will be streamed live on the Solid Waste District's Facebook Page: <https://www.facebook.com/SolidWasteSSDI/>. Meeting packets are made publicly available for download prior to commencing each publicly-noticed meeting at <https://swssd1.org/board-meetings-and-minutes/>.

CALL TO ORDER (4:00 pm)

CITIZEN'S INPUT*

APPROVAL OF MEETING MINUTES

- A. March 22, 2021 Regular Meeting
- B. April 8, 2021 Special Meeting & Public Hearing

TREASURER/FINANCIAL

- C. **Action Item:** Approval of Expenditures for the Month of March 2021

REPORTS FROM BOARD AND STAFF

- D. District Staff Reports
- E. Board Reports

OLD BUSINESS

- F. **Possible Action Item:** Approval of a Provisional District Staff Employee Handbook to be Effective May 1, 2021

NEW BUSINESS

- G. **Possible Action Item:** Adoption of an Updated District Code of Ethical Conduct Policy
- H. **Possible Action Item:** Adoption of an Updated Visitors and Workplace Distractions Safety Policy
- I. **Possible Action Item:** Adoption of a Provisional Drug and Alcohol Testing Policy for District Employees who Hold a Commercial Driver's License (CDL) and who Perform Safety-Sensitive Transportation Functions, Including Driving a Commercial Motor Vehicle (CMV)
- J. **Possible Action Item:** Approval for District Staff to Submit an Application to the Utah Division of Corporations & Commercial Code for Consideration for the District to Conduct Business and Operate Under the DBA Canyonlands Solid Waste Authority

PUBLIC HEARING – POSSIBLE ACTION ITEMS (CALL TO ORDER 6:00 pm)*

- K. Public Hearing on Fee Schedules for the Moab Transfer Station, Roll-Off Container Services, and Residential and Commercial Trash and Recycling Services*
- L. Discussion and Adoption of a Resolution to Approve the Fee Schedule for the Moab Transfer Station
- M. Discussion and Adoption of a Resolution to Approve the Fee Schedule for Roll-Off Container Services
- N. Discussion and Adoption of a Resolution to Approve the Fee Schedule for Residential and Commercial Trash and Recycling Services

CLOSED SESSION

- O. Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual(s)

CLOSING ACTIONS / ADJOURNMENT

- P. Future Considerations
- Q. Adjournment

*NOTE: Due to the ongoing public health emergency, public comments for the meeting record can be received in one of two ways. Please email swssd1@swssd1.org with the subject line "SWSSD1 Public Comment" by 4pm Monday, April 26, 2021 if you would like your comments to be heard as part of the Regular Meeting and/or with the subject line "SWSSD1 Public Hearing Comment" by 6pm Monday, April 26, 2021 if you would like to provide public comment as part of the public hearing portion of the meeting. Written comments are limited to 400 words. Alternatively, please join the Zoom meeting via the weblink below during the Citizen's Input section of the Regular Meeting at 4pm and/or during the Public Hearing section of the meeting at 6pm to provide verbal comments. The public comment period for the Public Hearing will open at 6pm and will close after members of the public that are present on the Zoom meeting have spoken. Comments are limited to a duration of three (3) minutes in length. Members of the public can join the Zoom meeting here: <https://us02web.zoom.us/j/83483360685?pwd=dnJvWXd4U1FUNTZk3I4RXlvdVl5dz09>.

Dated this 23rd day of April, 2021

Evan C. Tyrrell, District Manager

SOLID WASTE SPECIAL SERVICE DISTRICT #1 (SWSSD1)
Streamed Online via the Solid Waste Special Service District #1 Facebook Page:
<https://www.facebook.com/1956054918043457/videos/254231536401909>

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. §54-2-207(4), the Administrative Control Board of the Solid Waste District has decided to continue to hold electronic meetings without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, the Solid Waste District has continued to hold meetings by electronic means.

**MINUTES: REGULAR MEETING OF THE
SWSSD1 ADMINISTRATIVE CONTROL BOARD**

MONDAY, MARCH 22, 2021, 6:00 PM

BOARD MEMBERS PRESENT: Kalen Jones (Chair), Mary McGann (Treasurer), Kevin Fitzgerald (Vice Chair), Chad Harris (Member), and Diane Ackerman (Member).

Others present: Evan Tyrrell (District Manager), Jessica Thacker (District Program Manager/District Clerk), Chris Scovill (District Facilities Supervisor), LJ Blackburn (District Administrative Assistant/Bookkeeper), Alexander Pearson (Kirton and McConkie), Kirk Nintz (Unitt Ventures), Bryce Dalton (Kirton and McConkie), Japheth McGee (Zions Public Finance), and Alex Buxton (Zions Public Finance).

These minutes are presented in the order of the agenda and not necessarily in the order of discussion. The board packet is available on the District's website located here:
<https://swssd1.org/board-meetings-and-minutes/>.

REGULAR MEETING – CALL TO ORDER (6:00PM)

Kalen Jones called the meeting to order at 6:01pm. Chad Harris joined the meeting at 6:02pm.

CITIZEN'S INPUT

No comments were received.

APPROVAL OF MEETING MINUTES

A. FEBRUARY 18, 2021 REGULAR MEETING

MOTION: Mary McGann motioned/Diane Ackerman seconded to approve the draft minutes for February 18, 2021 as written in the March 22, 2021 Board packet. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

B. MARCH 4, 2021 SPECIAL MEETING

MOTION: Mary McGann motioned/Diane Ackerman seconded to approve the draft minutes for March 4, 2021 as written in the March 22, 2021 Board packet. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

TREASURER/FINANCIAL

C. *ACTION ITEM*: APPROVAL OF EXPENDITURES FOR THE MONTH OF FEBRUARY 2021

Evan Tyrrell provided a brief summary of the expenditures for the month of February with both routine expenditures along with non-routine expenditures such as the first annual payment towards the Bomag 772 Compactor loan. He stated there would be four more similar annual payments in the future.

MOTION: Mary McGann motioned/Kevin Fitzgerald seconded to approve the expenditures of February 2021 for \$158,417.13. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

REPORTS FROM BOARD AND STAFF

D. DISTRICT STAFF REPORTS

Evan Tyrrell provided a brief staff report indicating that the District was currently seeking an equipment operator and had posted a job listing in several locations. He also provided progress on District facilities such as the completed chipping and grinding of reclaimed green waste at the Moab Landfill, the participation from both residents and commercial entities at the Household Hazardous Waste Collection Event on March 6th, the process and current participation of the ongoing Moab Landfill Spring Voucher Cleanup Program, ongoing updates and revisions being considered regarding District policies, and participation of a safety summit hosted by SWANA. Evan Tyrrell reminded the Board of upcoming events such as the Moab Landfill and Community Recycle Center tours, pending Earth Day events on April 24th, and rescheduling of the April 2021 Board meeting.

Jessica Thacker gave a brief staff report providing updates on participants in the CRC Sponsorship Program, stated appreciation towards the City of Moab for granting the District funds to assist with costs associated with the Spring Voucher Cleanup Program, and updated the Board on a discussion with the regional USDA representative regarding the details of the Water and Waste Loan and Grant program.

LJ Blackburn reported that a noticeable decrease in credit cards transaction fees had been observed due to the new credit card processing service. She also stated that she was currently researching health insurance options for District employees and would present those findings later in the Board meeting (Agenda Item F).

Chris Scovill notified the Board that the 980 Loader had been delivered onsite and that it is a vast improvement over current equipment to support the ongoing excavation at the Moab Landfill.

E. BOARD REPORTS

Diane Ackerman stating that following some research and community outreach, she had organized a composting workshop with the Our Village Community Center on April 10th at 9am, where a demonstration on how to build a compost pile from scratch would be shown. No other Board reports were presented.

OLD BUSINESS

F. REVIEW AND DISCUSSION OF QUOTES RECEIVED FOR THE EVALUATION OF ALTERNATIVE HEALTH INSURANCE OPTIONS FOR DISTRICT STAFF

LJ Blackburn stated that she reached out to several insurance companies for quotes and selected those with most favorable plans then compared them to the District's current insurance plan. Mary McGann asked if there was a recommended plan and LJ replied that the PEHP Summit Exclusive Star HSA Option 2 Plan and Option 3 Plan were the most highly recommended plans. Evan Tyrrell supported the Option 2 Plan as it provided enhanced coverage compared to the District's current health insurance and resulted in a notable cost savings to the District. He explained the two main focuses on benefits analysis were the deductible costs and out-of-pocket maximums to District employees, especially in comparison to the District's current plan (received through Grand County) and associated expenses. Mary McGann asked how these recommended plans compare to the health insurance Monument Waste Services, LLC (MWS) employees currently receive. Evan Tyrrell explained that MWS employees currently pay for a large portion of their health insurance cost (25% employee contributions) where District employees' health insurance cost are currently covered in full by the District. Mary McGann stated these recommended plans appear to be more beneficial to all employees and Evan Tyrrell agreed stating that adopting one of these recommended health insurance plans would enhance the benefits and lower costs to both MWS and District employees.

Chad Harris stated this acquisition was the proper time to be exploring new health insurance options. LJ Blackburn explained that while District employees' insurance is 100% covered by the District, MWS employees pay for 25% of their health insurance costs. Evan Tyrrell stated these recommended plans and the District pursuit of them would allow the District to make health insurance more equitable between the two entities, and that current District employee contributions should be considered with any new plan. Kalen Jones voiced his appreciation at the level of research presented and agreed that the recommended plans appeared beneficial to all applicable employees. LJ Blackburn also explained that the recommended plans offered expanded health services in Colorado, thus covering employees who utilized services in Grand Junction. She requested Board members to volunteer for committee assistance in furthering employee-based decisions such as health insurance, determining employee policies, and Employee Handbook assistance. Chad Harris and Kevin Fitzgerald were designated.

NEW BUSINESS

G. *POSSIBLE ACTION ITEM: APPROVAL OF KLONDIKE LANDFILL FRANCHISE AGREEMENT WITH AW CONSTRUCTION*

Evan Tyrrell stated that language was added to Article 7 regarding the leasing and subcontracting of haulers and/or trucks and that a legal review had been completed to verify the additional language.

MOTION: Mary McGann motioned/Kevin Fitzgerald seconded to approve the Klondike Landfill Franchise Agreement with AW Construction and authorize the Chair and District Manager to sign all associated documents. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

H. *POSSIBLE ACTION ITEM: APPROVAL OF KLONDIKE LANDFILL FRANCHISE AGREEMENT WITH KUBIK BUILDERS*

MOTION: Kevin Fitzgerald motioned/Diane Ackerman seconded to approve the Klondike Landfill Franchise Agreement with Kubik Builders and authorize the Chair and District Manager to sign all associated documents. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

I. *POSSIBLE ACTION ITEM: APPROVAL OF DISTRICT COVID-19 VACCINATION POLICY*

Evan Tyrrell stated that the development of the District's COVID-19 Vaccination Policy was rather challenging due to the lack of guidance and resources on employer vaccination policies. He stated that both himself and Jessica Thacker did extensive research and incorporated incentives for staff that receive the full vaccine dosage. Evan Tyrrell stated this policy brought up several questions such as allowance of negative sick leave to District staff. He informed the Board that Jessica Thacker had developed educational material that discussed vaccine development along with specific details on the individual vaccine available to be discussed at an upcoming safety meeting. Evan Tyrrell detailed the development of a vaccine declination form for those that choose to opt-out of the COVID-19 vaccine while providing incentives to those that choose to opt-in.

Mary McGann voiced support of the proposed policy and incentive aspect. Chad Harris asked how the incentive was determined (in the form of a \$50 gift card) rather than an HSA deposit. Evan Tyrrell responded that a gift card felt more appealing to staff and stated that there currently seemed to be a decent amount of reluctance amongst the staff regarding the COVID-19 vaccine.

MOTION: Kevin Fitzgerald motioned/Mary McGann seconded to approve the District COVID-19 Vaccination Policy with an effective date of March 23, 2021. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

J. *POSSIBLE ACTION ITEM: APPROVAL OF THE PURCHASE AND REPLACEMENT OF NEW TRACK ASSEMBLIES, INCLUDING BOTH TRACKS, SHOES, AND SPROCKET SEGMENTS FOR THE DISTRICT'S 2005 CATERPILLAR D8 BULLDOZER IN AN AMOUNT NOT TO EXCEED \$22,500*

Evan Tyrrell stated that the D8 tracks, shoes, and sprocket segment are categorized as wear items and should have been rotated several years ago. He stated that failure to replace these items could result in the tracks falling off and stranding the D8 dozer in an inaccessible location. Chris Scovill explained that by addressing the problem now, it provides cost savings for potential future breakdowns and allows the District to schedule the maintenance in an appropriate timeframe.

MOTION: Chad Harris motioned/Kevin Fitzgerald seconded to approve the purchase and replacement of new track assemblies, including both tracks, shoes, and sprocket segments for the District's 2005 Caterpillar D8 bulldozer in an amount not to exceed \$22,500. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

K. *POSSIBLE ACTION ITEM: APPROVAL OF REAL PROPERTY PURCHASE AND SALE AGREEMENT WITH MOAB LAND COMPANY, LLC FOR THE PURCHASE OF THE REAL PROPERTY LOCATED AT 2295 SOUTH HIGHWAY 191, MOAB, GRAND COUNTY, UTAH, AND ASSET PURCHASE AGREEMENT WITH MONUMENT WASTE SERVICES, LLC FOR THE PURCHASE OF SUBSTANTIALLY ALL OF THE ASSETS RELATING TO THE OPERATIONS OF MONUMENT WASTE SERVICES, LLC'S BUSINESS IN GRAND AND SAN JUAN COUNTIES IN UTAH WITH A COMBINED PURCHASE PRICE NOT TO EXCEED \$11,410,000*

Evan Tyrrell introduced this topic by stating that this is a huge opportunity for the District. Past strategic plans and consultant have suggested that the District acquire the transfer station and collections component, which has been a long-time goal of the District. Evan Tyrrell stated that a series of consultant had been retained over the past several months to support due diligence inquires, financial analyses, real estate due diligence, and a solid waste company acquisition expert was utilized throughout the analyses, including evaluation of purchase prices. Evan Tyrrell stated that these types of acquisitions are typically conducted under strict confidentiality agreements, which Monument Waste Services required leading up to the approval of purchase agreements. Finally, Evan Tyrrell stated that as a result of the combined services, several efficiencies will be realized, resulting in both short- and long-term benefits to residents and businesses of Grand County and the City of Moab.

Evan Tyrrell introduced the legal consultants: Alexander Pearson (Kirton and McConkie), Bryce Dalton (Kirton and McConkie), and Kirk Nimitz (Unitt Ventures) who provided legal, acquisition, financial, and other due diligence support. Evan Tyrrell reported that the Phase I Environmental Site Assessment of the property came back clean and that no additional investigations were recommended. He stated the appraisal for the real property was scheduled for the following day and recommended the Board utilize the presence of the legal representatives to answer any questions the Board might have regarding the two purchase agreements.

Mary McGann stated the Real Property Purchase and Sale Agreement was a very dense document but she had no questions at the time. Alexander Pearson explained that this document is a binding document that can still be backed out of pending additional due diligence to be performed.

MOTION: Mary McGann motioned/Kevin Fitzgerald seconded to approve the Real Property Purchase and Sale Agreement with the Moab Land Company, LLC for the purchase of the real property located at 2295 South Highway 191, Moab, Grand County, Utah and asset purchase agreement with Monument Waste Services, LLC for the purchase of the assets related to the operations of Monument Waste Services, LLC business in Grand County and San Juan Counties in Utah with the combined purchase price not to exceed \$11,410,000.

AMENDED MOTION: Mary McGann motioned/Kevin Fitzgerald seconded to approve the Real Property Purchase and Sale Agreement with the Moab Land Company, LLC for the purchase of the real property located at 2295 South Highway 191, Moab, Grand County, Utah and Asset Purchase Agreement with Monument Waste Services, LLC for the purchase of the assets related to the operations of Monument Waste Services, LLC business in Grand County and San Juan Counties in Utah with the combined purchase price not to exceed \$11,410,000 and authorize the Chair and District Manager to sign all associated documents. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

L. *POSSIBLE ACTION ITEM: CONSIDERATION FOR THE ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$15,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL REVENUE AND REFUNDING BONDS, SERIES 2021; AND RELATED MATTERS*

Evan Tyrrell introduced Japheth McGee (Zion Public Finance) and Alex Buxton (Zions Public Finance) to the Board as the District's financial advisers and stated that bids have been released and that a favorable bid has been received. He stated the resolution has not changed and if approved, will open a thirty (30) day contestability period along with a public hearing period. Japheth McGee stated that interest rates were very low in February and appear to be tracking upwards. Alex Buxton reiterated that the terms of the received favorable bond are progressing and many discussions with bidders have occurred. Evan Tyrrell reminded the Board that although the resolutions states a not to exceed amount of \$15,000,000 does not necessarily indicate the District will borrow that amount. He stated that 15-year and 18-year loan terms are available.

MOTION: Mary McGann motioned/Kevin Fitzgerald seconded to adopt a resolution authorizing the issuance and sale of not more than \$15,000,000 aggregate principal amount of general revenue and refunding bonds, Series 2021, and authorize the Chair and District Manager to sign all associated documents. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

CLOSED SESSION(S)

MOTION: Mary McGann motioned/Diane Ackerman seconded to enter into closed session to discussion the character, professional competence, or physical or mental health of an individual(s) as well as strategy sessions to discuss the purchase, exchange, or lease of real property. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

The closed session began at 7:13pm.

M. DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL(S)

N. STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

MOTION: Mary McGann motioned/Chad Harris seconded to exit the closed session. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, Mary McGann, and Kevin Fitzgerald each voted yes. Motion passed unanimously.

The closed session ended at 7:44pm.

CLOSING ACTIONS / ADJOURNMENT

O. FUTURE CONSIDERATIONS

A Special Meeting and Public Hearing will be held on April 8, 2021, beginning at 5:00 pm.

P. ADJOURNMENT

MOTION: Kevin Fitzgerald motioned/Mary McGann seconded to adjourn the meeting.

The meeting adjourned at 7:45 p.m.

Respectfully submitted to the Board,

Jessica Thacker
District Clerk, Solid Waste Special Service District #1

SOLID WASTE SPECIAL SERVICE DISTRICT #1 (SWSSD1)
Streamed Online via the Solid Waste Special Service District #1 Facebook Page:
<https://www.facebook.com/1956054918043457/videos/126977289402563>

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**MINUTES: SPECIAL MEETING AND PUBLIC HEARING OF THE
SWSSD1 ADMINISTRATIVE CONTROL BOARD**

THURSDAY, APRIL 8, 2021, 5:00 PM

BOARD MEMBERS PRESENT: Kalen Jones (Chair), Kevin Fitzgerald (Vice Chair), Chad Harris (Member), and Diane Ackerman (Member). Mary McGann (Treasurer) was not present.

Others present: Evan Tyrrell (District Manager), Jessica Thacker (District Program Manager/District Clerk), Chris Scovill (District Facilities Supervisor), LJ Blackburn (District Administrative Assistant/Bookkeeper), and three (3) citizens for Citizen's Input and Public Hearing.

These minutes are presented in the order of the agenda and not necessarily in the order of discussion. The board packet is available on the District's website located here:
<https://swssd1.org/board-meetings-and-minutes/>.

SPECIAL MEETING – CALL TO ORDER (5:00PM)

Kalen Jones called the meeting to order at 5:02pm.

CITIZEN'S INPUT

The following verbal comments were received:

Sara Melnicoff (Moab Solutions)

I am very thrilled about the acquisition and feel this is a net positive for the entire community. With this, the CRC (Community Recycle Center) can be a shining example for the region. Would like to give a shoutout to the Board and Evan for all their hard work.

Lenore Beeson (Byrd & Co Real Estate)

Myself, Sue Shrewsbury, and Curtis Wells at Byrd & Co. Real Estate are proud to be sponsors for the Cash for Cans event at the CRC and are in favor of the Monument Waste Services purchase. We would like to encourage everyone to utilize the CRC.

Diane Ackerman joined the meeting at 5:06pm.

INFORMATIONAL WORKSHOP

A. REVIEW AND DISCUSSION OF GENERAL REVENUE BOND OPTIONS, INCLUDING PAR AMOUNTS, INTEREST RATES, AND REPAYMENT TERMS RELATED TO THE PURCHASE AND ACQUISITION OF MONUMENT WASTE SERVICES' UTAH-BASED ASSETS AND OPERATIONS

Evan Tyrrell presented an analysis of the general revenue bond options with a statement that the minimum bond cost associated with the purchase of Monument Waste Services' Utah-based operations would be \$11,500,000. He also provided a breakdown of the Solid Waste District's current long-term debt obligations and a 'what if' analysis regarding the potential consolidation or payoff through the pending bond. Evan Tyrrell stated there were several options to consider and discussed high-level capital improvements (bond add-ons) to the Solid Waste District operations, especially equipment/fleet purchases and transfer station upgrades in the form of an office expansion. He estimated the total cost of these optional add-ons to the plus the additional costs of the outstanding Klondike Landfill 1997 bonds and Caterpillar Motor Grader Lease bond payoffs would bring the bond grand total to \$13,385,076.90. Evan Tyrrell recommended seeking a bond amount of no less than \$13,000,000 and discussed the variation in interest rates between 15-year and 18-year bond terms along with changes in annual repayment obligations. He stated that through various discussions that it would be a better idea to go with the higher bond amount to allow for an emergency buffer and funds for necessary, unexpected, and as-needed capital improvements. Chad Harris asked for clarification on the Pro-Forma Bridge Analysis and Evan Tyrrell stated that both negative and positive synergies were accounted for, whereas the positive synergies were taken very conservatively.

B. REVIEW AND DISCUSSION OF UPDATED HEALTH INSURANCE OPTIONS FOR DISTRICT STAFF AND ASSOCIATED EMPLOYEE CONTRIBUTIONS

Evan Tyrrell provided a brief summary of the 2021 insurance plans comparison and stated that the PEHP Summit Exclusive Star HSA Option 2 was the most beneficial to both Solid Waste District and Monument Waste Services employees. He detailed the cost savings difference between the Solid Waste District's current plan and the recommended plan in regards to premiums, deductibles, and out-of-pocket maximums. He explained how the potential switch to the recommended insurance plan would be reflected on both Solid Waste District employees (a slight increase in pay to cover the cost of monthly employee contributions) and Monument Waste Services (take home pay will increase with decreased expected employee contributions).

C. REVIEW AND DISCUSSION OF UPDATED TIME-TRACKING AND THIRD-PARTY PAYROLL SERVICE PROVIDER OPTIONS

LJ Blackburn stated she had researched and received quotes from various other payroll service providers but recommended utilizing this service, which is already being used by Monument Waste Services and felt this would streamline the addition of Solid Waste District employees rather than introducing a new service. She stated that Autopaychecks HCM would also provide additional services outside of payroll management such as filing quarterly and annual taxes, human resources services, complete annual workers compensation audits, and enhance time-

tracking abilities while reducing costs and staff time. Evan Tyrrell stated that with the pending growth of the District to approximately 30 employees, a third party payroll provider would provide numerous benefits and time savings to District administrative staff. Both Kalen Jones and Kevin Fitzgerald both voiced support of pursuing this payroll service provider.

D. REVIEW AND DISCUSSION OF UPDATED INFORMATION TECHNOLOGY SERVICE PROVIDER OPTIONS

LJ Blackburn stated that due to lacking customer service and available services from the Solid Waste District's current IT service provider, the Solid Waste District was currently seeking a replacement provider. Evan Tyrrell stated that moving forward, the recommended company would provide an IT assessment and provide a proposal for services and formal quote. He stated that the recommended provider was very responsive and could result in a higher quality of service, expanded services, and a potential cost savings to all Solid Waste District operations (including Monument Waste Services).

E. REVIEW AND DISCUSSION OF DISTRICT STAFF VACATION, SICK, AND COMPENSATORY TIME POLICIES

Evan Tyrrell provided a brief summary of the draft Solid Waste District staff vacation, sick, and compensatory time policies. He stated that compensatory time was not proving as beneficial as its original intent and provided an alternative option of converting compensatory time to additional vacation accrual leave for exempt employees who worked over a certain number of hours per pay period. Evan Tyrrell stated this suggested draft and associated Employee Handbook had been sent to the Employer's Council for review and hoped to adopt a provisional handbook at the next Board meeting. He asked for feedback and assistance from the employee policy committee Board members to determining undecided accruals rates, maximums, and potential payouts.

PUBLIC HEARING – CALL TO ORDER (6:00PM)

F. PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO (A) THE ISSUANCE AND SALE OF NOT MORE THAN \$15,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL REVENUE AND REFUNDING BONDS, SERIES 2021, AND (B) ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT TO BE FINANCED WITH THE PROCEEDS OF THE BONDS MAY HAVE ON THE PRIVATE SECTOR*

Pam Hackley

This is an exciting time and congratulations to the Solid Waste staff, Evan, and the Board for putting together such a complicated endeavor. Great opportunity to take over I've been reading through the voluminous materials and I can tell an amazing amount of time putting the packet together. As a former Board member, this was a dream we had for a long time and I cannot express how exciting it is to have this opportunity for the District and the community. I certainly support the issuance of these bonds and hope that that can move forward in a timely and swift way. No comment on Item B and I look forward to your discussion on that. I hope with this purchase and with the bond issue there is a chance for the District to get off TRT and mineral lease. Not much else to say, look forward to the changes and bringing on more staff. Good luck.

MOTION: Kevin Fitzgerald motioned/Diane Ackerman seconded to close the public hearing. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, and Kevin Fitzgerald each voted yes. Motion passed 4-0.

SPECIAL MEETING (CONTINUED)

- G. *POSSIBLE ACTION ITEM: APPROVAL OF THE PAR AMOUNT, TRUE INTEREST COST, AND REPAYMENT TERMS FOR GENERAL REVENUE AND REFUNDING BONDS, SERIES 2021, ASSOCIATED WITH THE PURCHASE AND ACQUISITION OF MONUMENT WASTE SERVICES' UTAH-BASED ASSETS AND OPERATIONS, AND OTHER RELATED IMPROVEMENTS***

MOTION: Diane Ackerman motioned/Kevin Fitzgerald seconded to approve seeking a par amount of \$13,500,000 with a 18-year repayment term and true interest cost of approximately 2.47% for General Revenue and Refunding Bonds, Series 2021, associated with the purchase and acquisition of Monument Waste Services' Utah-based assets and operations, and other related improvements. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, and Kevin Fitzgerald each voted yes. Motion passed 4-0.

- H. *POSSIBLE ACTION ITEM: APPROVAL OF UPDATED HEALTH INSURANCE POLICIES FOR DISTRICT STAFF AND ASSOCIATED EMPLOYEE CONTRIBUTIONS TO BE EFFECTIVE MAY 1, 2021***

MOTION: Kevin Fitzgerald motioned/Chad Harris seconded to approve the updated medical, dental, vision, and life insurance policies consistent with the staff recommended PEHP Star HSA Option 2 as summarized on page 24 of the Board packet, including 10% employee contributions of monthly premiums with an effective date of May 1, 2021. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, and Kevin Fitzgerald each voted yes. Motion passed 4-0.

- I. *POSSIBLE ACTION ITEM: APPROVAL TO MOVE FORWARD WITH AUTOPAYCHECKS HCM FOR THIRD-PARTY PAYROLL SERVICES AND THE PURCHASE OF ELECTRONIC TIMECLOCKS FOR EMPLOYEE TIME-TRACKING***

MOTION: Chad Harris motioned/Kevin Fitzgerald seconded to approve District staff to move forward with Autopaychecks HCM for third-party payroll services and purchase two electronic timeclocks for \$2,400 to enable electronic time-tracking for District employees. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, and Kevin Fitzgerald each voted yes. Motion passed 4-0.

J. POSSIBLE ACTION ITEM: APPROVAL TO MOVE FORWARD WITH GJ COMPUTER CENTER, INC. AS THE DISTRICT'S INFORMATION TECHNOLOGY MANAGED SERVICE PROVIDER

MOTION: Diane Ackerman motioned/Kevin Fitzgerald seconded to approve District staff to move forward with GJ Computer Center, Inc. as the District's Information Technology Managed Service provider. Roll call vote: Diane Ackerman, Chad Harris, Kalen Jones, and Kevin Fitzgerald each voted yes. Motion passed 4-0.

CLOSING ACTIONS / ADJOURNMENT

K. FUTURE CONSIDERATIONS

The next Regular ACB meeting will be held on April 26, 2021, beginning at 4:00 pm.

L. ADJOURNMENT

MOTION: Kevin Fitzgerald motioned/Chad Harris seconded to adjourn the meeting.

The meeting adjourned at 6:14 p.m.

Respectfully submitted to the Board,

Jessica Thacker
District Clerk, Solid Waste Special Service District #1



SOLID WASTE

SPECIAL SERVICE DISTRICT # 1

EMPLOYEE HANDBOOK

Policy # 116-1240

P R O V I S I O N A L

Original Issue: May 1, 1994

Revised: June 13, 2002

Revised: March 8, 2010

Revised: July 9, 2015

Revised: September 8, 2016

Revised: August 10, 2017

Revised for immediate implementation on May 2, 2021



Printed on 100%
recycled paper

IMPORTANT DISCLAIMER

AT THE SOLID WASTE SPECIAL SERVICE DISTRICT #1 ("THE DISTRICT"), NEITHER THE EMPLOYEE NOR THE DISTRICT IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT WITH THE DISTRICT IS AT-WILL. EITHER THE EMPLOYEE OR MANAGEMENT HAS THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME AND FOR ANY REASON.

THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR IS THERE A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION. NO REPRESENTATIVE OF THE DISTRICT, OTHER THAN THOSE OF THE ADMINISTRATIVE CONTROL BOARD OR DISTRICT MANAGER, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE ADMINISTRATIVE CONTROL BOARD OR DISTRICT MANAGER AND THE EMPLOYEE.

THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND, THEREFORE, ARE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE DISTRICT RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE DISTRICT. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

SOLID WASTE SPECIAL SERVICE DISTRICT #1 EMPLOYEE HANDBOOK

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1 – Employee Acknowledgement

PROVISIONAL

SOLID WASTE SPECIAL SERVICE DISTRICT #1 EMPLOYEE HANDBOOK

000 Introduction & Welcome

Welcome to the Solid Waste Special Service District #1 (District). As a Special Service District in the State of Utah tasked with the overall management of solid waste in Grand County, Utah, each and every one of you serve a vital role as public servants to the residents, business, and visitors of Grand County. A public servant can be defined as a governmental worker who provides services that serve to maintain, improve, or enhance societal and public welfare. Effective solid waste management is one of the most important foundations of any modern civilization that is ultimately designed to protect human health and the environment. The District takes pride in the services we provide with an emphasis on safety, customer service, teamwork, and equality.

As the District continues to optimize its operations and enhance its services, our success continues to be built on team effort, combining your talents with those of other talented people at the District to achieve a common goal of maintaining the highest quality of customer service in the most efficient and safest possible manner. The more we work together, the further we progress as individuals and as a solid waste management organization. You are an important part of a dynamic organization in the solid waste and recycling industry. We believe that the more you know about your job, the solid waste industry, and the District, the better equipped you will be to perform effectively and enjoy a rewarding career.

In this regard, we firmly believe that the people who work for the District are our greatest assets. We are dedicated to working with you in good faith, and this promise of dedication, which is extended to each employee, forms the foundation of the integrated solid waste management services that we provide. The District's intentions are to provide competitive wages and comprehensive benefits while fostering a safe and pleasant working environment.

100 General Policies

101 Important Information and Disclaimer

This handbook is designed to acquaint employees with the Solid Waste Special Service District #1 (the "District") and provide information about working for the District. This handbook is not all inclusive but is intended to provide employees with a summary of some of the District's policies and guidelines. This edition replaces all previously issued editions and may not be amended or added to without the express approval of the District's Administrative Control Board (the "Board").

Employment with the District is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the District may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the District and any of its employees. The provisions of this handbook have been developed at the discretion

of management, and except for its policy of employment-at-will, may be amended or canceled at any time, at the District's sole discretion.

No employee handbook can anticipate every circumstance or question. After reading the handbook, employees that have questions should talk with their immediate supervisor. In addition, the need may arise to change the guidelines described in the handbook; except for the at-will nature of the employment, the District, therefore, reserves the right to interpret them or to change them without prior notice.

102 Employee/Administrative Control Board Conduct

The Administrative Control Board, hereafter referred to as "Board", has adopted standards and values regarding the manner in which the District employees should conduct themselves as they work and interact with their co-workers, governmental agencies, customers, and the general public. In addition, District management and the Board believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in the area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor and/or manager.

The District Manager serves as the Executive Director of the District and reports directly to the Board. District staff should voice any concerns to their direct supervisor, manager, Human Resources representative, and/or the District Manager prior to engaging with the Board.

The Board establishes the organization's standards and values. Employees are expected to adhere to the ethical standards and values of the District which include as a minimum honesty, integrity, responsibility, fairness, hard work ethics, dedication, friendliness, and courtesy. The Board members and District management are accountable to the community and pledge to be fiscally responsible.

The Board believes that when employees deal openly and directly with their supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The District shall amply demonstrate its commitment to employees by responding effectively to employee concerns.

103 Equal Employment Opportunity

The District is dedicated to the principles of equal employment opportunity. Discrimination against applicants or employees on the basis of race, color, religion, sex, age, national origin, disability, sexual orientation, gender identity, pregnancy, childbirth or pregnancy-related conditions, military status, or any status or expression protected by law is strictly prohibited. Discrimination against any qualified person in connection with his or her hiring, placement, training, promotion, compensation, other conditions of employment, layoff, transfer, discipline, demotion or termination, based upon any of the above is prohibited.

104 Americans with Disability Act (ADA), Religious, and Other Accommodations

The District will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship to the District or result in a threat to health and safety. The District provides reasonable accommodations for employees whose religious belief, practice, or observance conflicts with a workplace requirement unless doing so would result in undue hardship to the District. The District provides reasonable accommodations for employees based on gender identity in dress/grooming standards and facilities. Employees needing such accommodations are instructed to notify their supervisor, manager, and/or Human Resources representative immediately.

Accommodation for Pregnancy, Childbirth, Breastfeeding, or Related Conditions

The District will make reasonable accommodation for qualified individuals with known limitations related to pregnancy, childbirth, breastfeeding, or related conditions if the employee requests a reasonable accommodation and unless doing so would result in an undue hardship to the District.

For at least one year after the birth of an employee's child, the District will provide reasonable breaks for each time the employee needs to breastfeed or express breast milk; and the District will consult with the employee to determine frequency and duration of the breaks. To the extent possible, breaks will run concurrent with any other break provided to the employee. The District will provide a private room or other location in close proximity to the employee's work area, which shall not be a bathroom, and which shall be maintained and sanitary for the purpose of breastfeeding or expression of breast milk, unless to do so would result in an undue hardship to the District.

The District will also provide the employee with access to a clean and well maintained refrigerator or freezer to temporarily store the employee's breast milk. If the employee does not work in an office building, the District will provide the employee with a nonelectric, insulated container to temporarily store the employee's breast milk.

105 Non Discrimination and Harassment

The District is committed to maintaining a positive working environment free from unlawful harassment. In doing so, the District prohibits discrimination and/or harassment because of age, race, sex, color, national origin, religion, disability, sexual orientation, gender identity, pregnancy, childbirth, breastfeeding, or pregnancy-related condition, military status, or any other legally protected status.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on a legally protected characteristic will not be tolerated. Prohibited behavior includes, but is not limited to, the following:

- Written form such as cartoons, e-mail, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.

- Physical conduct such as assault, or blocking an individual's movements.

The District also strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct that may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul, or obscene language of a sexual nature, gossiping, or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, indecent exposure, and brushing up against another's body.

This policy applies to all employees including Board members, managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

105.1 Complaint Procedure

If you believe there has been a violation of the EEO policy or harassment based on the protected classes listed above, including sexual harassment, please use the following complaint procedure. The District expects employees to make a timely complaint to enable the District to investigate and correct any behavior that may be in violation of this policy.

Report the incident to your direct supervisor, manager, or Human Resources representative who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to either of these individuals with your complaint, you should report the incident to the District Manager.

105.2 Retaliation

The District prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If you believe there has been a violation of our EEO or retaliation standard, please follow the complaint procedure outlined above.

If the District determines an employee's behavior is in violation of this policy, disciplinary action will be taken, up to, and including termination of employment.

106 Violence Prohibited

Employees shall not engage in intimidation, threats, or hostile behaviors, physical/verbal abuse, vandalism, arson, sabotage, or any other act which in management's opinion is inappropriate in the workplace. In addition, bizarre or offensive behavior and/or comments regarding violent events are not tolerated. Employees are expected to immediately report any prohibited conduct to management. Employees should directly contact proper law enforcement authorities if they believe there is a serious and immediate threat to the safety and health of themselves or others.

If the District determines an employee's behavior is in violation of this policy, disciplinary action will be taken, up to, and including immediate termination of employment.

107 Smoking/Substance Abuse

107.1 Drug and Alcohol-Free Workplace Program.

The District is committed to providing a workplace that ensures the safety and encourages the personal health and productivity of its employees. The District recognizes that substance abuse in the workplace is a threat to the safety, health, and job performance of its employees and has established this policy to minimize the consequences and effects of alcohol and drug abuse in the workplace.

The misuse or abuse of drugs and alcohol can significantly affect job performance and can compromise the safety and security of District employees, operations, customers, and the general public. The District expects employees to perform their duties safely and efficiently, and encourages employees who have, or who believe he/she could have, a drug or alcohol misuse or abuse problem to seek assistance in treating or resolving the problem.

The District has a zero tolerance policy regarding being under the influence of alcohol, drugs, or illegal use of a controlled substance while on duty or on District-owned or leased premises. This includes working after the apparent use of marijuana, regardless of marijuana's legal status. The possession, use, or sale of a controlled substances or alcohol on District premises or during District time is prohibited. Off-the-job drug or alcohol use that may adversely affect work performance, safety, or the District's reputation in the community is also prohibited.

Substance abuse testing is an important element in the District's efforts to ensure a safe and productive work environment. Therefore, the District has implemented a Drug and Alcohol-Free Workplace policy which applies to all current and prospective employees. Employees shall be given a copy of the policy along with this handbook with the expectation that employees will become familiar with both documents (See policy 137-1240 Drug and Alcohol-Free Workplace Program Policy).

107.2 Clean Air Act (Smoking):

The District is committed to providing a safe and healthy working environment for employees and the general public. The District will follow the Utah Indoor Clean Air Act (§ 26-38-1 et seq., as amended or replaced from time to time) by prohibiting smoking indoors on District property or in areas of public access or egress from indoor areas located on District property. Smoking is also

prohibited in any District provided vehicles, machinery, or equipment. Employees who fail to comply will be subject to discipline, up to and including possible termination of employment.

107.3 District property

The property covered by this guideline includes all District-owned or leased land, buildings, and surrounding areas such as sidewalks, walkways, driveways, and parking lots under the District's ownership or control as well as all District-owned or leased vehicles.

108 Conflict of Interest

In making decisions, all employees of the District must exercise independent judgment for the best interest of the District. Personal or outside interests or relationships must not influence employees to the detriment of the District.

Employees of the District may not engage in any activities or relationships, including personal investments or other employment, which might directly or indirectly result in a conflict of interest, or impair their independence of judgment. Employees must not accept gifts, favors, or benefits that might tend in any way to influence them or give the appearance of influence in the performance of their duties. Employees may not use District time, equipment, property, or supplies for personal use or private gain.

109 Political Participation

Employees may voluntarily participate in political activity and may run for public office in nonpartisan elections, campaign for, and hold office in political clubs and organizations, actively campaign for candidates for public office in partisan and nonpartisan elections, contribute money to political organizations, and attend political fundraising functions. However, employees may not be candidates for public office in a partisan election, use official authority or influence to interfere with or affect the results of an election or nomination, or directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

110 Solicitations and Distribution

In an effort to protect employees from unwanted solicitations that can interfere with work duties and productivity or create tension and discord among employees, the following rules apply to all District employees.

Employees may not solicit or ask other employees to purchase goods or services, make donations or contributions, sign cards or petitions, or join or support particular groups or causes in any work area during employees' work time.

Employees may not distribute any literature or written materials that are not job related and approved by management during work time in any work area.

Management may make occasional exceptions to the above rules for certain charitable or other District-sponsored activities or when required by law.

Anyone who is not a District employee is prohibited from entering our premises at any time to solicit support from our employees for any organization or cause; or to otherwise proselytize, distribute literature, or sell or market products/services to our staff. Exceptions to this important rule may be made only for vendors or service representatives whose purpose is strictly related to our business functions and purposes, and then only with prior approval of our management.

111 Nepotism

No relative of an employee or Board member shall be under the management of or directly supervised by another District employee with whom they are a related (see the Utah Anti-Nepotism Act, § 52-3-1 *et. Seq*). A relative is defined as father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren, grandparents, spouse's grandparents, step-children, step-parents, step-grandparents, spouse's step-grandparents, step-sisters, and step-brothers.

112 Outside Employment

An employee may hold a job with another entity as long as he or she satisfactorily performs his or her job responsibilities with the District. All employees will be evaluated under the same performance standards based on their job duties, and shall be subject to the District's scheduling demands, regardless of any existing outside work requirements.

If the District determines that an employee's outside work interferes with performance or the ability to meet the requirements of the District as they are modified from time to time, or if the employment is presenting a conflict of interest having an adverse impact on the District, the employee may be asked to terminate the outside employment if he or she wishes to remain with the District.

200 Employment

201 Employee Status

It is the intent of the District to clarify the definitions of employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the District.

202 Category of Employment

202.1 Regular, Full-Time

An employee who is not assigned to a seasonal position and who is regularly scheduled to work a minimum of forty (40) hours of work per week shall be considered a Full-Time Regular employee. Generally, Full-Time Regular employees are eligible for the District's benefit package, subject to the terms, conditions, and limitations of each benefit program. An employee who works less than a regular scheduled forty (40) hour work week, but at least 30 hours per week, shall be eligible for prorated benefits sponsored by the District, subject to the terms, conditions, and limitations of each benefit program, and as required by law.

202.2 Regular, Part Time

An employee who is not assigned to a seasonal position and who is regularly scheduled to work less than thirty (30) hours per week shall be considered a Part-Time Regular employee. Part-Time Regular employees are not eligible for benefits sponsored by the District.

202.3 Seasonal

An employee who is hired as an interim replacement, to temporarily supplement the work force, or to assist in the completion of a specific project shall be considered a Seasonal employee. Employment assignment in this category is of a limited duration and is not expected to exceed more than a six (6) month period. Employment beyond any initially stated period does not in any way imply a change in employment status. Seasonal employees retain that status unless and until notified of a change. Seasonal employees are not eligible for benefits sponsored by the District.

202.4 Merit and Non-Merit

Upon satisfactory completion of the introductory orientation period (see 205, Introductory, Orientation Period), employees enter the "merit" employment classification as either Regular, Full Time or Regular, Part Time. Surpassing the orientation period does not change the employee's "at-will" status. The primary difference between merit and non-merit is that merit employees have appeal rights, whereas non-merit employees do not.

203 Employee Records

The District maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. Any medical related

information such as for worker's compensation, hearing program, etc. is retained in a file separate from other personnel records.

203.1 Custody and Accessibility

All employee records shall be treated as confidential. Only the subject employee, supervisors, and management personnel who have a legitimate need for the information in those files, and others as provided in the Government Records Access and Management Act (GRAMA), shall be allowed to access the employee records. Each employee may review his or her own personnel file(s) during regular business hours and may obtain a copy of any document in the personnel file in accordance with the GRAMA policies of the District. If an employee wishes to make copies of the documents in his/her own personnel file, the employee is responsible for such costs. At its sole discretion, the District may limit an employee's access to his or her employee records to such times as a District supervisor may observe such access.

203.2 Personnel Data Change

Employees are responsible for ensuring that personal employee information contained in employee files is current and accurate. Individual information (any change in mailing address, telephone number, number and names of dependents, marital status, educational accomplishments, individuals to be contacted in the event of an emergency, and other such status reports) should be updated whenever necessary by providing a completed Change of Status form or equivalent written documentation. Any change in an employee's position, rate of pay, or employment status shall be documented by the District Manager and/or Human Resources representative, which will be physically and/or electronically placed in the employee's personnel file.

204 Recruitment and Employment

204.1 Application

The District relies on the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the District's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

204.2 Background Checks

To ensure that individuals who join the District are well qualified and have a strong potential to be productive and successful, the District will typically check the employment references of all applicants. In addition, the District reserves the right to conduct a full background check of any applicant, in compliance with all state and federal laws, including the federal Fair Credit Reporting Act. Each applicant shall consent to the release of information necessary for the District to conduct a reference check and/or background investigation regarding the applicant. An applicant will not be informed as to which references were contacted or what information the District received, unless otherwise required by law, regardless of whether the applicant is hired by the District.

204.3 Interviews

Interviews by the District will generally be conducted to determine the applicant's potential to meet the requirements of the job and ensure that the applicant understands the duties and responsibilities of the job. Interviews will be conducted only after an applicant has fully completed

the application process. The District will notify those applicants to whom an offer of employment is being extended, and will confirm the starting date, rate of pay, and coordinate any orientation or briefing schedule. Unsuccessful applicants will be notified by the District that the vacancy has been filled.

204.4 Requests for References

In order to protect the privacy of the District's employees, past and present, the District Manager will respond in writing only to those reference check inquiries that are submitted in writing. Responses to reference check inquiries will confirm only dates of employment, wage rates, positions(s) held, and if the past employee is eligible for rehire.

205 Introductory (Orientation) Period

The introductory (orientation) period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The District uses this period to evaluate employee capabilities, work habits, dependability, and overall performance, and management, at its sole discretion, may terminate employment at any time for any employee during his or her introductory (orientation) period. Either the employee or the District may end the employment relationship at will at any time during or after this period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for up to 60 or 180 calendar days, depending upon the terms of their written offer of employment, at the sole discretion of the District Manager, after their first day of work. Any significant absence will automatically extend the orientation period by the length of the absence. Employees who are promoted or transferred within the District are subject to an additional orientation period of the same length, in accordance with their written promotion or transfer offer, with each reassignment to a new position. If the District determines that the designated orientation period does not allow sufficient time to thoroughly evaluate the employee's performance, the orientation period may be extended at the District's sole discretion for a specified period of time by written notice to the employee.

In cases of promotions or transfer within the District, an employee who, in the sole judgment of District management, is not successful in the new position can be removed from that position at any time during the new introductory period. If this occurs, the employee may be allowed to return to his or her former position or to a comparable position for which the employee is qualified, depending on the availability of such positions and District's needs.

Upon satisfactory completion of the initial orientation period, employees enter the "merit" employment classification as either full time or part time. Surpassing the introductory period does not change the employee's "at-will" status.

During the initial orientation period, eligible employees may enroll in District provided benefits, such as health insurance, subject to the terms and conditions of each benefits program, on the first day of the month after his or her hire date. For example, if the hire date is June 15, eligibility would become effective on July 1. Eligible employees will begin accruing sick and annual leave upon his or her first day of work. Benefits eligibility and employment are not changed due to promotions or transfers within the District.

206 Performance Evaluations

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations may be conducted at the end of an employee's introductory (orientation) period. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Performance evaluations are typically conducted prior to the end of the fiscal/calendar year and are used in the consideration of the next fiscal year's compensation (i.e., merit-based raise) in conjunction with any cost of living adjustment (COLA) authorized by the Board and as established in the annual operating budget. In no way is the District obligated to issue merit- or COLA-based raises with the exception of those required by local, state, and federal regulations.

Employees should review their written evaluation and make written comments concerning all aspects of the evaluation. The employee should express agreement or disagreement with any points made. The employee and the evaluator shall sign a copy of the evaluation, and the evaluation will be filed in the employee's personnel file.

300 Work Schedules, Overtime, Payroll

301 Employment Pay Classification

Each employee is designated as either Exempt or Nonexempt from federal wage and hour laws. An employee's Exempt or Nonexempt classification may be changed only upon written correspondence signed by the District Manager and given to the employee thirty (30 days) prior to change.

301.1 Exempt Employee

An employee who is not eligible for overtime pay as defined by the Fair Labor Standards Act.

301.2 Nonexempt Employee

Employees are entitled to overtime pay as defined by the Fair Labor Standards Act. Non-exempt employees are eligible for paid overtime at one and one-half times their regular rate of pay for all hours worked in excess of 40 hours per workweek (i.e., based on actual hours worked). Paid time off for sick leave, vacation leave, holiday, or any leave of absence are not considered work hours for the purposes of calculating overtime compensation. Nonexempt employees will also be paid one and one half their rate of pay for any hours worked on a District-observed holiday.

302 Hours of Work

Due to the essential nature of the work in our industry as well as rotation of duties of employees, the work schedules for employees will vary on a weekly basis. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week as well as work locations.

The District Facilities Supervisor, in consultation with the District Manager, determines the schedule for landfill and recycling operations staff for each work week. The District Transfer Station and Collections Operation Manager, in consultation with the District Manager, determines the schedule for transfer station and route collections staff for each work week. Schedules are typically available Friday afternoon for the following week. However, given the constantly changing needs in the solid waste industry, the District reserves the right to modify the schedule at any time and without prior notice.

Staff are encouraged to check the schedule on a daily basis and request any days needed off in accordance with the District's leave policy (see section 400 "Leave"). Although efforts will be made to accommodate each specific leave request, should the timing of a leave request present undue hardship for the District, the employee will be requested to pick an alternate time. Should two (2) or more employees in the same work group request the same leave time, consideration will be given according to the District's operational needs and whose request was received first.

Work hours for the Klondike Landfill, including mobilization to and from the facility, are typically 6:45am to 1:45 pm, Monday through Friday for winter hours, and 5:45am to 1:45 pm for summer hours. There may be some requirements to work on Saturdays and holidays. Employees are encouraged to take an unpaid lunch break of at least thirty minutes and up to sixty minutes during their work shift or upon returning to the district administrative office after closing out Klondike,

unless other work requirements are made, such as deployment to the Moab Landfill. During the unpaid lunch break, employees are completely relieved from duty, so long as the operation continues to function in a safe, hazard-free manner, and is able to receive deliveries during customer hours. Employees shall accurately denote on their timecards the deducted time during unpaid lunch breaks while at the facility; otherwise, staff are required to clock-out at the District administrative office during unpaid lunch breaks. Customer hours are typically 8am to 1:00 pm for off-season hours and 7:00am to 1:00pm for in-season hours at the Klondike Landfill. Under no circumstances shall the facility be left vacant of District staff during customer hours. Staff are responsible for performing site security and perimeter checks and securing the facility at the end of each shift after normal customer hours prior to departing the facility each day.

Moab Landfill gatehouse attendant hours are typically 8:30am to 5:15pm Monday, Tuesday, Thursday, and Friday, 8:30am to 1:15pm on Wednesdays and Saturdays, and some holidays, with an allowance of an additional 0.17 hours (10 minutes) to deposit daily cash income at the District bank after clocking out from the District office, Monday through Saturday. Operations staff hours at the Moab Landfill will vary, but will typically be from 8:30am to 5:00pm, Monday through Saturday and some holidays. In addition, employees working as the gatehouse attendant are expected to stay on site for the entire time and therefore are paid for a “working lunch.” Customer hours are 9am to 5pm Monday, Tuesday, Thursday, and Friday and 9am to 1pm on Wednesdays and Saturdays. Operations staff are encouraged to take an unpaid lunch break of at least thirty minutes and up to sixty minutes during their work shift. During the unpaid lunch break, employees are completely relieved from duty, so long as the operation continues to function in a safe, hazard-free manner, and is able to receive deliveries during customer hours. Employees shall accurately denote on their timecards the deducted time during unpaid lunch breaks while at the facility; otherwise, staff are required to clock-out at the District administrative office during unpaid lunch breaks. Under no circumstances shall the facility be left vacant of District staff during customer hours. The gatehouse attendant is responsible for performing site security and perimeter checks and securing the facility at the end of each shift after normal customer hours prior to departing the facility each day.

Work hours for the Community Recycle Center (CRC) are typically 7:45 am to 5:00 pm, Monday through Friday, Saturdays from 7:45am to 1pm, and some holidays. Customer hours are 8am to 5pm Monday through Friday and 8am to 1pm on Saturdays with the exception of observed holidays. Employees are expected to take an unpaid lunch break of at least thirty minutes and up to sixty minutes during their work shift. During the unpaid lunch break, employees are completely relieved from duty, so long as the operation continues to function in a safe, hazard-free manner, and is able to receive deliveries during customer hours. Employees working at the CRC are required to clock-out at the District administrative office during unpaid lunch breaks. Employees are typically expected to close operations no earlier than 5:00 pm Monday through Friday, 1pm on Saturdays, or when the last customer departs the CRC, whichever is later. Employees working at the CRC who do not wish to take an unpaid lunch must notify his or her supervisor or manager and receive permission to do so, otherwise District management reserves the right to automatically deduct thirty (30) minutes from your timecard each day you are scheduled to work at the CRC. Under no circumstances shall the CRC be left vacant of District staff during customer hours without prior approval from your supervisor or manager. In the event that the CRC is left unmanned from District staff, all buildings and machinery must be safely secured, deenergized, and buildings locked. Staff are responsible for performing site security and perimeter checks and

securing the CRC at the end of each shift after normal customer hours prior to departing for the day.

Work hours for the Moab Transfer Station attendant are typically 7:45am to 4:15pm Monday through Friday, 7:45am to 12:15pm on Saturdays, and some holidays, with an allowance of an additional 0.17 hours (10 minutes) to deposit daily cash income at the District bank after clocking out from the District office, Monday through Saturday. Operations staff hours at the Moab Transfer Station and Collections team will vary. In addition, employees scheduled as the Moab Transfer Station attendant are expected to stay on site for the entire time and therefore are paid for a "working lunch." Customer hours are 8am to 4pm Monday through Friday and 8am to 12pm on Saturdays. Employees are typically expected to close transfer station operations no earlier than 4:00pm Monday through Friday, 12pm on Saturdays, or when the last customer departs, whichever is later. Operations and Collections staff are encouraged to take an unpaid lunch break of at least thirty minutes and up to sixty minutes during their work shift. During the unpaid lunch break, employees are completely relieved from duty, so long as the operation continues to function in a safe, hazard-free manner, and is able to receive deliveries during customer hours. Employees shall accurately denote on their timecards the deducted time during unpaid lunch breaks while at the facility; otherwise, staff are required to clock-out at the District office during unpaid lunch breaks. Under no circumstances shall the Moab Transfer Station be left vacant of District staff during customer hours. The Transfer Station attendant is responsible for performing site security and perimeter checks and securing the facility at the end of each shift after normal customer hours prior to departing the facility each day.

Work hours for the administrative offices or the shop/maintenance facilities are typically from 8am to 5pm. Employees working in these facilities are permitted unpaid lunch breaks of up to sixty minutes so long as the administrative offices continue to function, and someone is available to answer phone calls. During the unpaid lunch break, employees are completely relieved from duty.

303 Overtime Compensation

When operating requirements or other needs cannot be met during regular working hours, employees may be required to work more than forty (40) hours during any work week. In these instances, nonexempt employees will be paid at the rate of one and one-half times their regular rate of pay for any hours worked over 40 hours in the established workweek. The District workweek is a seven consecutive day period beginning at 12:01am on Sunday and ending at midnight the next Saturday.

All overtime work must be approved by the employee's supervisor or manager. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. Employees who work overtime without receiving prior authorization from their supervisor or manager, may be subject to disciplinary action.

Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, holiday, or any leave of absence will not be considered work hours for purposes of performing overtime calculations. Travel time to training is considered compensable work time to the extent required by law.

Any nonexempt employee who is required to work on a District-observed holiday will be paid at the rate of one and one-half times the regular rate of pay for those hours worked on the holiday in addition to the eight (8) hours of holiday pay described in Section 403.

All overtime pay will be paid on the date of the next regular pay period.

304 Time Recording

All employees must record time worked on a daily basis using District-approved time recording devices. The time record is used for calculating the employees pay and must reflect the time actually spent on the job performing assigned duties. Employees are expected to record any split shift or departure from work for personal reasons (e.g., lunch break).

Employees who write in or punch timecards to record time worked are to only handle and/or punch their own individual timecards. Under no circumstances will an employee be allowed to write on or punch the timecard of another employee. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Employees shall clock-in to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressed, prior authorization from their supervisor or manager. Employees shall not engage in any kind of work-related activity prior to punching in or while clocked out for lunch. Employees, who fail to punch timecards, accidentally punch the wrong card, or have any corrections to their card, must report it to their supervisor or manager immediately. Managers must authorize any such corrections. Any corrections or modifications to the timecard must be reviewed and approved by the employee's supervisor or manager or will otherwise be considered invalid.

Employees should contact their Human Resources representative or the District Manager with any questions about how their pay is calculated. Employees must promptly notify their Human Resources representative or the District Manager of any mistakes in their time records or pay. Employees also must notify one of these individuals if they perceive that anyone is interfering with their ability to record their time accurately and completely. All reports will be investigated, and appropriate corrective action will be taken. The District will not tolerate retaliation against employees for making a report or participating in an investigation.

Employees must accurately annotate the operational work center on the time recording devices using the following work center codes. Additional codes may be implemented at the District's discretion.

- **ADM** – Administrative Duties
- **KLF** – Klondike Landfill Operations
- **MLF** – Moab Landfill Operations
- **CRC** – Community Recycle Center Operations
- **SHOP** – Shop (not specified to a specific facility but performing general maintenance)
- **TNS** – Transfer Station Operations and Transfer Truck Hauling
- **RLF** – Roll-Off Collection and Hauling Services
- **MTC** – Moab City Trash Collection Services (commercial and residential)

- **CTC** – County Trash Collection Services (outside of Moab City limits)
- **OCC** – Cardboard Collection Services
- **SSR** – Single Stream Recycling Collection Services
- **SAF**- Safety Meetings & Safety-Related Research, Tasks, and Training/Education Courses
- **TRN** – Staff Training & Other Non-Safety Related Training/Education/Professional Development Courses

Employees are required to electronically or physically sign their timecard at the end of each two-week pay period; all time worked must be accurately recorded by operational center and classification on District-approved platforms. Employees who repeatedly do not accurately record or fail to enter their time by the end of each pay period may be subject to disciplinary action and will not be compensated during the performance of time entry corrections.

305 Pay

305.1 Workweek, Pay Period, and Pay Days

The District workweek is a seven consecutive day period beginning at 12:01am on Sunday and ending at midnight the next Saturday. The payroll period is two weeks, ending on Saturday, with paychecks issued the following Friday. In the event the regularly scheduled payday falls on a holiday, employees will receive pay on the last workday immediately preceding the holiday.

Each paycheck will include earnings for all work performed through the end of the previous payroll period and is issued via direct deposit to an account selected by the employee. Each employee must complete a direct deposit form and attach a deposit slip or voided check and turn it in to your Human Resources representative to establish direct deposit payment. Employees are responsible for notifying their Human Resources representative of any changes to their direct deposit account within a reasonable timeframe in order to implement changes in payment distribution.

On each payday, employees receive a statement showing gross pay, deductions, and net pay. Automatic deductions such as additional tax withholding, contributions to voluntary benefit plans, and individual savings plans may be arranged through the District's Human Resources representative, the employee's Utah Retirement Systems (URS) online account, or both.

305.2 Administrative Pay Corrections

The District takes all reasonable steps to ensure that employees receive the correct amount of pay for each paycheck and that employees are paid promptly on the scheduled payday. If there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their Human Resources representative or the District Manager so that corrections can be made as quickly as possible.

305.3 Salary Deductions for Fair Labor Standards Act (FLSA) Exempt Employees

The District's policy is to comply with the salary basis requirements of the FLSA. Therefore, the District is prohibited from making any improper deductions from the salaries of exempt employees.

Salary deductions may be permitted for violations of safety rules of major significance, for disciplinary suspensions related to serious code of conduct infractions, or written court ordered

garnishment. If a salary deduction is believed to be warranted, the Human Resources representative or the District Manager will prepare written documentation detailing the purpose of the deduction and determination that it meets FLSA and District policies and procedures.

If the employee believes an improper deduction has been made to their pay, they should immediately report this information to their Human Resources representative or the District Manager.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, an employee will be promptly reimbursed for any improper deduction made.

306 Emergency Closure

306.1 Inclement Weather

In the event of inclement weather, our practice is to keep the District facilities open for business as usual unless the District Manager declares closing of a particular District work facility is warranted. Closure of facilities due to permit conditions (e.g., excessive, sustained wind) may not be considered a closed facility for employees as other work may be accomplished without violating the permit conditions. For example, equipment maintenance may take place though the facility is closed to the public. In the event a facility is closed for any reason, employees may be detailed to another facility not closed. In the event the District facility at which an employee is scheduled to work is closed, the employee shall report to the District office or any other site as directed by the employee's supervisor or manager.

306.2 Other Closures

At times, other emergencies such as fires, power failures, or similar instances, can disrupt operations. In extreme circumstances, the District may have to close some or all operations. When the decision to close is made after the workday has begun, employees will receive official notification from their immediate supervisor. In these rare and unlikely situations, time off from scheduled work may be paid as administrative time, if approved by the District Manager, in the event that other work is not available

400 Leave

401 Definition

Leave is any absence during regular scheduled work hours. Leave may be authorized with or without pay. Absence without permission is considered absence without leave and is subject to disciplinary action up to and including termination.

402 Applying for Leave

Employees should provide advance notice of at least seventy-two (72) hours (3 days) for all leave, but no less than twenty-four (24) hours, and must be approved by your supervisor or manager. For vacation requests of five (5) days or more, a two (2) week advance notice per an approved District form shall be given to your supervisor or manager for subsequent consideration and approval by the District Manager. Although efforts will be made to accommodate each specific leave request, should the timing of a leave request present undue hardship for the District, the employee will be requested to pick an alternate time. Should two (2) or more employees in the same work group request the same leave time, consideration will be given according to the District's operational needs and whose request was received first. District staff are encouraged to request vacation time as early as possible in order to avoid any operational scheduling conflicts.

403 Holidays

Full-time employees will be granted paid time off for District-observed holidays as declared by the Board. Part-time and seasonal employees are not eligible for paid holiday time. Nonexempt employees required to work on a District-observed holiday will be paid time and one half for the hours worked in addition to their normal pay associated with that holiday. Holiday time is not counted as hours worked in the computation of overtime.

Eligible, full-time employees are compensated eight (8) hours of pay based on their normal rate of pay for each District-observed holiday.

The District's Board approves the holidays in which the District will observe on an annual basis. In the event that a holiday falls on a Saturday or Sunday, the District oftentimes observes the holiday on the preceding Friday or subsequent Monday.

Special Religious Holidays: Special religious holidays may be observed by individual employees. Employees may elect to use vacation time during such an observance. An employee must notify their supervisor or manager at least five (5) working days prior to the requested time off for religious observance. If an employee has no accumulated vacation time, the employee may be granted leave without pay.

404 Vacation Leave

All regular, full-time employees are entitled to paid vacation time after completion of six (6) months of service from their date of hire. We encourage employees to use all of their earned vacation each year and request vacation time as early as possible.

The maximum vacation leave that employees may accumulate at any one time is listed below. At no point can the carry over, plus the new vacation, exceed this cap. As a result, the amount of vacation that employees may earn each year might be limited by the amount carried over from the previous year.

Vacation time accrual is based on actual hours worked and on paid sick or vacation time used. All nonexempt full-time employees accrue vacation time in the following manner based on the employee's anniversary date of hire.

Vacation hours accrue on a prorated schedule based on actual hours worked per each two-week pay period; if an employee works at least eighty (80) hours per pay period, he or she will receive the maximum accruals specified below. Full time, nonexempt employees working less than eighty (80) hours per pay period will accrue vacation leave on a pro-rated basis:

Typical Regular, Full-time Nonexempt & Exempt Employee Vacation Accruals

First 6 months of employment	up to 1.54 hours per pay period (~40 hours per year)
After 6 months of employment	up to 3.08 hours per pay period (~80 hours per year)
After 3 years of employment	up to 4.62 hours per pay period (~120 hours per year)
After 6 years of employment	up to 6.16 hours per pay period (~160 hours per year)
After 10 years of employment	up to 7.70 hours per pay period (~200 hours per year)

Nonexempt Employees shall not accrue additional unused vacation time once the following thresholds are met:

1 st through 9 th year	maximum	20 days (160 hours)
10 th year plus	maximum	25 days (200 hours)

Given the critical, essential services that the District provides, exempt employees may need to work more than forty (40) hours per week to complete their duties, responsibilities, and address unforeseeable circumstances and events. Since exempt employees do not receive overtime compensation, exempt District employees may accrue additional vacation leave when they work more than eighty-five (85) hours per each two-week pay period. This policy has been adopted due to the lack of perceived benefits in exempt employee compensatory time. As of the passing of this updated employee handbook, the *District's Exempt Employee Work Schedule Flexibility Policy* (Policy #138-1240) is relinquished in its entirety with the exception of the following. All existing accrued compensatory time by exempt employees shall be converted to accrued vacation time.

Vacation accruals for exempt employees typically follow the same time and accruals structure for nonexempt employees with the below exceptions. Exempt employees accrue an additional 0.2 hours of vacation time for every hour worked more than eighty-five (85) hours per each two-week pay period on a prorated basis. Consequently, exempt employees may accrue larger sums of unused vacation as per the following:

Exempt Employees shall not accrue additional unused vacation time once the following thresholds are met:

1 st through 9 th year	maximum	30 days (240 hours)
10 th year plus	maximum	40 days (320 hours)

Existing and transferred employees hired under different accrual rates other than those specified above shall retain their current accruals unless the Board adopts an updated vacation policy. Existing and transferred employees vacation accruals shall subsequently increase per the above listed time thresholds.

Vacation time will not be counted in the computation of overtime and can only be used to supplement an employee's time to be less than or equal to 40 hours per pay week. Holidays are not counted against vacation leave even if the holiday falls within the vacation period taken by the employee.

Other than with the expressed written approval from the District Manager, paid vacation leave will not be granted in advance of accrual. In certain cases, the District Manager may approve staff members to receive paid vacation leave for no more than negative forty (-40) hours of accrued vacation leave so long as the employee agrees in writing to a deduction of any remaining negative vacation leave from their final paycheck should their employment with the District be terminated prior to eliminating their negative vacation leave accrual.

All vacation leave must be taken at a minimum of at least one (1) hour of time; vacation increments of less than one (1) hour per week will be denied.

Vacation leave is paid at each employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

In the event that unused vacation accruals are maximized in accordance with the above thresholds, based on the District's financial performance, financial reserves, and upon the expressed approval of the District Manager, unused vacation may be paid in cash to the employee (subject to all applicable withholdings), up to a maximum of eighty (80) hours per calendar year.

Accrued vacation leave will be paid to the employee upon termination if the employee leaves on good terms (see 506.2, Required Notice Prior to Termination, and section 700, Disciplinary Procedures).

405 Sick Leave

Sick leave is a privilege and employees should use it responsibly and appropriately. Misuse of sick leave may be grounds for disciplinary action, up to and including termination. Sick leave may be used when the employee needs to be away from work due to the employee or their immediate family member is incapacitated by sickness or injury, for medical treatment, exposure to a contagious disease, when attendance at work would jeopardize the health of others, or for other personal reasons approved by the District Manager. For the purposes of sick leave, immediate family is defined as wife, husband, children, parents, grandparents, grandchildren, and siblings.

References to family members shall include step-family members and legally adopted family members.

Employees who are unable to report to work due to illness or injury shall notify their immediate supervisor as soon as possible, but no less than 1 hour (60 minutes) before the scheduled start of their workday, if possible. Employee must follow the procedures detailed below for sick absences of longer than three days, regardless of notification to their direct supervisor.

When sick leave is used for routine medical visits, dental visits, and other schedule medical care, employees are asked to provide as much advance notice as possible to their direct supervisor.

Sick leave accrual is based on actual hours worked and on paid sick or vacation time used. Regular full-time employees accrue sick leave at the rate of up to 1.54 hours per pay period based on 80-hour pay period. Full time employees working less than eighty (80) hours per pay period will accrue sick leave on a pro-rated basis.

Employees shall not at any time accumulate more than one-hundred and sixty (160) hours of unused sick time.

Paid sick leave is not granted in excess of the amount accumulated at the time such leave is requested. If an employee uses all of his/her accumulated sick leave, any additional absence from duty is charged to vacation leave if available. If vacation leave is not available, the employee may be granted leave without pay if the employee provides an official doctor's note to the District Manager stating the reasons why the employee cannot return to work and stating the date on which the employee will be able to return to work. Except for extreme circumstances, a doctor's note must be provided at least two days prior to the expiration of all accrued sick and/or vacation leave. If a doctor's note is not provided, at the expiration of the employee's accrued sick and/or vacation leave, the employee may be deemed absent without leave and may be terminated.

An employee must furnish a statement from a physician excusing any absence of three (3) or more days which is to be charged to sick leave.

Other stipulations on the use and accrual of sick leave are as follows:

- Sick leave must be taken at a minimum of at least one hour at a time.
- Sick pay shall not be used in the calculation of overtime.
- Holidays observed by the District that occur while a full time regular employee is on sick leave will not be deducted from the employee's accrued sick leave.
- Employees do not earn sick leave while on unpaid leave of absence.

Sick time off is paid at each employee's base pay rate at the time of leave. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

Employees who accumulate and maintain the maximum allowed days of unused sick leave for six consecutive months may receive at the employee's discretion one of the following options for each such six-month period:

- a. one day (8 hours) of sick leave may be converted to vacation leave not subject to the vacation accrual maximum policy;
- b. one day (8 hours) of pay at the employee's current base rate of pay, subject to all applicable withholdings; or
- c. cash equivalent of one day's pay (8 hours) at the employee's current base rate of pay deposited to the employee's health savings account.

In the event a full-time employee either terminates voluntarily in good standing after 10 years of consecutive service or retires pursuant to the provisions of the Utah State Retirement and Insurance Benefit Act or current applicable state law at time of retirement, employees may elect to receive the value of twenty five (25%) of their unused, accrued sick leave based on their current base rate of pay in one of the following manners:

- a. direct payment subject to all applicable withholdings; or
- b. dollar value applied to pre-paid health insurance.

Except for the case of retirement as listed above, Sick Leave is forfeited by the employee upon termination of employment and will not be cashed out to the employee.

406 Family and Medical Leave Act (FMLA Leave)

406.1 Eligibility

To be eligible for FMLA, an employee must have worked for the District for at least 12 months, for at least 1,250 hours during the consecutive twelve (12) months preceding the commencement of leave, and work at a worksite with at least 50 employees within 75 miles. District Employees are not currently eligible for FMLA. 406.2 Qualifying Events

To qualify as FMLA type leave under this section, the employee must take leave for one of the reasons listed below:

1. Up to 12 weeks for the birth of the employee's child and to care for the newborn child within one year of birth;
2. Up to 12 weeks for the placement of a child with the employee for adoption or foster care and to care for the newly placed child within one year of placement;
3. Up to 12 weeks for incapacity due to pregnancy, prenatal medical care, or child-birth;
4. Up to 12 weeks to care for a spouse, child, or parent with a serious health condition; or
4. Up to 12 weeks due to the employee's own serious health condition that makes it impossible for the employee to perform one or more of the essential functions of his or her own job;

MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal

arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition.”

406.3 Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care (an overnight stay in a medical care facility), or continuing treatment by a health care provider for a condition that causes periods of incapacity, including due to pregnancy or prenatal care, chronic serious health conditions, permanent or long-term conditions, and conditions requiring multiple treatments, and which (a) in the case of an employee, prevents the employee from performing the essential functions of the employee’s job, or (b) in the case of a qualified family member, prevents the family member from participating in school or other daily activities.

406.4 Both Spouses Employed by the District

Spouses who are both employed by the District may be entitled to a combined total of 12 weeks of unpaid FMLA leave for following qualifying events: (1) the birth of a child; (2) the placement of a child for adoption or foster care; or (3) to care for a parent. The 12 weeks can be split between spouses.

406.7 Calculation of Leave

The District calculates FMLA entitlement on a “rolling 12-month” basis. The 12-month period begins on the first day of a particular FMLA leave.

406.8 Requesting FMLA Leave

Whenever possible, employees must notify the District Manager at least 30 days in advance of a foreseeable events (i.e., birth or adoption of a child, scheduled non-emergency surgery, etc.) and as soon as possible for unforeseen events.

Employees must provide sufficient information for the District to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the District if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees must still comply with the District’s normal call-in procedures.

406.9 Intermittent Leave or a Reduced Work Schedule

Under certain circumstances, such as when medically necessary, or due to a qualifying exigency, the FMLA may permit an employee to take leave on an intermittent basis or to work a reduced schedule. Employees needing intermittent leave or a reduced schedule due to foreseeable medical treatment must work with the District to schedule the leave so as to not unduly disrupt District operations. The District may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

406.10 Medical Certification

An employee requesting FMLA leave to care for a spouse, child or parent with a serious health condition, or due to his or her own serious health condition, may also be required to provide the District with a medical certification completed by a health care provider verifying the need for medical leave and the probable duration of the leave. The District may require second and third medical opinions at the District's expense. Documentation confirming family relationship, adoption, or foster care may also be required. Similarly, military caregiver and military exigency leave requires submission of appropriate military medical certification forms, deployment, or leave orders.

The medical certification form may be obtained from the District's Administration Office. The District will not determine if the proposed leave is in fact FMLA eligible leave until the medical certification form is received. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the District's attendance guideline. The District may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave.

The District's Responsibilities

The District will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the District will provide a reason for the ineligibility.

The District will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the District determines that the leave is not FMLA-protected, the District will notify the employee.

406.11 Use of Paid Leave

Employees must substitute accrued paid leave (sick leave then vacation leave) for any type of family or medical leave covered by this policy. FMLA leave will run concurrently with sick leave until sick leave is exhausted followed by vacation leave until vacation leave is exhausted then will convert to leave without pay. The period of time during which paid leave is substituted for unpaid leave will be counted against the 12/26-week FMLA entitlement. After using any paid leave for the FMLA leave, the balance of the FMLA leave will be unpaid. Any leave taken pursuant to Workers' Compensation, Short-Term Disability, and Long-Term Disability will be counted against the employee's 12-week FMLA entitlement.

406.12 Health Care Coverage

An employee may elect to continue coverage under the District's group health and dental plans for the duration of the FMLA leave at the same level and under the same terms and conditions as if he or she were not on leave. An employee who elects coverage is required to continue to pay his/her portion of the monthly premium while on unpaid leave. Payment arrangements can be made with the District's Administration Office to maintain insurance benefits while the employee is on leave. Failure to make premium payments when due may result in loss of coverage. Regardless of whether the employee elects to continue medical coverage during FMLA leave, upon returning to employment the employee will be reinstated to the same coverage as was in effect before the leave.

If an employee fails to return to work at the conclusion of FMLA leave, the District may recover any premiums paid on the employee's behalf by deducting these amounts from any amounts owed by the District to employee including from unpaid wages, or accrued but unused vacation pay. In addition, the District may seek relief from the courts.

406.13 Reinstatement

With the possible exception of "key employees" under certain limited circumstances, an employee will be restored to his or her original position or be placed in an equivalent position with equivalent employment benefits and pay upon returning from FMLA leave. If an employee takes FMLA leave due to his or her own serious health condition, the employee must present to the District Manager a fitness-for-duty certification completed by the employee's health care provider prior to returning to work. If it is discovered the employee worked for another employer while on FMLA leave, or otherwise acted in a manner inconsistent with the claimed basis for the leave, the District reserves the right to terminate the employee's employment.

Unlawful Acts

FMLA makes it unlawful for the District to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

406.14 Enforcement

This policy will be interpreted by the District in a manner consistent with the most recent amendments to the Family and Medical Leave Act and applicable regulations regarding same. In the event of a conflict between this policy and the statute and/or regulations, this policy will be deemed superseded to the extent necessary to harmonize it with the statute/regulations.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the District.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

407 Court Leave

The District considers it a civic duty to serve on a jury if summoned, but does require that the employee bring the jury duty summons notice to the District Manager the first working day after the employee receives the notice so that arrangements can be made to accommodate their absence. The District will not interfere in the court process in the event an employee is subpoenaed as a witness, however compensation for such absence will depend on the type of service required.

407.1 Jury Duty

The District recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party.

1. Employees will be granted time off to perform jury duty or serve as a witness in court. This time is paid at the base rate of eight hours straight time for each day at the employee's regular rate of pay and is capped at 5 days. If leave is due to a court appearance on the employee's own behalf as a defendant or plaintiff, the employee will not be paid, however employees may use vacation or compensatory time.
2. Employees retain jury and witness fees received from the court for such services. Any mileage expenses paid by the court to reimburse the employee for travel to and from the courtroom may be retained by the employee.
3. An employee must show the jury or witness duty subpoena to their supervisor as soon after receipt as possible so the supervisor may make arrangements to accommodate their absence. An employee on jury duty leave must keep his or her supervisor informed on a daily basis as to whether the jury duty will continue. If the employee is selected as a juror, the supervisor should be provided at least weekly updates of the status of the case and when the employee anticipates returning to work.

407.2 District Witness

All employees required to appear as a witness in cases related directly to the discharge of their duties with the District shall be granted court leave with full pay for the entire period of witness duty. To be eligible for full pay for this type of court leave, the employee shall surrender to the District all fees received for his/her service to the court.

407.3 Other Witness

Employees shall not be granted court leave for appearances in court matters not relating directly to the discharge of their District duties, except for their service as a juror. Employees shall be granted vacation leave when available, or leave without pay for such appearances. Employees are required to show any subpoena to the District Manager the first working day after receiving the notice so that arrangements can be made to accommodate their absence.

408 Bereavement/Funeral Leave

Employees may be granted up to three (3) working days (i.e., 24 hours) of paid funeral leave to attend funerals of the following family members: wife, husband, children, parents, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, daughters-in-law, or sons-in-law of the employee or the employee's spouse's family. For funerals of other relatives or friends,

employees may take vacation or an unpaid leave upon the approval of their supervisor. References to family members shall include step-family members and legally adopted family members.

Funeral leave must be scheduled with the employee's direct supervisor or the District Manager. An employee may be required to provide evidence of a death and his/her relationship to the deceased before any funeral leave is paid.

409 Military Leave

If the employee is a member of the U.S. Armed Forces Reserve, National Guard or performing other protected uniformed service, the employee will be granted an unpaid leave of absence when called for active or inactive duty training.

Employees on military leave will not be required to use vacation time. However, if the employee desires to use their vacation time for this purpose, they may voluntarily do so if a request is made in writing.

If the employee is inducted into a branch of the U.S. Armed Forces for an extended period, upon returning to the District after separation from military service, the employee may be reinstated in accordance with applicable law.

410 Personal Leave Of Absence

There may be a time that requires an employee's absence from work for non-medical, personal business or for FMLA leave requests. If approved for such absence, employees must substitute accrued paid leave (sick leave then vacation leave) for any type of family or medical leave covered by this policy. Unpaid leave may be requested in writing and requires formal approval by the District Manager. Unpaid leave is limited to 60 days. To avoid misunderstanding, employees are required to make request for this leave in writing; approval will also be in writing. Approval is based upon such factors as the reason for the requested leave, length of leave desired, the district's workload, the employee's work record, and their length of service. A leave of absence will not be granted for any employee to go to other employment.

All earned vacation must be taken before an employee starts such leave. An employee departing on a leave of absence shall not receive paid health insurance, life insurance, retirement contributions, etc. or accrue vacation or sick leave. Employees on such leave may arrange to make insurance payments for themselves while on leave.

Under this leave, there are no guarantees that the District can hold the employee's job, or place an employee back in their same job - or a similar one - when they return from personal leave. Regular communication with the District Manager helps us to plan, but it may be necessary to replace you. When you are ready to return to work, the District will consider the employee for the first available job for which the employee is qualified if the original position is no longer available.

411 *Absence Without Leave*

Regular and prompt attendance is one of the basic requirements of employment with the District. The employee's presence on the job is an essential function of their position. The employee must notify their supervisor as early as possible, but no less than one hour in advance, if they are unable to report for work on time or if they must be absent for any reason. Employees that fail to report to work on time without the proper notifications are subject to disciplinary actions. Failure to call in after three consecutive days for which the employee is scheduled to work will be considered job abandonment and result in the employee voluntarily resigning from their position.

PROVISIONAL

500 Insurance and Retirement Programs

501 General Provisions

Eligible employees at the District are provided a wide range of benefits to assist employees and eligible dependents in meeting the financial burdens that can result from illness, disability, and death, and to help plan for retirement and enhance job-related skills. A number of the programs (e.g. Social Security, Medicare, workers' compensation, state disability, and unemployment insurance) cover all eligible employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. The District Manager, Human Resources Representative, and/or the District's Board will identify which programs an employee is eligible to receive. The following information is merely a summary of benefits offered as of the time of writing and does not constitute a contract of any kind. The terms and provisions of the District's benefit programs are subject to change at any time, with or without notice, at the sole discretion of the District Manager and the District's Board. Benefits are provided in accordance with controlling plan documents, and this summary may not contain all relevant provisions. Plan documents, details, and the most current benefits information are always available from the District's administrative office.

502 Health Insurance

The District furnishes group health and life insurance which are described more fully in summary plan description booklets. As of the writing of this handbook, health, dental, vision, and standard life insurance (HDVLI) through Public Employees Health Program (PEHP) is offered to eligible employees on the first day of the month following their first day of employment. Single, two-party, and family PEHP insurance plans are available. District staff that sign up for the District's HDVLI are required to contribute 10% of their HDVLI premiums through payroll deductions. Supplemental insurance programs are available; however, District staff that elect to add supplemental insurance programs are required to pay the full amount of their associated premiums.

In addition, the District offers a health savings account (HSA) for each eligible employee in accordance with the current year health plan. As of the writing of this document, the District matches employee contributions towards an HSA in an amount up to one-hundred dollars per month. The District reserves the right to modify, add, or delete insurance programs and providers. Changes in employee benefits programs will be communicated to employees as soon as reasonably possible by District management.

503 Insurance Coverage During Leave Without Pay

Any employee that is on Personal Leave of Absence under Section 410 for a period of thirty (30) or more consecutive calendar days may be permitted to continue coverage under the group insurance program if permitted under the terms of the program and if the employee pays the total premium required to maintain coverage for the duration of the absence. If not permitted under the terms and conditions of the program, the employee may elect COBRA and would be responsible for the total cost of the premiums.

504 Retirement

Retirement benefits are available to all qualified employees as determined by Utah Retirement Systems (URS). Employees seeking to retire from the District should coordinate with the District Manager on their desired date, and contact URS no more than 90 days in advance of their anticipated retirement date.

Social Security. All District employees automatically participate in the federal Social Security Plan. The District provides the employee contribution. Social Security benefits and rules change from time to time and information on current programs can be obtained by calling the Social Security Administration.

Utah Retirement Systems (URS). The District is a member of Utah Retirement Systems (URS) and participation in the plan is mandatory for all qualified personnel. Provisions of this plan are governed by Utah state law and just as is the case with Social Security, the plan may change from time to time. Eligible employees may contribute towards their own URS account.

504 Workers' Compensation

504-1 General

Accidental injuries or occupational diseases arising out of or in the course of the employee's employment with the District are covered by Workers' Compensation Insurance. The insurance coverage, subject to state and federal law, pays the following benefits:

- Medical and prescription drug bills
- Allowance for lost time from work
- Permanent loss of body function at predetermined rates for each part of the body by percentage of disability
- At death, pays a portion of funeral benefit and weekly allowance to the widow and/or dependents up to a period of six years
- May pay for a portion of the decrease in earning capacity created by a job-related injury or disease

504-2 Accident Reports

The District is committed to a safe work environment for all employees. Employees are required to report all job-related accidents or injuries immediately, no matter how slight, including those that may have occurred to customers and the general public at District facilities, to their immediate supervisor. Supervisors are required to immediately notify the District Manager of all work-related accidents or injuries, no matter how slight, including those that may have occurred to customers and the general public at District facilities. Employees that fail to promptly notify their supervisor of accidents or injuries may be subject to disciplinary action. Additional information on notification procedures is contained in the District's Health and Safety Plan.

An employee claiming to have suffered an accident or injury who fails to give notice of the nature, extent, and location of the accident or injury within forty eight (48) hours of the occurrence might have their benefit reduced. Failure to report an accident or injury within one year of the occurrence might bar any right to workers' compensation.

504-3 Exclusive remedy

Injuries or disease covered under Workers' Compensation are typically not covered by the District's medical and health insurance. Workers' Compensation provides the exclusive remedy for and employee's workplace injuries or occupational illnesses.

504-4 Return to Work

The District strives to assist employees to return to work at the earliest possible date following a workers' compensation claim. When possible, transitional or 'light-duty' work will be made available to injured workers to minimize or eliminate time lost from work. The District cannot guarantee transitional work and is under no obligation to offer, create, or encumber any specific position for the purposes of offering such placement. In the event an employee refuses transitional work (outside the employee's FMLA benefits period, if applicable), and the employee satisfies the restrictions and the ability to perform the transitional work, the District is not obligated to provide an alternative transitional position. In such cases, the District will notify the insurance carrier of the employee's refusal of the transitional or 'light duty' work.

To obtain a transitional work assignment, the employee must provide a return to work form from the attending physician. If the attending physician releases the employee to return to work on modified duty and has completed a return to work form and applicable attachments, the completed forms must be returned to the District office within one (1) workday following the assessment. The employee may not return to work without the release of the attending physician.

Transitional work may be developed based on the physical capability of the employee, the needs of the District, and the availability of transitional work. The District will determine the appropriate work hours, shifts, duration, and locations of all work assignments and reserves the right to determine the availability, appropriateness, and continuation of all transitional work assignments.

The employee is responsible to immediately report any work-related injuries that is the cause for the employee to miss work. The District will communicate with the insurance carrier or attending physician as necessary.

505 Unemployment Insurance

The District, through the Utah State Department of Workforce Services and based on the employment of the employee and state and federal law, offers unemployment compensation benefits.

506 Termination of Employment

506.1 Types of Termination

Any involuntary termination or termination of any employee who is allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employees "due process" rights are not violated.

- Retirement. Voluntary termination at the end of an employee's career.
- Voluntary Resignation. When an employee wishes to leave the District, they will notify the District Manager in writing.
- Resignation, in Lieu of an Involuntary Termination, Agreement. The District Manager, may conclude that an employee should be involuntarily terminated. If Involuntary Termination proceedings have begun, but have not been completed, and an employee suggests that they would like to voluntarily resign, the District Manager or designee may agree to a "Resignation In Lieu Of An Involuntary Termination Agreement".
- Involuntary Termination. The District Manager may conclude that an employee should be involuntarily terminated for no reason or for cause.
- Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees because of lack of work or lack of funds, the District may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.
- Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an otherwise qualified individual with a disability. Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.
- Death. If an employee of the District dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time and vacation leave) as of the date of death.

506.2 Required Notice Prior to Termination

- All employees, including at-will employees, must notify the District at least two (2) weeks before retiring or voluntarily resigning to be eligible:
 1. To receive pay for unused, accrued vacation leave (if applicable).
 2. For rehire.
- The District does not have a requirement to give any prior notice to an employee before terminating their employment.
- Unused, accrued vacation leave will always be paid for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, and Deaths.

506.3 Termination Procedures

- Voluntary Terminations. The employee will notify the District Manager in writing with at least 2 weeks prior notice.
- Involuntary Terminations/Separations for Cause. The District will provide merit terminating employees with written notification. Non-merit Involuntary Terminations may or may not be provided written notification.
- A “Resignation in Lieu of an Involuntary Termination Agreement”, signed by the employee and District Manager, may be utilized in negotiated terminations. A “Resignation In Lieu of an Involuntary Termination Agreement” does not require the District to provide their terminating employees with written notification of their appeal rights.
- The following steps should be taken for Voluntary Retirements:
 1. Employees who desire retirement should notify the District three (3) months in advance.
 2. The District should communicate the status of each employee’s retirement benefits. Upon request for retirement benefits, the District should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
 3. The District should give the employee ample time to review the retirement plan.
 4. The District should have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.
- The following steps should be taken for Reductions in Force/Layoffs:
 1. Determine whether the District is required to follow statutory guidelines related to the reduction in force/layoff. If the District is required to follow statutory guidelines, policy, procedure, and actual practice must comply with said guidelines.
 2. If the District is facing a possible reduction in labor force, the District Manager should explain the situation to its employees, advising them of the possibility that reductions in force/layoffs may become an economic necessity.
 3. In the selection of employees for the District’s reduction in force/layoff, the following guidelines should be considered:
 - a. Selection should be based upon the employee’s ability to perform the work assignments within the affected department.
 - b. Seniority should govern the selection when ability is equal.

- c. Regular Part Time, Seasonal, and Non-merit employees should be laid off first.
 - d. Merit employees should be the last to be laid off, when possible, in inverse order of their length of service.
 - e. Before any reduction in force/layoff, the District should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
 - f. The District should carefully explain to the employee what the options are such as COBRA and Retirement Plan Options.
 - g. If the District cannot give advanced notice of a reduction in force/layoff to the employee, two weeks severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.
4. Written reductions in force/layoff notices should contain the following information:
 - a. Statement that separation from employment is based on reduction in force/layoff.
 - b. Anticipated date of layoff.
 - c. Any options regarding employee placement in another position.
- Outstanding Pay.
 1. Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable).
 2. Under Utah State law, the required timing of the final payment at termination is:
 - a. A Voluntary Resignation. Within one (1) payday of effective resignation date.
 - b. An Involuntary Termination/Separation for Cause. Within one (1) workday of last day worked.
 - The terminating employee will return any supplies or equipment, which are the property of the District, to the District at termination.

507 COBRA Coverage

If your insurance benefit is terminated, you may arrange to convert or to continue some coverage at your expense in accordance with existing federal and state law and the terms of the District's group insurance policy. You will receive information regarding continuation of coverage in a separate notification upon the occurrence of a qualifying event.

PROVISIONAL

600 Operational Conduct

601 Vehicles/Equipment

601.1 Standards for the Operation of Motor Vehicles or Equipment

The District strives to keep safety in the forefront of all activities. Because of this, the District recognizes that it is necessary to monitor driving records of employees who are required to drive District vehicles or who drive their own vehicles for District business.

601.1.2 Current Employees

For purposes of this policy, the official state Motor Vehicle Record (MVR) along with the employee's District driving record may be reviewed at the following times:

- After an accident occurs while on District business.
- If a third party complaint is received while on District business and is investigated and confirmed.
- As part of a periodic review during employee performance evaluations. At least annually for all drivers who drive District vehicles and employees who use their personal vehicles for business use in excess of 50 miles per month.

Information found on the District driving record and/or MVRs will be divided into three categories: Major Convictions, Minor Convictions, and Accidents.

601.1.3 Major Convictions include, but are not limited to, the following:

- Driving under the influence of alcohol or drugs
- Driving while impaired
- Reckless driving
- Racing/speed contests
- Failure to report an accident
- Making a false accident report
- Vehicular homicide or manslaughter
- Eluding a police officer
- Driving while license is suspended or revoked
- Speeding 20 or more mph over the posted speed limit

601.1.4 Minor Convictions include, but are not limited to, the following:

- Speeding from 10 to 19 mph over the posted speed limit
- Running a stop sign or red light, not resulting in an accident
- Improper turn
- Passing across a double yellow line
- Failure to yield
- Following too close
- Careless driving

601.1.5 Accidents

All preventable/at-fault accidents appearing on the employee's District driving record and/or MVRs are used in determining driver status.

601.1.6 Evaluations of MVRs

Clear MVR:

Employees or potential employees fitting this criterion will be considered to have an acceptable MVR.

- No activity in the last three years and no major convictions in the last five years.

Acceptable MVR:

Employees or potential employees fitting this criterion will be considered to have an acceptable MVR.

- No major convictions within the last 3 years and no more than 1 major conviction from three to five years; OR
- 2 minor convictions in the last 3 years; OR
- 1 accident and 1 minor conviction in the last 3 years.

Borderline MVR:

Potential employees must present an acceptable MVR to be eligible for employment with the District.

- 1 accident and 2 minor convictions in last 3 years; OR
- 3 minor convictions in last 3 years; OR
- 2 accidents in the last 3 years; OR
- 2 accidents and 1 minor conviction in last 3 years; OR
- 1 major violation in the last 3 years.

The District reserves discretion to take disciplinary action against employees, up to and including termination for driving infractions affecting the employee's MVR.

601.1.7 Revoked Licenses

Employees are required to immediately notify the District Manager upon notification of a revoked license. Failure to disclose this information or to falsify information while employed is cause for termination. Employees who hold Commercial Driver's Licenses (CDL) as a function of performing their routine duties with the District are subject to compensation reductions, up to and including termination, should their CDL be suspended or revoked for the above referenced violations, regardless of whether violations occurred on District or personal time, including violations of the District's Drug and Alcohol Testing Policies.

601.1.8 Accident Reports

Employees must report accidents occurring while on District business to their direct supervisor or the District Manager as soon as possible following an accident after the police have released the employee. Failure to report an accident within twenty-four (24) hours may be cause for termination.

601.1.9 Post Accident Drug and Alcohol Testing

Any employee who is in an accident while driving a District vehicle, or while driving their personal vehicle while on District business, may be required to take a mandatory post-accident drug and alcohol test in accordance with the District's Drug and Alcohol-Free Workplace policy. Testing is conducted as soon as feasible. Failure or refusal to take a test is cause for termination. Positive tests results for drugs or alcohol is cause for termination.

601.2 Use of Private Owned Vehicles and Compensation

Use of private automobiles may be used in certain circumstances for official District travel and mileage will be paid at a rate per mile as set by the U.S. General Services Administration. Employees are required to use District provided vehicles instead of their personal vehicle for travel to and from the Klondike Landfill or to meetings outside the Moab area, unless written justification is provided to the District Manager and the District Manager approves the use of an employee's personal vehicle. Such approval is not necessarily an approval for reimbursement of such use unless it is reasonable, necessary to properly conduct District business, and no District vehicle was readily available for use. Expenses reimbursed by the District include those pre-approved as reasonable and necessary to properly conduct District business. Seatbelts must be worn by the driver and all passengers in a District-owned vehicle and private vehicles being used during official District travel.

Given the close proximity from the District's administrative office to the Moab Landfill, employees using their personal vehicles to mobilize to and from the Moab Landfill are not eligible for mileage reimbursement.

Privately-owned vehicles shall not be used for transporting materials, supplies, or towing trailers for official District business unless authorized by the District Manager.

Employees are required to have an active driver's license with the appropriate classification for the operation of any District vehicle or truck.

602 Travel Including Lodging and Meals

All District employees must receive authorization from the District Manager for any official District travel prior to taking such travel. Lodging, meals, and incidentals are reimbursable in accordance with GSA per diem rates. Lodging is reimbursable up to the GSA rate by travel/lodging location, unless prior authorization is received by the District Manager. Receipts must be turned in for lodging reimbursement. Employees are required to complete and sign District-approved forms in order to receive reimbursement for District travel. Meals are reimbursable in accordance with GSA per diem rates; receipts are not required for meals reimbursement. Meals are only covered for District employees, Board members, and authorized invitees of the District as approved by the District Manager or the Board. Alcoholic beverages are not paid for by the District, refer to section 107 of this Handbook. All appropriate ancillary expenses incurred during official District travel will be reimbursed by the District upon presentation of proper receipts for such expenses and approval by the District Manager.

603 Computer/Cell Phone/Telephones

The purpose of this policy is to protect the computer and information technology resources of the District. The District's computer network, access to Internet, email, and telephone/voice mail systems are business tools intended for employees to use in performing their job duties; therefore, all documents and files are the property of the District.

All information regarding access to the District's computer resources, such as employee identifications, modem phone numbers, access codes, and passwords are confidential District information and may not be disclosed to non-District personnel. All District electronic devices such as computer, tablets, cell phones, etc, as well as computer files, documents, and software created or stored on the District's computer systems are subject to review and inspection at any time. In this regard, employees should not assume that any such information is confidential, including emails either sent or received.

Utah law requires public employees to comply with the Government Records Access and Management Act, as found in Utah Code 63G-2-101 et. Seq., when transmitting information with District provided resources.

603.1 Personal Blogs and Social Media Sites

An employee who participates in blogs and social networking sites for personal purposes may not:

- claim to represent the position of the District or the Board,
- post the logo of the District, post protected or confidential information, including any copyrighted information, confidential information received from District customers, or District issued documents without permission from the District Manager
- unlawfully discriminate against, harass, defame, or otherwise threaten a District employee or a person doing business with the District

An employee who violates these limitations may be subject to disciplinary action, up to and including termination of employment.

603.2 Computer Usage and Maintenance

All use of District computers, hardware, software, and other electronic devices should be legal and ethical. District resources may not be used for personal profit, harassment of any person, or any illegal activities. Employees are strictly prohibited from using the District's communication systems in ways that management deems to be inappropriate. If the employee has any questions on whether their behavior would constitute unauthorized use, the employee is to contact their immediate supervisor before engaging in such conduct.

Employees must not abuse equipment and are required to immediately report any mistreatment or vandalism of computing or network facilities to the District Manager. Food and beverages (including water) should not be consumed or stored where they can directly impact a piece of equipment. Employees should minimize non-essential use of a District computer. Employees should not install software, alter system files, or disconnect any cables on computers or other equipment without consulting the District Manager.

Employees may be held responsible for the repair or replacement of District equipment should it be determined that the employee has mistreated the equipment (both hardware and software) in

any way in violation of this policy. Employee responsibility will be determined by the District Manager, who will make determination of repair or replacement of the equipment or its accessories. The employee may be held liable for any expenses incurred for repair or replacement of District equipment. The employee will be notified of their responsibility prior to any action to repair or replace equipment. Computer equipment shall not be removed from District premises without prior approval from the District Manager. Upon separation of employment, all communication tools shall be returned to the District, otherwise they may be subject to deductions in their final compensation for lost, stolen, or damaged equipment.

The District fully supports copyright laws. Employees may not copy or use any software, images, music or other intellectual property (such as books or videos) unless the employee has the legal right to do so. Employees must comply with all licenses regulating the use of any software and may not disseminate or copy any such software without authorization. Employees may not use unauthorized copies of software on computers purchased or leased by the District.

Employees may not attempt to gain access to another employee's personal file of e-mail messages or send a message under someone else's name without the latter's or the District Manager's express permission.

Internet and email are services provided by the District for use in essential communication, research, and information sharing. The District's email system should not be used for personal communications, file sharing, or mass mailings. Employees should minimize internet service used for non-essential and personal use. The District prohibits the display, transmittal, or downloading of material that in violation of District guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time. Management may monitor email from time to time. Employees should be aware that emails might be public records and subject to public disclosure.

There may be situations when a non-District computer needs to be connected to the District network. Such situation must be approved by the District Manager or the Board before connecting a non-District computer to the District network.

The District uses various measures to ensure the security of its computing resources. Employees should be aware that the District cannot guarantee such security and should apply appropriate safeguards for their accounts, such as guarding their passwords and logging out of computers when they are not being used.

Computer files that should be read and/or modified by the employee only should be kept in a secure directory on the computer system.

603.3 Telephone Usage (Landline and Cell Phones)

In the interest of good business practice, personal telephone calls, including those made with cell phones, must be minimal and not interfere with employees' performance of their jobs. Personal use of District telephones for long distance calls is not permitted. The District provides cell phones to those employees who need them to perform their jobs. Such phones are intended for business use only. Employees are expected to follow state and federal law regarding the use of cell phones, including texting while driving, whether in District provided or employee owned vehicles.

The District has a zero-tolerance policy for the use of electronic communication devices during the operation of heavy equipment, machinery, and vehicles. Employees shall avoid the use of cell phones and mobile devices to make calls while driving and operating equipment. Employees safely must park and deenergize equipment whenever they need to use a cell phone. Generally, stopping on the shoulder of the road is not acceptable. Employees are prohibited from using a cell phone or other device to text while operating a motor vehicle. Texting is permitted only where the vehicle is at rest in a shoulder lane or lawfully parked. Violations of this policy may subject an employee to disciplinary action up to and including termination.

604 Appearance and Dress

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the District presents to the community. Transparent clothing and other immodest clothing is inappropriate work attire. When issued identification badges or name plates or other insignia, employees are required to wear them. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions.

When the District provides personal protective equipment (PPE) whether through reimbursement or direct issue and requires PPE for operations, the employee is expected to wear the level of equipment required. Failure to wear PPE, when required, may subject an employee to disciplinary action up to and including termination.

700 Disciplinary Procedures

701 Discipline for Violation of Rules:

Occasionally, performance or other behavior falls short of the District's standards and/or expectations. When this occurs, management takes action, which, in its opinion, seems appropriate. Management has both the right and the responsibility to correct and discipline employees for misconduct, errors, or inappropriate behavior or actions which have the capacity to adversely affect the operations, financials, or the reputation of the District.

Disciplinary actions can range from an informal discussion with the employee about the matter to immediate discharge. Action taken by management in an individual case does not establish a precedent in other circumstances. Management, at its sole discretion, reserves the right to bypass any steps leading to termination depending on the severity of the offense, action of the employee, and/or the number of occurrences. Although the employee handbook is a guide of conduct, no manual can realistically list every possible scenario, therefore, management reserves the right to determine the severity of the offense as relates to safety of the employees, other employees, customers, or the protection of any facilities owned or operated by the District.

The following lists contain a range of actions which, the District in its sole discretion, may take when assessing discipline:

Verbal Warning: From immediate supervisor to employee detailing the offense. Verbal actions may be documented by the supervisor.

Written Warning: Depending on the severity or if the verbal warning has not been heeded. A memorandum will be given to the employee with a copy provided for the employee's file. Details of corrective action, disciplinary action(s), and probationary period, where applicable, will be provided in the document. The employee will be given the opportunity to acknowledge receipt of the written warning with a signature, date, and time of notice. Refusal of the employee to sign for receipt will not negate the actions taken by District management.

Suspension (with or without pay): Depending on the severity of the offense, suspension may warranted, which will be for no longer than five days and, at the District Manager's discretion, may either be with pay or without pay. Any suspension actions will be issued by the District Manager and will include a written statement. The employee will be given the opportunity to acknowledge receipt of the notice with a signature, date, and time of notice. Refusal of the employee to sign for receipt will not negate the action of the suspension.

Termination: The employee will be given a verbal and written notification of termination. The termination letter will include any rights of the employee.

In the case of suspension or probation, the employee may undergo a detailed re-evaluation at the end of the stated disciplinary action period and an interview may be conducted by the employee's immediate supervisor on a face-to-face basis. In the event that the original problem of infraction has not been resolved at the end of the probationary period, the action can be continued and the procedures described herein will again be accomplished or the employee may be discharged.

Nothing in this section is intended to convey a process to which an employee is or may become entitled. At any time, an employee may be summarily dismissed for any reason or for no reason, with or without notice.

702 Prohibited Behavior

District employees are expected to abide by laws and regulations as well as other commonly accepted standards of business and personal conduct while at work or engage in activities that may affect work safety or job performance. Employees are further expected to observe and comply with all policies and performance standards that may be established by the District.

The following types of behavior may result in disciplinary action, suspension, or immediate dismissal. This list is for purposes of illustration and is not intended to be exhaustive, and does not reflect every circumstance that may result in discipline or discharge. Examples include:

- Violation of the laws of the United States, the State of Utah, or ordinances of the District or any other jurisdiction determined to be job related.
- A conviction (including a plea in abeyance or no contest) for the violation of any criminal law shall be prima facie evidence in any District hearing process.
- Violation may also be established in any District hearing process under an administrative standard of whether the evidence shows more likely than not the violation occurred regardless of the pendency or dismissal of criminal charges.
- Violation of the code of conduct.
- Conduct which endangers the peace and safety of others or poses a threat to the public interest.
- Any behavior by an employee deemed inappropriate or disruptive to the work environment which may affect the ability of other employees to perform effectively.
- Misconduct.
- Malfeasance. (The performance of an act which is legally unjustified or conflicts with the law or District policy)
- Misfeasance. (The wrongful performance of a normally lawful act.)
- Nonfeasance. (The omission of some act which ought to have been performed.)
- Incompetence.
- Negligence.
- Insubordination. (The opposition to and usually in defiance of established authority)
- Failure to maintain skills.
- Inadequate performance of duties.
- Unauthorized or excessive absence or tardiness.
- Falsification or unauthorized alteration of records.
- Violation of District or department policies.
- Falsification of employment application.
- Discrimination.
- Sexual harassment or prohibited sexual conduct.
- Retaliation.

- Misrepresentation (making false statements or knowingly allowing false statements or false impressions to be accepted as valid in the course of the employee's job-related duties).
- Theft or removal of any District property, or the property of any employee from the work premises without proper authorization.
- Gambling or engaging in a lottery on District property.
- Failure of a public safety employee to maintain physical fitness/ability standards.
- Inability to perform essential job duties, with or without reasonable accommodation.
- Violation of the Drug Free Workplace policy, including but not limited to being under the influence of a controlled substance while at work.
- Unlawful possession of firearms, weapons, or explosives on District property.
- Carelessness which has the capacity to negatively affect the health, safety, or welfare of District personnel, the public, its customers, and damage real and personal property.
- Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
- Recklessly misusing, destroying, or damaging any District property or the property of any employee.
- Misusing District owned equipment including but not limited to, office equipment, computers, the internet, tools, motorized equipment, etc.
- Fighting (verbal or physical) on District premises, or while on District business, or in a District uniform. Exceptions will be made for Police Officers in altercations which occur in the line of duty.
- Physical attack on a fellow employee or a member of the general public. This does not preclude an employee to defend themselves if attacked.
- Actual or threatened violence, intimidation, threats, or hostile behaviors, physical/verbal abuse, vandalism, arson, sabotage.
- Obscene, abusive or disruptive language or behavior.
- Engaging in prohibited harassment.
- Misuse or stealing of District, employee, customer, or other property or funds.
- Failing to report for work without authorization, walking off the job or leaving place of work while on duty without permission, except in cases of extreme emergency.
- Chronic or excessive absenteeism or tardiness or early quitting/leaving.
- Sleeping during working hours.
- Removing or defacing signs, bulletin boards, or other District property.
- Working at another job that would create a conflict of interest or adversely affect an employee's performance.
- Unauthorized time away from the designated work station.
- Failure to meet established work quality standards or production requirements.
- Failure to adhere to and follow established work procedures or pay attention to job responsibilities.
- Violation of or failure to adhere to the District's Health and Safety Plan and policies thereof, including the inappropriate use or failure to use required PPE.
- Falsifying any employee's time record or misuse of leave (sick, bereavement, jury, military, etc.).

- Unlawful use of official District position to secure special privileges or exemptions or use of official District position for personal gain.
- Violation of District policies not specifically listed in Section 702
- Any other action or behavior contrary to the best interests of the District.

703 Problem Resolution

The District is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the District's supervisors and management.

The District strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with application of established rules of conduct, policies, or practices as pertains to themselves, they can express their concern. No employee will be penalized, formally or informally, for voicing a complaint with the District in a reasonable, business-like manner, or for using the problem resolution procedure.

The problem resolution procedure can be used if a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable. The employee may discontinue the procedure at any step.

Employees should promptly discuss any such issues with their immediate supervisor. Discussions held in a timely manner will enhance our ability to resolve concerns while they are fresh in everyone's mind. The majority of misunderstandings can be resolved at this level.

If the solution offered is not satisfactory, or if it is inappropriate to go to the supervisor, then employees are encouraged to take the problem to their Human Resources representative or the District Manager. If the problem still cannot be resolved, employees may submit a written complaint to the Board Chairperson, but only after first discussing the problem with at least their immediate supervisor and District Manager.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.

704 Appeal

A merit employee who has received an adverse employment action (demotion, suspension, termination), may file a written request to the District Manager to appeal the adverse action within twenty-four (24) hours of receiving the notice. Because the Board will make the final decision, the employee and any supervisor involved shall not contact members of the Board regarding the matter prior to the hearing except for scheduling said hearing. The hearing will be held within ten (10) business days subsequent to the date of receipts of the written appeal request. The employee may

request that the hearing be a closed hearing at the time of such hearing. The Board may choose to hold the meeting during a closed session only as allowed under the Open and Public Meetings Act, Utah Code Ann. § 52-4-101 et seq. The Board will issue a written decision within 15 business days of the hearing. In the event that the Board chooses not to review the appeal, a written response will be issued within 15 business days of the receipt of the last additional information requested by the Board from the parties.

THIS APPEAL PROCESS SHALL NOT BE INTERPRETED TO SUPERSEDE OR OTHERWISE CONFLICT WITH THE AT-WILL NATURE OF EMPLOYMENT WITH THE DISTRICT.

705 Retaliation

The District prohibits retaliation against an employee for filing a complaint under any policy or for assisting in a complaint investigation. If the employee perceives retaliation for making a complaint or their participation in the investigation, they are to report the situation to the District Manager first then to the Board. The situation will be promptly investigated.

706 No-Cause Termination

Although the District has a disciplinary action process and an appeal process for serious disciplinary action(s), and generally will utilize those processes when dealing with violations of policy or other inappropriate conduct by its employees, nothing contained in this Policy is intended or may be construed to create any express or implied promise or agreement that any employee's employment with the District may be terminated only for good cause, or only after progressive disciplinary action has been taken. Either the employee or the District may terminate the employee's employment with the District at any time and for any reason, with or without cause, and with or without notice.

800 Professionalism and Ethics

801 Utah Public Officers and Employees' Ethics Act

The requirements of the Utah Public Officers' and Employees' Ethics Act (Utah Code Ann. §§ 67-16-1 et seq. as amended) are applicable to employees of the District and the Board. The definitions and provisions included in the Act are incorporated into this Section.

802 Protection of Information

No employee or Board member of the District may accept employment or engage in any business or professional activity that might be reasonable expected to require or induce the employee or Board member to improperly disclose controlled information gained by reason of the employee's or Board member's official position with the District; improperly disclose or improperly use controlled, private or protected information acquired by reason of the employee's or Board member's official position or in the course of official duties; or use or attempt to use the employee's or Board member's official position to substantially further the employee's or Board member's personal economic interest; secure special privileges or exemptions for the employee or Board member or any other person; or accept other employment that might be expected to impair the independence of judgment or interfere with the ethical performance of the employee's or Board member's public duties.

803 Gratuities

Acceptance of gratuities, whether in the form of a gift, compensation, or a loan, may cloud the ethical judgment of an employee or Board member and violate the Act. District employees and Board members will not seek, take, solicit, or accept, directly or indirectly, gratuities except under circumstances allowed by the Act such as proper political campaign contributions, bona fide loans made in the ordinary course of business, public awards for recognition of public services, or an occasional non-pecuniary gift having a value of \$50 or less.

804 Conflict of Interest

The District requires that employees protect District information and avoid outside activities or relationships, which do or could adversely influence their decisions or actions on the job.

No employee or Board member of the District may invest in any business entity which will create a substantial conflict between the private interests and public duties of the employee or Board member.

If employees have any question whether a situation is a conflict of interest, employees should discuss the matter with the District Manager.

805 Penalties

Any employee or Board member of the District who knowingly or intentionally violates the Act may be dismissed from employment or removed from office and may also face criminal penalties

as provided in Utah Code Ann. § 67-16-12. In addition, the District may rescind or void a contract entered into in violation of the Act without returning the consideration received by the District as provided in Utah Code Ann. § 67-16-14.

806 Ethics Complaint

If a District employee believes there has been a violation of the Utah Public Officers and Employees Ethics Act, he or she may file a written complaint with the Political Subdivisions Ethics Review Commission pursuant to Utah Code Ann. § 67-16-15.

807 Professionalism

The very nature of governmental business makes establishing and maintaining good public relations one of the most important aspects of a job with the District. District employees provide services to District residents every day. The public's impression of the District's performance of its duties, its efficiency, and its value is formed by their experiences with District employees. Therefore, it is important for each employee to treat the public courteously, even in difficult situations.

Nothing in this handbook shall be construed to restrict the right of any employee to hold membership in and support a political party, to vote as he/she chooses, to express privately in his/her opinions on political subjects and candidates, to maintain political neutrality, or to attend political meetings after working hours.

900 Separations, Retirement, Death

901 Notification

If an employee wishes to end their employment relationship with the District, we request that the employee notify their immediate supervisor or the District Manager as soon as possible of the intended termination, regardless of the employee's reason to end the employment relationship. The employee should give at least two weeks' notice and the notice should be in the form of writing. Notice generally allows sufficient time to collect the District's property including keys, process monies to which the employee may be entitled, convert insurance, and correctly calculate a final paycheck.

902 Re-employment

Employees may be considered for re-employment provided that they qualify for the position of interest, and while they were employed with the District, they maintained satisfactory performance and attendance and they provided adequate notice of termination.

903 Death

When an employee dies while in the service of the District, the employee's estate shall be entitled to all pay due to the employee.

1000 Miscellaneous

1001 Environmental Awareness

The District supports environmental awareness by encouraging recycling, resource conservation, and responsible waste management in its business practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impacts to the environment.

Every employee is expected to become aware of the philosophies of integrated solid waste management (i.e., reduce, reuse, recycle), the District's mission statement and goals, and basic understanding of the funding mechanism for the operations of the district.

1002 Inspections

The District may conduct searches after notice is given and with the employee's consent of employees' personal effects. This may include, but is not limited to, lunch bags, boxes, purses, personal computers, packages, or vehicles.

The District may conduct searches of the above items without employee consent if the District has a reasonable suspicion to believe that illegal activity is taking place and after obtaining a warrant to do so. Any illegal and unauthorized articles discovered may be taken into custody and will be turned over to law enforcement representatives.

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PROVISIONAL

Acknowledgment of Receipt

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED _____ . I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS AND ACCEPT RESPONSIBILITY FOR INFORMING MYSELF ABOUT THESE POLICIES EITHER BY READING THEM OR BY ASKING THAT THEY BE EXPLAINED TO ME AND THAT I AM RESPONSIBLE FOR LEARNING ANY POLICY CHANGES THAT MAY OCCUR FROM TIME TO TIME REGARDING THE CONTENT OF THIS HANDBOOK. FURTHER, I UNDERSTAND:

- 1) **EMPLOYMENT WITH THE DISTRICT IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE DISTRICT, WITH OR WITHOUT ADVANCE NOTICE, FOR ANY REASON. THE DISTRICT HAS THE SAME RIGHT.**
- 2) THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.
- 3) THE HANDBOOK IS NOT ALL INCLUSIVE, BUT IS INTENDED TO PROVIDE ME WITH A SUMMARY OF SOME OF THE DISTRICT'S GUIDELINES. THE DISTRICT RESERVES THE RIGHT TO CHANGE THESE POLICES IN PART OR WHOLE IN THE FUTURE AND IT IS MY OBLIGATION TO BECOME FAMILIAR WITH ANY CHANGES SO OCCURING IN THE FUTURE.
- 4) THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK. THE DISTRICT THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.
- 5) NO REPRESENTATIVE OF THE DISTRICT, OTHER THAN THE ADMINISTRATIVE CONTROL BOARD, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE CHAIRPERSON OF THE ADMINISTRATIVE CONTROL BOARD AND MYSELF. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

Employee Signature

Printed Name of Employee

Date Signed

SOLID WASTE SPECIAL SERVICE DISTRICT #1

POLICY AND PROCEDURES

<i>Policy:</i> Code of Ethical Conduct	<i>Policy Number:</i> 140-1050
<i>Effective Date:</i> April 27, 2021	<i>Revision History</i> Original Date: March 8, 2018

Purpose

In Utah, there have been audits of conduct of various local districts and special services districts resulting in a legislative concern that the boards of these entities have not adequately adopted codes of conduct, standards which govern the actions of a governmental entity as established in district bylaws. This policy adopts the Utah Association of Special District’s (UASD) Code of Ethical Conduct and specifies the code of conduct for the Solid Waste Special Service District #1, hereafter referred to as “District,” for all entities or individuals related to the district, whether board members, employees, volunteers, governmental agency representatives, private business contacts, court appointed individuals, or contractors.

Policy

The Administrative Control Board, hereafter referred to as “Board,” has adopted standards and values regarding the manner in which the members of the Board and District employees should conduct themselves as they work and interact with their co-workers, governmental agencies, and the public. Board members and employees are expected to adhere to the ethical standards and values of the District which includes as a minimum honesty, integrity, responsibility, fairness, hard work, dedication, friendliness, and courtesy.

The District is a member of the Utah Association of Special Districts (UASD). As part of that membership, the Board has agreed to the UASD Code of Ethical Conduct and is pledging the Board members and District employees to adhere to those standards as modified below to apply to specifically to this District and its operations:

- To maintain high standards of personal and professional integrity, truthfulness, honesty, and fortitude in all public activities to inspire public confidence and trust in the District as a unit of local government.
- To accept responsibility for and to generate and carefully nurture respect for truth, for fair dealing with others, for sensitivity to rights and responsibilities of citizens, and for the good of the District as a unit of local government.
- To be responsible for performance and to not compromise honesty and integrity for advancement, honors, or personal gain.
- To be discreet and respectful of proper authority and our elected or appointed leaders and to be sensitive to the expectations and values of the public we serve.
- To the extent possible avoid any interest or activity which is, or appears to be, in conflict with the conduct of official duties, and when not possible, to disclose such conflicts of interest and recuse themselves from conflicting official duties.
- To the best of their ability, monitor that administrative operations are conducted in accordance with applicable laws and regulations governing the District, exercising a degree of care and skill ordinarily exercised by members of similar boards currently practicing under similar circumstances at the same time and in the same or similar locality.
- To use only legal and ethical means when seeking to influence legislation or regulations and to issue no false or misleading statements to a legislator, to the local government and district government councils and boards, or to the public.
- To utilize every opportunity to improve public awareness and understanding of the District and our role in providing comprehensive, turn-key, solid waste management services to the residents and business of Grand County, Utah, and outlying areas.

SOLID WASTE SPECIAL SERVICE DISTRICT #1 POLICY AND PROCEDURES

- To support the majority decision of the Board on matters related to the District’s business.
- To refrain from the dissemination of any malicious information concerning individuals, other associations and organizations and their members, public entities, or units of local government.

In the first meeting after appointment to the Board, new or renewing members will execute an Oath of Office, and said copy will be retained in the District’s files. In addition, this policy will be read and incorporated into the minutes at the first Board meeting of a every new fiscal year.

District employees also agree to adhere to the District’s Code of Ethical Conduct as set forth above. Additionally, the District’s Employee Handbook has incorporated practices which uphold the above standards for District Employees. Each employee will receive and sign acknowledgement of receipt of the handbook upon employment and a copy of that receipt, the employment handbook policy and related employment policies will be retained in District files.

Approval

This policy, *140-1050 Code of Ethical Conduct*, was adopted through motion made by _____ and seconded by _____ on April 26, 2021 with a vote of ____ yes to ____ no based on the following roll call vote.

Ackerman:	___ Aye	___ Nay	___ Abstain	___ Absent
Fitzgerald:	___ Aye	___ Nay	___ Abstain	___ Absent
Harris:	___ Aye	___ Nay	___ Abstain	___ Absent
Jones:	___ Aye	___ Nay	___ Abstain	___ Absent
McGann:	___ Aye	___ Nay	___ Abstain	___ Absent

Affirmed by:

Signature:

Kalen Jones

Board Chairperson

Title

I, Jessica Thacker, duly appointed District Clerk for the District, certify that this policy was adopted on April _____, 2021 and subsequently signed by Kalen Jones, Chairperson of the District’s Administrative Control Board.

Signature:

Jessica Thacker

Date

Employee Acknowledgement

Employee Signature

Printed Name of Employee

Date Signed

DRUG & ALCOHOL CLEARINGHOUSE

GET NEWS AND UPDATES AT:
<https://clearinghouse.fmcsa.dot.gov>

Coming
January 6, 2020



What is the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse?

The Clearinghouse is a secure online database that will give employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time information about CDL driver drug and alcohol program violations, thereby enhancing safety on our Nation's roadways.

An act of Congress directed the Secretary of Transportation to establish the Clearinghouse.

The Clearinghouse contains information about drivers with commercial driver's licenses (CDL drivers) who are covered by FMCSA's drug and alcohol program. This also includes drivers with commercial learner's permits (CLPs).

For more information on drivers affected by the Clearinghouse, see other side.



When must I use the Clearinghouse?

JAN
2020

JANUARY 6, 2020: Authorized users will be required to complete the actions described in the Clearinghouse final rule. At this time, employers will be required to conduct both electronic queries and traditional manual inquiries with previous employers to meet the three-year timeframe, required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may also view their own records for information recorded on or after January 6, 2020.

JANUARY 6, 2023: Once three years of violation data are stored in the Clearinghouse, employers are no longer required to also request information from the driver's previous FMCSA-regulated employers under 391.23(e); an employer's query of the Clearinghouse will satisfy that requirement.



How will the Clearinghouse improve highway safety?

- Make it easier for employers to meet their pre-employment investigation and reporting obligations.
- Make it more difficult for drivers to conceal their drug and alcohol program violations from current or prospective employers.
- Provide roadside inspectors and other enforcement personnel with the means to ensure that drivers receive required evaluation and treatment before performing safety-sensitive functions, such as driving a commercial motor vehicle (CMV).
- Make it easier for FMCSA to determine employer compliance with testing, investigation, and reporting requirements.

What information will the Clearinghouse contain?



The Clearinghouse will contain information on all CDL driver drug and alcohol program violations. These violations include:

- Report for duty/remain on duty for safety-sensitive function with alcohol concentration of 0.04 or greater or while using any drug specified in the regulations (Part 40), other than those prescribed by a licensed medical practitioner
- Alcohol use while performing, or within four hours of performing, a safety-sensitive function
- Alcohol use within eight hours of an accident, or until post-accident test, whichever occurs first
- Test positive for use of specified drugs
- Refusing to submit to a required alcohol or drug test

How will I use the Clearinghouse?

EMPLOYERS

Report drug and alcohol violations and check that no current or prospective employee is prohibited from performing safety-sensitive functions, such as operating a CMV, due to a drug and alcohol program violation for which a driver has not successfully completed a Return-To-Duty (RTD) process.

CDL DRIVERS

View own record, provide consent to current or prospective employers to access details about any drug and alcohol program violations, and select a Substance Abuse Professional, if needed.

MEDICAL REVIEW OFFICERS

Report verified positive drug test results and test refusals.

SUBSTANCE ABUSE PROFESSIONALS

Report RTD initial assessment and eligibility status for RTD testing.

CONSORTIUM/THIRD-PARTY ADMINISTRATORS

On behalf of an employer, report drug and alcohol program violations and perform driver queries as required.

STATE DRIVER LICENSING AGENCIES

Query the Clearinghouse prior to completing licensing transactions.

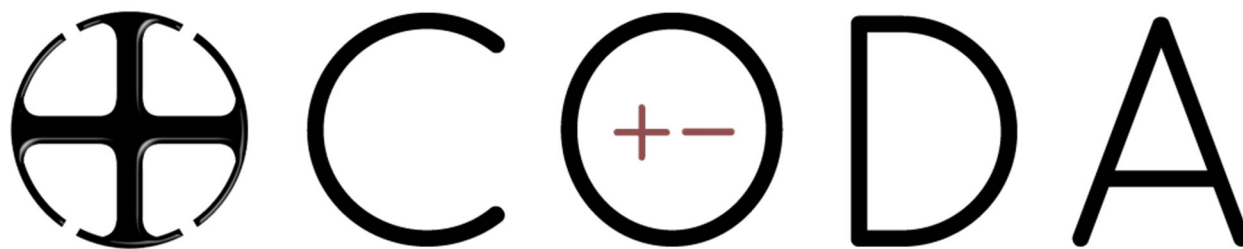


What types of drivers and employers will the Clearinghouse affect?



All CDL drivers who operate CMVs on public roads, and their employers and service agents. This includes, but is not limited to:

- Interstate and intrastate motor carriers, including passenger carriers
- School bus drivers
- Construction equipment operators
- Limousine drivers
- Municipal vehicle drivers (e.g., waste management vehicles)
- Federal and other organizations that employ drivers subject to FMCSA drug and alcohol use testing regulations (e.g., Department of Defense, municipalities, school districts)



Consortium of Drug and Alcohol Testing and MRO Services

a Division of Occupational Health Care International

SOLID WASTE SPECIAL SERVICE DISTRICT #1

Drug and Alcohol Testing Policy

*For Employees with Commercial Driver's Licenses that Perform
Safety-Sensitive Transportation Functions*

**U.S. Department of Transportation Federal Motor Carrier Safety
Administration (FMCSA) Regulations**

49 CFR Parts 40 & 382

**Effective:
May 1st, 2021**

This policy is intended **ONLY** for use of CODA Testing and MRO Services and its registered clientele.

Any use, transmission, copying of and/or distribution of this document is strictly forbidden. CODA Testing and MRO Services is the sole owner of this policy and grants permission and use of its policy to its registered clientele.

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FMCSA Drug and Alcohol Testing Policy

I. PURPOSE STATEMENT

The U.S. Department of Transportation (DOT) has issued regulations (49 CFR, Part 40 and Part 382) which govern the use of drugs and alcohol by employees who hold a Commercial Driver's License (CDL) and who perform safety-sensitive transportation functions, including driving a Commercial Motor Vehicle (CMV). The agency's regulations require drug and alcohol testing of specified employees as described in this policy. The goal of Solid Waste Special Service District #1 (The Company) policy and the testing of drivers is to ensure a drug and alcohol-free transportation and work environment, and to reduce and eliminate drug and alcohol related accidents, injuries, fatalities, and damage to Company property.

II. AUTHORITY

It is the Company's intention to comply fully with the DOT regulations. However, federal regulations do not preclude the Company from taking additional drug-free workplace actions beyond what may be contained in this policy. The Company will advise employees and applicants when any drug-free workplace policy or practice is mandated by DOT or whether it be by the independent authority of the Company. Outside of the requirements of the federal regulations the Company will comply with all applicable state and local laws.

In compliance with the DOT regulations, the Company has a designated employer representative (DER). The DER is an individual authorized to receive communications and test results from service agents. The DER is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. **Please direct all questions regarding this Policy to the District's DER, which at the time of writing of this Policy, is the District Manager.**

III. COVERAGE: EMPLOYEES & APPLICANTS SUBJECT TO TESTING

The Federal Motor Carrier Safety Administration (FMCSA) regulations require drug and alcohol testing of drivers who hold a CDL and operate a CMV. Please refer to the Definitions Section for more information about "drivers." Other individuals may also be subject to DOT-mandated testing. For purposes of the regulations, a CMV means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property as defined in the Criteria for Employees Subject to Testing section below.

- A. Employees.** Participation in this program is a requirement of employment. Refusal to participate in any way is a violation of the federal regulation and will result in adverse employment action.
- B. Applicants.** All applicants for positions as a driver or for a safety-sensitive position, which includes driving, will be notified of the Company's Drug-Free Workplace Program (DFWP) at the time they apply for a position.

IV. DRUG AND ALCOHOL TEST BACKGROUND CHECKS

DOT requires the Company to obtain drug and alcohol testing information from an applicant's prior DOT employer(s) for a three-year period prior to the date of application. The Company will make a good faith effort to obtain past drug and alcohol testing information for each DOT job applicant. This information should be retained before the driver first performs safety-sensitive functions, unless this is

not feasible, in which case the information should be obtained as soon as possible. In any event, a driver will not be allowed to perform a safety-sensitive function after 30 days from the date he or she first performed a safety-sensitive function, unless the Company has obtained or made and documented a good faith effort to obtain the previous testing information. **A separate release for each prior employer must be signed by the applicant for the prospective employer to legally receive and utilize information.**

In addition, DOT requires the Company to ask DOT applicants if they have failed or refused to participate in a DOT drug or alcohol pre-employment test within the past three years with an employer who did not hire them. Regardless of the answer to such inquiries, the Company is still required to complete the three-year background check.

When the Company discovers that a recently hired individual has a violation on his or her record, and that the person has not successfully completed the return-to-duty process, the Company will immediately stop using the employee to perform safety-sensitive functions. The Company may work with the individual to determine what return-to-duty requirements have not been successfully met. The completion of such requirements is the sole responsibility of the individual involved. The Company is not responsible for providing or paying for any treatment or counseling services required in the return-to-duty process.

When the return-to-duty requirements have been successfully completed the individual *may* be allowed to perform DOT safety-sensitive functions for the Company. Employees who refuse to complete the appropriate return-to-duty functions will face disciplinary action up to and including termination.

When the Company receives a specific written consent from a current or former employee authorizing the release of information about that employee's drug or alcohol tests to an identified person at another company, the Company will provide the information to the identified person in accordance with DOT regulations.

Furthermore, it is required to conduct a query of the FMCSA Drug and Alcohol Clearinghouse on each driver prior to their date of hire. The driver must complete an FMCSA Clearinghouse consent form electronically, prior to completing the pre-employment Clearinghouse query. If the driver refuses consent, the driver cannot be hired. A driver will not be hired if the Clearinghouse query provided information that the driver has a Part 382 drug/alcohol violation and has not completed the required return-to-duty process outlined in 49 CFR Part 40, Subpart O.

V. CRITERIA FOR EMPLOYEES SUBJECT TO TESTING

Under the Company's Policy and DOT Federal Motor Carrier Safety Administration (FMCSA) regulations, drivers who hold a CDL and drive a CMV are subject to the drug and alcohol testing in accordance with federal regulations. CMV means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- A. Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds), inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- B. Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- C. Is designed to transport 16 or more passengers, including the driver; or

- D. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to have a placard under the Hazardous Materials Regulations.

VI. DEFINITIONS

Definitions as used under this Policy are set forth below and in greater detail in 49 CFR §§ 40.3 and 382.107.

- A. **Drug.** For purposes of this Policy, “drug” means a controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC § 812. The term includes prescribed drugs not legally obtained, prescribed drugs not being used for prescribed purposes, and any prescribed drugs not taken in accordance with a prescription. In other words, medications prescribed for someone other than the driver will be considered unlawfully used under any circumstances. Pursuant to DOT regulations, all DOT-required drug tests must test for the following substances identified in 49 CFR § 40.85: marijuana, cocaine, amphetamines, opioids and phencyclidine (i.e. PCP). The Company reserves its independent authority and discretion to prohibit and test for other drugs, as defined above, within the limits of applicable state law.
- B. **Alcohol.** The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.
 - i. **Alcohol Concentration:** Alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath as indicated by an EBT under the FMCSA Regulations.
 - ii. **Alcohol Use.** The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.
- C. **Confirmation Test**
 - iii. **Alcohol:** A second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.
 - iv. **Drugs:** A second analytical procedure to identify and quantify the presence of a specific drug or metabolite that is independent of the screening test.
- D. **Disabling Damage.** Damage, which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.
 - i. **Included:**
 - a. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
 - ii. **Excluded:**
 - a. Damage, which can be remedied temporarily at the scene of the accident without special tools or parts.
 - b. Tire disablement without other damage even if no spare tire is available.

- xi. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
- xii. Admits to the collector or MRO that you adulterated or substituted the specimen.
- xiii. Is reported by the MRO as having a verified adulterated or substituted test result.

Any driver who refuses to submit to a required drug and/or alcohol test or otherwise fails to cooperate with any part of the testing process is in violation of this Policy. Any driver who refuses such a test will be subject to the consequences described in the "Consequences for Policy Violations" section, including removal from safety-sensitive functions.

G. Safety-Sensitive Function. All time, from the time a driver begins to work, or is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work.

For the purpose of this Policy and the Company's drug and alcohol testing program, employees are considered to be performing a safety-sensitive function and subject to drug and/or alcohol testing at the following times:

- i. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- ii. All time inspecting equipment as required by 49 CFR §§ 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- iii. All time spent at the driving controls of a commercial motor vehicle in operation;
- iv. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- v. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- vi. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

VII. PROHIBITED BEHAVIOR

A violation of any of the prohibited behaviors described below may result in adverse employment action, including possible termination. Please see the Consequences section of this policy for more information.

A. Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR Part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in § 382.107, who is

familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

The Company will not permit the driver to perform or continue to perform a safety-sensitive function if it has actual knowledge that a driver has used a controlled substance. The Company may require a driver to inform the Company of any therapeutic drug use.

- B. Controlled Substances Testing.** A covered employee will not report for duty, remain on duty or perform a safety-sensitive function if the individual tests positive or has adulterated or substituted a test specimen for controlled substances. When the Company becomes aware that an individual has tested positive or has adulterated or substituted a test specimen for controlled substances, it will not permit the individual to perform or continue to perform safety-sensitive functions unless and until the required Return-to-Duty Procedures are followed.
- C. Alcohol.** A covered employee must not consume alcohol while on duty, four hours prior to coming on duty time, and up to eight hours following an accident or until the individual undergoes a post-accident test, whichever occurs first. Proof of alcohol consumption in violation of this policy will include, among other possible means, a positive alcohol test as described in this policy.
- i. Alcohol Concentration:** Employees may not report for duty or remain on duty if such duty requires the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. The Company will not permit such an individual to perform or continue to perform safety-sensitive functions when it has actual knowledge that the individual has an alcohol concentration of 0.04 or greater.
- A covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 will not be allowed to perform safety-sensitive functions for at least twenty-four (24) hours.
- ii. On-duty Use:** Employees may not use alcohol while performing safety-sensitive functions. The Company will not permit such individuals to perform or continue to perform safety-sensitive functions when it has actual knowledge that such an employee is using alcohol while performing safety-sensitive functions.
- iii. Pre-duty Use:** A covered employee will not perform safety-sensitive functions within four hours after using alcohol. The Company, having actual knowledge that a covered employee has used alcohol within four hours, will not permit the individual to perform or continue to perform safety-sensitive functions.
- iv. Use Following an Accident:** A covered employee required to take a post-accident alcohol test will not use alcohol for eight hours following the accident or until the individual undergoes a post-accident alcohol test, whichever occurs first.
- D. Adulterated, Substituted, Dilute Specimens.** Individuals who tamper with, switch or in any way adulterate a specimen are in violation of this policy and may be subject to disciplinary action, up to and including termination.

- E. Use of Marijuana.** The DOT's Drug and Alcohol Testing Regulation – 49 CFR Part 40 does not authorize the use of Schedule I drugs, including marijuana for any reason. Therefore, Medical Review Officers (MRO) will not verify a drug test as negative based upon learning that the employee used “medical marijuana” and/or “recreational marijuana” when a state law passed medical marijuana or recreational marijuana initiatives. **Marijuana remains unacceptable for any safety-sensitive employee subject to drug testing under the DOT.**

VIII. CONTROLLED SUBSTANCES AND ALCOHOL TESTING PROCEDURES

The Company will conduct controlled substances (drug) and alcohol testing within the parameters established by DOT and FMCSA. In accordance with the regulation, the Company will use scientifically valid methods and procedures employed by laboratories certified by the Substance Abuse and Mental Health Services Administration (SAMHSA). All alcohol tests will be conducted using devices found on the Conforming Products List (CPL) issued by the National Highway Traffic Safety Administration (NHTSA) in accordance with DOT regulations.

The Company will also utilize the services of specimen collection personnel who are trained in and comply with the specific collection requirements described in the federal regulations. (See Subparts C, D, and E of 49 CFR Part 40).

In addition, the Company will utilize the services of trained and certified Medical Review Officer (MRO) to verify confirmed positive controlled substances test results (See Subpart G of 49 CFR Part 40), Substance Abuse Professionals (SAP) (See Subpart O of 49 CFR Part 40) would assist in evaluating workers who test whether they are or aren't terminated, and Breath Alcohol Technicians (BAT) and Screening Test Technicians (STT) to conduct alcohol tests. (See Subpart J of 49 CFR Part 40).

- A. Alcohol Testing.** Alcohol testing will be performed at locations determined by the Company in a private setting. The testing technician, who has been trained, will ask the donor to verify their identity and the information will be recorded on a DOT Alcohol Testing Form (ATF). Drivers must cooperate with that request.

A breath or saliva testing device approved by the federal government will be used for all alcohol testing. Two tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted after at least a 15-minute waiting period from the completion of the screening test. The driver and the individual conducting the confirmation breath test (the BAT) complete the alcohol testing form to ensure that the results are properly recorded.

The confirmation test, if required, must be conducted using an Evidential Breath Testing device (EBT) that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results.

A confirmation test result under 0.02 means the driver has passed. A confirmation alcohol concentration level of 0.02 or higher will result in the driver's removal from safety-sensitive functions. The DOT prohibits any driver whose confirmation test registers 0.02 or greater but less than 0.04 from performing or from continuing to perform safety-sensitive functions until the driver's next regularly scheduled duty period, but no less than twenty-four (24) hours. If the confirmation level is 0.04 or more, or if the driver refuses to cooperate, the driver is in violation

of DOT alcohol regulations and subject to the Consequences for Policy Violation and Post-Violation/Return-to-Duty Procedures as outlined below. Certified BATs and STTs will conduct all alcohol tests.

If a driver tries but fails to provide a breath specimen adequate for testing, the driver will be asked to try again. If the driver still does not provide an adequate specimen, the driver's failure will be noted on the ATF and the Company's DER will be informed. The driver will be removed from performing "safety-sensitive" functions and required to see a physician, acceptable to the Company, within five days for an evaluation. If a physician determines that there was no medical reason for not providing the sample, this will be considered a refusal to test and the employee will be immediately removed from performing safety-sensitive functions and could result in termination of employment.

- B. Drug Testing.** Drivers will be directed to provide a urine specimen at a Company designated facility. The driver's urine specimen will be collected by a trained collection site person in accordance with the DOT rules, using a DOT Custody and Control Form (CCF). The donor will be asked to verify their identity and the information will be recorded on the CCF. Drivers must cooperate with that request.

The Collector shall require the drivers to remove unnecessary outer garments that might conceal items used to tamper with the collection process and given a collection container to provide a urine sample. If the driver does not provide a sufficient amount of urine after an employee's first unsuccessful attempt to provide an acceptable specimen, he/she has up to three (3) hours to produce a single specimen of sufficient volume (you can't combine specimens). The employee can consume up to 40 ounces of fluid. If the employee does not provide a specimen within those three (3) hours, the employee must undergo a medical evaluation to determine if there was a medical reason for their inability to do so. If a physician determines that there was no medical reason for not providing the sample, this will be considered a refusal to test and the employee will be immediately removed from performing safety-sensitive functions and could result in termination of employment.

If the employee has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collector must discontinue the collection, note the fact on the "Remarks" line of the CCF (Step 2), and immediately notify the DER. The collector must also discard any specimen the employee previously provided to include any specimen that is "out of temperature range" or shows signs of tampering. In the remarks section of the CCF that the collector will distribute to the MRO and DER, he/she must note the fact that the employee provided an "out of temperature range specimen" or "specimen that shows signs of tampering" and that it was discarded because the employee did not provide a second sufficient specimen.

If the driver provides a sufficient amount of urine for testing, it will be inspected by the Collector and its temperature will be measured. The collected specimens will be split into two specimens. Both specimen containers will be sent to a laboratory designed certified by the Substance Abuse and Mental Health Services Administration (SAMHSA). The lab will review the CCF and check the specimens for apparent tampering and report any suspicious activity to the DER.

If the specimens appear to be in order, the lab will run an initial screen test on the primary

specimen. If the screening test is negative, the lab will report the results and negative and the driver has passed the drug test. If the screening test is positive, the lab will conduct a confirmation test and analyze the specimen using Gas Chromatography/Mass Spectrometry (GC/MS). The laboratory will send the test results to the Company's Medical Review Officer (MRO).

The MRO is a trained doctor the Company has retained to review tests results and to evaluate any explanation a driver may have for a positive, adulterated, substituted, or invalid drug test result. If a driver wants his or her split specimen to be tested by another certified lab at the driver's expense, the driver should tell the MRO within 72 hours of notice of a positive, adulterated or substituted drug test result. The driver will not have the opportunity to provide another specimen. The retest will be conducted on the secondary container of the original specimen.

If the MRO informs the Company that a negative drug test was dilute, the following will apply.

- Dilute Negative with Low Creatinine: If the MRO indicates that a recollection under direct observation is required because the creatinine concentration of the specimen was equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL, the Company must immediately instruct the driver to undergo a recollection under direct observation. The DOT's stated purpose for this requirement is so that people who may naturally produce low creatinine levels will not be reported to employers as having substituted their specimens.

C. Direct Observation Collections. Under DOT's 49 CFR Part 40 directly observed collections are authorized and required in specific situations. Please refer to 49 CFR Part 40 (§ 40.67) for a complete explanation of those situations and what the Company's obligations are in such circumstances. In the event of a direct observed collection the employee will not be given advance notice.

A direct observed collection will take place if:

- i. Directed by the DER to perform an observed collection.
- ii. The employee attempts to tamper with his/her specimen at the collection site.
- iii. The specimen was out of normal temperature range.
- iv. The specimen shows signs of tampering.
- v. The collector finds an item in the employee's pocket or wallet which appears to be brought into the site to contaminate a specimen or the collector notes conducts suggesting tampering.
- vi. The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to you that there was not an adequate medical explanation for the result.
- vii. The Medical Review Officer (MRO) orders the direct observation because the employee has no legitimate medical explanation certain atypical laboratory results or the employee's split specimen could not be tested following a positive or refusal (including adulterated/substituted) test result.

- viii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL, and the MRO reported the specimen to the Company as negative-dilute and that a second collection must take place under direct observation.

Additionally, specimen collections for all return-to-duty and follow-up drug testing will be conducted under direct observation. The collector (or the observer) must be of the same gender as the employee for direct observation collections.

- D. **Cost of Drug Testing.** The Company will comply with all federal, state, and local laws and regulations regarding payment for drug and alcohol testing services. If an employee requests that a split specimen be tested, the Company is responsible to ensure that the MRO, first laboratory, and second laboratory perform all applicable functions in a timely manner. Under the DOT regulations, the Company may not condition its compliance with these requirements on the employee's direct payment to the MRO or laboratory or the employee's agreement to reimburse the Company for the costs of testing. If the employee is asked to pay for any of these services and is either unwilling or unable to do so, the Company remains responsible to ensure that the test takes place in a timely manner.
- E. **Stand-Down Policy.** The Company is not permitted under the authority of the DOT regulations to "stand down" an employee prior to receiving the test result from the MRO. However, the Company may request a waiver of this policy by a direct appeal to DOT. A waiver, if granted, permits the Company to stand down an employee following the MRO's receipt of a laboratory report of a confirmed positive test for a drug or drug metabolite, an adulterated test or a substituted test pertaining to the employee. For further details, refer to 49 CFR Part 40, §40. 21.

IX. CONTROLLED SUBSTANCES & ALCOHOL TESTS

Before performing each alcohol or controlled substances test under Part 382, the Company will notify the covered employee that the alcohol or controlled substances test is required by DOT and Part 382. The Company will not falsely represent that a test is administered under Part 382. Non-DOT drug and alcohol tests will be conducted separately, and individuals will be informed of such before the test is administered.

- A. **Pre-Employment Drug Testing.** Prior to the first time a driver performs safety-sensitive functions for the Company, the driver must pass a drug test as a condition of employment. The Company will not allow a driver to perform a safety-sensitive function unless it has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.

Prior to taking a Pre-Employment drug test, the applicant will be given forms notifying the applicant to report for a drug test. All offers by the Company to hire an applicant for or to assign or transfer a current employee to a driver position are conditioned upon the individual:

- i. Signing the Company's "Pre-Employment Acknowledgement Form"
- ii. Taking and providing a negative drug test as directed by the Company;
- iii. Authorizing the Company to obtain past drug and alcohol test results;

- iv. Providing the Company with information regarding whether they have tested positive or refused to test on any DOT required Pre-employment drug or alcohol test in which the applicant applied for, but did not obtain a safety-sensitive position in the preceding three (3) years; and
- v. Complying with any and all other conditions or requirements as set forth by the Company prior to the hiring of the individual.

NOTE: The Company may choose not to conduct a Pre-Employment drug test under certain circumstances. The criteria for such a decision are found in the regulatory language (§ 382.301). Also, if the Company uses, but does not employ a driver more than once a year to operate commercial motor vehicles the Company must obtain the following information at least once every six months. An employer who exercises this exception shall contact the controlled substances testing program(s) in which the driver participates or participated and shall obtain and retain from the testing program(s) the following information:

- a. Name(s) and address(es) of the program(s).
- b. Verification that the driver participates or participated in the program(s).
- c. Verification that the program(s) conforms to Part 40 of this title.
- d. Verification that the driver is qualified under the rules of this part, including that the driver has not refused to be tested for controlled substances.
- e. The date the driver was last tested for controlled substances.
- f. The results of any tests taken within the previous six months and any other violations of subpart B of the regulations.

The records prepared in compliance with this section will be maintained in accordance with §382.401 of the regulations.

If the Company cannot verify that the driver is participating in a controlled substances testing program in accordance with the regulations, the Company will conduct a Pre-Employment controlled substances test.

- B. Post-Accident Drug Testing.** Post-Accident drug testing is required of workers in safety-sensitive positions as soon as practicable following an occurrence that meets the description of a "DOT Accident." Such an accident would be one involving a CMV operating on a public road in commerce. The Company will test for controlled substances for each surviving driver:
- i. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; *or*
 - ii. Who receives a citation within 32 hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives

medical treatment away from the scene of the accident; or

- b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Tests should be administered as soon as possible but not to exceed 32 hours after an accident. If the test cannot be performed within 32 hours, the Company will cease attempts and prepare and maintain a record stating the reason(s) why the test was not conducted. This record will be submitted to FMCSA upon request.

A driver who is subject to post-accident testing must remain available to be tested or the Company may consider the driver to have refused to submit to testing. Nothing in the regulations should be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The Company will provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of the regulations.

C. Post-Accident Alcohol Testing. Post-Accident alcohol testing is required of workers in safety-sensitive positions as soon as practical after any occurrence that meets the description of a "DOT Accident." An accident as defined by the regulation is an occurrence involving a CMV operating on a public road in commerce. The Company will test for alcohol for each surviving driver:

- i. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; *or*
- ii. Who receives a citation within 8 hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; *or*
 - b. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A Post-Accident alcohol test should be administered within two (2) hours of an accident. If the test cannot be conducted within the two (2) hour time period, the Company will document the reason(s) for the time delay and maintain this information on file. If the test cannot be performed within eight (8) hours, all attempts to administer the test will be discontinued and the reason(s) why the test was not conducted will be documented. This record will be submitted to FMCSA upon request.

The driver must refrain from consuming alcohol for eight (8) hours after an accident or until the test has been completed. A driver who is subject to post-accident testing must remain available

or the Company may consider the driver to have refused to submit to testing.

- D. Post-Accident Tests Administered by Law Enforcement Officials.** A driver may be directed to submit to a drug and/or alcohol test at an accident scene by any law enforcement officer. Whenever a law enforcement officer conducts a drug or alcohol test involving a driver covered by this policy, the driver must contact his/her supervisor or other Company official to report the test result.

The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, will be considered to meet the requirements of the DOT/FMCSA regulations, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

Whenever a driver is involved in an accident as defined by this policy and is not tested for drugs and/or alcohol by a law enforcement officer, the driver is required to immediately contact his/her supervisor or other Company official and remain available to be tested per the conditions outlined in this policy. The Company will provide instructions, so the driver can participate in a drug and/or alcohol test.

- E. Random Testing.** The Company will conduct random alcohol and controlled substances testing in accordance with DOT regulations. All such tests will be unannounced and performed at reasonable intervals throughout the year. The selection of drivers for random alcohol and controlled substances testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

Each driver selected for random alcohol and controlled substances testing under the selection process used will have an equal chance of being tested each time selections are made. Each driver selected for testing will be tested during the selection period.

Whenever a driver is selected for a Random test, he or she will be notified of their selection and instructed to report to a collection site immediately. If the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the driver will be instructed to cease performing the safety-sensitive function and proceed to the testing site as soon as possible.

Drivers are permitted to drive their CMV to collection sites for the purpose of providing a breath or saliva sample for an alcohol test or a urine specimen for a drug test after being notified of a random selection. A driver who tests positive or refuses to submit to a test is considered medically unqualified to drive and/or perform any other DOT-related safety-sensitive functions.

Random tests will be conducted without notice throughout the calendar year. Drivers may be tested at any time while the employee is at work for the Company.

Random *alcohol* testing will only take place just before, during, or just after an employee has conducted a safety-sensitive function.

- F. Reasonable Suspicion Testing.** A covered employee is required to submit to a drug and/or

alcohol test whenever the Company has reasonable suspicion to believe that the individual has used controlled substances and/or alcohol in violation of DOT regulations. The decision to conduct a reasonable suspicion test must be based on “specific, contemporaneous, articulable observations concerning appearance, behavior, speech or body odors” of a driver. Such observations may include indications of the chronic and withdrawal effects of controlled substances.

A supervisor or Company official who is trained in accordance with the regulations must make the required observations for a Reasonable Suspicion drug test. The person who makes the reasonable suspicion determination may not be the person who administers an alcohol test.

Whenever a driver is notified that there is reasonable suspicion to be tested, the driver is expected to report to the test site immediately and must be escorted by a supervisor, manager or other person designate by the Company.

A reasonable suspicion alcohol test may only take place just before, during, or just after the period of the workday that the driver is required to be in compliance with the regulations.

i. Alcohol:

Alcohol tests should be administered within two-hours of observation. If the Company is unable to conduct the test within the two-hour period, the Company will document the reasons for the time delay. If the test is not performed within eight hours, the Company will cease attempts to administer the test and document the reason(s) why the test was not conducted.

If reasonable suspicion is observed and a test has not yet been performed, a driver will not be permitted to perform any safety-sensitive functions until an alcohol test has been performed and the result is less than 0.02; or 24 hours have passed following the reasonable suspicion determination.

The Company will create a written record of the observations leading to an alcohol Reasonable Suspicion test—which will be signed by the supervisor or Company official who made the observations—within 24 hours of the observed behavior or before the results of the alcohol test is released, whichever is earlier.

ii. Controlled Substances:

Controlled substances (or drug) testing should be administered as soon as possible after making a reasonable suspicion determination. The documentation of the employee's conduct must be prepared and signed by a witness within twenty-four hours of the observed behavior or before the results of the drug test are released, whichever is earlier. If the drug test does not occur within thirty-two hours, the Company will cease attempts to have the test performed and document the reason(s) why the test was not conducted.

The Company will create a written record of the observations leading to a controlled substances Reasonable Suspicion test—which will be signed by the supervisor or Company official who made the observations—within 24 hours of the observed behavior or before the result of the controlled substances test is released, whichever is earlier.

G. Return-to-Duty Testing. If the Company decides to permit an employee who has tested positive

to return to the performance of safety-sensitive functions, it must ensure that the employee takes a Return-to-Duty test. This test must be completed after an evaluation by a Substance Abuse Professional (SAP), be consistent with any recommended rehabilitation, and be conducted before the performance of a safety-sensitive function. The result of a drug test must be negative; the result of an alcohol test must be less than 0.02.

The Return-to-Duty test may not be limited to a specific substance (i.e., the particular drug for which the driver tested positive). If the SAP determines that a multiple-substance abuse problem exists a drug test may be performed in conjunction with an alcohol test. The decision belongs solely to the SAP from information gained during the SAP evaluation/treatment process. All Return-to-Duty tests must include an observed collection. Please refer to 49 CFR Part 40 (§ 40.67) in Subpart E for detailed information.

NOTE: The Company is not required to return an employee to safety-sensitive duties because the employee has met all of the conditions established by the SAP. That is a personnel decision that the Company has the discretion to make, subject to collective bargaining agreements or other legal requirements.

H. Follow-Up Testing. A driver who tests positive must be evaluated by an SAP and follow a prescribed rehabilitation/treatment program. Following the determination that an employee needs to resolve problems associated with drug abuse and/or alcohol misuse, the Company will, when choosing to retain the individual, ensure that the employee is subject to unannounced, Follow-Up drug and/or alcohol testing as determined by the SAP.

The employee must, at a minimum, be subject to of six unannounced Follow-Up tests in the first 12 months of safety-sensitive duty following the employee's return to safety-sensitive functions. The SAP may require a greater number of Follow-Up tests during the first 12-month period of safety-sensitive duty. The SAP may also require Follow-Up tests during the 48 months of safety-sensitive duty following this first 12-month period. The SAP can modify and/or terminate any testing requirements imposed by the SAP after the initial 12-month period.

The Company will not impose additional testing requirements (e.g., under Company authority) of the employee beyond those included in the Follow-Up testing plan directed by the SAP.

The choice of the SAP and the assignment of costs shall be made in accordance with Company agreements with its employees. Follow-Up alcohol testing must only be conducted just before, during, or just after a driver performs a safety-sensitive function. All Follow-Up tests must include an observed collection. Please refer to 49 CFR Part 40 (§ 40.67) in Subpart E for detailed observed collection information.

X. CONSEQUENCES FOR POLICY VIOLATIONS

Individuals who violate the policy will be subject to adverse employment action, up to and including termination under the Company's own authority.

- Drivers in violation of this Policy, will be immediately removed from safety-sensitive functions by the DER.
- Disciplinary actions are detailed in the Company's Employee Handbook (SWSSD Policy 116-1240)

- Drivers in violation of this Policy that are retained by the Company are subject to compensation reductions until they are cleared in accordance with this Policy and return-to-duty in the performance of safety-sensitive functions

NOTE: In accordance with DOT regulations, “any employer or driver who violates the requirements of [Part 382] shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b). In addition, any employer or driver who violates the requirements of 49 CFR Part 40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b).”

Removal from Safety-Sensitive Function

Upon receiving notice of a verified positive drug test result or a verified adulterated or substituted drug test result the Company will immediately remove the individual involved from performing safety-sensitive job functions. This action will occur when the Company receives the initial report of the verified positive test result. The Company will not wait to receive the written report or the result of a split specimen test.

Upon receiving notice of an alcohol test result of 0.04 or higher, the Company will immediately remove the individual involved from performing safety-sensitive functions. If the Company receives an alcohol test result of 0.02—0.039, it will temporarily remove the employee involved from performing safety-sensitive functions. The Company will not wait to receive the written report of the result of the test.

When an employee violates this policy in any way, including producing a verified positive, adulterated, or substituted test result, the Company will not permit the individual to perform safety-sensitive functions until or unless the individual successfully completes the return-to-duty process explained below in this policy.

Employees who are prohibited from performing safety-sensitive functions due to violations of this policy will be advised by the Company of the resources available in evaluating and resolving the drug and/or alcohol problem. This will include the names, addresses, and telephone numbers of Substance Abuse Professionals (SAPs) and counseling and treatment programs.

The Company is not required to directly provide or pay for SAP services. The Company will not charge the employee for providing listings of SAP services.

Return-to-Duty Procedures

Before the driver who has tested positive for controlled substances or who has an alcohol concentration of 0.04 or greater can return to a safety-sensitive position, he or she must:

1. Meet with a Substance Abuse Professional (SAP) for an initial evaluation;
2. Properly follow all recommended education, rehabilitation or treatment;
3. Meet with the SAP for a follow-up evaluation to determine whether the individual has successfully complied with the SAP’s education and/or treatment program;
4. Take and provide a negative Return-to-Duty drug and/or alcohol test, which will involve a directly observed collection; and
5. Be subject to Post-Rehabilitation/Follow-Up testing for up to sixty (60) months, to include a minimum of six (6) Follow-Up tests in the first twelve (12) months after the Return-to-Duty test with an alcohol concentration of less than 0.02 and a negative drug test. The SAP may

terminate the requirement for the Follow-Up testing at any time after the first 12 months if the SAP determines that such testing is no longer necessary.

Alcohol Positive between 0.02 and 0.04

A driver found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will not be permitted to perform a safety-sensitive transportation function for at least twenty-four (24) hours. Except as provided in the above paragraph, the Company will not take any action under the DOT regulatory authority against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the Company, with authority independent of the regulation, from taking any action. If the Company chooses to take such action it will do so in accordance with all applicable state and local laws.

XI. RETENTION OF RECORDS

The Company will maintain records of its alcohol misuse and controlled substances use prevention programs as required by DOT. The records will be maintained in a secure location with controlled access. For complete details regarding the requirements of the retention of records see § 382.401 of the FMCSA regulations.

XII. EMPLOYER NOTIFICATIONS

The Company is required to notify a driver of the results of a Pre-Employment controlled substances test if the individual requests such results within 60 calendar days of being notified of the employment application status.

Regarding employees, the Company must notify a driver of the results of random, reasonable suspicion and post-accident controlled substances tests if the test results are verified positive. As part of this report the Company will inform the employee which controlled substance or substances were verified as positive.

The DER will make reasonable efforts to contact a driver, regardless of that individual's employment status, to let him or her know of their right to discuss the results of the test with a medical review officer who has been unable to contact that person.

The DER will immediately notify the medical review officer that the driver has been notified to contact the MRO within 72 hours.

XIII. SUPERVISOR TRAINING

The Company will provide to each supervisor at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on controlled substances use. The intent of the training is to help supervisors to determine whether reasonable suspicion exists to require a driver to undergo drug and/or alcohol testing. As such, training will cover the physical, behavioral, speech, and performance indicators of alcohol misuse and use of controlled substances.

XIV. EMPLOYEE EDUCATION

Each covered employee will be provided with information regarding the content of this policy. Additionally, covered employees will receive information regarding the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.

A. Certificate of Policy Receipt

The Company will ensure that each driver signs a statement certifying that he or she has received a copy of the Company's policy, as well as applicable educational materials. The Company will maintain the original of the signed certificate and will provide a copy of the certificate to the driver upon request.

XV. CONFIDENTIALITY

Except as otherwise provided for by DOT, the Company is prohibited from releasing individual test results or medical information about an employee to third parties without the employee's specific written consent.

A "third party" is any person or organization not explicitly authorized or required by the regulations to be informed of controlled substances and/or alcohol testing results or any other matters regulated to this policy.

"Specific written consent" means a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time. "Blanket releases," in which an employee agrees to a release of a category of information (e.g., all test results) or to release information to a category of parties (e.g., other employers who are members of a consortium, companies to which the employee may apply for employment), are prohibited by DOT.

The Company may release information pertaining to an employee's drug or alcohol test without the employee's consent in certain legal proceedings, including: a lawsuit (e.g., a wrongful discharge action), grievance (e.g., an arbitration concerning disciplinary action taken by the Company), or administrative proceeding (e.g., an unemployment compensation hearing) brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).

Included in these proceedings are criminal or civil actions resulting from an employee's performance of safety-sensitive duties, in which a court determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the Company to produce the information.

The Company may be required to release information under certain circumstances, such as when it receives a specific, written consent from an employee authorizing the release of information about that employee's drug or alcohol tests to an identified person, upon request of DOT agency representatives, when requested by the National Transportation Safety Board as part of an accident investigation, and when requested by a federal, state or local safety agency with regulatory authority over the Company or the employee.

XVI. RESERVATION OF RIGHTS

This policy, with specific DOT-related application, supersedes any other practice or policy of the Company relating to the use of controlled substances and/or alcohol in the workplace and drug and/or alcohol testing. This policy automatically incorporates any changes to 49 CFR Part 40 and/or 49 CFR Part 382 or related regulations or statutes which govern the use of controlled substances and alcohol by employees who hold a CDL and who drive a CMV.

This policy is not an express or implied contract of employment nor is it to be interpreted as such. Additionally, this policy does not in any way affect or change the status of any at-will employee.

Nothing in this policy is a promise or guarantee or should be construed as a promise or guarantee that the Company will follow in any particular circumstances any particular course of action, disciplinary, rehabilitative or otherwise.

XVII. CLEARINGHOUSE REQUIREMENTS

As part of the continuing efforts to promote safe roadways and to ensure only qualified CDL drivers are performing safety-sensitive duties, FMCSA created a database for querying and reporting CDL drivers' compliance with 49 CFR Part 382, including CDL drivers' drug and alcohol testing violations and other pertinent information. Employers are required to query the database on an annual (or more frequent basis) for each current CDL driver, and as part of the pre-employment screening process for each driver applicant. In addition, employers are required to report driver specific Part 382 drug and alcohol violations to the Clearinghouse.

A. Clearinghouse Queries and Driver Consent. The Company shall conduct a query of the Clearinghouse for each driver applicant before hiring into a CDL position. Driver consent is required for the query. Each driver applicant must register in the Clearinghouse and execute the FMCSA Clearinghouse electronic specific consent. If a driver applicant refuses consent, the Company cannot hire the driver. When the query results in the driver being qualified under Part 382, the employer may hire the driver. If the query results in the driver being unqualified under Part 382, the employer cannot hire the driver unless all applicable driver qualification requirements are met.

In addition, the Company shall query the Clearinghouse at least annually on each driver employed. Driver consent is required. Each driver shall sign a general consent form provided by the Company. The general consent form may be used for multiple Clearinghouse queries and can extend for the tenure of the driver's employment. If the driver refuses consent for the query, the driver will be removed from driving duty and cannot resume driving duty until the query is conducted. If the query results in notice that drug and alcohol violation information exist in the Clearinghouse for the driver, the Company must conduct a full query of the driver's record in the Clearinghouse after obtaining a specific FMCSA Clearinghouse consent executed by the driver via the Clearinghouse.

B. Clearinghouse Reporting Requirements. The Company must report Part 382 drug and alcohol testing information to the Clearinghouse using driver specific identification data including driver name, CDL license number and State of issuance, and driver date of birth. No driver consent is required for such reporting.

The Company must report the following Part 382 drug alcohol testing and violation information to the Clearinghouse within 3 business days of obtaining the information:

- Alcohol confirmation test with a concentration of 0.04 or higher.
- Refusal to test (alcohol) as specified in 49 CFR 40.261.
- Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
- Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
- Negative return-to-duty test results (drug and/or alcohol testing, as applicable)
- Completion of follow-up testing requirements.

The Company's Medical Review Officer (MRO) must report the following Part 382 violations to the Clearinghouse within 2 business days:

- Verified positive, adulterated, or substituted drug test results.
- Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191.

The Substance Abuse Professional (SAP) must report within one business day:

- Successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing to the Clearinghouse.

C. Driver Access to Clearinghouse. A driver must register in the Clearinghouse in order to access to his/her Clearinghouse records, and in order to provide specific consent for the pre-employment full query by any prospective employer. The driver may receive notices and communication from the FMCSA clearinghouse via US mail, or designated electronic means (email/text, etc.). Any driver or authorized representative of the driver may submit a petition to the FMCSA contesting the accuracy of information in the Clearinghouse, using the procedures specified in §382.717.

Note: If an employer uses a C/TPA to comply with the employer reporting responsibilities, the employer remains responsible for ensuring that the C/TPA is compliant for such reporting.

Attachment to FMCSA Drug-Free Workplace Policy

Signs and Symptoms of Drug and Alcohol Misuse

Drugs and alcohol can result in such work-related problems as absenteeism and tardiness, lower productivity, missed deadlines, poor work quality, unsafe driving, and increased injuries and accidents. Problems relating to or communicating with supervisors, co-workers or customers, following directions, concentrating or remembering things may also indicate a drug or alcohol problem.

Drugs and alcohol slow reaction times, cause confusion, harm coordination and motor skills and can impair decision-making and memory. People misusing alcohol and using illegal drugs may be withdrawn, lethargic, depressed, erratic, “hyper” or unusually anxious, hostile or paranoid.

Drugs and alcohol misuse can also result in health problems like chronic gastritis, headaches, chronic respiratory infections and liver problems. They may also show up as poor hygiene, a sloppy appearance, financial problems, DUIs or family problems.

Evidence of use can include paraphernalia such as pipes, syringes, foil packets, pills, powders and empty alcohol containers. Physical symptoms of use can include:

1. Marijuana and alcohol odors
2. Puffy or droopy eyelids, bloodshot eyes, dilated or pinpoint pupils
3. Nosebleeds, excessive sniffing, chronic sinus problems, nasal sores
4. Needle tracks or blood spots on clothing
5. Tremors, racing or irregular heartbeats
6. Slurred or incoherent speech
7. Confusion, anxiety, paranoia
8. Coordination problems
9. Lethargy and sleepiness

Effects of Drugs and Alcohol

Drugs and alcohol can harm health and the workplace in a variety of ways.

Alcohol

Alcohol is a central nervous system depressant that acts like a poison if used in large quantities. Each year the lives of tens of thousands of Americans are shortened or ended by alcohol misuse.

Alcohol quickly reaches the brain after drinking. It impairs self-control and other learned behaviors. This loss of self-control can lead to aggressive driving (or overly cautious driving), as well as the other kinds of aggressive behaviors associated with drinking. Even small doses of alcohol, i.e. a single drink, can harm driving performance. In large doses, alcohol significantly impairs coordination, memory and judgment.

Over time, alcohol misuse damages the liver, the heart, the digestive system and can cause permanent brain damage. On average, alcoholics shorten their life span by about 10 years.

Alcohol misuse harms the ability to think clearly, harms judgment and can affect the ability to get along with and work constructively with co-workers and customers. Alcoholics often have attendance and work performance problems and get fired because of the consequences of alcohol misuse. Because of its adverse effects on coordination, reflex time, vision, driving ability, judgment and the ability to evaluate and quickly process information, alcohol is especially dangerous for drivers of commercial motor vehicles.

A small glass of wine, a can of beer and a one and one-half ounce shot of liquor all contain about the same amount of alcohol. It takes the body about one hour to metabolize and eliminate each “drink” of alcohol. Coffee, exercise and cold showers do not speed up this process or magically produce sobriety. While individuals differ greatly, each drink on an empty stomach by an average-sized adult male may lead to an alcohol concentration of about .02. Thus, drinking more than two drinks raises a serious risk of having an alcohol concentration more than DOT rules, especially for people with low body weights. Any drinking while on duty or during the 4 hours before working violates DOT rules.

Cocaine

Cocaine is a powerful stimulant that can be inhaled up the nose, injected or smoked. It greatly increases heart rate and blood pressure. Partly because of its effects on the circulatory system, cocaine use can lead to seizures. Every time cocaine is used, there is some unquantifiable risk of a fatal stroke or heart attack. Cocaine can also cause tremors, convulsions, vomiting and raises body temperature to dangerous levels. Repeated snorting damages nasal tissues, sometimes permanently. Needle use carries risks of infection and overdose.

Initially, cocaine use brings a rush of euphoria and exaggerated overconfidence. Sometimes these effects are so strong that safe driving is impossible. Cocaine wears off in about an hour after it is snorted and in just a few minutes after it is smoked. When it wears off, the user may become depressed, anxious, paranoid and exhausted.

Cocaine users may exhibit rapid mood swings and changes in activity level. They may grind their teeth, repeatedly wash their hands or engage in other compulsive behaviors.

Amphetamines/Methamphetamine

Amphetamines, also known as “speed,” are powerful stimulants that are often abused by employees because they make it easy to stay awake. Amphetamines, however, are dangerous drugs with a high potential for abuse. Amphetamines may also be known as uppers, black beauties, white crosses or dexies.

Use brings feelings of alertness and a loss in appetite. The user may also become very talkative or physically active or feel very strong after ingesting amphetamines. In a few hours however, the amphetamines wear off and restlessness, anxiety, paranoia and headaches set in.

In large doses, amphetamines can produce serious toxic effects. The user’s blood pressure can rise to the point where strokes or heart attacks occur. Long-term users often have acne, tooth problems and may exhibit symptoms of permanent brain damage.

Methamphetamine is a dangerous stimulant that is double synthesized from amphetamine and is not used for any medical purposes. Unlike amphetamines, which does have a potential for causing tolerance and abuse but only with time, methamphetamine use can quickly lead to tolerance and addiction. Abusers who use meth will often require higher dose of the drug, more often with only a couple of use.

Marijuana

Marijuana is a hallucinogen that alters the user's sense of time and reduces the user's ability to perform tasks requiring coordination, swift reactions and concentration. Taken in large quantities, marijuana can act like a depressant.

While some people may regard marijuana as harmless, there is evidence its use is unhealthy and dangerous for the driver. Marijuana causes significant increases in blood pressure and pulse rate and, thus, can aggravate or cause heart disease. Marijuana smoke also contains several known carcinogens. Many experts believe that marijuana is unhealthier to smoke than tobacco.

Studies have shown that smoking marijuana affects the ability to perform tasks like driving, which require both thinking and motor skills, for at least 24 hours. Users, however, often believe that all the impairing effects of smoking have worn off after 4 to 6 hours. Marijuana significantly impairs short-term memory and can harm the user's ability to concentrate or plan for and achieve long-term goals. There is also significant evidence that marijuana harms the reproductive systems of men and women and is dangerous for children and non-smokers who live with the user.

Opiates/Opioids

An opiate is a narcotic analgesic that directly depresses the central nervous system and the processes associated with the entire central nervous system. There are three types of opiates: natural, synthetic and semi synthetic. While some of these drugs are used for medicinal purposes, others are illegal and highly dangerous. However, all opiates can become addictive when abused.

Natural opiates are substances that occur naturally within the poppy plant. While they are often thought to be less harmful than synthetics, they can still become addictive and cause dangerous respiratory depression. The natural opiates include opium, morphine and codeine.

Synthetic opiates are drugs that are completely manmade in a "chemical laboratories" with a similar "chemical structure" to the natural opiates. These drugs are widely used and cause the same basic effects that natural opiates produce. Some examples of synthetic opioids include, methadone, fentanyl.

Semi-synthetic opiates are derived from natural opiates to make other substances. They have a combination of natural opiates and synthetic opiates. Semi-synthetic opiates were developed in the early 20th century. They were meant to be safer and more effective than the use of natural opiates for medical purposes but can still have the same side effects as opiates.

Heroin is a semi-synthetic opiate and is the strongest opiate and the most abused opiate drug derived from morphine. Heroin use has been increasing in recent years because of the availability and is rather inexpensive. This new stronger heroin can be smoked or snorted. Heroin can also be injected using needles. There is no medicinal use for this drug. Other common semi-synthetic opiates include meperidine, oxycodone, oxymorphone, hydrocodone and hydromorphone

Opiates and opioids are not the same thing, although many people use the terms interchangeably. Opiates or opiate drugs originate from naturally-occurring alkaloids found in the opium poppy plant. Whereas opioids are synthetic or partly-synthetic drugs that are manufactured to work in a similar way to opiates. All types of opiate drugs alter the way that pain is perceived, thus making the individual who has taken the drug experience less pain. The drugs may also calm anxiety, cause relaxation and induce a pleasant sense of euphoria. Opioids are among the most commonly prescribed drug in the world and are highly

addictive. Therefore, it may not come as a surprise that abuse and addiction of opioids has increased in the recent years.

PCP

Phencyclidine, or PCP, is also called angel dust or dust. PCP is an extremely dangerous hallucinogen that has unusual and unpredictable side effects. It was developed as an anesthetic in the late 1950's and used for a while as a tranquilizer both for humans and animals. Because of its dangers, it now has no legal uses and is no longer legally manufactured. Rather, PCP is manufactured in underground laboratories. It often contains dangerous adulterants but is very dangerous all by itself.

PCP can produce violence and bizarre behavior in anyone who uses it. Occasionally, PCP users attack nurses and policemen or jump out of windows because they believe they can fly. PCP somehow scrambles the brain's internal stimuli and seriously changes how users feel, see and deal with their environment.

In low doses, PCP produces a feeling of numbness. Increased doses produce excitement, confusion and delirium. The user's body may become rigid or go into convulsions. Routine activities like driving become dangerous and unpredictable.

Users may walk with strange uncoordinated steps. PCP users may have a blank stare, sweat heavily, have thick slurred speech or engage in some of the violent and bizarre behaviors mentioned above.

Solid Waste Special Service District #1 Acknowledgement of Receipt of Policy

I hereby acknowledge that I have received, read, and understand my Company's Drug-Free Workplace Program Policy required by Department of Transportation (DOT) regulations. I understand that I am subject to and must adhere to the DOT regulations, and must abide by terms of the Company's Policy as a condition of employment.

I understand that:

1. I may be required to submit to drug and/or alcohol tests based on Department of Transportation regulations as directed by the Company;
2. Laboratory test results will be released in accordance with the Policy and based on Department of Transportation regulations to the Medical Review Officer (MRO) selected by the Company and I authorize the release of the results of a saliva or breath alcohol test by a certified technician to Solid Waste Special Service District #1
3. I have read the Company's Policy on drugs and/or alcohol and understand failure to comply is grounds for disciplinary action, up to and including termination, in addition to any action required by DOT regulations; and
4. Refusal to submit to a drug and/or alcohol test in accordance with the Policy is a violation of DOT regulations and the Policy, and may result in disciplinary action, including but not limited to suspension (with or without pay) or termination of employment, in addition to action required by DOT regulations.

**THE UNDERSIGNED STATES THAT HE OR SHE HAS READ THE FOREGOING
ACKNOWLEDGEMENT AND UNDERSTANDS THE CONTENTS THEREOF.**

Employee Name: _____ Date: _____

Commercial Driver License #: _____ State of Issuance: _____

Employee Signature: _____

Company Name: _____

Reasonable Suspicion/Cause Checklist

Employee Name: _____

Date: _____

Company Name: _____

Time: _____ AM/PM

When there is reasonable suspicion/cause that an employee may be impaired and/or appear unfit for his/her job duties, the supervisor or manager is required for the safety of others to document any of the following behaviors as they may apply. Another supervisor or manager is required as a witness as they meet with the employee prior to performing the drug screen. Where 'Other' may be marked, please describe.

Walking: ___ Unsteady ___ Stumbling ___ Unable to Walk
 ___ Falling ___ Staggering ___ Swaying

 Other _____

Standing: ___ Swaying ___ Feet Braced ___ Unable to Stand
 ___ Rigid ___ Staggering ___ Sagging at the Knees

 Other _____

Speech: ___ Whispering ___ Slurred ___ Shouting
 ___ Incoherent ___ Slobbering ___ Mute
 ___ Rambling ___ Slow

 Other _____

Demeanor: ___ Cooperative ___ Calm ___ Talkative ___ Polite
 ___ Sarcastic ___ Sleeping ___ Crying
 ___ Tired/Sleepy ___ Argumentative ___ Excited/Hyper

 Other _____

Actions: ___ Hostile ___ Fighting ___ Profane
 ___ Threatening ___ Hyperactive ___ Erratic
 ___ Calm ___ Resisting Communication

 Other _____

Eyes: ___ Hostile ___ Fighting ___ Profane
 ___ Threatening ___ Hyperactive ___ Erratic
 ___ Calm ___ Resisting Communication

 Other _____

Face: ___ Flushed ___ Pale ___ Sweating ___ Slack

 Other _____

Appearance/
 Clothing: ___ Neat ___ Unruly ___ Messy ___ Dirty
 ___ Strong Odor ___ Partially Dressed ___ Erratic
 ___ Stained Clothing ___ Bodily Excrement Stains

Breath: Other _____
 No Alcohol Odor Faint Alcohol Odor Alcohol Odor
 Sweet/Pungent odor Heavy use of Breath Spray

Movements: Other _____
 Fumbling Jerky Nervous
 Slow Hyperactive
 Other _____

Miscellaneous: Drugs and/or alcohol found on the employee's possession or in vicinity.
 On-the-job misconduct by employee.
 Employee admission concerning drug and/or alcohol use.
 If there are witnesses to employees conduct, list below.

Other Observations: (if accident provide details)

Employee's Explanation of Reasons for His or Her Conduct:

____ Employee has Agreed to Testing

____ Employee has refused to test and has been notified that failure to test will be treated according to Company actions as outlined in the Company policy

Supervisor/Manager

Date

Witness Supervisor/Manager

Date

Evan Tyrrell

From: Benson L. Hathaway, Jr. <BHathawa@kmclaw.com>
Sent: Monday, April 19, 2021 3:44 PM
To: Evan Tyrrell
Subject: RE: SWSSD1 Name Change or DBA?

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL]

ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL

Evan:

Nothing in the statute prevents a governmental entity from doing business under an assumed name (see Utah Code § 42-2-5 et seq.). In fact, Utah statutes typically define a person to include “*an individual, public or private corporation, government, partnership, or unincorporated association.*”

Further, subsection 7 of Utah Code § 42-2-6.6 prohibits a d/b/a applicant from using:

(7) A name that implies by any word in the name that it is an agency of the state or of any of its political subdivisions, **if it is not actually such a legally established agency**, may not be approved for filing by the Division of Corporations and Commercial Code,

. . . suggesting that governmental agencies may use d/b/as.

That said, I’ve no doubt that Division of Corporation and Commercial Code will let you know one way or the other when the District submits an application (<https://corporations.utah.gov/pdf/dbaform.pdf>).

So rather than going through the procedure of formally changing the District’s name again, once you decide upon the operational name, submit an application to the Utah DCCC for that d/b/a and the District should be able to so operate.

Best,

Ben

KIRTON McCONKIE

Kirton McConkie Building
50 E. South Temple #400
Salt Lake City, UT 84111
kmclaw.com

Benson L. Hathaway, Jr.
Attorney

d 801-321-4835
f 801-212-2011

CONFIDENTIALITY NOTICE: This communication may contain attorney-client privileged information. If you received this communication in error, please alert



WARNING: The filing of this application and its approval by the Division does not authorize the use in the state of Utah of an assumed name in violation of the rights of another under federal, state, or common law (U.C.A. Section 42-2-5 Et seq.).

***When approved the DBA is registered for 3 years.**

*If **adding or removing** an Applicant/Owner, which will affect its status as a General Partnership or Sole Proprietorship, you must submit a Registration Information Change Form.

*If you want a **new name** (adding or changing the existing name), a new DBA filing is required.

Non-Refundable Processing Fee: **New Filing \$22.00** **Applicant/Owner Transfer N/A**

Requested Business Name:				
Business Purpose:				
Business Address:		City	State	Zip

Who/What is the name of the Registered Agent (Individual or Business Entity or Commercial Registered Agent)?: _____

The address must be listed if you have a non-commercial registered agent. **What is a commercial registered agent?**

Address of the Registered Agent: _____
Utah Street Address Required, PO Boxes can be listed after the Street Address

City: _____ **State** UT **Zip:** _____

Applicant/Owner: List the individual or business entity that will own the DBA on the name line.	Name: _____ Entity Number (if a registered business): _____ Address: _____ City: _____ State: _____ Zip: _____ Under penalties of perjury, I declare that this DBA Application has been examined by me and is, to the best of my knowledge and belief, true, correct and <i>complete</i> . Signature: _____
---	---

Applicant/Owner: List the individual or business entity that will own the DBA on the name line. <i>If needed, you may use an attached sheet for additional applicants</i>	Name: _____ Entity Number (if a registered business): _____ Address: _____ City: _____ State: _____ Zip: _____ Under penalties of perjury, I declare that this DBA Application has been examined by me and is, to the best of my knowledge and belief, true, correct and <i>complete</i> . Signature: _____
--	---

Under GRAMA {63G-2-201}, all registration information maintained by the Division is classified as public record. For confidentiality purposes, you may use the business entity physical address rather than the residential or private address of any individual affiliated with the entity.

Optional Inclusion of Ownership Information: This information is not required.

Is this a female owned business? Yes No

Is this a minority owned business? Yes No If yes, please specify:

NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN that the Administrative Control Board of the Solid Waste Special Service District #1 (District) will hold a Public Hearing beginning at 6:00 p.m. on Monday, April 26, 2021 following its Regular Board Meeting that will be held online via Zoom and streamed live on the District's Facebook page. The Zoom meeting location where public comments can be received will be published at a later date via the Utah Public Notice website; written comments will also be accepted at swssd1@swssd1.org. The purpose of the public hearing is to receive public input and receive comments on the imposition of Fee Schedules for the services to be acquired by the District, including collection, hauling, and transfer station rates, which will be effective May 1, 2021. At this time, the District intends to adopt all rates currently provided by Monument Waste Services' Utah-based operations. Please call the District office at 435-259-3867 for more information.

Published in The Times-Independent, Moab, Utah, April 8, 15, and 22, 2021.

RESOLUTION #2021-0401

ADOPTION OF THE 2021 FEE STRUCTURE FOR THE MOAB TRANSFER STATION

WHEREAS, the Administrative Control Board (the “Board”) of the Solid Waste Special Service District #1 (District) is authorized to establish fees for services and the hours of operations at the District’s facilities, and

WHEREAS, a public hearing to hear comments on the proposed fee structure was advertised in the *Times-Independent* at Moab, Grand County, State of Utah on the 8th of April, the 15th of April, and the 22nd of April 2021, noticed on the Utah Public Notice Website at <https://www.utah.gov/pmn/index.html>, and said fee structure was available for public inspection in advance of the public hearing; and

WHEREAS, such hearing was held at 6pm on April 26, 2021; and

WHEREAS, a written public comment period was allowed through 6pm, Monday, April 26, 2021; and

WHEREAS, verbal public comments were permitted during the public comments portion of the public hearing online via Zoom Video Communications, and all public comments received during the public hearing through the end of the public comment period were taken into consideration;

NOW, THEREFORE, BE IT RESOLVED and enacted by the Solid Waste Special Service District #1’s Administrative Control Board, that the following be formally adopted as the 2021 Fee Structure for the Moab Transfer Station to be effective May 1, 2021:

MOAB TRANSFER STATION

HOURS OF OPERATION

MONDAY-FRIDAY: 8AM-4PM | SATURDAY: 8AM-12PM (NOON)

CLOSED: SUNDAYS & HOLIDAYS

<u>Material Type</u>	<u>Unit</u>	<u>Per Unit Fee</u>
<u>Residential & Commercial Trash/Garbage Rates</u>		
Trash Can or Bag [up to 32-gallons]	Each Container/Bag	\$1.00
Polycart [96-gallon toter]	Each	\$3.00
Uncompacted Municipal Solid Waste (MSW) [Pickup, Dump Trucks, Trailers] ¹	Cubic Yard	\$15.00
Compacted MSW [Rear Load, Front Load, Side Load, Compactors]	Cubic Yard	\$30.00
<u>Other Trash/Garbage Rates</u>		
Green/Yard Waste [Leaves, Grass, Weeds, Small Branches/Limbs/Twigs etc.] ²	Cubic Yard	\$15.00
Construction & Demolition Debris ³	Cubic Yard	\$20.00
Animal Carcasses (Medium to Large) [Horse, Cow, Elk, Camel, Zebra, etc.]	Each	\$60.00
<u>Recycle & Reclamation Rates</u>		
Single Stream Recycle Drop-Off [up to 32-gallons]	Each Container/Bag	\$1.00
Waste Oil Recycle Drop-Off [DIY’ers and Farmers ONLY - up to 5 Gallons]	Not Applicable	FREE
Pallets (Wood or Plastic) [Must be in Reusable Condition]	Not Applicable	FREE
Scrap Steel/Metal/Aluminum [No Vehicles] ⁴	Not Applicable	FREE
Metal Appliances [Clothes Dryer, Washing Machine, Stove/Range/Oven]	Each	\$5.00
Hot Water Heater [All Sizes]	Each	\$10.00
Small/Compact Refrigerators & Air Conditioners [We Contract for Certified Freon Removal]	Each	\$10.00
Standard Sized Refrigerators & Air Conditioners [We Contract for Certified Freon Removal]	Each	\$20.00
Small Television [up to 36 inches]	Each	\$10.00
Large & CRT Televisions [CRTs and over 36 inches]	Each	\$15.00
Tires [DERIMMED] ⁵ (Rim diameter less than or equal to 16.5”)	Each	\$10.00
Tires [DERIMMED] ⁵ (Rim diameter greater than 16.5”)	Each	\$20.00
Tires [DERIMMED] ⁵ (Bulk loads exceeding 4 tires)	Cubic Yard	\$100.00
Equipment Assistance Use Fee	Per Load	\$25.00
Load Sorting Fee [Covers Equipment & Labor]	Per Load	\$200.00

RESOLUTION #2021-0401

ADOPTION OF THE 2021 FEE STRUCTURE FOR THE MOAB TRANSFER STATION

- ¹ = MSW mixed with construction and demolition debris will be charged at the construction and demolition debris rate.
- ² = Green/yard waste loads containing inorganic materials and other contaminants will be charged at the construction and demolition debris rate. Tree trunks, root balls, and other bulky green/yard waste items are NOT accepted and must be delivered to the Moab Landfill for disposal and/or reclamation.
- ³ = Construction and demolition debris loads containing concrete, asphalt, rocks, dirt, sand, and/or boulders are NOT accepted at the Moab Transfer Station. These heavy weight items must be delivered to the Moab Landfill for disposal and/or reclamation.
- ⁴ = Metals must be free of other debris and materials or will be charged at the construction and demolition debris rate. Old lawn mowers and other equipment are accepted as long as all fluids have been removed/drained. Materials containing polychlorinated biphenyls (PCBs) are strictly prohibited.
- ⁵ = Tires and bulk loads of tires with rims are charged 1.5 times the applicable per unit fee above. Tires are containerized and relocated to the Moab Landfill for storage prior to recycling/reclamation and, consequently, are accepted at the Moab Landfill for 30% of the Transfer Station price. Heavy equipment tires are NOT accepted at the Transfer Station and must be delivered to the Moab Landfill.

- **ALL LOADS MUST BE COVERED AND/OR SECURED. Unsecured Loads will be charged double disposal fees.**
- **ALL LOADS ARE SUBJECT TO RANDOM LOAD INSPECTIONS.**

Total invoice ticket fees are rounded to the nearest whole dollar (i.e., 0.01 to 0.49 rounds down & 0.50 to 0.99 rounds up)
Finance Charges of 1.5% per month may be charged for charge accounts past due over 30 days

NO Concrete, NO Asphalt, NO Rocks/Gravel/Dirt/Sand, NO Tree Stumps, NO Railroad Ties, NO Hazardous Wastes, NO Liquids, NO PCBs/Toxic Waste, NO Asbestos Containing Materials, NO Hot Ash, etc.

BULKY WASTE DISPOSAL AT THE MOAB TRANSFER STATION

HOURS OF OPERATION

MONDAY-FRIDAY: 8AM-4PM | SATURDAY: 8AM-12PM (NOON)
CLOSED: SUNDAYS & HOLIDAYS

<u>Material Type</u>	<u>Unit</u>	<u>Per Unit Fee</u>
COMPACT FURNITURE/APPLIANCES (<1 CUBIC YARD).....	Per Item	\$5.00
• <i>Small tables, chairs, desks, nightstands, toilets, sinks, & dishwashers</i>		
MEDIUM FURNITURE (1 – 2 CUBIC YARDS).....	Per Item	\$10.00
• <i>Love seats, futons, armchairs/recliners, medium-sized desks, tables, & dressers</i>		
LARGE FURNITURE (2 – 3 CUBIC YARDS).....	Per Item	\$15.00
• <i>Sofas, large desks, tables, & dressers</i>		
OVERSIZED FURNITURE ¹ (3 – 4 CUBIC YARDS).....	Per Item	\$20.00
• <i>Sleeper sofas, wooden bed framesets, & other heavy/extra bulky items</i>		
TWIN/FULL MATTRESSES & BOX SPRINGS.....	Per Item	\$5.00
QUEEN/KING MATTRESSES & BOX SPRINGS.....	Per Item	\$10.00

¹ Oversized furniture exceeding four (4) cubic yards of total airspace will be charged the oversized furniture rate plus \$5 per each additional cubic yard per item.

**NEED A BULKY WASTE CURBSIDE PICKUP?
CALL US FOR PRICING AT (435) 259-6314.**

- *Bulky items for curbside pickup must be prepositioned in an accessible location outside of all buildings and structures. Solid Waste District staff will not enter any buildings or structures to retrieve items scheduled for bulky waste pickup.*
- *Solid Waste Special Service District #1 reserves the right to reject bulky waste items scheduled for curbside based on the condition(s) of the bulky waste item(s).*

RESOLUTION #2021-0401
ADOPTION OF THE 2021 FEE STRUCTURE FOR THE MOAB TRANSFER STATION

GRAMA Document Fees

For requests of one (1) to five (5) pages there will be no charge. For requests of six (6) to 100 pages there will be a charge of \$0.50 per page plus shipping costs. Requests over 100 pages will be \$0.50 per page, and board approval to set an administrative fee. To review documents on the premises under staff supervision, an appointment will need to be made.

By motion of _____ and seconded by _____ to adopt the 2021 Fee Structure for the Moab Transfer Station and the roll call vote of ___ to ___, the Administrative Control Board of the Solid Waste Special Service District #1 declared the resolution passed and adopted the 2021 Fee Structure for the Moab Transfer Station to be effective May 1, 2021 during the Public Hearing held online via Zoom Video Communications, on this 26th day of April, 2021.

ATTEST: **ADMINISTRATIVE CONTROL BOARD**

Jessica Thacker
District Clerk

By: _____
for Kalen Jones
Its: Chair Person

Roll Call Vote for Resolution 2021-0401, Adoption of The 2021 Fee Structure for the Moab Transfer Station

<u>Position:</u>	<u>Last Name, First Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Chair	Jones, Kalen			
Vice-Chair	Fitzgerald, Kevin			
Treasurer	McGann, Mary			
Member	Ackerman, Diane			
Member	Harris, Chad			
Totals				

I, Jessica Thacker, District Clerk of the Solid Waste Special Service District #1, certify that the resolution above is a full, true, and correct copy of resolution 2021-0401. I also certify that the resolution was duly and regularly passed and adopted at a meeting of the Board of the District. I also certify that such meeting was duly and regularly called and held in all respects as required by law. I also certify that at such meeting, a majority of the governing body of the District was present and voted in favor of this resolution.

I also certify that this resolution is in full force and effect and has not been amended or revoked. IN WITNESS of these resolutions, the officer named below executes this document on behalf of the District.

Signature: _____
Title: District Clerk
Date: _____

RESOLUTION #2021-0402

ADOPTION OF THE 2021 FEE STRUCTURE FOR ROLL-OFF CONTAINER SERVICES

WHEREAS, the Administrative Control Board (the “Board”) of the Solid Waste Special Service District #1 (District) is authorized to establish fees for services that are provided by the District; and

WHEREAS, a public hearing to hear comments on the proposed fee structure was advertised in the *Times-Independent* at Moab, Grand County, State of Utah on the on the 8th of April, the 15th of April, and the 22nd of April 2021, noticed on the Utah Public Notice Website at <https://www.utah.gov/pmn/index.html>, and said fee structure was available for public inspection in advance of the public hearing; and

WHEREAS, such hearing was held at 6pm on April 26, 2021; and

WHEREAS, a written public comment period was allowed through 6pm, Monday, April 26, 2021; and

WHEREAS, verbal public comments were permitted during the public comments portion of the public hearing online via Zoom Video Communications, and all public comments received during the public hearing through the end of the public comment period were taken into consideration;

NOW, THEREFORE, BE IT RESOLVED and enacted by the Solid Waste Special Service District #1’s Administrative Control Board, that the following be formally adopted as the 2021 Fee Structure for Roll-Off Container Services to be effective May 1, 2021:

[RESOLUTION CONTINUES ON PAGE 2]

RESOLUTION #2021-0402

ADOPTION OF THE 2021 FEE STRUCTURE FOR ROLL-OFF CONTAINER SERVICES

Solid Waste Special Service District #1																															
2021 Roll-Off Container Price Sheet																															
1 - Hour Roundtrip from Moab																															
In Town Only (up to 1-Hour) Round Trip	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Roll Off Size</th> <th style="text-align: center;">Delivery Rate</th> <th style="text-align: center;">+</th> <th style="text-align: center;">Haul Rate (Includes Disposal Charges)</th> <th style="text-align: center;">Container Use Fee (Daily Rate)</th> </tr> </thead> <tbody> <tr> <td style="background-color: #ffffcc;">8-YD - Closed Top</td> <td style="text-align: center;">\$75</td> <td style="text-align: center;">+</td> <td style="text-align: center;">\$300 MSW - Special Event Only</td> <td style="text-align: center;">\$10 Per Calendar Day</td> </tr> <tr> <td>10-YD - Open Top</td> <td style="text-align: center;">\$75</td> <td style="text-align: center;">+</td> <td style="text-align: center;">\$325 Construction / Cleanup</td> <td style="text-align: center;">\$5 Per Calendar Day</td> </tr> <tr> <td>18-YD - Open Top</td> <td style="text-align: center;">\$75</td> <td style="text-align: center;">+</td> <td style="text-align: center;">\$425 Construction / Cleanup</td> <td style="text-align: center;">\$5 Per Calendar Day</td> </tr> <tr> <td style="background-color: #ffffcc;">18-YD - Closed Top</td> <td style="text-align: center;">\$75</td> <td style="text-align: center;">+</td> <td style="text-align: center;">\$450 MSW - Special Event Only</td> <td style="text-align: center;">\$10 Per Calendar Day</td> </tr> <tr> <td>30-YD - Open Top</td> <td style="text-align: center;">\$75</td> <td style="text-align: center;">+</td> <td style="text-align: center;">\$625 Construction / Cleanup</td> <td style="text-align: center;">\$5 Per Calendar Day</td> </tr> </tbody> </table>	Roll Off Size	Delivery Rate	+	Haul Rate (Includes Disposal Charges)	Container Use Fee (Daily Rate)	8-YD - Closed Top	\$75	+	\$300 MSW - Special Event Only	\$10 Per Calendar Day	10-YD - Open Top	\$75	+	\$325 Construction / Cleanup	\$5 Per Calendar Day	18-YD - Open Top	\$75	+	\$425 Construction / Cleanup	\$5 Per Calendar Day	18-YD - Closed Top	\$75	+	\$450 MSW - Special Event Only	\$10 Per Calendar Day	30-YD - Open Top	\$75	+	\$625 Construction / Cleanup	\$5 Per Calendar Day
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<p>* The maximum allowable weight for any 10-Yard Box or 18-Yard Box on a Single Axle Truck is (6 Tons)</p> <p>* The maximum allowable weight for any 20-Yard Box or 30-Yard Box on a Tandem Axle Truck is (10 Tons)</p> <p>* Containers can only be hauled when loaded level with top of container - Overloaded containers will not be hauled</p> <p>* No hazardous or special waste accepted - No Liquids, Chemicals, or Paint of any kind allowed</p> <p>* Tires, Appliances, & Scrap Metal are acceptable, but will result in extra sorting/processing charge based on Moab Transfer Station Prices</p> <p>* All Zone Rates are based from Moab, UT</p>																															
24 Hour Haul Notice Required - Call today and we will service tomorrow (435) 259-6314																															
<u>We Do Not Accept:</u> Concrete - Dirt - Rock - Sod - Stumps - Shingles - Metal Loads Containing These Items will be Charged a \$100 Handling & Sorting Fee																															

RESOLUTION #2021-0402

ADOPTION OF THE 2021 FEE STRUCTURE FOR ROLL-OFF CONTAINER SERVICES

By motion of _____ and seconded by _____ to adopt the 2021 Fee Structure for Roll-Off Container Services and the roll call vote of ___ to ___, the Administrative Control Board of the Solid Waste Special Service District #1 declared the resolution passed and adopted the 2021 Fee Structure for Roll-Off Container Services to be effective May 1, 2021 during the Public Hearing held online via Zoom Video Communications, on this 26th day of April, 2021.

ATTEST:

ADMINISTRATIVE CONTROL BOARD

Jessica Thacker
District Clerk

By: _____
for Kalen Jones
Its: Chair Person

Roll Call Vote for Resolution 2021-0402, Adoption of the 2021 Fee Structure for Roll-Off Container Services

<u>Position:</u>	<u>Last Name, First Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Chair	Jones, Kalen			
Vice-Chair	Fitzgerald, Kevin			
Treasurer	McGann, Mary			
Member	Ackerman, Diane			
Member	Harris, Chad			
Totals				

I, Jessica Thacker, District Clerk of the Solid Waste Special Service District #1, certify that the resolution above is a full, true, and correct copy of resolution 2021-0402. I also certify that the resolution was duly and regularly passed and adopted at a meeting of the Board of the District. I also certify that such meeting was duly and regularly called and held in all respects as required by law. I also certify that at such meeting, a majority of the governing body of the District was present and voted in favor of this resolution.

I also certify that this resolution is in full force and effect and has not been amended or revoked. IN WITNESS of these resolutions, the officer named below executes this document on behalf of the District.

Signature: _____
Title: District Clerk
Date: _____

RESOLUTION #2021-0403
**ADOPTION OF THE 2021 FEE STRUCTURE FOR RESIDENTIAL AND COMMERCIAL
TRASH AND RECYCLING SERVICES**

WHEREAS, the Administrative Control Board (the “Board”) of the Solid Waste Special Service District #1 (District) is authorized to establish fees for services that are provided by the District; and

WHEREAS, a public hearing to hear comments on the proposed fee structure was advertised in the *Times-Independent* at Moab, Grand County, State of Utah on the on the 8th of April, the 15th of April, and the 22nd of April 2021, noticed on the Utah Public Notice Website at <https://www.utah.gov/pmn/index.html>, and said fee structure was available for public inspection in advance of the public hearing; and

WHEREAS, such hearing was held at 6pm on April 26, 2021; and

WHEREAS, a written public comment period was allowed through 6pm, Monday, April 26, 2021; and

WHEREAS, verbal public comments were permitted during the public comments portion of the public hearing online via Zoom Video Communications, and all public comments received during the public hearing through the end of the public comment period were taken into consideration;

NOW, THEREFORE, BE IT RESOLVED and enacted by the Solid Waste Special Service District #1’s Administrative Control Board, that the following be formally adopted as the 2021 Fee Structure for Residential and Commercial Trash and Recycling Services to be effective May 1, 2021:

[RESOLUTION CONTINUES ON PAGE 2]

RESOLUTION #2021-0403

ADOPTION OF THE 2021 FEE STRUCTURE FOR RESIDENTIAL AND COMMERCIAL TRASH AND RECYCLING SERVICES

Commercial & Residential Trash Services 2021 - Moab City - Grand County - Castle Valley Trash Rates (PER MONTH)											
TRASH	Reload	Special PU	Trash EOW	1-X- Week	2-X- Week	3-X- Week	4-X- Week	5-X- Week	6-X- Week	7-X- Week	
	Commercial Residential	Commercial Residential	↓	↓	↑ Commercial Trash Carts - Multiple Day Service ↑						
City - 64-GL - Trash Carts	\$ 5	\$ 10	\$ 12	\$ 16	\$ 32	\$ 48	\$ 64	\$ 80	\$ 96	\$ 112	
City - 96-GL - Trash Carts	\$ 5	\$ 10	\$ 14	\$ 18	\$ 36	\$ 54	\$ 72	\$ 90	\$ 108	\$ 126	
County - 64-GL - Trash Carts	\$ 5	\$ 10	\$ 16	\$ 20	County and Castle Valley - All Additional Carts are Base Cart Price X 2						
County - 96-GL - Trash Carts	\$ 5	\$ 10	\$ 18	\$ 22							
Castle Valley - 96-GL Trash Carts	\$ 5	\$ 10	\$ 30	\$ 34							
Commercial Containers		Reload	Special PU	Trash EOW	1-X- Week	2-X- Week	3-X- Week	4-X- Week	5-X- Week	6-X- Week	7-X- Week
2-YD - Trash Container		\$ 20	\$ 30	\$ 40	\$ 64	\$ 120	\$ 182	\$ 243	\$ 307	\$ 387	\$ 482
Add To Base Rate For Each Additional Container		→		\$ 34	\$ 54	\$ 102	\$ 154	\$ 207	\$ 261	\$ 329	\$ 410
3-YD - Trash Container		\$ 30	\$ 40	\$ 47	\$ 79	\$ 149	\$ 223	\$ 296	\$ 370	\$ 460	\$ 566
Add To Base Rate For Each Additional Container		→		\$ 40	\$ 67	\$ 126	\$ 189	\$ 252	\$ 315	\$ 391	\$ 481
4-YD - Trash Container		\$ 40	\$ 50	\$ 56	\$ 94	\$ 177	\$ 262	\$ 348	\$ 435	\$ 537	\$ 656
Add To Base Rate For Each Additional Container		→		\$ 48	\$ 80	\$ 150	\$ 222	\$ 296	\$ 370	\$ 457	\$ 557
6-YD - Trash Container		\$ 60	\$ 70	\$ 74	\$ 124	\$ 233	\$ 343	\$ 454	\$ 565	\$ 692	\$ 836
Add To Base Rate For Each Additional Container		→		\$ 63	\$ 105	\$ 198	\$ 291	\$ 386	\$ 481	\$ 589	\$ 710
8-YD - Trash Container		\$ 80	\$ 90	\$ 92	\$ 154	\$ 290	\$ 427	\$ 566	\$ 704	\$ 859	\$ 1,030
Add To Base Rate For Each Additional Container		→		\$ 79	\$ 131	\$ 246	\$ 363	\$ 481	\$ 599	\$ 731	\$ 876
Commercial & Residential Recycle Services 2021 - Moab City - Grand County - Castle Valley Recycle Rates (PER MONTH)											
RECYCLE	Reload	Special PU	Recycle EOW	1-X- Week	2-X- Week	3-X- Week	4-X- Week	5-X- Week	1 X Week	2 X Week	
	Commercial Residential	Commercial Residential	↓	↑ Commercial Recycle Carts - Multiple Day Service ↑						Multifamily	
City - County 96-GL Recycle Cart	\$ 5	\$ 10	\$ 12	\$ 16	\$ 32	\$ 48	\$ 64	\$ 80	\$ 30	\$ 60	
Castle Valley 96-GL Recycle Cart	\$ 5	\$ 10	\$ 14	\$ 16	\$ 32	\$ 48	\$ 64	\$ 80	Additional Carts T=\$18 & R= \$12		
Cardboard Containers		Reload	Special PU	OCC - EOW	1-X- Week	2-X- Week	3-X- Week	Single Stream - Cart Recycle Services are limited to 5 X Per Week for Commercial - Mobile Home Parks - Apartments - HOA's and Multi-Family Accounts Commercial Carboard Recycle Services are limited to 3 X Per Week			
2-YD - Cardboard Container		\$ 20	\$ 30	\$ 33	\$ 54	\$ 102	\$ 153				
Add To Base Rate For Each Additional Container		→		\$ 28	\$ 46	\$ 86	\$ 130				
3-YD - Cardboard Container		\$ 30	\$ 40	\$ 41	\$ 69	\$ 130	\$ 195				
Add To Base Rate For Each Additional Container		→		\$ 35	\$ 59	\$ 110	\$ 165				
4-YD - Cardboard Container		\$ 40	\$ 50	\$ 50	\$ 84	\$ 158	\$ 234				
Add To Base Rate For Each Additional Container		→		\$ 43	\$ 71	\$ 134	\$ 199				
6-YD - Cardboard Container		\$ 60	\$ 70	\$ 68	\$ 114	\$ 214	\$ 315				
Add To Base Rate For Each Additional Container		→		\$ 58	\$ 97	\$ 182	\$ 268				
8-YD - Cardboard Container		\$ 80	\$ 90	\$ 86	\$ 144	\$ 271	\$ 399				
Add To Base Rate For Each Additional Container		→		\$ 73	\$ 122	\$ 230	\$ 339				
Reload Fee -		Assessed to Customers when cleanup or overflow occurs and District staff must reload the Cart						\$5 Per Cart	On-Site Fees		
Special Pickup (PU) -		Assessed when a Customer requests an off-route pickup for overflow or special event						\$10 Per Cart	Call-In Fees		
Occurrence / Trip Fee -		Assessed to Customers for any Container or Cart - Delivery - Change of Service - Removal or Cleaning						\$10 Per Cart -or- \$25 Per Dumpster			
Commercial Accounts -		All Loose Trash - \$10.00 Per Yard for all Trash District Staff are Required to Cleanup						\$10 Per Loose Yard			

RESOLUTION #2021-0403
ADOPTION OF THE 2021 FEE STRUCTURE FOR RESIDENTIAL AND COMMERCIAL TRASH AND RECYCLING SERVICES

By motion of _____ and seconded by _____ to adopt the 2021 Fee Structure for Residential and Commercial Trash and Recycling Services and the roll call vote of ___ to ___, the Administrative Control Board of the Solid Waste Special Service District #1 declared the resolution passed and adopted the 2021 Fee Structure for Residential and Commercial Trash and Recycling Services to be effective May 1, 2021 during the Public Hearing held online via Zoom Video Communications, on this 26th day of April, 2021.

ATTEST: **ADMINISTRATIVE CONTROL BOARD**

Jessica Thacker
District Clerk

By: _____
for Kalen Jones
Its: Chair Person

Roll Call Vote for Resolution 2021-0403, Adoption of the 2021 Fee Structure Residential and Commercial Trash and Recycling Services

<u>Position:</u>	<u>Last Name, First Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Chair	Jones, Kalen			
Vice-Chair	Fitzgerald, Kevin			
Treasurer	McGann, Mary			
Member	Ackerman, Diane			
Member	Harris, Chad			
Totals				

I, Jessica Thacker, District Clerk of the Solid Waste Special Service District #1, certify that the resolution above is a full, true, and correct copy of resolution 2021-0403. I also certify that the resolution was duly and regularly passed and adopted at a meeting of the Board of the District. I also certify that such meeting was duly and regularly called and held in all respects as required by law. I also certify that at such meeting, a majority of the governing body of the District was present and voted in favor of this resolution.

I also certify that this resolution is in full force and effect and has not been amended or revoked. IN WITNESS of these resolutions, the officer named below executes this document on behalf of the District.

Signature: _____
Title: District Clerk
Date: _____