

**Exhibit 4-5**  
**Operating Policy Handbook**



Warren County  
Water District

# **OPERATING POLICY HANDBOOK**

**July 1, 2023**

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICIES HANDBOOK  
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**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 100**

**SUBJECT: CATEGORIES OF EMPLOYMENT**

**I. POLICY:**

**A. Regular Full-Time Employees**

1. Regular full-time employees are employees who are hired to regularly work 40 hours per week on a continuous basis. Unless hired otherwise, you are considered a regular full-time employee and become eligible for Water District benefits provided you satisfy the terms and conditions of the various benefit programs.

**B. Part Time and Temporary Employees**

1. Part-time employees may be hired to work on a fixed or flexible schedule based on the needs of the Water District. Part time employees are scheduled to work on average less than 30 hours per week. However, part time employees may be needed to work 40 or more hours per week. The weeks that part time work would exceed 30 hours per week may be occasional and/or may occur for several consecutive weeks, depending upon seasonal changes.
2. Temporary employees may be engaged in work less than twenty (20) weeks, with the understanding that employment will be terminated as of a specific date or upon completion of a specific assignment.

**C. Benefit Eligibility**

1. Part time and temporary employees are not eligible to participate in paid sick, annual or holiday leave, disability plans, or other insurance plans. Part-time and temporary employees are eligible for cost of living increases pursuant to Operating Policy No. 106 - III, D., but not any other type of salary adjustment. Part time and temporary employees must be reclassified to regular full-time employment status to participate in the Water District's benefit plans and meet certain eligibility requirements. For further information, please refer to the summary plan description for the Water District's benefit plans.

D.     Reclassification

1.    Part-time and temporary employees who desire to be reclassified as regular full-time employees should discuss this with the Water District General Manager. Before a part time and temporary employee can be considered for reclassification to a regular full-time position, such employee would have to work at least 40 hours per week during twenty (20) consecutive weeks in any calendar year and the future anticipated workload would need to be justified by the Water District General Manager.

E.     Application of Policies

1.    Part-time and temporary employees are governed by these operating policies in all aspects of employment by the Water District except for benefit eligibility.

F.     Exempt and Non-Exempt Employees

1.    Exempt employees are classified as executive, administrative or professional and are not entitled to overtime pay as provided in the Fair Labor Standards Act. Non-exempt employees (part time and temporary or full time) are entitled to overtime pay for work required to be performed for the Water District in excess of 40 hours per week.
2.    All employees, exempt and non-exempt, are hired conditionally, and these Operating Policies do not guarantee employment for any specified length of time. Rather, employment is at the mutual consent of the employee and the Water District and can be terminated at will by either the employee or the Water District.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY 101**

**SUBJECT: SELECTION OF EMPLOYMENT PERSONNEL**

**I. POLICY:**

- A. To provide uniform and fair procedures for the selection of new employees, and for selection of the most qualified applicants available on a non-discriminatory basis.

**II. PROCEDURES:**

- A. Employees will be given the opportunity to apply for vacant positions. The Water District may also advertise the position to outside candidates through a variety of outlets.
- B. Employees must have completed at least twelve months of continuous service in their present job to be considered unless the vacancy is a lead, specialist, or supervisory role.
- C. Interviews will be conducted by a panel consisting of the Department Manager and Human Resources Manager at a minimum.
- D. Job duties and responsibilities of any employee may be changed by the Department Manager at any time if determined to be in the best interest of the overall operation of the Water District.
- E. The final selection of personnel shall be made by the Department Manager and the Supervisor with the approval of the General Manager.

**III. REQUIREMENTS:**

- A. After an external applicant has been offered a position, he/she will be required to take a drug test and may be required to take a medical exam, physical and skills test as a condition of employment. Additional screening such as, but not limited to, driver's license verification, driving record and criminal background check may be conducted at the discretion of District management.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 102**

**SUBJECT: NEPOTISM**

**I. POLICY:**

- A. To discourage employment of "close relatives", emphasize the importance of diversity in the workforce and reinforce the Water District's position on bias, affirmative action, and providing equal employment opportunities.

**II. PROCEDURES:**

- A. No person who is a "close relative" of a member of the Board of Commissioners, or any employee of the Water District shall be eligible for consideration for employment by the Water District.
- B. When two employees become "close relatives" by marriage or otherwise, one of them will be required to terminate employment with the Water District. The determination as to which employee shall be terminated will be made by the two employees.
- C. "Close relatives" is defined as a spouse, spouses parent, spouses grandparent, child, grandchild, parent, grandparent, brother, sister, aunt, uncle, nephew, or niece, by blood or marriage.
- D. With approval of the General Manager and the Board of Commissioners, this policy may be waived for six months to permit the employment of a close relative to fill a vacancy when the existing employee will be retiring.

**III. RESPONSIBILITY:**

- A. The General Manager shall be responsible for pointing out this policy to the newly elected Commissioners or known potential candidates for Commissioners.
- B. Department Managers shall be responsible for asking job applicants about close relatives currently employed.



**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 103**

**SUBJECT: RESIDENCY REQUIREMENT**

**I. POLICY:**

- A. All employees who serve on regular standby duty shall reside within one-hour normal driving time of their normal reporting workplace.
- B. Applicants or existing employees changing to a position that serves on regular standby duty, shall be given an opportunity to change their residences to comply with this policy and shall have up to 180 days to comply with this policy.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 104**

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**

**I. POLICY:**

- A. To establish and maintain a continuing policy of nondiscrimination in employment and other personnel decisions of all kinds; and to direct the establishment of an Affirmative Action Plan to comply with Executive Order 11246, dated September 24, 1965, as amended.

**II. PROCEDURES:**

- A. Employment decisions at the Water District will be based on merit, qualifications, and abilities.
- B. The Water District will not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.
- C. The Water District will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship.
- D. This policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination, and access to benefits and training.
- E. In addition to a commitment to provide equal employment opportunities to all qualified individuals, Water District has established an affirmative action program to promote opportunities for individuals in certain protected classes throughout the organization.
- F. Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor or the General Manager.
- G. Employees can raise concerns and make reports without fear of reprisal.
- H. Any employee found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination.
- I. The General Manager will cause to be developed and implemented a written Affirmative Action Plan, to be updated annually, and approved by the Board of Commissioners.

**III. PROVISIONS FOR ENFORCEMENT:**

- A. The Board of Commissioners shall review and approve any changes recommended by management in this policy statement. The Board of Commissioners shall also review and approve the written Affirmative Action Plan described above as well as all annual updates and reports.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 105**

**SUBJECT: AFFIRMATIVE ACTION COMPLIANCE PROGRAM**

**I. POLICY:**

- A. The Board of Commissioners of Warren County Water District has adopted the following policy:
  - 1. All applicants for employment shall be considered and hired on the basis of merit, without regard to race, age, disability, color, religion, sex, national origin, or veteran status. The employment practices shall insure equal treatment of all employees, without discrimination in rates of pay or other opportunities for advancement because of the employee's race, age, disability, color, religion, sex, national origin, or veteran status.

**II. RESPONSIBILITY:**

- A. It is the responsibility of all supervisory personnel of the Water District to adhere to and practice the equal opportunity program of the Water District. Any employee who feels that he or she has been discriminated against should bring it to the attention of the General Manager, who also acts as the EEO Coordinator.

**III. ELEMENTS OF THE PROGRAM:**

- A. The following elements of the Affirmative Action Compliance Program provide the basic steps that will be followed to achieve the objectives of the Water District's policy on Equal Employment Opportunity.
- B. To ensure that major objectives of the Affirmative Action Program are being achieved within the established period of time.
  - 1. Statements and information about the Water District's policy and intent on Equal Employment Opportunity will be published in area newspapers.
  - 2. A copy of the Board of Commissioners policy statement will be distributed to all employees as a part of this policy. Copies of the statement will also be available to all applicants for employment.
  - 3. The General Manager will provide yearly reports to the Board of Commissioners on progress toward achievement of the program.
- C. The Affirmative Action Program will be analyzed and evaluated annually to assure that progress is being made toward our goals. Minority group representation will be identified and hiring activity reviewed to determine if equal opportunity is being afforded in all job categories.
- D. It is the objective of Water District to obtain and maintain the best qualified work force available. In accomplishing this goal, the Water District will provide equal consideration to minority groups.

1. All employment advertisements will continue to include the statement that the Water District is an Equal Opportunity Employer.
  2. Recruitment sources will be advised periodically of the Water District's policy on Equal Employment Opportunity.
  3. During Water District programs with schools, potential applicants will be advised of equal employment opportunities with the Water District.
  4. Job descriptions have been evaluated on the basis of test and selection guidelines provided by the United States Department of Labor, Employment Standards Administration; and they have been found to be non-discriminatory toward minority groups.
  5. Any problem areas will be identified, and solutions developed in an attempt to meet the goals and objectives of the Affirmative Action Compliance Program. It is noted, however, that there is a significant lack of participation by minority groups and particularly females in vocational schools and other training programs for certain job areas such as repair persons, drafting, basic pump and meter maintenance, etc., which have been traditionally male-oriented, making it difficult to increase minority and female employment in these areas.
  6. Turnover, retirement, and replacement needs will be estimated annually. It is our goal to continue to increase minority workers in the work force.
- E. It will be the Water District's policy to develop and promote the best qualified employees with equal consideration being given to minority group employees. Employees, however, are expected to make known their desires and ambitions. Such things as interest, discipline, and motivation cannot result from any written program, but must rest with the individual employee.
1. Any job opportunity will be posted with qualified employees being given first consideration.
  2. Employees are reminded of the Tuition Aid Program, Operating Policy No. 116, and the opportunities afforded therein. Minority group employees and females have taken advantage of this program in the past; and they - as well as all other employees are encouraged to do so in the future.
  3. The General Manager shall provide an annual report to the Board of Commissioners on transfers and promotions.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 106**

**SUBJECT: CONFIDENTIALITY OF PERSONNEL FILES AND EMPLOYEE PRIVACY RIGHTS**

**I. POLICY:**

- A. Personnel files maintained by the Water District are not limited to, but include the following files and their location:
  - 1. General Manager and Human Resources Office
    - a. Benefit File
      - (1) This file includes all enrollment and/or election forms and correspondence regarding the Retirement Plan, compliance testing, beneficiaries, etc.
    - b. Payroll File
      - (1) This file includes payroll history, performance appraisals, application for employment, resumes, training documentation, credit union documents, etc.
    - c. Insurance File
      - (1) This file contains information and correspondence related to insurance activities.
    - d. Driver Qualification File
      - (1) This file contains information in accordance with Federal Motor Carrier Safety Regulations such as: Certificates of Compliance, Annual Driver Records, Driver History Authorizations, Record and Certificate of Road Test, Written Exam and Certificate, Drivers Physical Exam and Certificate, Controlled Substance Testing Results, Breath Alcohol Testing Results, Record of Violations, Notice of Disqualifications, Copy of Drivers' License.
  - 2. The General Manager may reassign the responsibility for and location for maintenance of the files as deemed necessary.
- B. Personnel files are the property of the Water District and shall be locked at all times other than normal working hours.
- C. Information contained in personnel files is confidential and shall be treated as such. Improper disclosure of confidential information will result in disciplinary action, up to and including discharge.

- D. With reasonable advance notice to Human Resources or the General Manager, employees may review their personnel files during normal office hours at the location where files are maintained in the presence of an individual appointed to maintain such files.
- E. Department Managers shall have access to the Payroll Files of all employees who report to them. Otherwise, no employee may have access to the personnel files of any other employee.
- F. Inquiries from outside the Water District concerning personnel file data such as verification of employment, credit checks, or reference checks for both present and former employees shall be referred to Human Resources or General Manager.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 107**

**SUBJECT: TERMINATION OR SEPERATION FROM EMPLOYMENT**

**I. PROCEDURES:**

- A. Any employee who separates from employment will be given the opportunity for an exit interview with the assigned Human Resources personnel (HR) and/or the General Manager at which time they may offer suggestions and discuss any questions. At this time, any debts owed to the Water District and the return of any property owned by the Water District including keys, credit cards, uniforms, etc. will be discussed.
- B. Since employment with the Water District is based on mutual consent, both the employee and the Water District have the right to terminate employment at will, with or without cause, at any time.
- C. Any wages, salary, and/or Annual Leave due a terminated employee, whether voluntary or involuntary, shall be paid at a regular pay date.
- D. The General Manager or his designee will explain benefit options affected by employment termination. Separation documents will be completed, and option forms will be requested for all accrued, vested benefits that are due and payable at termination.
- E. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of continuance such as health and dental insurance under COBRA.
- F. Any exceptions to the above procedures shall be approved by the General Manager.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 108**

**SUBJECT: PROGRESSIVE DISCIPLINE**

**I. OBJECTIVE:**

- A. To state the Water District's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace.
- B. To emphasize that employment at the Water District is based on mutual consent of both the employee and the Water District and that the Water District or the employee has the right to terminate employment at will, with or without cause or advance notice.

**II. PROCEDURES:**

- A. It is the belief of the Water District that the best disciplinary measure is one that does not have to be enforced and comes from good leadership and fair supervision at all levels of employment. It is also believed that the best interest of the Water District lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial.
- B. By using progressive discipline, the Water District believes that most employee problems can be corrected at an early stage benefiting both the employee and the Water District.
- C. The Water District may use progressive discipline at its discretion. Disciplinary action may call for any of the following:
  - 1. Documented verbal warning.
  - 2. Documented written warning.
  - 3. Suspension, with or without pay.
  - 4. Termination of employment depending on the severity of the problem and the number of occurrences.
  - 5. Under certain circumstances, one or more of these steps may be bypassed.
  - 6. If more than 24 months have passed since the last disciplinary action, the process will normally start over.
- D. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.
- E. The Water District recognizes that there are certain types of employee problems that are serious enough to justify a suspension or, in extreme situations, termination of employment without going through the usual progressive disciplinary steps.
- F. Final termination shall be subject to approval of the General Manager.



**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 109**

**SUBJECT: GRIEVANCES & CONCERNS**

**I. POLICY:**

- A. To treat all employees in a fair and impartial manner, and solve problems quickly, fairly and informally as possible.
- B. To prevent undisclosed problems, which remain unresolved, and eventually lead to decay of work relationships, dissatisfaction in working conditions, and decline in operational efficiency.
- C. To ensure that employees feel free to report concerns without fear of reprisal in any manner whatsoever. Under Kentucky law, employees have the right to protection against retaliation for reporting violations (ref. KRS 61.102).

**II. PROCEDURES:**

- A. An employee having concerns or problems should make every effort to resolve such matters through informal discussion with their immediate supervisor and/or Department Manager.
- B. If the matter is unresolved or not resolved to the employee's satisfaction by the supervisor or Department Manager, the employee may consult with the General Manager. The employee should present a complete description of the situation, and the General Manager will carefully investigate and evaluate the facts of the situation in an attempt to reach a satisfactory solution.
- C. If a decision is not satisfactory to the employee, the employee should arrange an appointment to present and discuss the issue with the Chairman of the District's Board of Commissioners or a committee appointed by the Chairman. The Chairman or committee may conduct further inquiry to consider all relevant facts and circumstances and may consult with the Board of Commissioners. The decision of the Chairman or committee shall be reported to the employee as soon as possible and within 30 days of completing the investigation.
- D. If an employee's concern or complaint relates to the General Manager, the employee should present this information to the Human Resources Manager. The Human Resources Manager will contact the Chairman of the Board, who will in turn present pertinent information to the Board of Commissioners. The Board of Commissioners shall conduct further inquiry to consider all relevant facts and circumstances. The decision and any related actions of the Board of Commissioners shall be reported to the Human Resources Manager, who will inform the employee as soon as possible, and within 30 days of the board completing its investigation.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY 110**

**SUBJECT: REPORTING TIME AND PAYROLL PRACTICES**

**I. PROCEDURES:**

**A. Normal Reporting and Working Time**

1. Each employee shall be at their designated reporting location as determined by the General Manager and ready to perform their work duty at 7:30 a.m. except those designated to work other hours. The end of the workday is normally 4:00 p.m. for field personnel and 4:30 p.m. for office personnel. Field personnel shall work on their regular job assignments allowing only sufficient time to return to the office by 4:00 p.m. Anyone leaving work other than during normal lunch times shall report such time as sick or annual leave. Such leave or any deviation in regularly scheduled lunch periods shall be pre-arranged with the employee's Supervisor, Department Manager or General Manager.
2. It is understood some employees are required by their job to report to work earlier and work longer hours as determined by the General Manager.

**B. Normal Breaks and Time Used**

1. One break (15 minutes) may be taken in the morning and one break in the afternoon including smoking breaks. The lunch break will last 60 minutes (30 minutes for applicable employees) from the time the employee leaves his/her work site until he/she returns. Time taken for breaks and lunch shall be coordinated with their Supervisor and shall be from the work location. The break and lunch periods shall include travel time and time in a restaurant or any other location. Time spent deviating and going to a restaurant or other location by way of the standard route to the job site shall be considered the full break for that period. The most efficient route to the job site shall be the standard route traveled.

**C. Discipline for Violation of Normal Reporting and Working Time, Normal Breaks and Time Used**

1. Failure to follow the reporting, break, lunch, and quit work times shall result in Progressive Discipline up to termination of employment.

**D. Payroll Periods**

1. Employees will be paid on alternate Thursdays, and the last day of the pay period for employees shall be the Friday previous to date of payment.

E. Work Week

1. A normal work week for non-exempt, regular, full-time employees is 40 hours. Reporting and quitting times for all jobs shall be determined by the General Manager. All travel time from the normal reporting site to the work site during regular work hours shall be considered as time worked. The normal reporting site may be changed and determined by the General Manager. The work week begins on Saturday and runs through Friday.

F. Overtime

1. All time worked by non-exempt employees in excess of 40 hours per week shall be paid at the rate of 1-1/2 times the regular rate of pay. For this purpose, authorized Sick, Personal, Annual or Holiday Leave taken shall be counted as hours worked.
2. Executive, Administrative, and Professional employees paid a monthly salary and exempt under the Wage and Hour Act shall not be entitled to overtime pay.

**II. STANDBY DUTY:**

- A. Employees subject to standby duty are expected to hold themselves in reasonable readiness (See Policy 129-Breath Alcohol Testing). Standby duty schedules are distributed in each Department/District Office designating the employees required to provide support outside of regular business hours. Employees will not be required to remain at home or any other specified location but must be able to report to the required work location as soon as possible but within one hour of notification and will be expected to notify the Standby Duty Crew Leader on how to be reached by phone or other acceptable method.
- B. Employees working after regular working hours shall receive overtime pay for actual time worked (provided that the employee meets the requirements of Paragraph I.F.1).
- C. An employee who is required to work after regular hours and does not get at least 5 continuous hours "off-duty" between 10:30 p.m. and 7:30 a.m. ending Monday through Friday, may be relieved from duty the following day as required to allow for a rest period of up to 8 hours at the option of the Department Manager, if circumstances permit. The portion of such rest period that occurs during the employee's regular shift will be charged to Sick Leave taken as Personal Leave and will not count towards any Personal Leave limits or eligibility for wellness awards. Employees with less than one-year of service, will be eligible to receive Emergency Leave Fund hours, up to and not exceeding twenty (20) hours.

- D. Employees assigned to standby duty are scheduled to work weekly shifts. The Water District recognizes the commitment required to work standby duty and shall provide the employee one (1) hour of overtime compensation for each day served in standby duty in addition to actual hours worked.
- E. Employees assigned to standby duty are expected to serve the scheduled period. If an employee is unable to serve at the scheduled time, the employee is responsible for obtaining substitute that has equal qualifications to perform the work required for standby duty. All substitutions must be approved by the Standby Duty Crew Leader and Department Manager.

### **III. TRAVEL AND MEALTIMES:**

- A. Ordinary travel time from home to work before the regular workday and from work to home at the end of the workday is not considered hours worked; therefore, no compensation is due.
  - 1. When an employee who has gone home after completing the day's work is subsequently called out, all time spent on travel to and from the Water District Office shall be counted as hours worked.
  - 2. Breaks may be taken during emergency call out time over 4 hours and shall be considered as hours worked. Break time not utilized during the overtime hours are not to be combined with break time during regular working time. Time spent at meals shall not be considered as hours worked and if a meal is taken during regular work hours after completing emergency call out work, the time spent during the mealtime shall not be counted as hours worked. Mealtime utilized after emergency call out time will not be combined with regular mealtime.
  - 3. Meals (breakfast and dinner) eligible for reimbursement from the Water District are:
    - a. Breakfast meal if missed while working emergency call out work continuously prior to and including the period from 6:00 a.m. through 7:30 a.m.
    - b. Dinner meal if missed while working emergency call out work continuously prior to and including the period from 5:00 p.m. through 7:30 p.m.
    - c. Lunch meals are generally not eligible, however when emergency work occurs through regular lunch time, the Supervisor may approve an exception.

- d. Employees who are sent to seminars, schools, or other training programs off Water District premises shall be paid their regular wages or salaries. When required seminars are scheduled during a weekend or holiday, employees will be paid overtime during their normal working hours on those non-working days in accordance with the Fair Labor Standards Act (FLSA).

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 111**

**SUBJECT: SALARY AND WAGE ADMINISTRATION**

**I. POLICIES:**

- A. To provide guidelines for systematic and fair performance appraisal of each regular, full-time employee including counseling and training to help all employees meet satisfactory performance levels and achieve their full potential.
- B. To provide fair and equitable wages that fit within budget restraints and long-range business goals.

**II. SALARY AND WAGE PLAN:**

- A. In accordance with the above objectives, the following salary and wage plan is established providing:
  - 1. A consistent, equitable means of evaluating positions based on knowledge, supervision, responsibility, complexity, and external contacts.
  - 2. Use of compensation surveys and other data in the utility field including surveys from Kentucky Rural Water Association and American Water Works Association for comparing salaries and wages within the industry on a state, regional, and national basis and adjusting to remain competitive and retain a quality work force.
  - 3. A performance appraisal method which compares essential functions and objectives as outlined in job descriptions.

**III. ADMINISTRATION OF THE SALARY AND WAGE PLAN:**

- A. Job descriptions, which are the basis for position reclassification, are reviewed annually as an essential part of the performance appraisal. Department Managers and the Human Resources/Communications Manager are responsible for keeping job descriptions current. At their discretion, job descriptions are submitted to the Management Staff for evaluation with approval of the General Manager.
- B. All employees shall have a performance evaluation annually. Merit increases in compensation will normally range from 0 – 4% and will be based on employee performance provided the employee's compensation has not exceeded the position pay range. All salary increases must be approved by the General Manager.
- C. The General Manager will evaluate positions as needed at the request of the Manager.
- D. A cost-of-living adjustment is made on January 1. The adjustment is based on the change in the Consumer Price Index (CPI-U) for the 12-

month period ending October 31. Cost-of-living increases are limited to a total of 8 percent in a calendar year.

- E. Employees will be given information regarding the salary range for their position or a position for which they are applying upon request.
- F. An employee's annual performance review date may change if the employee changes positions. Pay increases are normally reflected on the first full payroll period following the effective date of the change in pay.
- G. Any employee who meets the qualification requirements may obtain a Distribution, Treatment, Collection, or Commercial Driver's License. An employee may obtain a Meter Testing certification provided that the certification will assist in job performance and is approved by the Department Manager.
  - 1. The employee is responsible for test preparation. The District will pay for one test and test expenses including the preparatory class prior to testing. Any retest costs or expenses shall be paid by the employee. The employee will be responsible for tracking their required continuing education units necessary for renewal and will coordinate with their Department Manager on selecting continuing education topics. Except for managers, employees who achieve a license will receive a one-time adjustment in their base pay as follows:

Distribution Class III or IV	2%
Distribution Class I or II	1%
Collection Class III or IV	2%
Treatment Class I or II	1%
Treatment Class III or IV	2%
Meter Testing	1%
Commercial Driver's License	2%
  - 2. Except for a Commercial Driver's License, the above incentive adjustment will only apply to the license that applies to the principal job duties and will apply to one license only.
- H. If an employee has received a one-time adjustment in their base pay for obtaining a license but fails to maintain the license, they will have their base pay reduced by the adjustment percentage previously awarded.
- I. Each year at the Employee/Commissioners Awards event a lump sum adjustment shall be paid to each employee based on 5% of the employee's projected year end gross pay. Eligible employees must be employed prior to lump sum adjustment processing by Finance Department.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 112**

**SUBJECT: LEAVE REGULATIONS**

**I. POLICY:**

- A. To establish and interpret conditions and provisions under which regular, full-time employees shall be granted leave, including leave required by the Family and Medical Leave Act of 1993 (FMLA).

**II. PROCEDURES:**

- A. Absences (including FMLA leave) shall be charged to accrued Sick or Annual Leave if such leave is available. Leave without pay shall be granted only in extraordinary circumstances. When it is known that an employee will be absent from work for a long period of time their accumulated leave time may be prorated to cover payment of the employee's share of the benefits for as long as possible as provided for within the benefit policies.

- B. Annual Leave (See "D" Family and Medical Leave):

1. Annual Leave shall be accrued as follows:

<u>Years of Service</u>	<u>Hours per Year</u>
0-14	120
15-24	140
25 or more	160

2. All Annual Leave shall require prior approval of the Department Manager or Supervisor. Circumstances requiring special approval will be:
- a. Taking more than 10 working days at any one time.
  - b. Taking more than the total number of hours earned in a calendar year.
  - c. Annual Leave may not be taken in excess of accumulation.
3. In a calendar year, an employee shall take a **minimum** of 80 hours of Annual Leave or have that amount charged against their accumulation. However, a new employee may accumulate all accrued Annual Leave not taken during the payroll year in which employed. At the end of the calendar year, any unused Annual Leave below the minimum required will be contributed to an Emergency Leave Fund for fellow employees with a special need. In addition, at the end of each year, if employees have accrued annual leave for that year above the 80-hour minimum and not used it, they may choose to donate any number of those hours to the Emergency Leave Fund. (See Policy 112, II. E. 1.).
4. Annual Leave may be paid to employees in case of absence due to illness or injury after Sick Leave is exhausted.



5. Once a year, in January, employees upon written request to the Human Resources Manager may be paid for any "banked" Annual Leave in excess of 240 hours. Requests for such payment must be made by the preceding December 31.
6. Employees on Long Term Disability may after one year withdraw the balance of any unused accumulated banked Annual Leave.
7. All employees shall record Annual Leave on daily time sheets.
8. Upon termination of employment or retirement, employees shall be paid for all accumulated Annual Leave .
9. An employee with at least 30 years of service may elect to remain on the payroll and use up to 3 months Annual Leave and/or Sick Leave due to be paid in accordance with Policy 112, II. C. 9. just prior to the official date of retirement.
10. The leave year begins on January 1 of each year and leave is accrued throughout the year.

C. Sick Leave (See "D" Family and Medical Leave):

1. Employees shall accrue Sick Leave at the rate of 8 hours per month worked. Sick Leave may not be used in excess of accumulation.
2. There shall be no limit to the amount of Sick Leave that may be accrued to an employee's credit.
3. No Sick Leave shall be paid an employee after the employee has completed the 13-week waiting period for Long-Term Disability. Any overpayment made prior to approval of Long-Term Disability shall be refunded.
4. A physician's certificate of existence or continuance of an illness or disability may be required. This could also include being examined by another physician of the Water District's choice and at the Water District's expense.
5. Pregnancy, childbirth, or related medical conditions shall be treated like any other cause of illness or disability under all benefit plans offered by the Water District. The time the employee is medically unable to work is determined on an individual basis by the employee and her physician. If the employee is deemed medically able by her physician to return to work in less than the 12 weeks granted under the Family and Medical Leave Act (FMLA), Sick or Annual Leave must be taken for the remainder of the 12-week period to the extent Leave time is available. The employee may not be off more than 12 weeks including the time taken utilizing accrued Sick and Annual Leave, unless authorized by management.
6. In the event of adoption of a minor child, Sick Leave shall be granted if accumulated to the primary care giver, not to exceed

6 weeks. If the employee chooses or needs time beyond this 6-week period, FMLA Leave must be taken which will run concurrently with the employee's remaining accumulated Annual Leave.

7. An employee may take up to 40 hours Sick Leave as Personal Leave in a calendar year for the care/death of an immediate family member. Immediate family shall include spouse, child, parent, siblings, grandparent, spouse's parent, spouse's grandparent, grandchild, aunt/uncle, or niece/nephew. The above Personal Leave shall be approved by the Department Manager. Personal Leave may also be granted as described in Policy 110, II.C.
8. To qualify for a Wellness Award, employees must have completed 1 full year of service. Employees who use 24 hours or less of Sick Leave during a calendar year shall be paid a \$150 Wellness Award. Employees who use between 25 and 32 hours of Sick Leave shall be paid a \$75 Wellness Award. The utilization of Personal Leave will not count against Wellness Award eligibility. These awards will normally be presented at the first Employee Meeting of the next year.
9. At retirement, an employee shall be paid for all Sick Leave in excess of 800 hours at the rate of 1 day's pay for each 100 hours or fraction thereof. Example: Employee has 1,927 hours of Sick Leave. 1,927 hours less 800 hours equals 1,127 hours - divided by 100 hours equals 11.27 days. Employee would be paid for 12 days. Payment shall also be made in this manner to employee's beneficiary in the event of death.
10. Sick Leave for all employees will be reported on time sheets.

D. Family and Medical Leave (See "B" Annual Leave and "C" Sick Leave):

1. The Water District provides family and medical leaves of absence to employees in accordance with the Family and Medical Leave Act of 1993, as amended (FMLA).
2. Eligible employees may request a family and medical leave for the following:
  - a. The birth of a child and to bond with the newborn child.
  - b. The placement with the employee for adoption or foster care, and to bond with that child.
  - c. To care for an immediate family member (spouse, child, or parent- but not a parent "in-law") with a serious health condition.
  - d. To take medical leave when the employee is unable to work because of a serious health condition.
  - e. For qualifying exigencies arising out of the fact that the

employee's spouse, son, daughter or parent is on covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

- f. To care for a spouse, son, daughter, parent or next-of-kin (defined as the nearest blood relative) who has a serious injury or illness incurred in the line of active-duty military service.
3. Unless otherwise noted, this policy covers your spouse and children under eighteen (18), including natural, adopted or stepchildren, foster children, or legal wards. If over eighteen (18), the child must be unable to care for himself or herself due to a serious illness to be covered. Parents covered under this policy include your natural, adoptive or foster parent, stepparent, or legal guardian.
  4. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition involving any of the following:
    - a. An overnight stay in a hospital or other medical care facility.
    - b. Conditions that incapacitate the employee or family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a healthcare provider, or a single appointment and follow-up care such as prescription medication).
    - c. Chronic conditions that cause occasional periods when the employee or family member are incapacitated and require treatment by a health care provider at least twice a year; and
    - d. Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).
  5. Length of a Family and Medical Leave of Absence
    - a. You may request up to twelve (12) weeks of family or medical leave within any twelve (12) month calendar period (January 1-December 31). Combined family and medical leaves of absence may not go over this limit. If leave is requested for the birth of an employee's child or placement with an employee a child for adoption or foster care, leave must be taken within twelve (12) months after the birth or placement of the child.
    - b. An eligible employee may take up to twelve (12) weeks of Family and Medical Leave within any twelve (12) month calendar period to handle qualifying exigencies related to an immediate family member's (defined as spouse, son, daughter or parent of the employee) active-duty military service or call to active-duty military service.

- (1) Qualifying exigencies.
  - (2) Short-notice deployment.
  - (3) Military events and related activities.
  - (4) Certain temporary childcare arrangements and school activities (but not on-going childcare).
  - (5) Financial and legal arrangements.
  - (6) Counseling by a nonmedical counselor.
  - (7) Rest and recuperation.
  - (8) Post-deployment activities.
- c. An eligible employee may take up to twenty-six (26) weeks of Family and Medical Leave within any twelve (12) month period to care for a spouse, son, daughter, parent or next-of-kin (defined as nearest blood relative) who has a serious injury or illness incurred in the line of active-duty military service. This type of leave may also extend to family members of veterans who are persons that served in the active military, naval, or air service and that were discharged or released therefrom under conditions other than dishonorable.

## 6. Requesting a Family or Medical Leave of Absence

- a. To be eligible for family and medical leave, you must have been employed for twelve (12) months and have worked at least 1,250 hours during those twelve (12) months. You should submit your request for a family and medical leave of absence at least thirty (30) days in advance for foreseeable events and as soon as possible for an unforeseen event by completing the *Application and Designation for Family and Medical Leave* form. If you fail to give timely advance notice when the need for a family and medical leave is foreseeable, the Water District may delay your leave until thirty (30) days after you provide notice to the Water District of the need for a family or medical leave.
- b. You must submit a health care provider's statement showing the need for the leave, its beginning date, and expected end date and a completed *Application and Designation for Family and Medical Leave* form. If there are changes to this information later, report them to the Water District at once. If it is necessary to verify the statement, the Water District may require, at its own expense, a second medical opinion from a health care provider approved (but not employed) by the Water District.
- c. If the second opinion differs from the first, the Water District may require a third opinion (at the Water District's expense). The opinion of the third health care provider approved by

both the Water District and the employee is final and binding for the Water District and the employee.

- d. The Water District requires that an employee first use accumulated vacation, sick leave, paid holidays, and personal days during the family and medical leave period. Leave time will run concurrently with family and medical leave. Once accumulated vacation, sick leave, personal days and paid holidays are exhausted, any remaining family and medical leave will be unpaid.
- e. Absences due to reported work-related injuries or illnesses covered by workers' compensation will be recorded as family and medical leave provided all other requirements of the act are met (i.e. the problem involves a serious health condition, the employee is eligible, etc.) Any employee placed on family and medical leave as a result of a reported work-related injury or illness and who is released to return to work prior to the expiration of twelve (12) work weeks of leave, will be returned to their former job or to an equivalent job, provided the employee is able to perform the essential functions of the job.

#### 7. Intermittent Leave

- a. Leave for serious health conditions may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary and required by a treating physician. The Water District may require that you transfer to a temporary alternative job for which you are qualified and that better accommodates the intermittent or reduced hour leave than your regular job. The temporary position will have pay and eligible benefits equivalent to your regular job and may be in another office. When you no longer need to continue on leave and are able to return to full-time work, you will be placed in the same or an equivalent position.

#### 8. Continuing Benefits

- a. While on FMLA leave, certain employee benefits will continue in accordance with the benefit plan.
- b. For the employee's portion of the benefit premiums, deductions from payroll shall continue as long as paid leave is available. After all applicable paid leave is exhausted the employee's portion of the benefit premiums shall be paid directly to the District.
- c. If an employee fails to continue benefit payments, the Water District may discontinue coverage during the leave period. You will be provided written notice at least fifteen (15) days before any such coverage is to cease, advising that coverage will be dropped on a specified date if payment is

not received by that date.

- d. Employees do not accrue benefits such as vacation, sick leave, or holiday benefits, during unpaid family and medical leave. You will start accruing benefits again when you return to active employment in accordance with the specific benefit plan.

9. Returning to Work

- a. So that we can schedule your return to work, we ask that you notify the department manager or the Human Resources Manager as soon as possible of the date that you will return to work. Upon returning from family and medical leave, you will be restored to the position you held when the leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The right of an employee to reinstatement under the FMLA expires at the end of the FMLA leave period.
- b. At the end of the leave of absence, you must submit a health care provider's statement of fitness to return to work to the Human Resources Manager. If you fail to provide either a fitness for duty certification or a new medical certification for a serious health condition at the end of your family and medical leave, it could result in termination. If you do not report to work promptly at the end of a family and medical leave of absence, we will assume that you have voluntarily resigned your employment with the Water District.

E. Emergency Leave Fund for Employees with Special Needs

1. The Emergency Leave Fund for Employees with Special Needs is established with a balance available from any employee who may forfeit Annual Leave hours at the end of each year. This fund is designed to benefit employees who have exhausted their leave and are facing hardship with special needs. The fund will be directed by Management.
2. Employees may also donate Annual Leave hours to sustain this fund. (See Policy 112, II.B.4.)

F. Workers Compensation

Lost time from work-related accidents or illnesses is covered by Workers Compensation. The difference between Workers Compensation payments and the regular basic weekly earnings may be paid at employee's option from accrued Sick Leave or Annual Leave.

G. Military Leave

1. Employees who are called, or volunteer, for military duty shall be granted employment rights in accordance with applicable federal and state laws.
2. Employees needing such military reserve or National Guard leave are encouraged to give as much notice as possible.
3. Annual leave shall be used for military leave until all accrued annual leave is exhausted. "Banked" annual leave may be used for military leave if requested by the employee. Thereafter, military service leave shall be unpaid.

H. Jury Duty

1. An employee who is summoned to jury duty shall notify their Supervisor promptly of the dates scheduled to serve.
2. At time of jury service, employees shall obtain a signed form from the Circuit Clerk verifying time(s) served.
3. An employee required to serve on a jury will be paid their regular rate of pay for the actual time spent as a juror which falls during the employee's regularly scheduled workday. The employee shall report to work at the regular scheduled time prior to time reporting for jury duty and then return to work if released from duty during regular working hours.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 113**

**SUBJECT: HOLIDAYS**

**I. HOLIDAYS:**

- A. Employees classified as regular, full-time employees are eligible for holiday pay.
- B. Employees will be granted their regular work hours with pay on the following holidays or days celebrated as such: New Year's Day, Martin Luther King, Jr. Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Eve, and Christmas Day.
- C. If the holiday falls on Saturday, Friday will be observed as the holiday. If the holiday falls on Sunday, Monday will be observed as the holiday.
- D. Employees will be granted a Birthday Holiday to be taken in their birth month.

**II. PAYMENT FOR HOLIDAYS:**

- A. Work performed on the above holidays, or days celebrated as such, will be paid at the rate of time and one-half in addition to the time granted.

**III. UNITED WAY DAY POLICY:**

- A. Employees who sign up prior to January 1 and contribute Care Share (equivalent to at least 1 hour of pay per month) are eligible for 1 day off with pay during the year of the contribution provided the employee continues the contribution through December 31 of that calendar year.
- B. Employees who sign up prior to January 1 and contribute Care Share Plus (equivalent to at least 2 hours of pay per month) are eligible for 2 days off with pay during the year of contribution provided the employee continues the contribution through December 31 of that calendar year.
  - 1. For example: The pledge that an employee makes in 2022 is for the Year 2023 campaign. Therefore, the amount pledged will be withheld during the year 2023 and the day off must occur in the year 2023.
- C. Employees hired after January 1 will not be eligible for the day off with pay until the following January.
- D. Employees who participate in the United Way Day Off Program, take the day(s) off, but terminate before December 31 will have the day(s) deducted from annual leave if they choose not to fulfill the entire pledge.



**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 114**

**SUBJECT: BENEFIT PLANS**

**I. OVERVIEW:**

- A. Regular, full-time employees, as well as part-time employees who meet the eligibility requirements, are encouraged to participate in the Retirement and Security Plan (R&S) and the 401(a) and 457(b) retirement plans as they become eligible. Employees are also encouraged to participate in all plans in which the Water District pays all, or a portion, of the premium.
- B. The normal retirement date for employees is age 62. However, an employee may elect early retirement at any time after age 55 in accordance with plan specifications.
- C. An employee with 30 years of service may elect to stop work up to 3 months prior to their official retirement date provided there is sufficient Annual and/or Sick Leave to do so. During this period, the employee will remain on the payroll with full benefits in accordance with plan specifications.
- D. Employees electing to work past age 62 shall continue to participate in all benefit plans in accordance with plan specifications.
- E. Included in the Retirement Programs are the 401(a) and 457(b) plans and the Retirement & Security (R&S) Plan. Group insurance programs include Basic Life and Accidental Death and Dismemberment Insurance, Supplemental Life Insurance, Long-Term Disability Insurance, Business Travel Accident Insurance, Supplemental Accidental Death and Dismemberment Insurance, Spouse Life and Child Life Insurance, and Medical and Dental Insurance.
- F. All regular, full-time employees may have an option to participate in other payroll-deducted plans.

**II. BENEFIT PLANS:**

- A. Retirement & Security Plan (R&S Plan)
  - 1. A defined benefit plan designed to provide participants with a monthly income upon retirement.
  - 2. Annual Estimated Benefit is calculated as - Benefit Level (1.6% eligible service years from 1-1-76 to 4-1-99, 1.85% eligible service years from 4-1-99 to 12-31-17, and 1.0% for service after 1-1-18) x Number of Continuous Years in the Program x Average of Highest 5 Salary Years.
  - 3. The Water District funds the entire cost of this Plan.
  - 4. Payments on the employee's behalf begin 1 year after employment.

5. Employees are fully vested (have ownership) after 5 years in the Plan.

B. 401(a) and 457(b) plans

1. The 457(b) plan is available for employee deferrals within 30 days of the qualifying event.
2. Traditional and Roth options will be provided and administered in accordance with the plan documents.
3. All eligible employees hired after June 1, 2015 will be auto enrolled in the 457(b) plan at the rate of 2%, unless the employee specifies otherwise and/or opts out of participation in the plan.
4. All eligible employees hired after June 1, 2015 will be also be auto escalated to the rate of 4% after 1 year of service, unless the employee specifies otherwise and/or opts out of participation in the plan.
5. After one year, the Water District contributes 3 percent of the employee's base salary into the 401(a) plan, regardless of any employee contribution.
6. Additionally, the District will contribute a 100% matching contribution of up to 4 percent of the employee's base salary into the 401(a) plan provided that the employee contributes a minimum of 4% of their base salary into the 457(b) plan.
7. Investment selections are made by the employee.
8. IRS imposes a dollar limit on the total amount of contributions which may also limit the percentage that can be contributed. All contributions, plus earnings, are payable to the employee upon separation subject to certain IRS restrictions.
9. Part-Time employees who have 1 year of service with a minimum of 1,000 hours worked are eligible for employee deferrals and employer match (subject to all other plan requirements).

C. 401(a) and 457(b) loan options will be administered in accordance with the provider's policies but are summarized as follows:

1. Available for up to 50 percent of the current account balance with a minimum of \$1,000 up to a maximum of \$50,000.
2. Maximum term of non-home loan is 60 months.
3. Maximum term of home loan is 10 years.
4. Interest rate will be as set forth by the plan provider.
5. Loan set up and maintenance fees to be paid by the employee in accordance with the plan providers policies.

D. Basic Group Term Life and Accidental Death and Dismemberment Insurance Summary

1. Basic Life provides coverage equal to an employee's annual base salary rounded to the next thousand dollars times two.
2. An equal amount of coverage is provided under the Accidental Death and Dismemberment Insurance for covered accidents resulting in death or certain dismemberment losses. The policy provides various fractions of full coverage for other dismemberment losses.
3. Basic Life and AD&D Insurance with coverage as described above is paid for by the Water District. For more than \$50,000 in group term life insurance provided by an employer the IRS requires the calculation of a tax liability. The amount is determined by the employee's age and the amount of insurance over \$50,000.

E. Supplemental Life Insurance Summary

1. Employees select the amount of coverage desired with optional benefit levels from one to five times the employee's annual base salary.
2. Employees pay the entire cost.
3. This coverage provides benefits in addition to the Basic Life Insurance described above in Subsection II.D.

F. Supplemental Accidental Death and Dismemberment Insurance Summary

1. Employees select the amount of coverage desired with optional benefit levels from one to five times the employee's annual base salary.
2. Employees pay the entire cost.
3. This insurance provides benefits in addition to the Accidental Death & Dismemberment Insurance described above in Subsection II.D. and includes an option for family coverage.

G. Spouse Life and Child Life Insurance Summary

1. Employees select the amount of coverage desired for the spouse with optional benefit levels from \$10,000 to \$200,000. Child life coverage is \$10,000 or \$20,000 per child. Premium cost for the first \$10,000 of Spouse Life coverage is shared equally by the employee and the Water District. Employees pay the entire cost of benefit levels higher than \$10,000 of Spouse Life and all Child Life premiums.

H. Business Travel Accident Insurance Summary

1. Benefit is \$50,000 accidental death or dismemberment coverage.
2. Accident must occur while the employee is traveling to a final destination of 50 miles from their normal place of employment or outside the service area-whichever occurs first.

3. Water District pays the entire cost of coverage.

- I. Long-Term Disability Insurance Summary

1. Coverage provides a disabled employee with 66 2/3 percent of their base salary after a 13-week waiting period.
2. Payment of benefits will be offset by any amounts received from Social Security and/or Workers Compensation.
3. Cost is shared equally by the employee and the Water District.
4. Benefit accrual for R&S contributions continues with the salary frozen.
5. No contributions may be made to the 401(a) and/or 457(b) plans during the period in which the employee is not receiving compensation from the Water District.
6. Basic Life and Accidental Death and Dismemberment Insurance coverage continues with premiums being waived 26 weeks after the employee becomes disabled.
7. Supplemental Accidental Death and Dismemberment Insurance coverage will cease 26 weeks after the employee becomes disabled.
8. Medical, Dental, and Spouse Life and Child Life Insurance coverage will continue, and premiums will be shared between the employee and the Water District as described in previous subsections.
9. See other related Policies 112-II-C-3 and C-4, Policy 104 II-C.

- J. Medical, Prescription Drug and Dental Insurance Summary

1. Medical (including Wellness plan option), prescription drug and dental insurance coverage is available to employees and dependent family members the first of the following month of employment.
2. Employees are responsible for keeping the Water District informed of any changes in family status.
3. Tiered rates, including Wellness Plan discounts, are provided for various family structures.
4. Employee and the Water District share the cost of the medical, prescription drug, and dental plan with up to 70 percent being paid by the Water District.
5. Employee's utilizing the High Deductible Medical Plan will be eligible to receive funds from the District in their Health Spending Account. The amount will be based on the plan tier selected and established by the Board of Commissioners.
6. Employees and/or spouses who do not meet the requirements of the Wellness Plan will be subject to repayment.

7. An employee or dependent who is otherwise eligible for coverage under the Water District's Plan will be considered ineligible under the following conditions: When such employee or dependent fails to enroll for coverage when eligible under Medicare, or another plan which is provided for the employee or dependent by their employer or other agency with 70% or more of the cost paid or reimbursed by the employer or other agency to the dependent for insurance.
  8. Retired employees may remain in the medical, prescription drug, and dental insurance plans subject to the insurance plan specifications. Due to some insurance companies not allowing retirees in the company group plans, an alternative plan may be selected by the Water District with coverage as similar as possible to the company group plan. Premium payments are subject to the following conditions:
    - a. If an employee retires at a minimum age of 60 and age plus years of service equals 75, the Water District will pay up to 70 percent of the premium for employee and spouse coverage for a period not to exceed 5 years.
    - b. All other retirees and their spouses may be allowed to retain the coverage as set forth above with 100 percent of the premium being paid by the retiree.
  9. In the event Medicare Insurance becomes effective for those on Long Term Disability Insurance (including dependents) they are subject to the requirements of the Water District's group plan and an alternative medical, prescription drug and dental insurance plan may be selected by the Water District, from the Water District's insurance company, with as similar as possible coverage as is available.
  10. If for any reason, an employee becomes ineligible for coverage under the Water District's group plan, the employee's spouse will also become ineligible.
  11. The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides for continuation of coverage for a limited period in the event of certain qualifying events. The COBRA Act allows for collection of 102 percent of the premium.
- K. Section 125 Plan Summary
1. IRS allows pre-tax dollars to be used for medical and dental premiums and dependent care.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 115**

**SUBJECT: EMPLOYEE AND DIRECTOR BUSINESS AND TRAVEL EXPENSE**

**I. AUTHORIZATION**

- A. All authorization for travel and expense payment will be made by the General Manager or a Department Manager subject to approval by the General Manager.

**II. EXPENSE ITEMS TO BE REIMBURSED**

- A. Reimbursable expenses are registration fees, transportation, lodging and tax, meals, tips, business telephone calls, taxi, parking, tolls, and Water District guests' meals. Receipts or written documentation must be presented for reimbursement of all charges.
- B. Personal telephone calls, movies, liquor charges, and other entertainment expenses will not be reimbursed by the Water District. If such charges appear on the hotel bill, they will be charged to the employee/Commissioner.
- C. Transportation will be reimbursed at the rate per mile set by the IRS. Mileage incurred for use of personal vehicles is acceptable for short trips with limited mileage; however, rental or pool vehicles are encouraged when their cost is the most economical means of transportation. For extended trips, mileage reimbursement is limited to the amount of the standard economy airfare in effect at the time travel arrangements are made.

**III. SPOUSES, CHILDREN, AND/OR GUESTS**

- A. In the event that spouses, children, and/or guests accompany employees/Commissioners on business trips, all additional expenses incurred in connection with their accompanying shall be borne by the employee/Commissioner. The only exception would be the cost of attending an official business meeting, luncheon, or dinner.
- B. The Water District will pay the entire cost of a single standard room for each night of travel for employees/commissioners. If spouses, family members, or guests are traveling with the employee/Commissioner, the actual cost of the room over and above the single, standard rate will be paid by the employee/Commissioner.

**IV. ADVANCED EXPENSES**

- A. The Department Manager authorizing the trip shall issue a request for funds to cover the estimated travel costs. The funds advanced will be set up as a receivable from the employee. When travel is completed, the employee will make an accounting for expenses subject to approval of the Department Manager and the General Manager. Expenses accounted for will credit the employee's account, as will any part of the advance not accounted for which is

returned. If expenses of the employee are greater than the advance, a check for the difference will be issued to the employee. An Expense Report Form must be completed and submitted for approval, along with receipts, within 10 working days after travel is complete. If receipts are lost or not available for such expenses as tips, cabs, etc., written verification will be accepted for payment of such expenses. **No expenses will be paid without valid receipts or written explanation of charges.**

- B. Advance expense checks may be requested for travel two weeks prior to actual departure. Reasonable meal allowances will be allowed.

## **V. REVIEW & APPROVAL PROCEDURES**

- A. Expense reports will be reviewed and approved by the General Manager and the Department Manager authorizing the travel. All expense reports, both employee and managers, may also be subject to review by the Board of Commissioners.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 116**

**SUBJECT: TUITION-AID PROGRAM**

**I. POLICY:**

- A. The Water District recognizes the desire of employees to add to their formal education and that continued education can develop an employee's capabilities. When such schooling is related to job duties, the employee classified as regular full-time may be eligible for financial assistance under the Tuition-Aid Program. Certain college degree and non-degree programs may also apply.

**II. PROCEDURES:**

The following guidelines are established for consideration of tuition aid:

- A. Must be regular full-time employees and be employed by the Water District for one year.
- B. Course must be related to work or would further improve employee's ability and performance. A maximum of 2 courses may be taken in a semester.
- C. Course of training must be on employee's time and not interfere with normal workday and/or duties of the organization.
- D. Tuition aid is limited to courses, which are approved by the State Board of Education, Vocational Training Department, or other recognized educational approving authority.
- E. Application in writing for tuition aid should be made to the Department Manager and approved by the General Manager and the Board of Commissioners prior to registration for the course.
- F. The Water District will pay tuition only for approved courses. Expenses for books and other supplies are not covered. If the employee should fail to complete the course in the regular prescribed time, or if grades are less than a 2.0 average, the employee shall repay the tuition amount to the Water District. A copy of the grade transcript must be provided to the Department Manager following completion of the course, which will be filed in the employee's personnel file maintained by Human Resources.
- G. If an employee who has received tuition aid terminates or separates from employment for any reason within 5 years of receiving such aid, the employee shall repay a prorated amount of the tuition assistance received. The amount repaid to the District shall be the tuition amount less 20 percent for each full year of employment after the tuition aid is paid. These repayments to the District do not apply to the required course work described in Paragraph H. below.



- H. The Water District will pay the expense of tuition and books for any course required by the Water District or for continuing education units (CEUs) required by regulatory or licensing agencies where such license or registration is applicable to Water District business as approved by the General Manager. The employee will also be compensated for time spent in classroom study.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 117**

**SUBJECT: WORKERS COMPENSATION INSURANCE**

**I. POLICY:**

- A. To provide comprehensive workers compensation insurance at no cost to employees.
- B. To inform employees of the Water District's philosophy regarding return to work and modified work duty.
- C. To support and encourage the injured employee during rehabilitation.

**II. PROCEDURES:**

- A. Employees who sustain work-related injuries or illnesses must inform their supervisor and complete all required forms immediately. Failure to report any accident or illness at the time of occurrence will result in an investigation by the insurance carrier and could delay payment of benefits.
- B. Neither the Water District nor the insurance carrier will be liable for the payment of workers compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Water District.
- C. Employees are expected to make every effort possible to return to work following an industrial accident or exposure. The Water District will consult with physicians and make accommodation for employees whenever possible in order to ensure their return to work; however, it is the responsibility of the employee to notify their Department Manager of their condition and work out arrangements for return to work. Employees may be temporarily reassigned at a wage rate established for each particular job classification while performing limited or light duty. Limited or light duty will be limited to 6 weeks. The General Manager shall review and determine availability of work for temporary reassignment before approval is granted.
- D. The Water District will make a prompt, thorough investigation of all accidents through the employee and other witnesses in order to prevent similar accidents in the future.
- E. Employees receiving workers compensation benefits may elect to receive full salary after forfeiture of workers compensation checks to the Water District. Any remaining portion beyond the workers compensation benefits will be paid from Sick or Annual Leave benefits when available.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 118**

**SUBJECT: EMPLOYEE PURCHASES**

**I. POLICY:**

- A. To outline the types of purchases that employees may make through the Water District's purchase procedures.

**II. PROCEDURE:**

- A. Employee purchases are limited to work related items or items that are subject to substantial discounts by purchasing through the Water District.
- B. Work related purchases will be charged to the employee's Accounts Receivable and shall be paid or deducted over a 3-month period of payroll deductions. All other purchases must be paid or deducted from 2 payrolls.
- C. Charges must not exceed 1 month's regular net earnings.
- D. Employees must obtain a signed Purchase Requisition and approval from their Department Manager before any purchases are made.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 119**

**SUBJECT: CREDIT CARD POLICY**

**I. POLICY:**

- A. Regular, full-time employees may request a credit card but must obtain approval from the General Manager or Manager of Finance. To be eligible for a credit card, an employee must travel in the course of his/her duties, purchase significant volumes of goods and services for use by the District, or incur regular frequent business expenses of a kind appropriately paid by credit card.

**II. PROCEDURE:**

- A. The credit card should only be used for District expenses relating to the employee's job commitments.
- B. The credit card cannot be used to obtain cash advances, bank checks, traveler's checks, electronic cash transfers, or personal expenses.
- C. The assigned employee named on the card is prohibited from giving the card to unauthorized individuals or employees. Misuse of the card will result in cancellation of the card and withdrawal of credit card privileges.
- D. If the card is used for an employee's personal expenses, the District reserves the right to recover these monies from the employee cardholders. Cardholders will be required to sign an agreement authorizing the District to recover from their wages in any amount incorrectly claimed.
- E. Credit card maximum limits and any changes to the established maximum will be made on a case-by-case basis by the Manager of Finance. Credit card expenditures must be reconciled with original receipts and submitted monthly to the Manager of Finance. If card expenditures are not reconciled and submitted in a timely manner or a plausible explanation has not been received by the Manager of Finance, the employee may be subject to disciplinary action.
- F. A lost or stolen card must be reported immediately to the Manager of Finance. The District reserves the right to cancel the credit card at any time, with or without cause.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 120**

**SUBJECT: ANTIFRAUD PROGRAMS AND CONTROLS**

**I. PROGRAMS AND CONTROLS**

- A. Antifraud programs and controls are policies and procedures put in place to help ensure that management directives are carried out. They are part of the overall system of internal control.
- B. Activities
  - 1. There are three fundamental antifraud programs and controls activities.
    - a. Creating an ethical company culture.
    - b. Implementing antifraud and controls.
    - c. Developing an effective oversight process.

**II. GOALS IN CREATING AN ETHICAL COMPANY CULTURE**

- A. Promote an ethical company that endeavors to have the following types of policies and procedures:
  - 1. An environment will be created to set the proper tone through management actions that employees are expected to adhere to the value system defined.
  - 2. Water District ethical values will be communicated by policy and example. It is important that ethical values and behavioral standards will be communicated orally and in writing. Code of conduct that emphasizes the importance of integrity and ethical behavior is expected of all employees.
  - 3. The Water District will maintain a positive workplace environment. Definitive steps will be taken to create a work environment where employees have a clear, common understanding of what is right and wrong, and feel free to discuss and ask questions about ethical issues and to report violations.
- B. To deter fraud, it is important to hire and promote individuals with high levels of integrity, especially in positions of trust or areas where fraudulent activity is commonly found. Hiring policies include the following:
  - 1. Drug screening.
  - 2. Background Check.
  - 3. Driver's License Verification.
  - 4. Driver's History.
  - 5. Reference Check.

- C. Employees will be trained or informed about the company's values and its code of conduct at the time they are hired, and periodically thereafter.
- D. Board members and employees are subject to the Water District's Code of Ethics.
- E. Employees that commit fraud will be swiftly terminated and prosecuted.

### **III. IMPLEMENTING ANTIFRAUD CONTROLS**

- A. Management will focus on decreasing fraud opportunities by:
  - 1. Continuously identifying and assessing the fraud risks that exist in the company. Design and implement effective fraud related programs.
  - 2. Areas identified as vulnerable to fraud will be reviewed as they may relate to existing policies, procedures, and controls and corrective action taken to implement controls that reduce the risk of fraud.
  - 3. An internal phone extension will be maintained by the District on which employees can anonymously report any concerns, including fraud. The extension is monitored exclusively by Human Resources and General Manager.
  - 4. Management will encourage all employees to report fraud, or any non-conforming behavior or informalities.
  - 5. Employees reporting fraud or other unacceptable behavior may do so without the concern of reprisal. Under Kentucky law, employees have the right to protection against retaliation for reporting violations (ref. KRS 61.102).

### **IV. DEVELOPING AN EFFECTIVE OVERSIGHT PROCESS**

- A. Oversight involves developing an appropriate monitoring process. Management is responsible for overseeing the activities of employees. Ongoing monitoring by management includes supervisory activities and the performance of comparisons and reconciliations. In addition, the Board of Commissioners is responsible for overseeing the activities of management. The Board's duties as they relate to fraud include evaluating management's identification of fraud risks, implementing anti-fraud measures, and creating the appropriate culture. In addition, the Board should encourage management to implement appropriate fraud deterrence and prevention measures to better protect both employees and company.

## **V. EXTERNAL AUDITORS**

- A. The external auditors communicate with the Board regarding management's risk assessment process and the Water District's system of internal control. Communication should include a discussion of the Water District's vulnerability to fraud.
  
- B. Management must take the lead in creating an environment that stresses honesty and ethical values. SAS 99 focuses on the auditor's consideration of fraud in an audit of the financial statements, but the standard emphasizes that it is management's responsibility to design and implement programs and controls to prevent and detect fraud. Management and the Board along with those responsible for overseeing the financial reporting process should set the tone of the Water District to create and maintain a culture of high ethical values and honesty, as well as establish appropriate controls to prevent, deter, and detect fraud.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 121**

**SUBJECT: CONFLICT OF INTEREST**

**I. POLICY:**

- A. Employees shall not engage in after-hours work, which in any way can be a conflict of interest with the Water District.
- B. Any after-hours work, which interferes with job performance or causes safety concerns through fatigue or other health conditions, is unacceptable.
- C. Any employee engaged in after-hours work shall not do so in a Water District uniform or use Water District tools and/or equipment.
- D. Any employee who is considering an extra business activity is urged to consult their Department Manager before doing so. The Department Manager shall then report this to the General Manager.
- E. Any breach of customer and/or employee confidentiality through on the job contacts or after-hours work is prohibited.
- F. Employees are prohibited from accepting gifts of more than a nominal value from any vendor or business associate.
- G. Any employee found to be in violation of this policy shall be given an opportunity to stop such activity before disciplinary measures are imposed by the Water District.
- H. Employee engaged in controversial behavior that may affect the Water Districts' reputation may be terminated immediately.
- I. Board members and employees are subject to the Water District's Code of Ethics.



**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 122**

**SUBJECT: SAFETY RULES AND PRACTICES**

**I. POLICY:**

- A. It is the policy of the Water District to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as practicable from recognized safety hazards. In order to do this, the Board of Commissioners assigns the following responsibilities to the General Manager:
1. Accident Investigation
    - a. All accidents (personal injury, motor vehicle, or property damage) and shall be investigated promptly by the Management Staff. An investigation shall be performed, and a report completed, including any recommendations for change, and routed to the General Manager's Office within 24 hours of the incident.
  2. Accident Reporting
    - a. All accidents (personal injury, motor vehicle, or property damage) must be reported immediately to the Supervisor on site. Preliminary investigation and a report shall be made immediately by the Supervisor or Department Manager. Notification must be made to the General Manager's Office within 2 hours of the incident or by 8 a.m. the following workday.
    - b. An On-the-Job Injury Report Form and Accident Report Form must be completed and sent to the General Manager's Office within 24 hours of the incident so that insurance reports can be filed, and proper notifications can be made.
  3. Education and Training
    - a. In order to keep employees' safety conscious, learn new methods and procedures, and to keep up to date on first aid and CPR, the Water District stresses the importance of continuous training and education. Weekly safety meetings will be held. The General Manager is responsible for ensuring that Company and Safety Meeting Minutes are recorded at all meetings. All employees in attendance must sign an attendance form with job titles. This attendance form is attached to the minutes and routed to the General Manager's Office. All employees are required to attend regularly scheduled safety and job training programs that pertains to their job functions. All employees will be trained in First Aid, CPR and AED.

- b. All new employees shall receive orientation in safety with special emphasis on safety in the area in which they will be working. Each employee is responsible for safety in the use of and caring for personal and company equipment, including housekeeping practices.
- 4. Extended Work Hours During Emergency Situations
  - a. Water District employees may be required to work more than 8 hours per day in emergency situations in order to restore service to the customers. Utility employees are exempt from the maximum and on-duty hours for drivers set forth in 49 CFR 395.3 during an emergency which requires employees to work to restore service. To reduce the hazard of an accident caused by fatigue, emergency work will be limited to not more than 16 hours continuous by any employee; however, the General Manager or Department Manager may direct or approve extended hours in certain situations. Employees are responsible for notifying their supervisor when the 16-hour limit is approaching.
- 5. Hazard Recognition
  - a. Training is provided to all employees on hazard recognition either by the monthly Safety Leader, Manager of Operations or other organized programs. Documentation of recognized hazards that require immediate attention is recorded on the Service Orders.
- 6. Safety Recognition
  - a. In order to encourage safe work practices, the Board of Commissioners has established safety milestones of 100,000 hours, 250,000 hours, 500,000 hours, and 1,000,000 hours. Rewards for achieving these milestones will be reviewed and approved by the Board. In addition, individuals who have not incurred a lost time accident over five-year increments will receive a safety jacket award at the Annual Awards event.
- 7. Inspections
  - a. All Water District vehicles are inspected weekly. Vehicles over 26,001 pounds are inspected daily according to federal regulations. If irregularities are found, Department Managers are notified and are responsible for seeing that necessary repairs are made.
  - b. Employees are responsible for inspection of all personal protective equipment and tools daily. Water District provides safety eyewear and face protection that meets ANSI standards to all employees that are exposed to eye and face hazards in accordance with OSHA 1910.269 standards.

Any irregularities are reported to the Department Manager immediately for repair or replacement.

- c. All company vehicles and office are equipped with first-aid kits. Each employee is required to inspect monthly all tools, equipment, backhoes, safety devices, and first-aid kits. Any trucks, backhoes, tools, equipment, or safety devices found to be in an unsafe condition shall be repaired or replaced. A record shall be made of these inspections and a report made to the Department Manager.
8. Job Planning - Tailgate Conference
    - a. Pre-job or tailgate conferences are conducted by supervisors at the job site with all crew members. Supervisors shall point out any unusual conditions and/or existing hazards.
  9. Report to the Board of Commissioners
    - a. A written Safety Report will be presented to all members of the Board of Commissioners on a monthly basis.
  10. Suggestions
    - a. Safety suggestions are openly encouraged. Employees can submit suggestions through forms, or in person.
  11. Safety Rules
    - a. Safety is to be given primary importance in every aspect of planning and performing all Water District activities. Employee protection against industrial injury and illness, as well as minimizing the potential loss of production is a very high priority.
    - b. Violation of Water District safety rules and procedures, those listed below as well as all other safety rules and procedures, will be treated seriously and may expose the violator to discipline, up to, and including, termination.
    - c. The following are some general safety rules to assist in making safety a regular part of work. Supervisors may post other safety procedures in each department or work area.
      - (1) Safety is everyone's responsibility. Remind your co-workers about safe work methods. Start work on any equipment only after safety procedures and requirements have been explained. Immediately report any suspected hazards and all accidents to the supervisor.
      - (2) Ask for assistance when lifting heavy objects. Bend your knees, get a firm grip on the object, hold it close to your body and space your feet for good balance. Lift

using your stronger leg muscles, not your weaker back muscles.

- (3) Do not throw objects. Always carry or pass them. Use flammable items, such as cleaning fluids, with caution. Also, stack materials only to safe heights.
  - (4) To prevent slips and tripping, clean up spills and pick up debris immediately.
  - (5) Keep aisles, workplaces and stairways clean, clear and well lighted. Walk, do not run. Watch your step.
  - (6) Exercise caution when handling objects and tools. Do not use broken, defective or greasy tools. Use tools for their intended purpose only. Wear safety glasses or goggles whenever using a power tool.
  - (7) Store objects and tools where they will not fall. Do not store heavy objects or glass on high shelves.
  - (8) Place ladders securely. Do not stand on boxes, chairs or other devices not intended to be used as ladders.
  - (9) Keep guards in place at all times. Do not clean machinery while it is running. Lock all disconnect switches while making repairs or cleaning.
  - (10) Always wear or use appropriate safety equipment as required in your work. Wear appropriate personal protective equipment, like shoes, hats, gloves, goggles, and hearing protectors in designated areas or when working on an operation which is potentially hazardous. Also, wear gloves whenever handling castings, scrap, or barrels.
  - (11) Do not stand on a wet floor while using any electrical apparatus. Keep extension cords in good repair. Do not make unauthorized connections or repairs. Do not overload outlets.
  - (12) A cell phone should be used in a company vehicle only when the vehicle is not in motion.
12. We strongly encourage employee participation and input on health and safety matters. Employees may report potential hazards and make suggestions about safety without fear of retaliation. We appreciate, encourage and expect this type of involvement. The success of the safety program relies on the participation of all employees. Though it is the Water District's responsibility to provide for the safety, health and security of its workers during working hours, it is the responsibility of each employee to abide by the rules, regulations and guidelines set forth.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 123**

**SUBJECT: UNIFORMS & PERSONAL APPEARANCE**

**I. PERSONAL APPEARANCE:**

- A. All employees are expected to be clean and neat and to dress according to the requirements of their position.

**II. UNIFORMS:**

- A. Fire-retardant uniforms will be made available to employees in safety-sensitive positions as defined by OSHA standards. Employees must wear approved uniforms while performing safety-sensitive job functions. Employees are also encouraged to wear undergarments made of natural fibers such as cotton. It is the employee's responsibility to utilize fire-retardant uniforms.
- B. Employees working outside the office will be required to wear District uniforms at all times. Uniforms/Hats will be purchased by the District for these employees on a biannual basis (Spring & Fall). Any additional uniforms needed will be purchased at the expense of the employee.
- C. Front Office staff shall wear District uniforms 4 days a week. Six sets will be furnished by the District annually. Regular office staff dress code will be established by the Department Manager.
- D. Each employee shall be responsible for the laundering of their uniforms.
- E. A cotton work jacket may be purchased by the Water District for each employee who wears the jacket at work on a regular basis. Deteriorated jackets will be exchanged by the Water District as deemed necessary by the Department Manager.
- E. Uniforms and jackets shall be returned to the Water District upon termination of employment.
- F. Not following the Uniform and Personal Appearance Policy will result in disciplinary action.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 124**

**SUBJECT: ASSIGNMENT AND USE OF WATER DISTRICT VEHICLES**

**I. POLICY:**

- A. Vehicles shall be furnished to Department Managers who are subject to conditions requiring an emergency response. The assignment of a vehicle to a position shall be made by the General Manager.
- B. An employee assigned a vehicle shall be charged monthly for commuting from the employee's residence to the Water District office to which the employee is assigned. The minimum charge will either be \$15 per month or the mileage to and from residence to the office at the IRS established mileage rate, whichever is greater.
- C. Assigned Water District vehicles are not to be used on a regular basis for personal use by the employee. Use of the vehicle shall normally be for commuting and such other travel the duties of the employee's position require. Personal mileage other than commuting should be reported to the General Manager and charged at the standard IRS rate established by the Water District.
- D. If an employee uses the assigned Water District vehicle on a combination business-pleasure trip, the employee shall reimburse the Water District for all excess mileage at the standard rate.
- E. When the employee assigned a vehicle is to be out of the office on Sick or Annual Leave for longer than 3 working days, the vehicle is to be left in its assigned parking space and available for use by other Water District personnel.
- F. An employee may be allowed or request to drive their personal vehicle with mileage reimbursement at the IRS standard rate. Rental or use of a personal vehicle for travel must be approved by the Department Manager or the General Manager.
- G. If an employee uses their personal vehicle for a combination business pleasure trip, only the mileage associated with the business portion of the trip will be reimbursed.
- H. Employees who are "on call" or standby will be provided with a radio equipped vehicle to facilitate efficient handling of emergency outages.

**II. RESPONSIBILITY:**

- A. It shall be the responsibility of the employee assigned a vehicle to maintain such records as may be required by the IRS for determining personal use of the vehicle.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 125**

**SUBJECT: UNLAWFUL HARRASSMENT**

**I. OBJECTIVE:**

- A. To provide a work environment free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated. Sexual and other unlawful forms of harassment, both overt and subtle, are forms of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.
- B. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:
  - 1. Submission is made either explicitly or implicitly a condition of employment.
  - 2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
  - 3. Such conduct has the purpose or effect of substantially interfering with the employee's work performance or creates an intimidating, hostile, or offensive work environment.

**II. PROCEDURES:**

- A. Any incidents of sexual or unlawful harassment should be reported to a Department Manager promptly. The General Manager should then be notified promptly in order to initiate an investigation.
- B. Supervisors who become aware of possible sexual or other unlawful harassment must promptly advise the Department Manager or General Manager so the matter can be handled in a timely and confidential manner.
- C. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.
- D. Care will be taken to conduct a confidential investigation of any harassment complaint. Individuals questioned will be instructed not to talk about the investigation or the alleged incident.
- E. During the course of the investigation, outside resources may be sought to assist in assembling facts and/or making recommendations.
- F. Employees should feel free to report concerns without fear of reprisal.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 126**

**SUBJECT: SOLICITATION AND DISTRIBUTION OF LITERATURE**

**I. OBJECTIVES:**

- A. To prohibit solicitation or distribution of literature by employees to other employees and/or customers at all times without prior approval of the General Manager.

**II. POLICY:**

- A. Employees shall refrain from solicitation of fellow employees and/or customers during work time. Examples of solicitation include selling of merchandise or seeking donations or signatures for any cause.
- B. Employees shall refrain from distributing any literature in work areas. Literature may be posted on employee bulletin boards or distributed in non-work areas such as break rooms.
- C. School-age children of employees shall be permitted to solicit or sell merchandise to employees for a worthy cause such as scouting, athletic programs, school, or church activities.
- D. Solicitation of employees or distribution of literature by non-employees is expressly forbidden in all work areas on the Water District's premises.

**III. ENFORCEMENT:**

- A. The General Manager, Department Managers, and supervisors shall be responsible for enforcing this policy within their respective areas of authority.



**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 127**

**SUBJECT: EMPLOYEE PARTICIPATION IN CIVIC AND SERVICE CLUBS,  
GOVERNMENTAL AFFAIRS, AND PROFESSIONAL ORGANIZATIONS**

**I. POLICY:**

- A. It is the policy of the Water District to encourage employees classified as regular, full-time to participate actively in civic, community, and governmental affairs. It is recognized that election of officials in all phases of government is the responsibility of all citizens, and employees are encouraged and urged to exercise their historic voting right.
  
- B. Civic and Service Clubs
  - 1. As interested citizens of the community, employees are normally expected to devote time to civic and community affairs other than during working hours; however, reasonable time off for such activities may be granted upon approval of supervisors.
  
  - 2. The Water District upon approval of the General Manager may pay dues of employees who are members of civic organizations if the employee is an active participant in the organization's meetings and functions.
  
- C. Governmental and Political Affairs
  - 1. Water District management neither encourages nor discourages participation in political activities except that all employees are urged to vote. The extent to which employees participate in such activities is solely the decision of the individual employee so long as such activities meet high ethical standards that are expected of all employees. An employee's activity in this area shall neither enhance nor jeopardize the employee's position with the Water District.
  
  - 2. Employees are neither encouraged nor discouraged from becoming candidates for political offices except that no employee shall be a candidate to any office that interferes with normal work of the Water District, including after-hours work for those employees subject to after-hours call. Employees who are elected to political office shall be required to use Annual Leave to attend any meetings or functions during regular working hours. Employees must not attend such meetings while in Water District uniform or in a Water District vehicle.
  
  - 3. The views, decisions, and actions of any employee in civic, governmental, or political activities are their personal responsibility as an individual citizen and do not necessarily represent the view of the Water District.

4. Reasonable time off shall be granted for voting if voting cannot be exercised other than during the working hours.

D. Professional Organizations

1. Employees are encouraged to participate in professional organizations, which relate to their position at Water District.
2. Dues, or other expenses incurred by the employee to belong to such professional organizations, shall be paid by the Water District with approval of the General Manager. An employee shall have worked for Water District a minimum of 6 months before such approval shall be considered.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 128**

**SUBJECT: DRUG TESTING FOR EMPLOYEES HOLDING COMMERCIAL DRIVER'S LICENSES**

**I. POLICY**

A. This policy is written to comply with state and federal regulations requiring controlled substance testing. Water District drivers with commercial drivers' licenses must undergo urine drug tests. The Water District is committed to providing a safe, healthy, and productive work environment for all employees. We take pride in preserving a positive community image. Using or being under the influence of drugs on the job may pose serious safety and health risks. Water District encourages any employee who may need assistance with a drug or alcohol issue to seek help through its Employee Health Insurance Plan.

**II. SCOPE**

A. Employees Subject to Testing

1. All driver applicants and employee drivers who are subject to driving any vehicle that:
  - a. Has a gross vehicle weight rating or gross combination weight rating of more than 26,000 pounds.
  - b. Is designed to transport 16 passengers including the driver.
  - c. Is used in the transportation of hazardous materials in a quantity requiring placarding shall submit a urine specimen for the purpose of drug testing, as required by this policy and state and/or federal regulations.

B. Controlled Substances

1. The drugs tested for shall be limited to marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. Testing shall only be performed by laboratories certified by the National Institute on Drug Abuse (NIDA) of the Department of Health and Human Services (DHHS). All sample collections and testing shall be done pursuant to U.S. Department of Transportation (U.S.DOT) regulations.

C. Prescribed Medications

1. Prescription drugs prescribed by a physician may be taken during work hours. The employee should notify the supervisor if the use of properly prescribed prescription drugs will affect the

employee's work performance. Inappropriate use of legally prescribed drugs is prohibited.

### **III. QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT**

#### **A. Prohibited Conduct**

1. United States Department of Transportation regulations and Water District policies prohibit any drug use that could affect performance of safety-sensitive functions, including:
  - a. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
  - b. Testing positive for drugs.
  - c. Refusing to take a required drug test or failure to cooperate with a required drug test.

#### **B. Disqualification and Consequences**

1. The driver shall not perform, nor be permitted to perform, a safety-sensitive function\* if any of the prohibitions are violated. A driver who shall be removed from performing safety-sensitive functions because of a rule violation occurring in a 26,000 pound or greater vehicle is also prohibited from driving a 10,000 pound or greater vehicle.
2. For employees who hold a commercial driver's license (CDL), safety sensitive refers to: "any time the driver is actually driving, inspecting, servicing, unloading or loading a motor vehicle".
3. In the event a driver tests positive for drugs, the driver shall be advised by Warren County Water District of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and controlled substances including the names, addresses, and telephone numbers of Substance Abuse Professionals (SAP), counseling and treatment programs as may be provided by the employee health insurance plan.
4. Before returning to duty, the driver with a rule violation must undergo a return-to duty test for drugs and obtain a verified negative result.
5. Further, a driver identified by the SAP as needing rehabilitation must:

- a. Be monitored by the SAP and the Water District to determine whether the prescribed rehabilitation plan is being followed appropriately.
- b. Be subject to a minimum of 6 unannounced follow-up drug tests in the first 12 months following the driver's return to duty. Follow-up testing may be done for up to 60 months, with number and frequency of follow-up testing to be decided by the SAP.

#### **IV. TESTING CIRCUMSTANCES**

##### **A. Pre-Employment/Pre-Duty Testing**

1. Driver applicants whom Water District intends to employ or utilize shall be tested for the presence of controlled substances prior to employment. If the driver has participated in a drug testing program within the previous 30 days and was tested for controlled substances within the past 6 months, or was tested as part of a random drug testing program, that driver shall not be required to test for controlled substances.
2. Drug and alcohol testing records for the past 2 years are a required part of the qualification check for each new job candidate hired. The testing records must be in Water District files within 14 days of the date of hiring. An Authorization to Release Information must be signed by the job candidate to permit Water District to obtain drug and alcohol testing information as stipulated by U.S. Department of Transportation regulations.

##### **B. Post-Accident**

1. Drivers shall provide a urine specimen following an accident. Collection of the urine specimen shall occur within 32 hours following an accident involving a commercial motor vehicle, either at the scene of the accident, at the site of medical care, a collection site, or a public restroom, if:
  - a. The accident involved the loss of human life.
  - b. The driver received a citation under State or Local Law for a moving traffic violation arising from the accident.
2. A driver who is subject to post-accident testing shall remain readily available for testing or will be deemed to have refused to submit to testing. This should not delay necessary medical attention for injured people following an accident or prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance or necessary emergency medical care.

### C. Random Testing

1. Drivers shall be tested for controlled substances on a random basis. A random selection process shall be used. The tests will be unannounced, and each selection will include all drivers subject to testing, regardless of whether they have been tested before. Under the computer selection process used, each driver shall have an equal chance of being tested each time selections are made. The number of tests conducted annually at random shall equal or exceed 50 percent of the average number of commercial motor vehicle drivers employed by Water District. The random testing rate may be changed from time to time as required by U.S. DOT regulations.
2. Each driver who is notified of selection for random controlled substances testing shall proceed to the test site immediately.

### D. Reasonable Suspicion Testing

1. A driver shall submit to controlled substance testing when Water District has reasonable cause, based on the employee's conduct while on duty, immediately preceding going on duty, or immediately after going off duty; to suspect that the driver is using a controlled substance. Driver conduct that is made the basis of reasonable cause testing must be observed by supervisors who have received training in detecting probable drug use by observation of an employee's behavior. Documentation of the employee's conduct shall be prepared and signed by the witnesses within 24 hours of the observed behavior and before the results of the tests are released. Water District shall ensure that the driver is immediately transported to a collection site or medical facility for the collection of a urine sample.

### E. Return-to-Duty Testing

1. A return-to-duty drug test shall be conducted by the Water District when an employee who has tested positive for controlled substance returns to performing safety-sensitive functions. A return-to-duty test shall yield a negative result prior to a driver's return to safety-sensitive duties.

### F. Follow-Up Testing

1. Follow-up drug tests are unannounced mandatory tests that take place after a driver has tested positive for drugs. The Water District requires a minimum of 3 tests in the first 90 days after returning to work and a minimum of 6 drug tests conducted in the ensuing 12 months and which can be continued for up to 60 months.

## G. Compensation

1. Time spent during testing will be considered "on-duty" time. During rehabilitation, the employee may use Sick Leave as with any other illness. Annual Leave may also be used if Sick Leave is exhausted. Leave without pay may be granted if Sick Leave and Annual Leave are depleted.

## V. SPECIMEN COLLECTION PROCEDURES

- A. Please read Appendix I.

## VI. TESTING METHODOLOGY

- A. Please read Appendix I.

## VII. TEST RESULTS

- A. Please read Appendix III for Medical Review Officer duties.

## VIII. CONFIDENTIALITY AND RECORDKEEPING

- A. Maintenance and Disclosure of Records Concerning Drug Testing

1. Records of individual driver/employee drug testing results shall be maintained under strict confidentiality by the Water District and the Medical Review Officer. Drug testing results are maintained separately from other personnel records and shall be placed in driver qualification files located at the Human Resources Office, 523 U.S. Hwy. 31W Bypass, Bowling Green, KY 42101. Records may be relocated as needed to effectively administer the operations of the Water District at the Water District's discretion. Release of individual drug test information is prohibited without written authorization to release information from the tested driver except as discussed in the policy. U.S. DOT regulatory requirements specify the only persons permitted to have access to positive urine drug test results from the laboratory are:
  - a. The tested individual.
  - b. The employer.
  - c. The decision maker in a lawsuit, grievance, or other proceedings initiated by or on behalf of the tested employee and arising from a certified positive urine drug test.
2. Only designated employer representative(s) within the Water District shall have access to confidential individual driver drug test results on a "need to know" basis. A list of employees and managers designated to deal with U.S. DOT drug testing information can be found in Appendix II, Page 1.

3. Driver/employee individual drug testing results shall not be released to others outside the Water District unless a driver has given written permission on a signed Authorization to Release Information form.
4. Maintenance of statistical records and reports such as annual summaries required by U.S. DOT shall not include individual drug testing information if the results could be readily inferred to an individual driver.
5. A Medical Review Officer shall maintain individual drug test results for a minimum of 5 years. The Federal Highway Administration shall have access to records related to administration and results of controlled substance testing for purposes of auditing and reporting.
6. The Water District may release drug test results to another employer in keeping with the U.S. DOT regulatory requirements for hiring drivers with CDLs so long as the driver has given his/her written permission.
7. When hiring a new driver, the Water District shall request newly hired drivers to sign an Authorization to Release Information form to obtain drug test results and/or SAP evaluations, from other employers for the two years prior to employment with Water District. Newly hired drivers shall not perform safety-sensitive functions until Water District has completed this information search.
8. An individual driver may obtain access to his/her drug testing records if generated through laboratory certification, review, or revocation of DOT certification proceedings. A driver may also have access to his/her drug test results through a written request to the Water District designated employer representative, (See Appendix II) for the drug testing program.

## **IX. REFERRAL, EVALUATION AND TREATMENT**

- A. Water District is fully supportive of an individual's desire to remedy a personal problem that interferes with job performance. The Water District provides substance abuse professionals, counseling and treatment programs by the employee health insurance.
- B. Employees are encouraged to identify their problem with their supervisor, Department Manager, or General Manager. It is the responsibility of each employee to seek assistance before drug problems lead to disciplinary actions. The employee's decision to seek prior assistance from their health insurance plan will not be used as the basis for disciplinary action.
- C. Employee Education and Training for CDL Drivers)



1. The Water District will provide training services for drivers with CDLs in compliance with the U.S. Department of Transportation regulations for drivers with commercial drivers' licenses and their supervisors. Employees with commercial drivers' licenses will participate in a training seminar focusing on the inherent dangers of drug and alcohol misuse, and their addictive and destructive potential. Educational materials will be distributed during this session. Documentation of training will be placed in Driver Qualification files.

D. Supervisory Training

1. Supervisory personnel will participate in 2 hours of additional training as required which focuses on the physical, behavioral, speech and performance indicators of probable substance abuse to include alcohol abuse. Supervisors will be taught how to avoid enabling a substance abusive employee and will acquire skills to confront and document "reasonable cause" incidents. Documentation of training will be provided to supervisors and the General Manager.

E. Referral, Evaluation, and Treatment

1. A driver with a positive drug test result shall be required to be evaluated by a substance abuse professional (SAP). Drivers and employees who engage in prohibited conduct may be required to seek assistance from a SAP for an evaluation and recommendation by a designated SAP. Documentation of evaluation and recommendation for rehabilitation, if appropriate, must be submitted to the General Manager.

F. Substance Abuse Evaluation

1. SAP evaluations will be conducted through the Water District health insurance plan. Recommendations for treatment and/or rehabilitation will be made. Refusal of an evaluation and compliance with the recommendations of the SAP evaluation may be grounds for disciplinary action up to and including termination.

G. Return to Duty and Follow-up Testing

1. A plan for rehabilitation developed by SAP and a negative drug test are mandatory prior to returning to duty. Follow-up testing will be conducted 3 times in the first 90 days after return to duty and 6 times in the ensuing 12 months. Follow-up tests will be conducted over the next 60 months.

**X. DISCIPLINE**

A. Pre-Employment Drug Testing

1. A driver applicant who currently has a CDL, has participated in a drug testing program within the last 30 days, and was tested for controlled substances within the last 6 months must sign an Authorization to Release Information form to allow the Water District to obtain drug test results from a previous employer within 14 days. If the driver/applicant has not been tested, he/she must submit to a pre-employment drug test to be eligible for employment. If the driver/applicant tests positive, the driver/applicant does not meet the safety-sensitive requirements of the job and shall not be hired.

#### B. Pre-Duty

1. An existing Water District employee who changes job duties or changes jobs within the Water District to a job requiring a CDL must undergo a pre-duty drug test prior to driving a Water District vehicle. An employee who tests positive shall have a mandatory referral to a SAP for evaluation to determine a plan for rehabilitation and be monitored by SAP and the Water District to determine compliance with rehabilitation program. The plan for rehabilitation shall be provided to the Water District by SAP. In these circumstances the driver shall be required to sign an Authorization to Release Information form.
2. The employee must undergo mandatory follow-up drug testing and attain a negative result 3 times in the next 90 days and thereafter be subject to unannounced mandatory random drug tests 6 times a year in the ensuing 12 months. Follow-up tests will be conducted over the next 60 months.
3. Refusal of a mandatory SAP referral or mandatory unannounced follow-up drug testing shall be grounds for disciplinary action up to and including termination.

#### C. Random Drug Test

1. A driver who tests positive due to a random drug test will not be allowed to drive a Water District vehicle and shall be required to have a mandatory referral for an evaluation by a SAP. The driver shall not drive a Water District vehicle until he/she can produce a negative drug screen. The driver must test negative 3 times in the next 90 days and is subject to follow-up mandatory unannounced drug tests 6 times a year for up to 60 months thereafter. He/she shall be monitored by the SAP and Water District to determine compliance with the rehabilitation plan and shall allow the SAP to inform Water District of the rehabilitation plan developed by the SAP and the driver's compliance with the plan. The driver will be required to sign an Authorization to Release Information related to compliance with the rehabilitation plan recommended by the SAP.

2. Refusal of a mandatory SAP referral, refusal of mandatory unannounced follow-up drug tests, or refusal to take a random drug test shall be grounds for disciplinary action up to and including termination.

D. Reasonable Cause Test

1. A driver whose conduct or behavior is viewed as questionable and possibly indicative of controlled substance abuse by supervisor(s) trained to recognize probable substance abuse shall be required to take a drug test. Where practical, a trained supervisor(s) shall observe the behavior. The Water District shall ensure the driver is immediately transported to a collection site or medical facility for collection of a urine sample. Documentation of the employee's conduct shall be prepared and signed by the supervisor(s) within 24 hours and before the drug test results are released.
2. If the driver tests positive for controlled substances, he/she shall not be allowed to drive a Water District vehicle. The driver shall receive a mandatory referral for evaluation by the SAP and development of a rehabilitation plan. The driver must comply with the rehabilitation plan and shall be monitored by the SAP and Water District for compliance and will be required to sign an Authorization to Release Information form to release information to the Water District for monitoring purposes.
3. As part of the SAP evaluations and recommendations, the driver who has tested positive may be subject to mandatory follow-up unannounced drug tests and shall be required to obtain a negative result. He/she may be subject to mandatory drug testing to continue up to 60 months with a minimum of 6 random follow-up drug tests in the ensuing 12- month period. This testing is in addition to the Water District's random drug testing program
4. Refusal to be referred to a SAP, refusal to be tested, or a second positive drug test will be grounds for disciplinary action up to and including termination.

E. Post-Accident

1. A driver of a commercial motor vehicle, holding a CDL, who is involved in an accident, shall provide a urine specimen within 32 hours following the accident; if the accident involved loss of human life, or a citation under State or local law for a moving traffic violation arising from the accident. Post-accident tests should be performed as soon as possible.
2. A driver subject to post-accident drug testing shall remain available for testing within the 32-hour limit or will be deemed to

have refused testing. Drivers should not delay necessary medical attention following an accident nor is a driver prohibited from leaving the scene of an accident for the period necessary to obtain assistance or necessary medical care.

3. A driver who tests positive on a post-accident drug test shall be referred to and be evaluated by a SAP when the driver's medical condition allows outpatient care to be medically appropriate. The SAP shall evaluate the driver to determine a rehabilitation plan.
4. The driver shall be required to be monitored by the Water District Substance Abuse Professional for compliance with the rehabilitation plan. The driver shall sign an Authorization to Release Information form for Water District to obtain the SAP's rehabilitation and monitoring recommendations. The driver shall be subject to mandatory follow-up drug tests with a minimum of 6 mandatory unannounced follow-up tests in the ensuing 12 months with follow-up testing and monitoring to continue up to 60 months.
5. Follow-up testing is in addition to the Water District's random drug testing program.
6. A second positive drug test, a refusal to test, or refusal to accept referral or SAP evaluation may require disciplinary action up to and including termination.

#### F. Return to Work

1. A plan for rehabilitation developed by the SAP and a negative drug test are mandatory prior to returning to work. Follow-up testing will be conducted three times in the first 90 days after return to work and a minimum of 6 times in the ensuing 12 months.
2. Follow-up tests will be conducted over the next 60 months. After return to work, a driver shall be monitored for compliance with the rehabilitation plan by the Water District and the SAP to determine that the driver successfully complied with the rehabilitation plan. The SAP may recommend more frequent follow-up drug testing, additional counseling or treatment, and/or follow-up referrals as appropriate. Drivers will be required to sign an Authorization to Release Information form on the drug test results and the rehabilitation plan for purposes of monitoring by the Water District.
3. A driver who fails to cooperate with evaluation and monitoring by the SAP and the Water District shall be removed from duty and shall be subject to discipline up to and including termination.

4. Return-to-work drug tests shall be performed only when a driver is performing safety-sensitive functions, just before performing safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
5. A second positive drug test, a refusal to test, or refusal to accept referral or SAP evaluation may require disciplinary action up to and including termination.

#### **XI. BLIND PERFORMANCE TEST PROCEDURES**

- A. Please read Appendix I.

#### **XII. RECORDKEEPING AND REPORTING**

- A. Please see Appendix IV.
- B. Annual Reporting
  1. The Water District shall retain in the drivers qualification file information concerning the drug test(s) and results. The medical review officer (MRO) shall maintain individual test results. The Water District shall document its program and prepare an annual summary of the drug testing results. Accident reports filed with the Federal Highway Administration (FHWA) shall include the results of drug tests.

#### **XIII. CONTRACT**

- A. This policy shall in no way represent a contract on behalf of the Water District nor shall be interpreted as such by any individual organization, employee, provider, or anyone else but shall be used only as a policy as specifically defined within this document.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 128**

**APPENDIX I**

**V. SPECIMEN COLLECTION PROCEDURES**

**A. Collection Site**

**1. Urine Specimen Collection**

- a. Collection site means a place where individuals present themselves for the purpose of providing body fluids (urine) to be analyzed for specific controlled substances. The site must possess all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the specimen to a laboratory. The site used by the Water District will be designated by Human Resources.

**B. Donor's Role and Rights**

1. The collection of urine will be conducted under procedures mandated by the Department of Transportation. The DOT regulations provide for individual privacy unless there is reason to believe that the donor may have altered or substituted the urine specimen. The following describes the donor's role and rights in the collection process.
2. The Donor will be asked to:
  - a. Present required photo identification to the collector. If you do not have a photo identification, an employer representative will be asked to identify you.
  - b. You may ask the collector to show his/her identification.
3. Remove any unnecessary outer garments, e.g., coat, jacket. All personal belongings must remain with outer garment(s). You may retain your wallet. You may ask for a receipt. When instructed by collector, wash and dry your hands.
4. You will be asked to choose a collection kit and the collector will open the kit in your presence. You may provide the specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy.
5. You should observe the entire collection procedure. The collector will check the specimen for volume, temperature, and color. The collector will then seal the bottle.

6. You should initial the identification label on the specimen bottle to certify that it is your specimen.
7. You should complete the information on the custody and control form. You will be given a copy of the completed form after the collector has completed his/her certification.
8. You should **NOT** list medications/prescriptions on any copy of the form except the copy, which you are given for your records. It is wise to note any medications you might be taking on your copy of the form as a memory jogger.
9. You will be asked not to flush the toilet until your urine specimen has been turned over to the collector.

### C. Collection Procedures

1. Security of Process and Specimen and Privacy.
  - a. The following describes procedures designed to ensure that urine samples collected for forensic laboratory testing are properly collected, identified, and secured from tampering, in accordance with 49 CFR part 40.
    - (1) If a collection site facility is dedicated solely to urine collection, the site must be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured while drug testing is taking place. The Drug Program Manager or the Site Coordinator is responsible, in coordination with the collector, for the security of a collection site facility. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public rest room, the facility must be posted against access during the entire collection procedure to avoid embarrassment to the employee or distraction of the collector.
    - (2) A collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination (unless a single-use container is used with sufficient capacity to contain the void), and a suitable clean surface for writing. The site must also have a source of water for washing hands, which, if practicable, should be external to the enclosure where urination occurs. If there is a source of water in the enclosure, the collector should ensure it cannot be used without detection as a source for diluting the specimen. The employee shall be asked to void into a clean, single-

use specimen bottle that is securely wrapped until used and instructed not to flush the toilet until the specimen has been handed over to the collector. If urination is directly into the specimen bottle, the specimen bottle must be provided to the employee still sealed in its wrapper or must be unwrapped in the employee's presence immediately prior to its being provided. A clean, single-use collection container (e.g., disposable cup or sterile urinal) that is securely wrapped until used may also be employed. If a single-use collection container is used, a securely wrapped specimen bottle will be unwrapped in the presence of the employee and the employee will observe the pouring of the specimen into the specimen bottle.

- (3) Until the specimen is collected, the collector shall remain either (a) outside the rest room door if the rest room does not have a stall, or (b) in the rest room but outside the stall if there is a private enclosure within the rest room. After the specimen has been submitted to the collector, the employee may flush the toilet and observe the collector complete the urine custody and control form.
- (4) After the specimen has been provided and submitted to the collector, the employee may wash his or her hands.
- (5) If, after a reasonable period, the employee still cannot provide a specimen of sufficient quantity, this inability must be recorded by the collector on the urine custody and control form. The collector shall also notify the Drug Program Manager or the Site Coordinator.
- (6) In either collection methodology, upon receiving the specimen from the individual, the collection site person shall determine if it has at least 30 milliliters of urine for the primary or single specimen bottle and, where the split specimen collection method is used, an additional 15 ml of urine for the split specimen bottle. If the individual is unable to provide such a quantity of urine, the collection site person shall instruct the individual to drink not more than 24 ounces of fluids and, after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be



discarded, testing discontinued, and the employer so notified. The MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. (In pre-employment testing, if the employer does not wish to hire the individual, the MRO is not required to make such a referral.) Upon completion of the examination, the MRO shall report his or her conclusions to the employer in writing.

- (7) Immediately after receipt of the specimen, the collector shall measure the specimen temperature. The temperature measurement procedure must ensure that it does not result in contamination of the specimen.
- (8) The collector must inspect specimen to determine its color and look for signs of contaminants. Any unusual findings resulting from the inspection must be noted on the urine custody and control form. All specimens suspected of being adulterated must be forwarded to the laboratory for testing. Another specimen must also be obtained under direct observation after the collector has conferred with a higher-level employer representative and the representative agrees with the collector that the specimen appears to have been substituted or adulterated.

#### D. Direct Observation Collections

1. Procedures for collecting urine samples allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. The following circumstances constitute the exclusive grounds to believe that the individual may have altered or substituted the specimen:
2. The employee has just given a specimen that falls outside the normal temperature range and the employee declines to provide a measurement of oral body temperature, or the oral temperature voluntarily provided varies by more than 1 degree centigrade or 1.8-degree Fahrenheit from the temperature of the specimen.
3. The collector observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample.
4. The employee has previously been determined to have used a controlled substance without medical authorization and the

particular test is being conducted as part of a rehabilitation program, return-to-duty testing after any required rehabilitation, or follow-up testing after being returned to duty.

5. The last urine specimen provided by the employee on a previous occasion was determined by the testing laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/L.
6. Whenever there is a reason to believe that an individual has altered or substituted a specimen as described above, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collector.

#### E. Chain-of-Custody Requirements

1. The specimen is sealed and labeled in the presence of the employee. The identification label should contain the date of collection, name of collector, the individual specimen number, and any other required identifying information. The employee shall initial the label on the specimen bottle using initials corresponding with the name on the custody and control form.
2. The seal and the label can be "one and the same." The collector may not leave the collection site in the interval between presentation of the specimen by the employee and the securing of the sample with a tamper proof seal, and an identifying label bearing the employee's identification number or social security number (shown on the urine custody and control form) and the specimen identification number. If the collector finds it necessary to leave the collection site during this period, the collection is nullified, unless the specimen is put in secure storage. At the election of the employer, a new collection will be initiated.
3. After the donor certifies that he or she provided the urine specimen to the collector, the collector completes the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee. The collector signs and prints his or her name under "Received By." The collector writes the date of collection under "Date."
4. To certify proper completion of the collection, the collector fills out and signs Section VIII of the custody and control form. The collector prints and signs his name, indicates the date on which the collection was made, and provides information on the site of the collection. Section VIII also includes an area for the collector to make any remarks concerning the collection. The collector also must note with a check in Section VIII that if a split sample was taken, the split sample was collected in accordance with Federal specimen collection regulations.

5. The custody and control form for split sample collection must establish a "positive link" between the original sample and the split sample through the specimen identification number. Hence, the identification number of the split sample must be an obvious derivative of the original sample identification number.
6. All the chain of custody and other requirements followed with respect to the original sample must also be followed with regard to the "split" sample.

F. Split Specimen Procedure

1. The collection site person shall instruct the employee to provide at least 45 ml of urine under the split sample method of collection or 30 ml of urine under the single sample method of collection.
2. Employers with employees subject to drug testing under the drug testing rules of the Federal Highway Administration shall use the "split sample" method of collection for those employees. Employers using the split sample method of collection shall follow the procedures in the following paragraphs.
3. The donor shall urinate into a collection container or a specimen bottle capable of holding at least 60 ml.
4. If a collection container is used, the collection site person, **in** the presence of the donor, pours the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to be used as the primary specimen. At least 15 ml shall be poured into the other bottle, to be used as the split specimen.
5. If a single specimen bottle is used as a collection container, the collection site person shall pour 30 ml of urine from the specimen bottle into a second specimen bottle (to be used as the primary specimen) and retain the remainder (at least 15 ml) in the collection bottle (to be used as the split specimen).
6. Both bottles shall be shipped in a single shipping container, together with copies 1,2, and the split specimen copy of the chain of custody form, to the laboratory.
7. If test result of the primary specimen is positive, employee may request the MRO direct the split specimen be tested in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of primary specimen. The MRO shall honor such a request if it is made within 72 hours of employee having been notified of a verified positive test result.
8. When the MRO informs the laboratory in writing that the employee has requested a test of the split specimen, the

laboratory shall forward, to a different DHHS-approved laboratory, the split specimen bottle, with seal intact, a copy of the MRO request, and the split specimen copy of the chain of custody form with appropriate chain of custody entries.

9. The result of the test of the split specimen is transmitted by the second laboratory to the MRO.
10. Action required by DOT agency regulations as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not stayed pending the result of the test of the split specimen.
11. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolites) found in the primary specimen, the MRO shall cancel the test, and report the cancellation and the reasons for it to the DOT, the employer, and the employee.
12. Employers using the single sample collection method shall follow the procedures in the following paragraphs.
13. The collector may choose to direct the employee to urinate either directly into a specimen bottle or into a separate collection container.
14. If a separate collection container is used, the collection site person shall pour at least 30 ml of the urine from the collection container into the specimen bottle in the presence of the employee.
15. In either collection methodology, upon receiving specimen from the individual, collection site person shall determine if it has at least 30 milliliters of urine for primary or single specimen bottle and, where split specimen collection method is used, an additional 15 ml of urine for split specimen bottle. If individual is unable to provide such a quantity of urine, collection site person shall instruct individual to drink not more than 24 ounces of fluids and, after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If employee is still unable to provide adequate specimen, insufficient specimen shall be discarded, testing discontinued, and employer so notified. The MRO shall refer individual for a medical evaluation to develop pertinent information concerning whether individual's inability to provide a specimen is genuine or constitutes a refusal to test. (In pre-employment testing, if the employer does not wish to hire the individual, the MRO is not required to make such a referral.) Upon completion of the examination, the MRO shall report his or her conclusions to the employer in writing.

## **VI. TESTING METHODOLOGY**

### **A. Appropriate Laboratory**

1. Due to the technical nature of the information in this section, please read Appendix I.
2. Laboratory facilities shall comply with applicable provisions of any State licensing requirements, Laboratories certified in accordance with DHHS, and NIDA Guidelines shall have the capability, at the same laboratory premises, of performing initial and confirmatory tests for each drug or metabolite for which service is offered. The Secretary, a U.S. DOT agency, any employer utilizing the laboratory, DHHS or any organization performing laboratory certification on behalf of DHHS reserves the right to inspect the laboratory at any time.
3. The drug testing laboratories shall maintain and make available for at least 2 years documentation of all aspects of the testing process. This 2-year period may be extended upon written notification by a U.S. DOT agency or by any employer for which laboratory services are being provided.
4. Drug testing laboratories shall have a quality assurance program which encompasses all aspects of the testing process including but not limited to specimen acquisition, chain of custody, security and reporting of results, initial and confirmatory testing, and validation of analytical procedures. Quality assurance procedures shall be designed, implemented, and reviewed to monitor the conduct of each step of the process of testing for drugs.

### **B. Initial Screen Methodology**

1. Laboratory Quality Control Requirements for Initial Tests
2. Each analytical run of specimens to be screened shall include:
  - a. Urine specimens certified to contain no drug.
  - b. Urine specimens fortified with known standards.
  - c. Positive controls with the drug or metabolite at or near the cutoff level.
3. In addition, with each batch of samples a sufficient number of standards shall be included to ensure and document the linearity of the assay method over time in the concentration area of the cutoff. After acceptable values are obtained for the known standards, those values will be used to calculate sample data. Implementation of procedures to ensure that carryover does not contaminate the testing of an individual's specimen shall be documented. A minimum of 10 percent of all test samples shall be quality control specimens. Laboratory quality control samples prepared from spiked urine samples of determined

concentration shall be included in the run and should appear as normal samples to laboratory analysts. One percent of each run, with a minimum of at least one sample, shall be the laboratory's own quality control sample.

4. The following initial cutoff levels shall be used when screening a specimen to determine whether they are negative for these 5 drugs or classes of drugs.

Initial Test Level (ng/ml)

Marijuana metabolites	50.
Cocaine metabolites	300.
Opiate metabolites	300. *
Phencyclidine	25.
Amphetamines	1,000.
25ng/ml if immunoassay specific for free morphine.	

5. These cutoff levels are subject to change by the DHHS as advances in technology or other considerations warrant identification of these substances at other concentrations.

C. Confirmatory Test

1. All specimens identified as positive on the initial test shall be confirmed using GC/MS techniques at the cutoff values listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations which exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value."

Confirmatory Test Cutoff Levels (ng/ml)

Marijuana metabolite (1)	15.
Cocaine metabolite (2)	150.
Opiates:	
Morphine	300.
Codeine	300.
Phencyclidine	25.
Amphetamines:	
Amphetamine	500.
Methamphetamine	500.

- a. Delta-9-tetrahydrocannabinol-9-carboxylic acid.
- b. Benzoylcegoruine.

#### D. Adulteration of Specimen

1. Water District desires to ensure that urine specimens are not adulterated, substituted, or diluted. The following circumstances are recognized by U.S. DOT as reason to believe a specimen may be adulterated.
2. When the temperature of the urine specimen is out of range and not within 1.0-degree C. or 1.8-degree F. of oral temperature.
3. When the specific gravity of the urine specimen was determined to be less than 1.003 and the creatinine concentration is below .2 g/l.
4. When the collection site collector observes conduct clearly and unequivocally indicative of an attempt to substitute or adulterate a specimen.
5. In mandatory return-to-duty testing and follow-up testing, when a driver has been determined to have used a controlled substance without a medical authorization.
6. Should a driver/employee adulterate a specimen as outlined in this policy, the collection site collector can obtain a urine specimen under direct observation after consulting with the Water District General Manager and/or Human Resources about the circumstances of the collection. The collection site collector in a direct observation collection shall be of the same gender.

#### E. Reporting of Test Results

1. The MRO may request from the laboratory and the laboratory shall provide quantitation of test results. The MRO shall report whether the test is positive or negative and may report the drug(s) for which there was a positive test but shall not disclose the quantitation of test results to the employer. Provided, that the MRO may reveal the quantitation of a positive test result to the employer, the employee, or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test.
2. The laboratory shall report test results to the employer's MRO within an average of 5 working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed, and the test certified as an accurate report by the responsible individual. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer, and the drug testing laboratory specimen identification number (accession number).

3. The laboratory shall report as negative all specimens, which are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.
4. The laboratory may transmit results to the MRO by various electronic means (for example, teleprinters, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results from the laboratory to the MRO may not be provided verbally by telephone. The laboratory and employer must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.
5. The laboratory shall send only to the MRO the original or a certified true copy of the drug testing custody and control form.

F. Specimen Retention

1. When a shipment of specimens is received, laboratory personnel shall inspect each package for evidence of possible tampering and compare information on specimen bottles within each package to the information on the accompanying chain of custody forms. Any direct evidence of tampering or discrepancies in the information on specimen bottles and the employer's chain of custody forms attached to the shipment shall be immediately reported to the employer and shall be noted on the laboratory's chain of custody form which shall accompany the specimens while they are in the laboratory's possession. Specimen bottles generally shall be retained within the laboratory's accession area until all analyses have been completed. Aliquot and the laboratory's chain of custody forms shall be used by laboratory personnel for conducting initial and confirmatory tests.
2. Specimens that do not receive an initial test within 7 days of arrival at the laboratory shall be placed in secure refrigeration units. Temperature shall not exceed 6 degrees C. Emergency power equipment shall be available in case of prolonged power failure.

**XI. BLIND PERFORMANCE TEST PROCEDURES**

- A. Employers must use DHHS/SAMHA certified drug testing laboratories. The employer, the DOT agency, or DHHS may inspect the laboratory at any time. To further ensure the performance level of the laboratory, Water District will submit blind performance tests in accordance with the requirements of 49 CFR Part 40. Employer blind performance tests consist of quality control specimens introduced into the laboratory drug testing system by the employer to check the accuracy of the laboratory process. The blind performance specimens will be indistinguishable from employee specimens other than factitious names will be used for identifying those specimens in the control group.



**WARREN COUNTY WATER DISTRICT  
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**APPENDIX II**

**I. SUBSTANCE ABUSE PROFESSIONAL**

A. Substance Abuse Professional (SAP)

1. Substance Abuse Professional (SAP) services for Warren County Water District will be designated by the employee Health Insurance provider(s). A list of SAP counselors is available in the Human Resources Office.
2. Human Resources will maintain DOT driver's qualifications files, safety records, personnel documents, and employee benefits information.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 128**

**APPENDIX III**

**I. TEST RESULTS**

**A. Notification of Test Results**

1. The Water District's designated employer representative, (See Appendix II) will be notified of the driver's test result by the MRO whether the driver's test is positive or negative, and, if positive, the name of the drug for which the driver tested positive.
2. The Water District's designated employer representative, (See Appendix II) shall then notify the driver of any positive results.

**B. Medical Review Officers Duties**

1. The Medical Review Officer (MRO) shall be a licensed physician; have a knowledge of substance abuse disorders and may be on the employer's staff or a private physician under contract to the employer. The MRO shall not be an employee of the laboratory conducting the drug testing unless there is a clear separation of functions to preclude any conflict of interest. The MRO shall not have any responsibility for, supervise, or be supervised by any persons who are involved in the drug testing or quality control operations of the laboratory.
2. The Medical Review Officer conducts the final review of all drug test results. A laboratory positive result (called a "confirmed" positive) does not automatically identify an employee as having used drugs in violation of a U.S. DOT agency regulation. A detailed review of the confirmed positive results by the MRO is necessary prior to transmission of the results to the employer. This MRO review or verification process involves contact with the employee and review of the custody and control form. Negative results require only an administrative review by the MRO prior to transmission to Water District. The MRO's review should include a review of the custody and control form to substantiate that the reported negative result is correctly identified with the employee.
3. In reviewing positive results reported by the laboratory, the MRO shall examine alternative medical explanations for any positive test result. This review may include conducting a medical interview (in person and/or by telephone) including medical history and any other relevant biomedical factors. The MRO shall review all medical records made available by the employee when a confirmed positive could have resulted from legally prescribed medication. The MRO shall not consider any urine test results from specimens collected or processed under circumstances other than those prescribed in 49 CRF Part 40.

### C. MRO Verification of Positive Test Results

1. The MRO review and verification of positive test results is required before results are reported to Water District. The MRO review of negative test results is administrative only.
2. The MRO must contact the employee whose test result is reported positive by the lab and provide the employee the opportunity to discuss the test result.
3. If the MRO cannot contact the employee, he/she must notify the Water District designated employer representative, (See Appendix II) to contact the employee and request that the employee contact the MRO. The MRO may not reveal the test result or any information about the reason for contact to the employer representative.
4. If after 5 days from being notified to do so, the employee does not contact the MRO, the MRO verifies the positive test result to the Water District.
5. If the employee refuses to discuss the test result with the MRO, the MRO may verify the test as positive.
6. The MRO may notify the Water District of verified test results by telephone. However, written notification is recommended.
7. Specific procedures are required of the MRO if the test result is positive for opiates.
8. If the MRO concludes that there is a legitimate medical explanation for the positive test result, the test result is reported as negative to the Water District. No information that the test was reported positive by the lab will be provided to the Water District.
9. The MRO will notify the Water District of any test results deemed scientifically insufficient. Such notification will not include the individual identity of the specimen(s).

### D. Adulteration

1. The major task of the MRO is to review and interpret positive urinalysis test results to assure a scientifically valid result and to determine whether a legitimate medical explanation could account for the laboratory-confirmed positive result.
2. In addition, careful review of the Chain of Custody Form may indicate information critical to interpretation of the test. For instance, where an initial sample falls outside the normal temperature range (and oral temperature does not explain the discrepancy), a second specimen should be collected under direct observation. In such a case the MRO would want to ensure

the two test results are reviewed together and that, as appropriate, a full adulteration panel is run on the initial specimen (specific gravity, creatinine concentration, pH). An employee whose specimen is collected due to adulteration of specimen is required by U.S. DOT to provide an additional specimen under direct observation by a collector of the same sex.

E. Disclosure of Information

1. The MRO must keep all information obtained from the employee confidential except when:
  - a. A DOT agency requires disclosure.
  - b. The MRO believes the information could result in the medical disqualification of the employee under a DOT agency rule.
  - c. The MRO believes continued performance by employee of his/her sensitive-safety function could pose a significant safety risk.
2. Such disclosure of information is limited to the Water District, U.S. DOT or other federal agency, or the physician responsible for determining the medical qualification of the employee under applicable U.S. DOT regulations.
3. The MRO must inform the employee of the disclosure requirements prior to obtaining any information.

F. Retest Procedures

- A. The MRO may order a reanalysis of the original urine specimen. Such retests shall be performed only at DHHS/NIDA certified laboratories, shall be by G4C/MS confirmation methodology only, and shall not be subject to any cut-off levels. As long as there is a scientifically detectable presence of the drug(s) or metabolite, the specimen is again confirmed positive. The MRO shall order a reanalysis if requested by employee within 72 hours of employee's having been notified of positive test result. If reanalysis fails to confirm presence of the drug(s) metabolite, the MRO shall cancel test.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 128**

**APPENDIX IV**

**I. RECORDKEEPING AND REPORTING**

A. Recordkeeping

1. The laboratory shall send only to the Medical Review Officer the original or certified true copy of the Drug Testing Custody and Control form (Part 2), which in case of the report positive for drug use, shall be signed (after the required certification block) by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.
2. The laboratory shall provide to the designated employer representatives (see Appendix II for names of employer designated representatives), responsible for coordination of the drug testing program, a monthly statistical summary of urinalysis testing of the employer's employees and shall not include in the summary any personal identifying information. Initial and confirmation data shall be included from test results reported within that month. Normally this summary shall be forwarded by registered or certified mail not more than 14 calendar days after the end of the month covered by the summary. The summary shall contain the following information:
3. Initial testing
  - a. Number of specimens received.
  - b. Number of specimens reported out.
  - c. Number of specimens screened positive for:
    - (1) Marijuana metabolites
    - (2) Cocaine metabolites
    - (3) Opiate metabolite
    - (4) Phencyclidine
    - (5) Amphetamines
4. Confirmatory testing
  - a. Number of specimens received for confirmation.
  - b. Number of specimens confirmed positive for:
    - (1) Marijuana metabolite
    - (2) Cocaine metabolite
    - (3) Morphine, codeine
    - (4) Phencyclidine
    - (5) Amphetamine
    - (6) Methamphetamine

5. Monthly reports shall not include data from which it is reasonably likely that information about individuals' tests can be readily inferred. If necessary, in order to prevent the disclosure of such data, the laboratory shall not send a report until data are sufficiently aggregated to make such an inference unlikely. In any month in which a report is withheld for this reason, the laboratory will so inform the employer in writing.
6. The laboratory shall make available copies of all analytical results for employer drug testing programs when requested by DOT or any DOT agency with regulatory authority over the employer.

C. Long-Term Storage

1. Long-term frozen storage (-20 degrees C or less) ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. Drug testing laboratories shall retain and place in properly secured long-term frozen storage for a minimum of 1 year all specimens confirmed positive, in their original labeled specimen bottles. Within this 1-year period, an employer (or other person designated in a DOT agency regulation) may request the laboratory to retain the specimen for an additional period of time, but if no such request is received the laboratory may discard the specimen after the end of 1 year, except that the laboratory shall be required to maintain any specimens known to be under legal challenge for an indefinite period.

D. Retesting Specimens

1. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

E. Subcontracting

1. Drug testing laboratories shall not subcontract and shall perform all work with their own personnel and equipment. The laboratory must be capable of performing testing for the 5 classes of drugs (marijuana, cocaine, opiates, phencyclidine, and amphetamines) using the initial immunoassay and confirmatory GC/MS methods specified in this part. This paragraph does not prohibit subcontracting of laboratory analysis if specimens are sent directly from the collection site to the subcontractor, the subcontractor is a laboratory certified by DHHS as required, the subcontractor performs all analysis and provides storage required, and the subcontractor is responsible to the employer for compliance with applicable DOT agency regulations as if it were the prime contractor.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 129**

**SUBJECT: BREATH ALCOHOL TESTING**

**I. POLICY**

A. Alcohol in the Workplace

1. This policy is written to comply with state and federal regulations requiring breath alcohol testing. All Water District employees, including those holding commercial drivers' licenses (CDL), shall be subject to breath alcohol tests. This policy is in addition and supplementary to Policy 124 - Drug Testing for Employees Holding Commercial Drivers Licenses. We are committed to providing a safe, healthy, and productive work environment for all employees, and take pride in preserving a positive community image. Using or being under the influence of alcohol on the job may pose serious safety and health risks. The Water District encourages any employee who may need assistance with a drug or alcohol issue to seek help through their Health Insurance Coverage.

**II. SCOPE**

A. Employees Subject to Testing

1. All driver applicants and employee drivers who are subject to driving a commercial motor vehicle shall submit to breath and alcohol testing as required by this policy and state and/or federal regulations as stated below:
  - a. Has a gross vehicle weight rating or gross combination weight rating of more than 26,000 pounds.
  - b. Is designed to transport more than 15 passengers.
  - c. Is used in the transportation of hazardous materials in a quantity requiring placarding.
2. Any employee, including CDL holders, whose behavior, speech, conduct, appearance, or body odors may cause a trained supervisor to suspect the employee may have difficulty performing safety-sensitive duties or working safely due to possible alcohol misuse or use shall be subject to breath alcohol testing and will be removed from duty for a minimum of 24 hours.

B. Breath Alcohol Testing

1. All employees, including CDL holders, shall be subject to being given a breath alcohol test with an evidentiary breath testing device (EBT) as approved by United States Department of

Transportation (US DOT). The breath alcohol test shall be administered by a trained breath alcohol technician (BAT). All breath alcohol testing shall be done pursuant to US DOT regulations effective February 15, 1994, as from time to time amended.

2. US DOT breath alcohol testing includes the taking of breath samples to test for alcohol concentration. An initial screening breath test will be performed. If any alcohol is detected in the screening test in a concentration of 0.02 or greater, a second confirmation test shall be performed. Individuals with an alcohol concentration of 0.02 or greater shall not perform safety-sensitive duties or operate a commercial motor vehicle or heavy equipment while on duty, including standby and non-scheduled emergency response.

### **III. QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT**

#### **A. Prohibited Conduct**

1. US DOT regulations and Water District policies prohibit any employee, including CDL holders, from reporting to work or being on duty while under the influence of alcohol for 4 hours prior to, during, or just after being on duty or from possessing alcohol while on duty or within 8 hours of an accident.
  - a. On-Duty is defined as:
    - (1) An employee's working during regular working hours for the Water District, which includes that period of time an employee works between the beginning and ending of the regular workday.
    - (2) Time worked in response to an emergency call while on scheduled standby duty.
    - (3) Non-scheduled time worked in response to an emergency call.
    - (4) Performing safety-sensitive functions.
  - b. Emergency Response by employees not on scheduled standby is defined as:
    - (1) Non-scheduled work time during which an employee is contacted and requested to report to work to assist in responding to an emergency either before or after normal work hours, on weekends, holidays, vacation, or scheduled leave.



- c. Scheduled Standby is defined as:
    - (1) A designated employee's readiness for duty to include responding to emergency calls during scheduled work time, before or after normal working hours, on weekends and holidays.
  - d. Employees are prohibited from performing safety-sensitive functions under the following conditions:
    - (1) While under the influence of alcohol or when breath alcohol test results indicate an alcohol concentration of .02 or greater.
    - (2) Consuming alcohol within 4 hours prior to going on duty to perform safety-sensitive functions to include operation of a commercial motor vehicle.
    - (3) Possessing alcohol.
    - (4) During the 8 hours following an accident or until the employee has been tested.
  - e. When an employee refuses to submit to US DOT required breath alcohol tests:
    - (1) Post accident.
    - (2) Reasonable suspicion.
    - (3) Random.
    - (4) Follow-up.
    - (5) Return to duty.
    - (6) Pre-employment.
  - f. When an employee refuses to cooperate with a required breath alcohol test by:
    - (1) Refusing to provide identification.
    - (2) Refusing to sign forms.
    - (3) Refusing to provide necessary information.
    - (4) Refusing to complete testing process.
    - (5) Attempting to interfere with testing process.
    - (6) Attempting to substitute or alter specimens to be tested.
    - (7) Through any other unspecified circumstance that interferes, prevents, or stops the testing process.
2. When an employee, including CDL holders, refuses to submit to medical or other examinations as considered necessary by Warren County Water District or its authorized agents to include:
- a. Evaluation by a Substance Abuse Professional (SAP)
  - b. Evaluation by a medical doctor

3. When an employee attempts to falsify information or knowingly provide false information related to breath alcohol testing and/or alcohol use or misuse.
4. When an employee, including CDL holders, uses or possesses alcohol including prescribed medications, mouthwashes, sprays, cough medicines, over-the-counter preparations containing alcohol, or any other substance not prescribed by a physician which contains alcohol within 4 hours before duty, while on duty, or for 8 hours following an accident.
5. Medications containing alcohol prescribed by a physician as part of medical treatment may be taken during working hours. The employee should notify his/her supervisor if, in the physician's opinion, work performance prior to, during, or just after performing safety-sensitive duties would be affected. An employee receiving medications containing alcohol and yielding a point .02 or greater on a breath alcohol test shall not be permitted to perform safety-sensitive functions.

B. Disqualification and Consequences

1. Any employee, including CDL holders, shall be removed from performing safety-sensitive functions because of a rule violation occurring in a commercial motor vehicle.
  - a. For employees who hold a commercial driver's license (CDL), safety sensitive refers to: "any time the driver is actually driving, inspecting, servicing, unloading or loading a motor vehicle."
2. In the event an employee, including CDL holders, engages in prohibited conduct, the employee shall be referred to a designated Substance Abuse Professional (SAP) for evaluation.\* (See Appendix I)
3. Before returning to duty, the employee with a rule violation must undergo a return-to-duty test for alcohol and obtain result of less than .02 and be recommended for return to work by SAP.
4. Further, an employee identified by the SAP as needing rehabilitation must:
  - a. Be monitored by the SAP and the Water District to determine whether the prescribed rehabilitation plan is being followed appropriately.
  - b. Be subject to a minimum of 6 unannounced follow-up breath alcohol tests in the first 12 months following the employee's return to duty. Follow-up testing may be done for up to 60 months, with the number and frequency of follow-up testing to be decided by the SAP.

#### IV. TESTING CIRCUMSTANCES

##### A. Pre-Employment/Pre-Duty Testing

1. As a condition of employment, an applicant for a position requiring a CDL shall be tested for the presence of breath alcohol prior to employment; and the test result must be less than .02. If the following conditions are met, the applicant may not be required to be tested:
  - a. If the applicant has participated in a US DOT breath alcohol testing program within the previous 30 days, and
  - b. If the applicant has been tested as part of a US DOT random alcohol testing program and
  - c. If no prior employer of the applicant within the past 6 months has records of a violation of US DOT alcohol misuse regulations within the past 6 months related to substance abuse and alcohol misuse
2. Alcohol testing records for the past 6 months are a required part of the qualification check for each new job candidate hired. The testing records of any job applicant must be in Water District files within 14 days of the date of hiring. An Authorization to Release Records must be signed by the job candidate to permit the Water District to obtain drug and alcohol testing records as stipulated by US DOT regulations.

##### B. Post-Accident

1. Employees who are CDL holders shall provide a US DOT breath alcohol test within 2 hours, if possible, but no more than 8 hours following an accident involving a commercial motor vehicle either at the scene of the accident, the site of medical care, or a collection site, if
  - a. The accident involved the loss of human life
  - b. The driver received a citation under State or local law for a moving traffic violation arising from the accident.
2. Employees holding CDLs who are subject to post-accident testing shall remain readily available for testing or will be deemed to have refused to submit to testing. Should the testing not take place, documentation must be kept on file stating reasons why the testing was not completed promptly and in accordance with US DOT regulations. This should not delay necessary medical attention for injured people following an accident or prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance or necessary emergency medical care. A CDL holder is responsible for obtaining a post-accident breath alcohol test following an accident. Employees will be

provided with post-accident information, procedures, and instructions on breath alcohol testing procedures.

C. Random Testing for Commercial Driver's License Holders Only

1. All employees holding commercial driver's licenses (CDL) shall be tested for breath alcohol on a random basis. A random selection process shall be used. The tests will be unannounced, and each pool will include all employees subject to testing, regardless of whether they have been tested previously. Under the computer selection process used, each employee shall have an equal chance of being tested each time selections are made. The number of tests conducted annually at random shall equal or exceed 25 percent of the average number of commercial motor vehicle drivers employed by Warren County Water District. The random testing rate may be changed from time to time as required by US DOT regulations.
2. Random testing for alcohol shall occur just prior to, during, or immediately after ceasing safety-sensitive functions. Each CDL holder who is notified of selection for random controlled substances testing and breath alcohol testing shall proceed to the test site immediately.

D. Reasonable Suspicion Testing

1. All employees, including CDL holders, shall submit to breath alcohol testing when the Water District has reasonable suspicion based on the employee's conduct while on duty, immediately preceding going on duty, or immediately after going off duty to suspect that the employee is using alcohol.
2. Employee conduct that is made the basis of reasonable suspicion testing must be observed by supervisors who have received training in detecting probable alcohol use by observation of an employee's behavior. Reasonable suspicion determination shall be based on specific, current, and clearly stated observations concerning behavior, speech, appearance, or body odors. Observations must be made just prior to, during, or immediately after ceasing safety-sensitive functions.
3. Documentation of the employee's conduct shall be prepared and signed by the witnesses within 24 hours of the observed behavior and before the test results are released. The Water District shall ensure that the driver is immediately transported to a collection site or medical facility for the collection of a breath alcohol sample. Employees, including CDL drivers, shall not perform safety-sensitive functions for a 24-hour period and until a breath alcohol test is administered with a result of .02 or less. Employees with a test result of .02 to .0399 shall not continue nor return to performing safety-sensitive functions for a minimum of 24 hours.

#### E. Return-to-Duty Testing

1. Employees who are CDL holders shall be subject to return-to-duty breath alcohol testing when an employee engages in prohibited conduct and before returning to duty or performing safety-sensitive functions. A return-to-duty test shall be administered and yield a result of .02 or less just prior to the employee's return to performing safety-sensitive duties.

#### F. Follow-Up Testing

1. Follow-up breath alcohol tests are unannounced mandatory tests that take place after an employee has a breath alcohol test result of .04 or greater. The Water District requires a minimum of 3 tests in the first 90 days after returning to work and a minimum of 6 breath alcohol tests conducted in the ensuing 12 months, which can be continued for up to 60 months. Employees who are CDL holders who engage in prohibited conduct are subject to reasonable suspicion testing and shall be evaluated by an SAP who shall recommend appropriate rehabilitation (if indicated) and the frequency of breath alcohol tests. The results of the follow-up test shall be sent to the Manager.

#### G. Compensation

1. Time spent during testing will be considered "on-duty" time. During rehabilitation, the employee may use Sick Leave as with any other illness. Annual Leave may also be used if Sick Leave is exhausted. Leave without pay may be granted if Sick Leave and Annual Leave are depleted.

### V. SPECIMEN COLLECTION PROCEDURES

Please read Appendix II.

### VI. CONFIDENTIALITY AND RECORDKEEPING

#### A. Maintenance and Disclosure of Records Concerning Drug Testing

1. Records of individual breath alcohol testing results shall be maintained under strict confidentiality by the Water District. Breath alcohol test results for CDL drivers will be maintained separately from other personnel records and shall be placed in the driver qualification files located at the Warren County Water District, 523 U.S. Hwy. 31W Bypass, Bowling Green, KY 42101. Records may be relocated as needed to effectively administer the operations of the Water District at the Water District's discretion. Release of individual breath alcohol test information is prohibited without a signed Authorization to Release Information Form from the tested employee, including CDL holders, except as discussed in the policy. US DOT regulatory requirements specify the only

persons permitted to have access to breath alcohol test results are:

- a. The tested individual.
  - b. The employer.
  - c. The decision maker in a lawsuit, grievance, or other proceedings initiated by, or on behalf of, the tested employee and arising from a breath alcohol test.
2. Only the designated employer representatives within the Water District shall have access to confidential individual employee breath alcohol test results on a "need to know" basis. A list of employees and managers designated to deal with US DOT breath alcohol testing information can be found in Appendix I, Page 1, herewith.
  3. Individual breath alcohol testing results shall not be released by Warren County Water District unless an employee has given written permission on a signed Authorization to Release Information Form.
  4. Maintenance of statistical records and reports such as annual summaries required by US DOT shall not include individual breath alcohol testing information if the results could be readily inferred to an individual employee.
  5. The Water District may release breath alcohol test results to another employer in keeping with the US DOT regulatory requirements for hiring drivers with CDLs so long as the driver has given his/her written permission.
  6. When hiring new employees, including CDL drivers, the Water District shall request newly hired employees to sign an Authorization to Release Information Form to obtain breath alcohol test results and/or SAP evaluations (SAP recommendations, rehabilitation information to include treatment, after-care plan, and compliance with rehabilitation program) from other employers for the 2 years prior to employment with the Water District. An offer of employment shall be contingent upon receiving appropriate breath alcohol test results.
  7. An employee, including a CDL driver, may have access to breath alcohol test results at the time of testing or through a written request to Warren County Water District designated employer representatives for the drug and alcohol testing program. (See Appendix I for names of designated employer representatives.)

## VII. REFERRAL, EVALUATION AND TREATMENT

- A. The Water District is fully supportive of an individual's desire to remedy a personal problem that interferes with job performance. The Water District provides substance abuse professionals, counseling, and treatment programs by the employee health insurance.
- B. Employees are encouraged to identify their problem with their supervisor, Department Manager, or General Manager. It is the responsibility of each employee to seek assistance before drug and alcohol problems lead to disciplinary actions. The employee's decision to seek prior assistance from their health insurance plan will not be used as the basis for disciplinary action. Once a violation of this policy occurs, use of the SAP will be mandatory and will not lessen disciplinary action.
- C. Employee Education and Training for CDL Drivers
  - 1. The Water District will provide training services for drivers with CDLs in compliance with the US DOT regulations for drivers with commercial driver's licenses and their supervisors. Employees with commercial driver's licenses (CDLs) will participate in a training seminar focusing on the inherent dangers of drug and alcohol misuse and their addictive and destructive potential. Educational materials will be distributed during this session. Documentation of training will be placed in Driver Qualification Files.
- D. Supervisory Training (Including Supervisors of CDL Drivers)
  - 1. Supervisory personnel will participate in 2 hours of additional training, as required, which focuses on the physical, behavioral, speech, appearance, smell, and performance indicators of probable substance abuse to include alcohol abuse. Supervisors will be taught how to avoid enabling an alcohol abusive employee and will acquire skills to confront and document "reasonable cause" incidents. Documentation of training will be provided to supervisors and the Manager.
- E. Referral, Evaluation, and Treatment
  - 1. A driver with a positive alcohol test result shall be required to be evaluated by a Substance Abuse Professional (SAP).
- F. Alcohol Abuse Evaluation by a Substance Abuse Professional
  - 1. SAP evaluations will be conducted through the Water District health insurance plan. Recommendations for treatment and/or rehabilitation will be made. Refusal of an evaluation and compliance with the recommendations of the SAP evaluation may be grounds for disciplinary action up to and including termination.

G. Return to Duty and Follow-up Testing

1. A plan for rehabilitation developed by a SAP and a negative breath alcohol test are mandatory prior to returning to duty. Follow-up testing will be conducted 3 times in the first 90 days after return to duty and 6 times in the ensuing 12 months. Follow-up tests will be conducted over the next 60 months.

**IX. DISCIPLINE**

A. Use of Alcohol While on Duty

1. No employee, including CDL holders, shall engage in prohibited conduct. Any employee engaging in prohibited conduct shall be subject to discipline up to and including termination. In addition, any employee who is under the influence of alcohol, including CDL holders, shall be subject to mandatory referral to a designated SAP and shall be subject to mandatory breath alcohol testing. A non-CDL holder shall be required to comply with any recommendations for rehabilitation made by the SAP.

B. Standby Duty

1. An employee scheduled for standby duty must be prepared to respond on short notice. An employee, including CDL holders, who does not respond to an emergency call due to alcohol consumption may be subject to breath alcohol testing and shall be subject to discipline up to and including termination.

C. Emergency Response (Non-Scheduled)

1. An employee, including CDL holders, who has consumed alcohol shall decline an emergency call and shall not perform safety-sensitive functions. Any employee, including CDL holders, who refuses an emergency call shall inform his/her supervisor or the Manager at the time of their refusal. If an employee responds to an emergency call while under the influence of alcohol or has a breath alcohol test yielding .02 or greater, he/she will be removed from safety-sensitive functions and be subject to disciplinary action up to and including termination.

D. Pre-Employment Drug Testing

1. Any applicant who currently has a CDL and has participated in an alcohol testing program within the last 6 months must sign an Authorization to Release Information to allow the Water District to obtain the alcohol test results from a previous employer within 14 days. If the applicant has not been tested, he/she must submit to a pre-employment breath alcohol test to be eligible for employment. If the applicant tests .02 or greater, the applicant does not meet the safety-sensitive requirements of the job and shall not be hired.



## E. Pre-Duty

1. An existing Water District employee who changes job duties or changes jobs within the Water District to a job requiring a CDL must undergo a pre-duty breath alcohol test prior to driving a Water District vehicle. An employee who tests .02 to .0399, or greater, shall be removed from duty for 24 hours. An employee who tests .04, or greater, shall have a mandatory referral to the EAP for an evaluation by a designated SAP to determine a plan for rehabilitation and shall be monitored by the SAP and the Water District to determine compliance with the rehabilitation program. The plan for rehabilitation shall be provided to the Water District by the SAP. In these circumstances the employee shall be required to sign an Authorization to Release Information.
2. The employee must undergo mandatory follow-up breath alcohol testing and attain a result of .02 or less. Testing shall occur 3 times within the next 90 days and thereafter be subject to mandatory random breath alcohol tests 6 times a year in the ensuing 12 months. Follow-up tests will be conducted over the next 60 months.
3. Refusal of a mandatory SAP referral, or a mandatory unannounced follow-up breath alcohol test shall be grounds for disciplinary action up to and including termination.

## F. Random Breath Alcohol Test

1. A CDL driver who tests .02 or greater due to a random breath alcohol test shall not be allowed to drive a Water District vehicle and shall be required to have a mandatory referral for an evaluation by a designated SAP. The driver shall not drive a Water District vehicle until he/she can produce a breath alcohol test result of less than .02. The driver must continue to test below .02 for 3 times in the next 90 days and is subject to follow-up mandatory unannounced breath alcohol tests 6 times a year for up to 60 months thereafter.
2. He/she shall be monitored by the SAP and the Water District to determine compliance with the rehabilitation plan and shall allow the SAP to inform the Water District of the rehabilitation plan developed by the SAP and the driver's compliance with the plan. The driver will be required to sign an Authorization to Release Information related to compliance with the rehabilitation plan recommended by the SAP.
3. Refusal of a mandatory SAP referral, refusal of mandatory unannounced follow-up breath alcohol tests, or refusal to take a random breath alcohol test shall be grounds for disciplinary action up to and including termination.

## G. Reasonable Suspicion Test

1. Any employee, including CDL holders, whose conduct or behavior is viewed as questionable by supervisor(s) trained to recognize probable alcohol misuse shall be required to take a breath alcohol test. All employees, including CDL holders, shall submit to breath alcohol testing when the Water District has reasonable suspicion--based on the employee's conduct while on duty, immediately preceding going on duty, or immediately after going off duty--to suspect that the employee is using alcohol. Employee conduct that is made the basis of reasonable suspicion testing must be observed by supervisors who have received training in detecting probable drug and alcohol use by observation of an employee's behavior. Reasonable suspicion determination shall be based on specific, current, and clearly stated observations concerning behavior, speech, appearance, or body odors. The Water District shall ensure the employee is immediately transported to a collection site or medical facility for collection of a breath alcohol sample. Documentation of the employee's conduct shall be prepared and signed by the supervisors within 24 hours.
2. If the employee tests .02 to .0399, or greater, for alcohol, the employee shall be removed from duty for at least 24 hours. The employee shall not be allowed to drive a Water District vehicle or perform safety-sensitive functions. The employee, including CDL holders, shall receive a mandatory referral to the EAP and receive evaluation by a designated SAP for development of a rehabilitation plan. If the breath alcohol test is .04 or above, the employee shall not drive a Water District vehicle or perform safety-sensitive functions. The employee must comply with the rehabilitation plan and shall be monitored by the SAP and the Water District for compliance and will be required to sign an Authorization to Release Information form to release information to the Water District for monitoring purposes.
3. As part of the SAP evaluations and recommendations, the employee who has tested .04, or greater, for alcohol may be subject to mandatory follow-up unannounced breath alcohol tests and shall be required to obtain a result less than .02 prior to returning to work. He/she may be subject to mandatory breath alcohol testing to continue up to 60 months with a minimum of 6 random follow-up breath alcohol tests in the ensuing 12-month period. This testing is in addition to the Water District's random alcohol testing program.
4. Refusal to be referred by a designated SAP, refusal to be tested, or a second breath alcohol test yielding a result of .02, or greater, shall be grounds for disciplinary action up to and including termination.

## H. Post-Accident

1. An employee who holds a CDL license and has an accident in a commercial motor vehicle, shall provide a breath alcohol specimen within 2 hours, if possible, but in any event, no more than 8 hours following the accident if the accident involves loss of human life or a citation under State or local law for a moving traffic violation arising from the accident. Post-accident tests should be performed as soon as possible, preferably within 2 hours of the accident. Failure to perform a breath alcohol test within 2 hours requires documentation as to why the employee was not tested. Should an employee go longer than 8 hours without being tested, documentation shall be completed stating the reason.
2. An employee holding a CDL is subject to post-accident breath alcohol testing and shall remain available for testing within the 8-hour limit or will be deemed to have refused testing. The employee should not delay necessary medical attention following an accident nor is an employee prohibited from leaving the scene of an accident for the period necessary to obtain assistance or necessary medical care. The Water District will provide employees with post-accident information, procedures, and instructions for providing breath alcohol specimens.
3. An employee holding a CDL who tests .02 breath alcohol content, or above, on a post-accident breath alcohol test shall be referred for evaluation by a designated SAP when the employee's medical condition allows outpatient care to be medically appropriate. The SAP shall evaluate the driver to determine a rehabilitation plan, if appropriate.
4. When referred to an SAP, as described above, the employee shall be required to be monitored by the Water District and the designated Substance Abuse Professional for compliance with the rehabilitation plan. The driver shall sign an Authorization to Release Information Form for the Water District to obtain the SAP's rehabilitation and monitoring recommendations. The driver shall be subject to mandatory follow-up breath alcohol tests with a minimum of 6 mandatory unannounced follow-up tests in the ensuing 12 months with follow-up testing and monitoring to continue up to 60 months. Follow-up testing is in addition to the Water District's random breath alcohol testing program.

## I. Return-to-Work

1. A plan for rehabilitation developed by the SAP and a breath alcohol test of .02, or below, are mandatory prior to returning to work. Follow-up breath alcohol testing will be conducted 3 times in the first 90 days after return to work and a minimum of 6 times in the ensuing 12 months. Follow-up breath alcohol tests will be

conducted over the next 60 months. After return to work, a driver shall be monitored for compliance with the rehabilitation plan by the Water District and the SAP to determine that the driver successfully complied with the rehabilitation plan. The SAP may recommend more frequent follow-up breath alcohol testing, additional counseling or treatment, and/or follow-up referrals as appropriate. Drivers will be required to sign an Authorization to Release Information Form on the breath alcohol test results and the rehabilitation plan for purposes of monitoring by the Water District.

2. An employee, including CDL holders, who fails to cooperate with evaluation and monitoring by the SAP and the Water District shall be removed from duty and from performing safety-sensitive functions and shall be subject to discipline up to and including termination.
3. Return-to-work breath alcohol tests shall be performed only when a driver is performing safety-sensitive functions, just before performing safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
4. A second breath alcohol test of .04 or greater, a refusal to test, or refusal to accept an SAP evaluation may require disciplinary action up to and including termination.

J. Driving Under the Influence Citations or Loss of License

1. Any employee driving a Water District vehicle who receives a citation from law enforcement for "Driving Under the Influence" (DUI) with a breath alcohol reading of 0.08 or greater, shall be subject to discipline up to and including termination.
2. Any employee, whose primary responsibility requires driving a Water District vehicle and whose driver's license is suspended or revoked, will be unable to perform their job duties. The employee may be reassigned, **if an appropriate non-safety-sensitive job is available**, after a referral to the EAP and recommendations for rehabilitation are received by the Water District. Refusal to comply with the rehabilitation plan will be cause for discipline up to and including termination.
3. If there is no job available that the employee can successfully perform, the employee will be placed on Annual Leave. if or when Annual Leave is exhausted, the time off will be without pay.
4. Should the infraction have occurred while driving a Water District vehicle, the employee will be subject to discipline up to and including termination.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 129**

**APPENDIX II**

**I. SPECIMEN COLLECTION PROCEDURES**

**A. Alcohol Testing Procedures**

1. The BAT will establish positive identification of the tested individual through the use of photo or personal identification by a Water District representative.
2. An explanation of the testing procedure is provided by the BAT to the tested individual.
3. The results of the breath alcohol test shall be provided to the Water District General Manager or the designated representatives.

**B. Screening Tests**

1. The BAT completes Step 1 on the Breath Alcohol Testing Form. The tested individual completes Step 2 on the form signing the certification.
2. The individually sealed mouthpiece is opened in view of the tested individual and the BAT and attached to the EBT in accordance with the manufacturer's instructions.
3. The BAT instructs the tested individual to blow into the mouthpiece until the EBT indicates an adequate amount of breath has been obtained.
4. The BAT shows the tested individual the result displayed on the EBT.
5. The BAT dates the Breath Alcohol Testing Form, signs the certification in Step 3.
6. The tested individual signs the certification and fills in the date in Step 4 of the Breath Alcohol Testing Form.
7. If the test result printed by the EBT does not match the displayed result, the BAT notes the disparity in the Remarks Section and both the tested individual and the BAT sign the notation "the test is invalid". The Water District and the tested individual are advised of this occurrence.
8. If the result of the screening test has an alcohol concentration of .02 or greater, a confirmation test must be performed.

### C. Confirmation Tests

1. The screening tested individual, who tests .02 or greater, must wait no less than 15 minutes and no more than 20 minutes to perform a second confirmation test.
2. Employees shall not leave the collection site, be out of the sight of the collector, or eat or drink during the 20-minute waiting period prior to obtaining the breath sample.
3. The BAT will instruct the tested individual not to eat, drink, or put any object or substance in their mouth and, to the extent possible, not belch during the waiting period for the confirmation test.
4. The BAT also explains that the test will be conducted at the end of the waiting period even if the tested individual has disregarded the instructions related to eating, drinking, belching, or putting in any object or substance in their mouth.
5. Should the tested individual disregard the BAT's instructions the BAT will note this on the Breath Alcohol Testing Form.
6. If, for any reason, the confirmation test is conducted by a different BAT than the BAT who conducted the screening test, the new BAT will confirm the identity of the tested individual and complete a new Breath Alcohol Testing Form.
7. Repeat instructions listed under B., 1-7 above.
8. Any employee, including CDL holders, who, after 2 tries, is unable to provide a sufficient quantity of air to perform a breath alcohol test, shall be referred to a physician designated by the Water District for an evaluation to determine if there is a medical reason that the employee cannot produce a sufficient quantity of air to be tested. In the event there is a valid medical reason, the physician shall document the reason. Failure to provide sufficient quantity of air to perform a breath alcohol test shall be considered and dealt with as a refusal to test without a physician's documentation.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 130**

**SUBJECT: SMOKING**

**I. PROCEDURES:**

- A. The following procedures will apply with regard to smoking in Warren, Simpson and Butler County Water District's (System) facilities:
1. Each office is assigned a designated smoking area outside the buildings for smokers to use before and after work and/or during breaks and lunch periods.
  2. Additional break time shall not be granted to smokers beyond the allotted 15-minute period 2 times for each 8-hour workday. No breaking up of the length of the allotted normal break time will be allowed for smokers. See Policy 110.
  3. Employees working together or traveling together in Water District vehicles should exercise consideration for co-workers. Smoking in vehicles will be allowed only if it is agreeable with all occupants.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 131**

**SUBJECT: PROHIBITION AGAINST CARRYING OF CONCEALED WEAPONS ON  
BUSINESS PREMISES**

**I. PROCEDURES:**

- A. Carrying weapons or possessing weapons is prohibited in company offices, which includes office space and buildings. Other persons coming onto the Water District's premises (other than sworn police officers or other law enforcement officers authorized to do so pursuant to KRS 527.020). This would also apply to company vehicles and company-sponsored events.
- B. If an employee has knowledge of another employee's possession of a weapon or unusual behavior, that knowledge should be brought to the attention of the General Manager as soon as possible.
- C. Any employee who has personal safety concerns, including without limitation parking in a remote location, or working alone after hours, should discuss those concerns with the Water District General Manager. The Water District reserves the right to grant complete or partial exemptions from this policy if circumstances warrant an exemption. Any exemption shall be at the sole discretion of the Water District General Manager.
- D. The intent of this policy is to reduce the potential for violence in the workplace and, accordingly, the failure to comply will result in immediate disciplinary action, up to and including termination of employment.



**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 132**

**SUBJECT: ACCEPTABLE USE POLICY**

**I. INTRODUCTION**

- A. The District's intentions for publishing an Acceptable Use Policy are not to impose restrictions that are contrary to Warren County Water District's established culture of openness, trust and integrity. IT is committed to protecting Warren County Water District's employees, partners and the company from illegal or damaging actions by individuals, either knowingly or unknowingly. Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing cloud computing, electronic mail, WWW browsing, and FTP, are the property of Warren County Water District. These systems are to be used for business purposes in serving the interests of the company, and of our clients and customers during normal operations.
  
- B. Effective security is a team effort involving the participation and support of every Warren County Water District employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

**II. PURPOSE**

- A. The purpose of this policy is to outline the acceptable use of computer equipment, resources and data at Warren County Water District. This policy is in place to protect the employee and Warren County Water District. Inappropriate use exposes Warren County Water District to risks including virus attacks, compromise of network systems and services, loss of personally identifiable information (PII), and legal issues.

**III. SCOPE**

- A. This policy applies to the use of information, electronic and computing devices, and network resources to conduct Warren County Water District business or interact with internal networks and business systems, whether owned or leased by Warren County Water District. All employees at Warren County Water District and its subsidiaries are responsible for exercising good judgment regarding appropriate use of information, electronic devices, and network resources in accordance with Warren County Water District policies and standards, and local laws and regulation.

## **IV. POLICY**

### **A. General Use and Ownership**

1. Warren County Water District proprietary information stored on electronic and computing devices whether owned or leased by Warren County Water District, the employee or a third party, remains the sole property of Warren County Water District. You must ensure that proprietary information is secured and protected.
2. You have a responsibility to promptly report the theft, loss or unauthorized disclosure of Warren County Water District proprietary information.
3. You may access, use or share Warren County Water District proprietary information only to the extent it is authorized and necessary to fulfill your assigned job duties.
4. For security and network maintenance purposes, authorized individuals within Warren County Water District may monitor equipment, systems and network traffic at any time.
5. Warren County Water District reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

### **B. Security and Proprietary Information**

1. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. Providing access to another individual, either deliberately or through failure to secure its access, is prohibited.
2. Passwords shall not be left on or under a computer, nor may they be left written down in an accessible location.
3. Passwords shall not be saved in un-encrypted files in clear text.
4. All computing devices must be secured with a password protected screensaver with the automatic activation feature set to 10 minutes or less. You must lock the screen or log off when the device is unattended.
5. Employees must use extreme caution when opening e-mail attachments or accessing hyperlinks received from unknown senders, which may contain malware.

### C. Unacceptable Use

1. The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).
2. Under no circumstances is an employee of Warren County Water District authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing Warren County Water District-owned resources.
3. The lists below are by no means exhaustive but attempt to provide a framework for activities which fall into the category of unacceptable use.

### D. System and Network Activities

1. The following activities are strictly prohibited, with no exceptions.
  - a. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Warren County Water District.
  - b. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which Warren County Water District or the end user does not have an active license is strictly prohibited.
  - c. Connecting unauthorized networking equipment including, but not limited to, servers, routers, hubs and switches, and wireless access points to the network.
  - d. Accessing data, a server or an account for any purpose other than conducting Warren County Water District business, even if you have authorized access, is prohibited.
  - e. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
  - f. Exporting of sensitive or personally identifiable information to external devices such as but not limited to USB Drives, CD/DVDs, Cell Phones, unauthorized cloud services like

Dropbox, iCloud, etc., is strictly prohibited. A request must be made to IT to approve such data and which approved method can be used.

- g. Revealing your account password to others or allowing use of your account by others, including family and other household members when work is being done at home.
- h. Using a Warren County Water District computing asset to actively engage in procuring or transmitting material that actively violates federal, state, or local sexual harassment or hostile workplace laws.
- i. Making fraudulent offers of products, items, or services originating from any Warren County Water District account.
- j. Causing security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
- k. Port scanning or security scanning is expressly prohibited unless prior notification to the Manager of IT/GIS is made.
- l. Executing any form of network monitoring which will intercept data not intended for the employee's host unless this activity is a part of the employee's normal job/duty.
- m. Circumventing user authentication or security of any host, network or account.
- n. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
- o. Non-work-related personal files shall not be stored on company owned servers.
- p. Providing information about, or lists of, Warren County Water District employees to parties outside Warren County Water District.

## 2. Email and Communication Activities

- a. When using company resources to access and use the Internet, users must realize they represent the company. Therefore, they should conduct themselves in a manner that is aligned with Warren County Water District's culture and values.
- b. Warren County Water District email account should be used primarily for Warren County Water District business-related purposes; personal communication is permitted on a limited basis, but non-Warren County Water District related commercial uses are prohibited.
- c. The Warren County Water District email system shall not be used for the creation or distribution of any disruptive or offensive messages. Employees who receive any emails with this content from any Warren County Water District employee should report the matter to their supervisor immediately.
- d. Users are prohibited from automatically forwarding Warren County Water District email to a third-party email system (noted in e. below). Individual messages which are forwarded by the user must not contain Warren County Water District confidential or above information.
- e. Users are prohibited from using third-party email or messaging systems and storage servers to conduct Warren County Water District business, to create or memorialize any binding transactions, or to store or retain email on behalf of Warren County Water District.
- f. Using a reasonable amount of Warren County Water District resources for personal emails is acceptable. Sending chain letters or joke emails from a Warren County Water District email account is prohibited.
- g. Registration on non-work-related websites using a Warren County Water District email account is prohibited.
- h. All email accounts shall be enrolled in company-controlled Phishing exercises. Multiple failed tests (3 or more) shall be considered as non-compliance.
- i. Warren County Water District employees shall have no expectation of privacy in anything they store, send or receive on the company's email system.

- j. Warren County Water District may monitor messages without prior notice. Warren County Water District is not obliged to monitor email messages.

## E. Policy Compliance

### 1. Compliance Measurement

- a. The IT Team will verify compliance to this policy through various methods, including but not limited to, business tool reports, internal and external audits, and feedback to the policy owner.

### 2. Exceptions

- a. Any exception to the policy must be approved by the Manager of IT/GIS in advance.

### 3. Non-Compliance

- a. An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 133**

**SUBJECT: ACCEPTABLE USE OF CELL/SMART PHONES**

**I. INTRODUCTION**

- A. While at work, employees are expected to exercise discretion in the use of personal cell/smart phones. Excessive personal use including calls, text messages and Internet access during the work day can interfere with employee productivity and be distracting to others.

**II. RESPONSIBILITY OF USERS**

- A. Employees should make personal calls and/or send texts during non-work time, with the exception of emergencies, and should ensure that their friends and family members are aware of this policy. Furthermore, cell/smart phones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming personal calls, texts or emails may disrupt normal workflow and/or interaction with customers. If employee use of a personal cell/smart phone causes disruption or loss in productivity, the employee may become subject to progressive disciplinary action per company policy.

**III. SAFETY ISSUES FOR CELL/SMART PHONE USE**

- A. Employees shall adhere to the following safety rules regarding usage of cell/smart phones:
- B. Employees shall not use a cell/smart phone while driving a company vehicle or driving a personal vehicle on company business, unless the vehicle is not in motion. Furthermore, no employee shall use a cell phone in any capacity while driving a commercial motor vehicle (per Federal Motor Carrier Safety Regulation 49 CFR 392.82).
- C. By Kentucky law, text messaging while operating any vehicle is prohibited. At no time shall text messages (including instant messages, email or use of apps) be placed or read by a driver while the vehicle is in motion. The driver should make sure that the vehicle is parked and in a safe position before placing or responding to a text message.
- D. Cell/Smart phones should not be used in any capacity while performing work where such use may create a safety hazard.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 134**

**SUBJECT: SOCIAL MEDIA POLICY**

**I. POLICY**

- A. This policy provides guidance for employee use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

**II. PROCEDURES**

- A. The following principles apply to professional use of social media on behalf of the Water District as well as personal use of social media when referencing or representing Warren County Water District.
- B. Employees should be aware of the effect their actions may have on their images, as well as the Water District's image. The information that employees post or publish may be public information for a long time.
- C. Employees should be aware that the Water District may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is neither inappropriate nor harmful to the Water District, its employees, or customers.
- D. Employees should be mindful of any and all social media posts that include a company logo, vehicle, or any other item identifying them as a Water District employee.
- E. Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
- F. Employees are not to publish, post or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with the Human Resources Department and/or supervisor.
- G. Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized Water District spokespersons.



- H. If employees encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor.
- I. Employees should get appropriate permission before you refer to or post images of current or former employees, members, vendors or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
- J. Social media use shouldn't interfere with employee's responsibilities while on the job. The Water District's computer systems are to be used for business purposes only. When using the Water District's computer systems, use of social media for business purposes is allowed (ex: Facebook, Twitter, Water District blogs and LinkedIn), but personal use of social media networks or personal blogging of online content is discouraged and could result in disciplinary action.
- K. Subject to applicable law, after hours online activity that violates any other company policy may subject an employee to disciplinary action or termination.
- L. It is highly recommended that employees keep Warren County Water District related social media accounts separate from personal accounts, if practical.

**WARREN COUNTY WATER DISTRICT  
OPERATING POLICY NO. 135**

**SUBJECT: AMENDMENT OF OPERATING POLICIES**

- A. The Water District reserves the right to amend any part or all of the operating policies contained in this handbook from time to time, in its discretion. Amendments will be provided by electronic correspondence to all Water District employees. Amendments will state the date they are revised and the date they will become effective.
  
- B. Except for emergencies, amendments will go into effect five (5) days after posting. All employees are expected to comply with any and all amendments to the Operating Policies beginning on that date.
  
- C. It is each employee's responsibility to monitor all electronic correspondence, be aware of amendments, and act accordingly.