Employee Handbook

The Solid Waste Disposal Authority of Baldwin County, Alabama, Inc. is committed to serving the success and growth of Baldwin County, its residents, businesses and partnering organizations through appropriate solid waste disposal and recycling initiatives.

INTRODUCTION

We are pleased to introduce the Solid Waste Disposal Authority of Baldwin County, Alabama, Inc.'s employee handbook. This handbook has been designed to outline and summarize basic personnel policies, employee benefits, employee responsibilities and employee rights. This handbook is intended to be a useful tool for all SWDA employees. Compliance with this handbook, departmental rules and regulations, and any other SWDA policy is mandatory for all employees. Members of the SWDA Board, Appointed Employees, Independent Contractors, the SWDA Attorney and other firms, individuals or agencies on retainer are not subject to protections as Classified Employees under this handbook.

This handbook provides general guidelines about the SWDA's policies and procedures for employees. None of the guidelines in this handbook are intended, nor shall they be construed, to give rise to contractual rights or obligations, or to be construed as a guarantee of employment for any specific period of time or any specific type of work. These guidelines are subject to modification, amendment, deviation, or revocation by the SWDA at any time, without advance notice.

Each department of the Authority may develop additional policies and procedures relating to their department, at their discretion. Additional policies and procedures may be more restrictive than the provisions of this handbook but may not be less restrictive. Any departmental policies and procedures should be submitted to the SWDA Board and Chief Executive Officer for approval and a copy submitted to the SWDA Human Resources Director.

It is the intention of the SWDA to adhere to all applicable state and federal laws, rules, and regulations. Any personnel policy found to be in conflict with a state or federal law will be changed to ensure compliance with the law.

This handbook revokes and supersedes any policy or communication related to the employee handbook. All questions pertaining to the information found in this handbook should be referred to the Human Resources Director.

The Solid Waste Disposal Authority of Baldwin County, Alabama
is an Equal Opportunity Employer

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I. EQUAL Employment and Employee Relations Policies

A. Equal Employment Opportunity Policy and Procedures

It is the policy of SWDA (hereinafter referred to as "Authority"), to provide equal employment opportunities to all individuals without regard to race, color, religion, sex, gender identity, sexual orientation, national origin, age, physical or mental disability, genetic information, veteran or uniformed service-member status, or any category protected by federal, state, or local law. This policy relates to all phases of employment, including, but not limited to, recruiting, employment, placement, promotion, transfer, demotion, leaves of absence, layoff, recall, reduction of workforce and termination, rates of pay or other forms of compensation, benefits, disciplinary or corrective actions, selection for training, the use of facilities, and participation in all Authority-sponsored employee activities. Provisions in applicable law providing for bona fide occupational qualifications, business necessity or age limitations will be adhered to by the company where appropriate.

The SWDA hereby establishes and reaffirms its commitment to a clearly defined Equal Employment Opportunity Program (EEOP) as set forth by the following guidelines:

1. The Authority will promote the growth and sustainability of the organization by creating a harassment-free and discrimination-free environment that furthers the optimum utilization of available talent. The Authority will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law unless doing so would impose an undue hardship upon the Authority or its customers.

2. The Authority is committed to creating a workplace free from the unlawful harassment, including but not limited to sexual harassment, of employees by other employees and officials, or the unlawful harassment of its officials and employees by its vendors or visitors. Likewise, the Authority will not accept the unlawful harassment of a vendor or visitors by any employee of the Authority. This policy includes harassment because of race, sex, religious creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected under Title VII.

3. The Authority encourages employees to address harassment, including sexual harassment, or discrimination directly when it occurs. Any incident of harassment or discrimination shall be reported immediately to the employee's manager or the Human Resources Director.

4. If an employee or applicant feels he/she has been a victim of harassment or discrimination, the employee shall file a written complaint. Complaints by employees should be addressed to the employee's manager or the Human Resources Director. Complaints by applicants shall be filed directly with the Human Resources Director.

5. The complaint should contain the following:

   a. Date(s), time(s), and location(s) of the incident(s) that took place;
   b. Description of each incident, including a statement as to any physical contact made and as to what was said and/or done;

c. Name(s) of witnesses, if any; and
d. The names of anyone with whom incident/incidences have been discussed.

A record of the complaint and findings will become a part of the complaint investigation records and the file will be maintained separately from your personnel file.

4. All complaints for discrimination, harassment, including sexual harassment, will be investigated by the Human Resources Director or their designee and the results of the investigation will be reported to the complaining party. Investigation of a discrimination, harassment or sexual harassment complaint may include, but is not limited to, interviewing the complaining and accused parties as well as other employees and/or vendors necessary to obtain sufficient information upon which to make an assessment of the situation. While the Authority will make every effort to be sensitive to privacy issues, there is no guarantee of confidentially. Retaliation and/or discrimination against an employee who complains of discrimination or harassment are strictly prohibited and also may be a violation of federal law.

5. The Human Resources Director is principally responsible for investigating discrimination, harassment and sexual harassment complaints, and when appropriate, may explore informal means to resolve these complaints. Informal dispute resolution procedures may include, but are not limited to, counseling the alleged violator or serving as a mediator between the two parties. When the matter cannot be resolved informally, the Human Resources Director or their designee may prepare a written report of the investigation and a recommendation. Recommendations can include discipline for the violator as well as the restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the discrimination and/or harassment.

6. Any employee who is found to have engaged in any form of discrimination or harassment of another employee will be subject to appropriate disciplinary action, up to and including termination.

7. If any form of discrimination or harassment persists or re-occurs, the employee has the responsibility to report the occurrence or re-occurrence to their manager or the Human Resources Director as soon as possible. If an employee is not satisfied with the results or action(s) taken as a result of his/her initial complaint, then the employee must report his/her complaint to the Chief Executive Officer.

8. Any questions or concerns employees or prospective employes may have regarding the Authority's equal opportunity policy or any possible or alleged discrimination, harassment, including sexual harassment in the workplace should bring these issues to the attention of the Human Resources Director or Chief Executive Officer. Employees may raise legitimate concerns and make good faith reports without fear of reprisal. An investigation will be conducted following any report of any such violation.

B. Dispute Resolution

The Authority is committed to a work environment where all persons are treated with respect and dignity. Employees that have an issue with a co-worker are encouraged to try and resolve

the problem themselves. If a resolution cannot be agreed upon, both employees should approach their manager(s). Employees that have an issue with their manager should attempt to resolve the issue with the manager. If a resolution cannot be agreed upon, the employee should report to the Human Resources Director.

Employees must promptly report harmful events, policy violations, or security concerns to their manager or the Human Resources Director. Any reported allegations will be promptly investigated and will remain confidential to the extent permitted by the circumstances. Should the problem persist or reoccur, the employee should report this to their manager or the Human Resources Director as soon as possible.

No employee will be retaliated against for acting in good faith or reporting a potential issue or for assisting in the investigation of a possible issue. If at any time during the process or investigation, the Authority concludes that an employee has filed a claim in bad faith, has refused to cooperate in an investigation of an issue, or has provided false information regarding an issue, disciplinary action up to and including termination may be taken.

C. Anti-Retaliation

SWDA is committed to providing a work environment in which employees may register complaints about alleged discrimination, harassment, or other problems without fear of retaliation. The Authority strictly prohibits retaliation against any employee because he/she has opposed any unlawful employment practices or because he/she has made a charge or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing regarding such alleged practices.

Any employee who wants to report an incident of retaliation should promptly report the matter to the Human Resources Director. Employees can raise concerns and make reports without fear of reprisal or retribution. Anyone engaging in retaliation will be subject to disciplinary action, up to and including immediate termination of employment.

D. Workplace Violence Prevention

1. SWDA is committed to maintaining a safe environment and preventing workplace violence. All employees should be treated with courtesy and respect at all times. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated.

Prohibited conduct includes, but is not limited to, the following:

a. No guns or other weapons are allowed on SWDA property or while engaged in work for SWDA – employees who bring a gun or other weapon to work must leave them locked and out of sight in their personal vehicle during the workday;
b. Physically or verbally threatening another individual;
c. The intentional destruction or threat of destruction of Authority property or a co-employee's property while at work;

d. Harassing or threatening phone calls or written communications;
e. Stalking;
f. Advocating or threatening the illegal use of weapons or bombs;
g. Threats or attempts to commit suicide;
h. Fighting;
i. Horseplay;
j. Bullying;
k. Excessive profanity; or
l. Advocating or threatening revenge based upon a workplace occurrence.

2. All threats of violence, violent acts, potentially volatile situations and all conduct prohibited by this policy should be reported as soon as possible to the manager. This includes threats by employees, as well as threats by clients, vendors, solicitors or other members of the public. Reports should be as specific and detailed as possible. Additionally, any emergency, crisis or situation posing imminent danger should be immediately reported to 911. As soon as practical, notify the Director of Human Resources.

3. The Authority will promptly and thoroughly investigate all reports. The identity of the individual making a report will be protected as much as is practical. No person will be subject to retaliation or reprisal because of making a report. In order to maintain workplace safety and the integrity of its investigation, the Authority may place employees on administrative leave, either with or without pay, pending investigation. Employees charged with a crime may be placed on administrative leave without pay for a maximum of ten days for investigation.

4. Anyone determined to be responsible for threats of violence, violent acts or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

5. The Authority encourages employees to bring their disputes or differences with other employees to the attention of their manager before the situation escalates into potential violence. The Authority is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

E. Americans with Disabilities (ADA)

The Authority complies with the Americans with Disabilities Act which prohibits discrimination on the basis of disability.

The Company is committed to providing reasonable accommodations to qualified individuals with disabilities, unless it would impose an undue hardship on the employer. If an employee has a disability, he/she may request a reasonable accommodation at any time during the application process or during the period of employment. The employee, the employee's health professional, or any other representative acting on behalf of the employee may request an accommodation. This may be done verbally or by completing a reasonable accommodation request form. This form may be obtained from the Human Resources Director.

Reasonable documentation from an appropriate healthcare or rehabilitation professional may be required to establish that an employee has an ADA disability, and that the disability necessitates a reasonable accommodation.

F. Health Insurance Portability and Accountability Act (HIPAA)

The Authority complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and follows guidelines involving the protected health information of employees, dependents, and patients. Contact the Human Resources Director for a copy of the Company's Health Insurance Portability and Accountability Act of 1996 policy.

G. Immigration Compliance

The Authority is committed to meeting its obligations under U.S. and State immigration laws. Accordingly, the Authority does not hire individuals nor continue to employ individuals unless they are legally authorized to work in the United States. Moreover, the Authority does not discriminate on the basis of citizenship status or national origin in recruitment, hiring, or discharge.

H. Family and Medical Leave Act (FMLA)

SWDA offers leave under the Family Medical Leave Act (FMLA) for eligible employees**.**

1. Eligibility: If an employee has worked for at least one year and for 1,250 hours in the preceding 12 months[1], he/she is eligible to take up to 12 weeks of unpaid leave when the absence is necessitated by any of the following circumstances:

a. The birth or placement of a child for adoption or foster care;[2]

b. The employee's own serious health condition that prevents him/her from performing the essential functions of the job; or

c. Serious health conditions of a child, parent, or spouse if the employee is needed to help provide care.

2. Qualifying exigencies related to a spouse, child, or parent's active military duty, are included as follows: short-notice deployment, military events and activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation and post-deployment activities.

3. Employees are entitled to a total of 26 unpaid weeks of leave in a particular 12-month period to care for a spouse, child, parent, or next of kin suffering from a serious illness or injury incurred in the line of military duty. Note that all FMLA leave is cumulative, so that leave taken for other reasons during the year will be deducted from this additional entitlement.

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[1] Employees that were employed by the Baldwin County Commission and are hired by SWDA during the initial hiring period, without a break in employment, will be credited for the hours worked in the preceding 12 months prior to their employment with SWDA.

[2] If a father and mother both work for the Company, a cumulative total of 12 weeks of FMLA leave may be used between the two employees under this provision of the FMLA

4. Certification: If an employee requests leave for his/her own serious health condition, or to care for the serious condition of a child, parent, or spouse, the employee will be required to provide the Human Resources Director with certification by a treating healthcare provider. Healthcare Provider Certification Forms are available from the Human Resources Director.

5. When applicable, all FMLA leave must be certified by an appropriate health care provider. Certification forms will be provided within five business days of the employee's notification of the need for leave and must be returned within 15 calendar days of receipt. If additional information is requested by the Human Resources Director, it must be provided within seven calendar days of the request. Note that SWDA may directly contact an employee's health care provider in order to verify or clarify the need for leave. It may also require a second opinion at its own expense.

FAILURE TO COMPLY WITH THE CERTIFICATION REQUIREMENTS MAY RESULT IN PARTIAL OR COMPLETE DENIAL OF FMLA LEAVE.

6. Measuring: SWDA has chosen the "measured forward" method that entitles the employee to 12 weeks of leave during the year beginning on the first date the FMLA leave is taken after the previous 12-month period ends.

Example: The 12-month period begins October 1, 2023, if that is the first day of FMLA leave. If the employee exhausts all of FMLA leave, the next date the employee could again take FMLA leave would be October 1, 2024.

7. When an employee is on FMLA leave, he/she must periodically report (if possible) to the Human Resources Director on his/her status and indicate the return to work date. Appropriate forms must be submitted to the Human Resources Director to initiate family leave or to return the employee to active status.

8. Intermittent or Reduced-Time Leave: FMLA leave can be taken on an intermittent or reduced-time basis under certain circumstances.

9. Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. If an employee needs intermittent/reduced schedule leave for planned medical treatment, he/she must work with their manager to schedule the leave so it does not unduly disrupt the department's operations, subject to the approval of the employee's healthcare provider.

10. Serious Health Condition: "Serious Health Condition" is defined as an illness, injury, impairment, or physical or mental condition that involves:

a. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;

b. A period of incapacity requiring absence of more than three calendar days from work that also involves continuing treatment by (or under the supervision of) a healthcare provider;

c. Any period of incapacity due to pregnancy, or for prenatal care;

d. Any period of incapacity (or resulting treatment) due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.);

e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, dialysis, etc.);

f. Any absences to receive multiple treatments (including any period of recovery) by, or on referral by, a healthcare provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

11. Health Insurance Premiums: During FMLA leave, the Authority will continue to pay its portion of the health insurance premiums, and the employee must continue to pay his/her portion of the premium. The employee's contribution of health insurance premiums should be paid continually according to the Authority's bi-weekly pay periods. Employees may remain on Authority benefits until all FMLA, sick, and annual leave have been exhausted.

12. If an employee does not return to work at the end of FMLA leave, he/she will be required to reimburse the Authority for payment of health insurance premiums, unless the employee does not return because of the presence of a serious health condition which prevents him/her from performing the job or circumstances beyond the employee's control. The employee may then choose to elect COBRA coverage. Sufficient notice shall be given to the employee at the end of FMLA when and if this event occurs.

13. The employee will be responsible for any other elected benefit contributions while out on FMLA**.**

14. Accrued Leave: Employees are required to use available sick and annual leave during FMLA leave. Accrued leave and FMLA leave are used at the same time – the employee does not take accrued leave first and then take FMLA.

15. The portion of the family leave of absence which is annual leave time and/or sick leave will be with pay according to the Authority's policies regarding annual leave and sick leave.

16. During FMLA leave, the employee will not accrue employment benefits (such as annual leave and sick leave), if he/she is in an unpaid status. Employment benefits accrued up to the day on which the family leave of absence begins will not be lost. Any holidays that occur during FMLA will not be paid if the employee is in an unpaid status.

17. Return to Work: If the employee returns to work from FMLA leave before or on the business day following the expiration of the 12 weeks, the employee is entitled to return to his/her job or an equivalent position without loss of benefits or pay.

18. Applications: Applications for FMLA leave must be submitted in writing. Applications should be submitted at least 30 days before the leave is to start, or as soon as possible if leave is not

foreseeable. Employees should provide the Authority with an appropriate medical certification when FMLA is requested.

I. Pregnancy Non-Discrimination/Pregnant Workers Fairness Act

The Authority will provide reasonable accommodations to employee's with known limitations related to pregnancy, child birth, or related medical conditions unless the accommodation will cause the Authority an undue hardship. Employees who are pregnant will be treated as any other employee with a temporary illness or disability. Employees must notify their supervisor if an accommodation is required.

J. Whistleblower Protection

SWDA will not penalize or discriminate against employees on the basis of their reporting a believed violation of objection to a directive to, or refusal to violate applicable law. Employees will not be penalized for acting on any rights protected by law.

K. Uniformed Services Employment and Reemployment Rights Act (USERRA)

Pursuant to the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), All persons employed by the Authority are entitled to up to five years of military leave without pay for any service in the various Uniformed Services of the United States, including, but not limited to, enlistment, training and active duty. Employees may be entitled to additional leave for periods of initial service lasting more than five years, periodic training duty and involuntary active duty recalls and extensions. Paid leave, including sick leave and annual leave, may be substituted for all or part of this unpaid military leave. Employees must provide as much advance notice of their impending service as reasonable. Employees should provide this notice to the Human Resources Director.

All employee benefits will be continued without a break in coverage during the service period for employees serving 30 or fewer days. Employees serving 31 days or more may elect to continue health care coverage for up to 24 months at his/her own cost. Upon returning to work, all benefits will be restored to the employee without a waiting period or break in coverage. While employees do not accrue annual or sick leave while on USERRA leave, the rate at which such leave will accrue when the employee returns to work will be the same as if the employee had never taken leave.

Employees returning from a period of service are generally entitled to be placed back into the same position that they would have occupied had they not taken military leave. If the period of service is 30 days or less, then the employee should report back to work no later than the beginning of the first work day after the completion of the period of service, allowing for travel time and at least eight hours rest, or, if such a date is impossible or unreasonable, as soon as possible. If the period of service is 31 days or more, the employee must submit an application for reemployment. In those cases, where the period of service was for between 31 and 180 days, the application must be submitted no later than 14 days after the completion of service. When the service was longer than

180 days, the application must be submitted no later than 90 days after the completion of service. For periods of service lasting longer than 30 days, the employee may be required to submit supporting documentation. Service members who return with disabilities, illnesses, or injuries accrued in the course of their service may be entitled to extensions of these deadlines and/or accommodation for their conditions.

In addition to the unpaid leave available pursuant to USERRA, any employee who is a member of the National Guard of Alabama or Reserve Officer or Enlisted Person in the Army, Navy, Marine Corps or Air Force Reserve shall be granted leave with pay for the purpose of attending an encampment for training when so ordered. The maximum amount of leave with pay shall not exceed 168 hours in any calendar year.

No employee or prospective employee will be subjected to any form of discrimination or harassment whatsoever on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation because such person has exercised his/her rights under this policy or because they have assisted another person in exercising his/her rights under this policy. If any employee believes that he/she has been subjected to discrimination in violation of this policy, the employee should follow the guidelines for reporting discrimination and harassment contained in Section A above.

II. General Personnel Policies

A. Personnel Files

The Authority will safeguard the privacy of its employees and confidentiality of employee records by securing all information maintained in the personnel (electronic and paper) files, collecting only necessary data and allowing only those authorized to access the file for legitimate business purposes. Access to personnel files by current and former employees will be provided upon written request to the Human Resources Director.

Employees should promptly report to the Human Resources Director and changes in their address, contact number, marital status, dependents, insurance beneficiaries, or any change affecting Social Security records.

The Authority uses a neutral reference policy. Employers or individuals seeking references about an employee or former employee will only be provided with the dates of service and last position held. Requests for references should be submitted to the Human Resources Director.

B. Nepotism

Employment of relatives is not prohibited by the Authority provided that (1) the applicant is qualified for the position, (2) the employee and relative will not be in direct reporting relationship with one another, and (3) the personal relationship will not adversely affect the workflow or processes of the Authority.

For purposes of this section of the Employee Handbook, "relatives" is defined as a spouse, child, parent, grandparent, brother or sister.

C. Fraternization

An employee may not directly or indirectly supervise another employee with whom they have an intimate relationship. During work hours, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges. Contact that would in any way be deemed inappropriate by a reasonable person performing work duties or on Authority premises, is prohibited. Failure to report intimate relationships may result in disciplinary action, up to and including termination.

D. Dress Code

1. All Employees are expected to be neat and clean at the beginning of each workday.
    a. Excessive cologne or perfume is prohibited.
    b. Piercings that prevent a safety issue or cause distraction in the workplace are prohibited.
    c. Extreme hairstyles and colors should be avoided.

d. Employees who have beards, mustaches, and other facial hair should ensure that they are clean and carefully trimmed.
e. Clothing with slogans, writings, designs, or other graphics that are offensive in nature are prohibited.

2. Operations Division – Work pants and shirts which will be considered as the SWDA uniform will be provided.

    a. The uniform must be in good condition and meet the high visibility standard established by the Authority.
    b. Employees must wear their assigned uniforms and are responsible for washing and cleaning these uniforms.
    c. Footwear is provided annually by SWDA and is mandatory.
    d. Headwear is provided but is not mandatory.

3. Finance Division – Business casual dress is required.

    a. Shorts, workout attire, tank tops, midriff or cropped shirts, and leggings with tops that do not come to the middle of the employee's thigh are prohibited;
    b. Skirts should be no more than two inches above the knee;
    c. Undergarments should not be visible; and
    d. Shoes should not cause a fall or trip hazard.
    e. Appropriate T-shirts may be worn on Fridays or as directed by the CEO.

Updated: 6/18/2024

E. Uniform Policy

Objective
To ensure SWDA employees who are engaged in service/work are clearly identified as representing the company, the Solid Waste Disposal Authority of Baldwin County Alabama, Inc. has established the following uniform policy.

Policy
Employees engaged in tasks involving customers and related partners are required to always wear company-designated uniforms while working and representing the Authority. Uniforms/Apparel must be in good condition and meet the high visibility standard established by the Authority. All Employees are expected to be neat and clean at the beginning of each workday.

Each new employee will receive uniform issued tops/shirts according to their position and or department upon hire. Employees are required to sign for the uniforms, and the uniforms are considered company property and are to be returned in the event of termination of employment or anytime on demand.

Upon issue, company uniforms become the responsibility of the employee for maintenance and care. In the event a uniform needs repair or replacement, employees will be required to return the

uniform in exchange for a replacement. While normal wear and tear is expected, loss of company uniforms may result in disciplinary action.

SWDA may issue new uniforms periodically or require uniforms to be returned for special purposes (e.g., logo change, corporate color change). Employees will be given notice of the exchange, and the company will provide suitable replacement uniforms.

Employees working in operations will be provided with an annual allowance of $200.00 annually to purchase pants ($100.00 twice per year). Pants will be either of jean/denim/khaki work pant material and dark denim or dark gray in color. Acceptable shorts may be worn by drivers during the summer months and must also be of jean/denim/khaki work pant material and dark denim or dark gray in color. Leisure or sport shorts will not be allowed. Landfill employees are required to wear pants at all times.

Employees are required to return all issued uniforms upon termination of employment. If all issued uniforms are not returned, SWDA will deduct the cost of the uniforms from the employee's final paycheck. No deduction will be made from an employee's wages which would reduce the employee's earnings below the required minimum wage or overtime compensation.

Boots

The Authority will provide and schedule an onsite vendor for employees to purchase appropriate footwear as established in our Safety Rules guidelines.

Only approved safety equipment will be used in the performance of an employee's official duties. Safety glasses/goggles, steel-toed safety boots, ear plugs, and hard hats are required to be worn in certain areas as a condition of employment. All steel-toed boots shall be sturdy work boots only. The adequacy or type of protection required must be commensurate with the potential hazard of each job assignment. This will be determined by the Division Director.

Authority employees will be provided with an annual allowance of $150.00. Eligibility is based on employees who are identified as safety sensitive and by the determination of the employee's immediate supervisor or other individual as designated by the authority.

New hires may choose to acquire approved footwear through our designated vendor or independently. If they opt for the latter, they will be eligible for reimbursement of up to $150.00. The reimbursement process is outlined below:

1. Employees will present proof of payment and appropriate purchased footwear to their supervisor for approval.
2. The supervisor will submit the receipt to Human Resources.
3. Reimbursements will be processed through payroll.
4. Reimbursement will only be granted upon presentation of a valid receipt. The footwear must meet safety requirements relevant to the employee's job.

Updated: 6/18/2024

F. Performance Evaluations

Probationary employees will be evaluated after three months of employment and again within 10 days before the end of their first six months of employment to determine if they have satisfactorily met/completed the terms of employment.[3]

Classified employees will be evaluated annually in October and November.[4] The performance evaluation is intended to provide feed-back to the employee regarding their job performance during the year and to allow the employee and their manager and/or Division Director to implement a plan for the employee's continued growth and advancement with the Authority.

The Authority's performance evaluation system is based on a scale of 1.0 to 5.0 with and overall score of 3.0 or higher deemed to be satisfactory. A score below 3.0 is deemed unsatisfactory and a performance improvement plan will be developed by the managers and/or Division Director and the employee. If a probationary employee receives a score of 3.0 or lower their probationary period may be extended for up to three months or their employment may be terminated. If a Classified employee receives less than a 3.0 on the evaluation, they will not be eligible for a merit raise until the next annual evaluation. Classified employees who receive a 3.0 or higher on their evaluation are eligible for a merit increase.

Performance Appraisal Score		**Merit Increase**
From	*To*	
3.0	3.39	1.50%
3.4	3.79	2.00%
3.8	4.19	2.50%
4.2	4.59	3.00%
4.6	5.0	3.50%

All merit increases will take effect the first full pay period of the following January.

Increases will not be approved if an employee's record indicates unsatisfactory job performance, a suspension since the last evaluation date, two documented disciplinary actions or documented lack of care, misuse, or negligence involving Authority property since the last evaluation date.

Performance evaluations may determine salary increases and promotions but do not guarantee either. All merit raises are subject to the approval of the SWDA Board of Directors.

Employees will have the opportunity to thoroughly review all performance evaluations and provide a written response to the evaluation. All performance evaluations and responses will become part of an employee's personnel file and/or in the HCM software platform where such evaluations are generated, stored and accessed.

[3] During the initial hiring of employees by SWA, these evaluation periods will be conducted subject to the policy contained in Section III, A(3).

[4] In 2023 all Classified employees will be evaluated in October and November.

G. Tobacco Use/Smoke Free Workplace

The Authority maintains a smoke- and tobacco-free office. No smoking or use of other tobacco products is permitted at the Authority's facilities or in Authority vehicles. Employees may smoke outside while on Authority premises in designated areas during breaks. No additional breaks are allowed for smoking. When smoking or otherwise using tobacco or similar products outside, dispose of any litter properly in the receptacles provided for that purpose.

H. Worksite Standards

On occasion the Authority has visitors in the office. The Authority's surroundings should always reflect a professional appearance. Employees should maintain a neat and professional worksite. Eating at your worksite is allowed but should be done in a discrete manner that will not allow damage to Authority equipment and property. Employees should also ensure that meeting and common areas are clean and presentable after use.

I. Social Media Policy

This policy covers the use of various social media platforms and programs, including but not limited to blogs, Twitter, LinkedIn, Facebook, product or service review sites like city Search, Yelp, YouTube; and news site comment areas, etc.,

Content made pursuant to your employment with the Authority posted on social media by SWDA employees, whether on or off-duty, is not protected by the First Amendment and could result in disciplinary action up to, and including, termination.

Nothing in this policy is intended to prohibit, nor should it be interpreted as prohibiting, employees from engaging in free speech. Employees are free to express themselves as private citizens on social media sites as long as their content does not impair professional relationships in the workplace, impede the performance of their job duties, or negatively affect the public perception of SWDA. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or our business associates who work on behalf or alongside the Authority may result in disciplinary action up to and including termination.

Employees shall not disclose confidential or other inside information about SWDA, it's employees or customers that you learn during the course of employment. You should assume that people, including co-workers, supervisors, and customer, as well as their family members, are reading your postings. Employees should refrain from utilizing personal use of social media during their workday.

Violations of this policy may result in discipline up to and including termination of employment. If you have questions or need further guidance, please contact the Human Resources Director.

J. Media Relations

Inquiries from the news media are given high priority by the Authority and will be responded to as quickly and efficiently as possible. All SWDA employee should notify their manager about media inquiries. Managers should notify the Chief Executive Officer. Unless otherwise authorized, the Authority's spokesperson is the Chief Executive Officer. No SWDA employee shall respond to media inquiries on behalf of the Authority without express permission to do so.

K. Lactation/Breastfeeding

For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk. The Authority will work to provide a designated room or area with privacy which is comfortable for this purpose. It is the responsibility of the employee to coordinate the safe storage of expressed breast milk. Any breast milk stored in a refrigerator at the Authority's facility must be labeled with the name of the employee and date and removed for home storage within a week of expressing. Any employees storing milk in the refrigerator, assumes all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to use a private area for breast pumping must contact the Human Resources Director to make arrangements. Breaks of 20 minutes or more in length will be unpaid and will need to be recorded.

L. Professional Development

The Authority encourages employees to increase their skills and knowledge to enhance their contributions to the Authority. The Authority may approve expenditures or reimbursements for job-related education costs. To be eligible for reimbursement, employees must request in writing to their Director approval to take the class/course. The request should contain the name of the class/course, the scope of information to be taught, and the cost of the course. The Chief Executive Officer will determine if the employee will be reimbursed. Reimbursements will only be made if the employee successfully completes the class/course.

1. Compensation for Degrees, Professional Certifications and Licenses

Employees are encouraged to attend job-related educational courses during their off-duty hours and obtain special recognition for professional certifications, licenses and work-related degrees obtained from a college, university, or other approved accredited institution. Classroom schedules must not conflict with the employee's regular work schedule.

An eligible education program is one offered by a college, university or other approved accredited institution for coursework that is directly related to the employee's current position, career field or a related higher position in the Solid Waste Authority. Prior to enrolling at a college, university, or other approved and accredited institution, an employee must submit for approval first to his/her department director for approval and then to the Human Resources Director.

The Solid Waste Authority will not reimburse the cost of tuition, however, employees who are awarded a degree or gain education through license and certifications, while employed by the Solid Waste Disposal Authority, may be eligible for a one-time salary increase under the following guidelines:

Associate Degree – 4%
Bachelor's Degree – 7%
Master's Degree – 10%

Official transcripts reflecting the conferral date are required for any salary increase.

The percentage increases for award of a degree are cumulative with a maximum not to exceed 10% total as provided above. (Example: An employee receiving a Bachelor's Degree is eligible for a 7% one-time increase. If the same employee receives a Master's Degree they are eligible for an additional 3% increase).

Certification – a certificate is administered by a professional association, which requires the demonstration of a certain level of knowledge or ability in one's field. Employees receiving a Professional Certification, that is not defined as a minimum requirement of the job but will benefit the employee and Solid Waste Disposal Authority, are eligible for a one-time salary increase of up to a maximum of 5% as recommended by the Department Director and/or CEO.

License – a license is administered by a governmental entity, which requires the demonstration of a certain level of knowledge or ability in one's field. Employees receiving a recognized license in their career field, that is not defined as a minimum requirement of the job but will benefit the employee and Solid Waste Disposal Authority, are eligible for a one-time salary increase of up to a maximum of 5% or the percentage difference of the new salary grade or as recommended by the Department Director/Human Resources Director and/or CEO. There are no additional pay increases for re-certifications or license renewals.

Prior to scheduling any training or testing for a certification or license, the employee is required to obtain advance approval from the Department Director, Human Resources Director, and CEO to determine if the certification or license requested is beneficial to the Solid Waste Disposal Authority. If awarded, the percentage of salary increase for a certification or license will be directly related to the level of skill, complexity and effort required for the certification and/or license.

The CEO may authorize reimbursement for fees to renew a license or certification if it is in the best interest of the Solid Waste Disposal Authority that the employee maintain the license or certification.

Updated: 6/18/2024

M. Secondary Employment

1. SWDA employees shall not engage in any outside employment which adversely affects his/her work performance as an employee of the Authority or creates a conflict of interest.

2. If an employee engages in other employment, he/she must notify his/her manager in writing stating the name of the employer, the nature of work or business, specific duties, and hours worked per week. The supervisor will send a copy of these statements to the Human Resources

Director for placement in the employee's personnel file. If the manager believes there may be a potential incompatibility between the outside employment and Authority employment due to either the number of work hours or nature of work or scheduling requirements, they shall submit appropriate recommendations to the Division Director. The final decision will be made jointly by the Division Director and Chief Executive Officer.

3. The employee shall at all times give first priority to the performance of their SWDA. Authority work schedules will not be adjusted to accommodate non-Authority work schedules.

N. Breaks and Lunch Periods

Each Division may allow reasonable breaks for employees. The length and time for breaks shall be determined by each Division but not to exceed 15 minutes. During the paid rest break, employees are not allowed to leave the premises. If the rest break is extended without authorization, the employee will be subject to disciplinary action. Each Division is responsible for the scheduling of rest breaks. The length and time for lunch periods shall be determined by each Division. Any non-exempt/hourly employee working through lunch that would cause them to incur overtime in the workweek is required to have permission from their manager prior to performing the work. Such approvals will be due to unusual circumstances or special circumstances. Working through the lunch period is not to be used as an on-going solution for scheduling issues.

To the extent possible, employees are required to clock in and out for lunch periods. Employees who remain clocked in for more than seven (7) hours will automatically have a thirty-minute (30-minute) meal break deducted from their time unless the supervisor approves a no lunch exception.

O. Working Before or After Regular Hours

Employees may not voluntarily begin work early, or work after hours, to extend the workday for the purpose of accumulating overtime. An employee may begin work early, or work after hours, for the purpose of making up time missed within the work week only with prior approval from the employee's manager.

P. Training Policy

The Solid Waste Disposal Authority shall provide training to employees as needed to assure efficiency, proficiency and personal satisfaction in the execution of official duties and responsibilities.

Department heads are responsible for developing job-related knowledge and skills of department employees through in-service training programs. Within budgetary constraints available in-service training includes developmental planning during annual performance reviews, internal and outside

training resources, and approved programs that will contribute to department productivity and personal development. Regular full-time employees are eligible to attend programs for professional training and development at their Department Director's discretion.

The Authority will utilize modern practices and techniques to facilitate the development of all employees through opportunities such as on-the-job training, attendance at conferences/seminars, and other enrichment activities as authorized. Such training programs shall be for the purpose of improvement in the employee's present job, developing capabilities necessary to assume greater responsibilities, and to assist the employee in achieving overall effectiveness in meeting organization objectives.

Selecting and Approving Employees for Training

Fair and equitable treatment will be applied in selection, approval, and assignment of employees for training. The following factors will be considered when selecting and approving employees for training:

- Appointment Status
- The relative degree of the employee's need for training.
- The relative potential of the employee for advancement.
- The relative extent to which the employee's knowledge, skill, attitudes, or performance is likely to be improved by training.
- The relative ability of the employee to pass the training on to others upon return to the job.
- Anticipated benefits versus cost.
- The relative length of time and degree to which the Authority expects to benefit from the employee's improved knowledge, skill, attitude, and performance regardless of the employee's age and length of service.
- Availability of the employee for training.
- Training opportunities previously afforded the employee by the Authority.
- The employee's own interest in and efforts to improve self and job performance.
- The degree to which the training is related to duties the employee is currently performing or those which the employee could reasonably be expected to perform in the future.

1. **Cross Training**

   To promote efficiency within an office, the Division Director or Chief Executive Officer may require employees to cross-train and perform tasks contained in the position description of an employee's position that have not previously been performed by the employee in lieu of, or in addition to, the tasks generally assigned to the employee. No salary or salary range adjustments are made for cross-training or the performance of these tasks.

2. **Developmental Job Training**

   Department heads are responsible for developing job-related knowledge and skills of department employees through in-service training programs. Within budgetary constraints

available in-service training includes developmental planning during annual performance reviews, internal and outside training resources, and approved programs that will contribute to department productivity and personal development. Regular full-time employees are eligible to attend programs for professional training and development at their Department Director's discretion.

Any course, seminar, or outside training deemed essential or required for the maintaining of standards or overall departmental efficiency which have been duly defined and authorized by the Department Director/Human Resources Director and/or CEO and approved in advance by the Executive Director or designee will be sponsored 100% by the Solid Waste Disposal Authority.

Reimbursement for developmental job training courses may include tuition, registration, books, manuals, activity fees, required materials and/or travel expenses. [5]

Updated: 6/18/2024

Q. On-Call

A non-exempt employee who is not required to remain on the premises but is merely required to leave word where he/she may be reached, is not working while on-call. On-call time will be considered hours worked when an employee is required to restrict his/her personal activities such that the employee cannot use this time effectively for his/her own purposes. Under these circumstances, the employees are paid at their normal pay rate (or overtime when appropriate). Employees on leave are not subject to be on call.

An employee in a position that requires him/her to be called back into work after working hours are required to respond to all emails or voicemail messages within a reasonable time of receipt. Employees on call are to stay within a reasonable driving time from the office. Employees who are on-call shall not use alcoholic beverages or any drugs or medications that may impair the employee or affect the employee's performance.

Hourly employees who respond to a call and are able to handle the matter by telephone or instant messaging are to be paid for the actual time worked and will not be paid a minimum of two hours of call out pay as set forth in section III-H. All time must be documented.

R. Temporary Assignments

A temporary assignment of a classified employee is defined as a special assignment on a full-time basis for a period not exceeding six months. No salary or salary range adjustments will be made if the temporary assignment is for 30 days or less. If the assignment exceeds 30 days, the employee's pay will be adjusted at least to the entry level pay grade of the position in which they are

[5] Pursuant to SWDA travel policy, non-exempt employees will be compensated for actual hours of attendance when participation in training courses is required or approved

temporarily assigned but will not be decreased below the employee's regular rate of pay. Upon completion of the assignment, the employee's pay will revert back to their regular pay.

S. Promotions

The Authority strives to promote employees and fill job vacancies on an equal opportunity basis. Promotions are based on an objective evaluation of each vacancy and the candidates involved. When possible, the Authority will promote from within and will first consider employees with the necessary qualifications and skills, unless outside recruitment is deemed to be in the best interest of the Authority.

To be eligible for a promotion, an employee must be able to meet the requirements of the new position, must have satisfactory performance, must have held the current position for at least six months, with the exception of employees within the same department doing similarly situated position duties, and must have no adverse disciplinary actions during the same time period. All promoted employees will receive the starting pay for their new position as approved by the Chief Executive Officer.

If an employee is returned to his/her previous job, or comparable job within three months of a promotion due to their unsatisfactory job performance, his/her pay will be returned to the pay level it was prior to the employee's job change; however, the employee's pay level will be increased/decreased to reflect any general adjustments applied to other employees during that period that would have otherwise affected his/her pay.

Employees may view job postings on Authority boards, in break rooms and near time clocks. Selected openings may be advertised through various means including on the SWDA website.

T. Transfers

Employees may request a voluntary lateral job transfer, within the same grade classification, by applying for a posted open position. However, to be eligible for a voluntary transfer, the employee must be able to meet the requirements of the new position, must have satisfactory performance, must have held the current position for at least six months and must have no adverse disciplinary actions during the same time period.

If an employee who transfers is returned to their previous job, or comparable job within three months of the transfer due to their unsatisfactory job performance, his/her pay will be returned to the pay level it was prior to the employee's job change; however, the employee's pay level will be increased/decreased to reflect any general adjustments applied to other employees during that period that would have otherwise affected his/her pay. If the employee's job performance is deemed unacceptable and no open position exists, the employee may be separated.

U. Reassignments

Employees may be reassigned to a position of the same or lower pay grade, at the discretion of the Authority. Reassignments are approved by the Chief Executive Officer. The pay of an employee reassigned pursuant to this policy will be reduced to the same relative position in the pay range of the pay grade for the employee's new job that it was in the pay range for his/her old job. There is no right to a grievance hearing for a reassignment if the employee's current position is being abolished.

V. Voluntary Demotions

A voluntary demotion shall be at the request of the employee. For an employee to request a voluntary demotion, he/she must state the reason for the request in writing and apply for an open, posted position. However, to be eligible for a voluntary demotion, the employee must be able to meet the requirements of the new position, must have satisfactory job performance, and must have no adverse disciplinary actions during the previous year. All voluntarily demoted employees will maintain their percentage in their new pay grade that they had in their previous pay grade.

W. Monitoring and Searches

All Authority property is subject to monitoring and review at all times. This includes, but is not limited to desks, lockers and Authority vehicles. The Authority retains the right to search computers, files, or emails, even if they are protected by a password. Any employee that attempts to obtain or alter a password for the purpose of accessing restricted files will be subject to disciplinary action, up to and including termination.

X. Personal Property

The Authority does not assume responsibility for any personal property located on its premises. Employees are to use their own discretion when choosing to bring personal property into the office and do so at their own risk. Employees are discouraged from bringing large amounts of cash or other personal valuables to work. Additionally, employees may not bring or display in the office any property that may be viewed as inappropriate or offensive to others.

Y. Use of Authority Property

SWDA workspace, including file cabinets and lockers are the property of the Authority and must be available to management at all times. The use of personal locks on any Authority property is strictly forbidden. No Authority property may be used to house personal files or items. No Authority equipment, including computers, photocopiers, postage, office supplies, or printers may be used for personal business.

Z. Visitors Policy

Only customers and authorized visitors are permitted at the Authority offices. Unauthorized visitors include outside solicitors, salespersons, and those soliciting donations for charitable causes. Employees are responsible for the conduct of their guests. All visitors must enter through

the reception area. Any employee that notices an unauthorized visitor should immediately notify their supervisor.

AA. Employee Separations

1. Resignation – If an employee elects to resign their position, the employee should notify their manager in writing no less than 10 working days before the expected resignation date. Failure to provide such notice may result in the employee not being eligible for rehire. Employees who resign shall schedule an appointment with the Human Resources Director to complete an exit interview. At the time of the resignation and prior to final payment, all records, assets, and any Authority property in the employee's custody or care should be returned to the employee's manager. Any amount due to the Authority by the employee because of the employee's failure to return Authority property shall be withheld from the employee's final check.

The Authority may release the employee prior to the 10 working days and the employee would still be eligible for rehire. The employee will not be paid for the remaining days in the 10-day notice period if released by the Authority.

Any unauthorized or unjustified absence from work for a period of three consecutive working days may be considered a voluntary resignation.

2. Reduction in Force – Whenever it becomes necessary, through lack of funds, curtailment of work, reorganization, or other causes, to reduce the number of employees, the Authority shall determine the procedure for layoff or a reduction in the workforce. If an employee loses their job through a reduction in force, the employee may apply for other positions at the time of the reduction in force or in the future. A reduction in force is not a disciplinary action and the steps of progressive discipline will not be followed. All indebtedness to the Authority will be withheld from the employee's final pay.

3. Disability – An employee may be separated when the employee cannot perform the essential functions of their job because of an extended physical or mental impairment. The Authority will endeavor to reasonably accommodate the employee pursuant to the Americans with Disabilities Act. All indebtedness to the Authority will be withheld from the employee's final pay.

4. Retirement -- When an employee meets the eligibility requirements set forth in the Authority's retirement program, he/she may elect to retire and receive benefits earned under the provisions of the retirement program. An employee who wishes to retire should notify the Human Resources Director in writing at least 60 days prior to the requested effective date.

5. Death – Separation is effective as of the date of the death of the employee. All compensation due to the employee as of that date will be paid to the estate of the employee, except for sums that must be paid as required by law. All indebtedness to the Authority will be withheld from the employee's final pay, unless waived by the Managing Partner.

6. Termination – An employee may be terminated in accordance with the Authority's Disciplinary Policy. See Section VII for detailed information.

7. Return of Authority Property – Employees must return all documents, files, computer equipment, tools, Authority credit cards, keys, and any other Authority owed property on or before the last day of work. The employee's final check will be issued once all Authority property has been returned. The Authority reserves the right to withhold funds from the employee's last paycheck if Authority property is not returned.

AB. Rehire

Employees who leave employment with SWDA and later wish to return are eligible for consideration for rehire provided an appropriate position is available. Former employees rehired by SWDA will be considered a new hire for the purposes of benefits and longevity.

AC. Inclement Weather/Declared Emergency

The SWDA provides an important public service to the residents of Baldwin County that requires essential personnel to report to during inclement weather/declared emergencies. Employees should be familiar as to whether they are expected to report to work in these circumstances and may contact their supervisor prior to the beginning of a workday if they are unsure as to whether they should report to work. The specific circumstances surrounding the emergency or incident will dictate which employees and positions are required to continue working. Managers will be responsible for communicating specific disaster work assignments to essential employees.

The CEO will decide if offices will be closed on normal workdays during inclement weather/declared emergency. In the absence of the CEO, the COO will make the determination. Closing information will be given to the major media outlets via press release. The CEO and/or COO will contact the Department Directors to inform them of the closing and each department will have a notification process. If an employee has any questions about an official closing, the immediate supervisor should be contacted.

If the SWDA decides to close one or all of the offices, full-time classified employees will be paid administrative leave in the number of hours to bring them to their regularly scheduled work hours for the day. Employees who are out on annual, sick or any other type of leave or have requested leave for the day of closing must be charged with the leave requested.

Absence due to inclement weather/declared emergency requires an employee to make a personal judgment pertaining to his or her safety in traveling to and from work. Loss of work time for this

reason, if an employee is required to be at work is charged to the employee's accrued annual leave. If an employee has no annual leave, then the time is charged as leave without pay.

If a full-time hourly (non-exempt) employee works, the employee will receive his or her regular wages, plus overtime for the hours actually worked over forty (40). In addition, the employee will receive eight (8) or ten (10) hours (based on the employee's regularly scheduled shift) of administrative leave per day not to exceed forty (40) hours within a work week with the exception of the first and last day of declaration.

> Example: Employee works from 8 am to 4:30 pm, emergency declared at 11:00 am. The employee has already worked three (3) hours, so five (5) hours administrative leave will be granted plus all hours actually worked.

If a salaried (exempt) employee is among the critical emergency service personnel who must work, the employee will receive his or her regular wages, plus time and a half for the hours actually worked over forty (40) starting at the time the SWDA declares the state of emergency in addition to eight (8) hours or ten (10) hours (based on the employee's regularly scheduled shift) of administrative leave per day not to exceed forty (40) hours within a work week with the exception of the first and last day of declaration. Salaried employees will temporarily convert to an hourly employee during the declared emergency.

> Example: Employee works from 8 am to 4:30 pm, emergency declared at 11:00 am. The employee has already worked three (3) hours, so five (5) hours administrative leave will be granted plus all hours worked. The exempt employee will not receive supplemental pay for work during any portion of the pay period that is not during the inclement weather/declared emergency.

If an employee is not scheduled to work during an inclement weather/declared emergency closing, the employee will not be paid for the closing. If an employee is on annual, sick or any other leave with pay during the declared times of closing, he or she will be required to use the previous scheduled leave and will not receive administrative leave with pay.

III. Classification and Compensation of Employees

A. Classification of Employees

1. Appointed Employee: An employee who is appointed by and serves at the pleasure of the SWDA Board of Directors. These employees may or may not have a contract. Appointed Employees are eligible for the benefits that may be provided to Classified Employees (e.g., leave, holidays, insurance, etc.) but these employees have no expectation of continued employment for a definite term or the disciplinary appeals process or protections afforded to Classified Employees.

2. Classified Employee – An individual who is assigned to a regular position authorized by the SWDA and whose employment initially includes a probationary period, during which time such probationary employee is not a Classified Employee.

3. Probationary Employee – An employee assigned to a classified position who has not achieved permanent status by being employed and actively working for at least six months and who has not satisfactorily completed the probationary period. Probationary periods may be extended an additional three months of working time if additional training is required. A Probationary Employee is only eligible for Classified service if they have completed the terms and conditions of his/her initial probationary period including satisfactory job performance, satisfactory demonstration of skills and work habits necessary for the performance of the work, and satisfactory attendance during the probationary period. Probationary Employees are "at will" and may be terminated with or without cause, without the right of appeal. Probationary Employees will be evaluated after three months of employment and again within 10 days before the end of their first six months of employment to determine if they have satisfactorily met/completed the terms of employment.

a. During the initial hiring of employees by SWDA, the probationary period will be waived for employees who were employed by the Baldwin County Commission immediately prior to being employed by SWDA who had successfully completed their probationary period with the Baldwin County Commission.

b. During the initial hiring of employees by SWDA, the probationary period for employees who were employed by the Baldwin County Commission immediately prior to being employed by SWDA and who were still in their probationary period with Baldwin County Commission, will be at least 90 days.

4. Temporary Employee – An individual who is employed to perform special functions, emergency functions, to serve in periods of excessive workloads, or as a replacement for a Classified Employee who is on an approved leave. Temporary employment will not normally exceed six consecutive months. Temporary employees are not entitled to participate in any Authority benefits and are not entitled to protections as Classified Employees. Service as a Temporary Employee does not count as continuous years of service. *See L. Temporary Labor Policy

5. Full-time Employee – Any individual employed by SWDA who is regularly scheduled to work at least 30 hours per work week.

6. Part-time Employee – Any individual employed by SWDA who is regularly scheduled to work not more than an average of 29 hours per work week. Part-time employees are eligible to earn paid time off (PTO) but are not eligible for any other benefits except for retirement. Part-time employees who are receiving retirement benefits through RSA will not be eligible for any additional retirement benefits. Part-time employees will be paid holiday pay for the hours they were scheduled to work on an Authority-approved holiday.

7. Essential Personnel - The SWDA provides an important public service to the residents of Baldwin County that requires essential personnel to report to during inclement weather/declared emergencies. Employees should be familiar with their individual job description as to whether they are expected to report to work in these circumstances and may contact their supervisor prior to the beginning of a workday if they are unsure as to whether they should report to work.

B. Exempt and Non-Exempt Employees

Exempt employees are not covered by the overtime provisions of the Fair Labor Standards Act and are expected to work the hours required to meet their job responsibilities.

Classifying a position as exempt or non-exempt is based on the salary of the position as well as the job duties established by the Department of Labor.

Non-exempt employees are covered by the overtime provisions of the Fair Labor Standards Act and will receive overtime pay for all time actually worked beyond 40 hours in one work week. Time off such as holidays, sick leave, and annual leave does not count as time worked.

C. Employment for Classified Positions

To be considered for employment, a prospective or current employee must complete an application and provide the information requested therein. Using false or misleading information on an application or resume shall result in immediate disqualification and/or termination.

The Chief Executive Officer and Division Directors are authorized to select employees to fill approved vacant positions. No employment offer shall be made by any person other than the Chief Executive Officer or Division Directors in consultation with the Human Resources Director. No final employment offer shall be effective until the prospective employee has completed and passed all applicable pre-employment screenings and the Chief Executive Officer has approved the employment offer.

The Authority will maintain written job descriptions on each position. Positions descriptions do not necessarily cover every task or duty that may be assigned, and additional responsibilities may be assigned, as necessary. The Human Resources Director keeps position descriptions on file.

Positions may be posted internally and externally as the position dictates. In most cases the position will be posted internally before being posted externally. All positions will be posted for at least five days.

Employees are generally hired at the entry level of a position's pay grade, but may receive a different amount depending on the applicant's skill level and experience.

D. Work Hours and Attendance

All employees are expected to work their hours as scheduled. Employees who are unable to report to work as scheduled must notify their supervisor, preferably before the start of a shift, or in the event of an unexpected emergency or incident, no more than two hours after the employee's scheduled work time. An employee who doesn't report to work as scheduled will be considered absent or tardy. Time off (planned or unplanned) must be communicated and approved by the employee's supervisor or manager. If an employee misses three (3) consecutive days of work and properly communicates the absence, they may be required to furnish a doctor's excuse and/or a return-to-work form. The Authority reserves the right to request a doctor's excuse for an absence.

Failing to report to work and not calling to report the absence is a no-call/no-show and is a serious matter. If an employee contacts their manager, and indicates they will be late, but does not report to work as planned or further communicate the inability to report to work, that will be considered a no-call/no-show. Managers are expected to report any no-call/ no-show events to the Human Resources Director. The first instance of a no-call/no-show will result in a written warning. The second separate offense will result in a final warning. A third offense will result in the termination of employment with no additional disciplinary steps. The Authority may consider a no-call/no-show event that extends beyond two (2) consecutive days as job abandonment and therefore may result in the employee's voluntary resignation of employment effective on day three (3) of the no-call/no-show occurrence. This may also be applicable if an employee is on an approved leave and does not return on the planned return date without notifying the Human Resources Director.

Requests for planned absences should be submitted to the employee's supervisor or manager five (5) days or more in advance whenever possible. Prior coordination may not be feasible in the case of emergency or sudden illness. In these rare cases, the employee must notify his or her supervisor as soon as possible. An employee should communicate medical, dental, or personal/family member appointments to their manager in advance whenever possible. Reasonable time away from work for such appointments may be granted with prior approval and notification.

Attendance is monitored and evaluated for patterns of absenteeism and tardiness. Absences, even if compensated, may be considered excessive if the absences disrupt workflow, cause missed work objectives, result in reduced performance, or failure to meet contract commitments. If the employee misses one or more days of work without approval or proper notification, the employee may be subject to disciplinary action.

Managers or employees should notify the Human Resources Director immediately when an employee is anticipated to miss or has missed three (3) consecutive workdays due to an illness, injury, or hospitalization, for themselves or a family member, or failure to show for work without

contacting their supervisor. Following the third consecutive day of missed work, if applicable, FMLA paperwork or employment correspondence will be sent to the mailing or email address on file.

E. Time Keeping Records

1. Non-exempt (hourly) employees – These employees must maintain a record of the total hours worked each day. These hours must be accurately recorded in the Authority's time keeping system. Each employee must verify the hours worked are complete and must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures and meal breaks. The employee should submit the completed time to their manager for verification and approval. When the employee receives each paycheck, the employee must also verify that they were paid correctly for all regular and overtime hours worked each week.

Unless authorized by the employee's manager or Division Director, the employee shall not work any hours that are not authorized. Employees are prohibited from performing any work "off-the-clock," meaning work that the employee performs but does not report or inaccurately reports. Any employee violating this policy is subject to disciplinary action, up to and including termination.

2. Exempt (salaried) employees – Salaried employees will receive a salary that is intended to compensate them for all hours they may work for the Authority. Accordingly, all salaried employees are expected to accomplish their duties regardless of the time or days required to do so. Salaried exempt employees will be responsible for recording all time they are absent from work. Salaried exempt employees' time cannot be reduced unless it is for one or more full workdays. Under federal law, an employee's salary is subject to deductions as follows:

a. Full day absences for sickness, disability, or personal reasons;
b. Partial day absences for sickness, disability, or personal reasons when permission hasn't been given, accrued leave has been exhausted, or the employee has been granted leave without pay by the SWDA Board of Directors;
c. Full day disciplinary or safety suspensions;
d. Family and Medical Leave absences (either full or partial day absences);
e. To offset amounts received as payment for jury pay, witness fees, or military pay; or
f. The first or last week of employment in the event the employee works less than a full week.

An employee's salary may also be reduced for deductions of federal, state or local taxes; Social Security taxes; the employee's portion of health insurance, dental insurance, life insurance, or benefits; or voluntary contributions to a retirement plan.

3. Falsification of any time record by any employee is prohibited. Employees who willfully falsify a time record will be subject to immediate termination.

F. Wage and Salary Administration

The Authority's compensation plan intends to provide equal compensation for work of equivalent responsibility, pay according to work performance and/or outstanding service. Compensation is based upon the experience, knowledge, complexity, potential work hazards, and responsibilities for each position.

1. Pay Increases -- All increases in pay, with the exception of merit raises, must be recommended by an employee's Division Director and approved by the Chief Executive Officer. No change shall be implemented until it is approved by the SWDA Board of Directors. All changes in rates of pay will be effective at the beginning of the pay period designated by the SWDA Board of Directors.

2. Merit Raises -- Appointed Employees and Classified Employees may receive a merit raise based on the overall score of their annual performance evaluation as outlined in Section II, E. Annual performance evaluations will be conducted in October and November with any raises to be effective during the first pay period of the following January. Initial evaluations of employees hired during the initial hiring period of SWDA will be conducted in October and November 2023 with pay raises effective during the first pay period of 2024.

3. Cost of Living Adjustments – Classified Employees may receive a cost of living increase subject to the approval of funding by the SWDA Board of Directors.

G. Longevity Pay

Longevity pay is a benefit that recognizes a full-time employee's years of continuous service. Full-time employees who have completed five (5) years or more of continuous service will be eligible for longevity pay. To determine whether an employee is eligible for longevity pay, the Human Resources Director or their designee will determine as of October 1, of each year whether an employee has completed five (5) or more years of continuous service with the Authority. Longevity will be based on a calendar year running from October 1st through September 30th. The employee must be on the payroll on September 30th of each eligible year to qualify for the previous year. No partial years will be paid.

Employees that sever employment and then return to work may not use retroactive time to qualify. Time must be continuous service.

Pay will be as follows:
5 to 9 years $ 500
10 to 14 years $ 1,000
15 years and over $ 1,500

Employees that were employed by the Baldwin County Commission and are hired by SWDA during the initial hiring period, without a break in employment, will retain the longevity status they had acquired with the Baldwin County Commission.

The check will be issued from regular payroll and federal income tax, state income tax and social security contributions will be deducted at the customary withholding rate for an employee.

H. Call-Out Pay

A non-exempt employee who is called out by a manager or Division Director will be paid a minimum of two hours call out pay if he/she works less than two hours, or paid for the length of time the employee works if it is greater than two hours. If the employee is called out prior to the starting time of their regularly scheduled workday and continues working through the start time, he/she will be paid for all time worked and not receive call out pay. Travel time spent on reporting to a call will be considered work time.

Exempt employees are not subject to call out pay except when he or she is among the critical emergency personnel who must work during an Authority declared inclement weather or emergency.

On-call employees and employees who are subject to being called out during an emergency should make sure their manager has their updated contact information.

I. Pay Periods and Direct Deposit

All non-exempt, full-time employees are on a 40-hour workweek scheduled that begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on the following Sunday of each week.

All non-exempt, part-time employees are scheduled to work no more than 29 hours on average within the workweek that begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on the following Sunday of each week. An employee's average hours per week will be calculated during the first week of January, April, July, and October.

Employees are paid in accordance with the SWDA's payroll schedule on a bi-weekly basis, typically following the Friday after the end of the pay period. When it becomes necessary to change a pay date due to a holiday, notification will be provided to the employees in a timely manner. Direct deposit is mandatory for all employees. Deposits will be made directly to the financial institution of the employee's choice. Any changes to the employee's direct deposit account should be reported to the Human Resources Director.

Pay advances are not allowed under any circumstances.

J. Safe Harbor Policy

It is the policy and practice of the Authority to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that the employee is paid properly for all time worked and that no improper deductions are made, the employee must record correctly all work time and review his or her paychecks promptly to identify and to report all errors.

The Authority makes every effort to ensure all employees are paid correctly. When mistakes do happen, and are called to our attention, we will promptly make any corrections necessary. Each employee should review his or her pay stub when received to make sure it is correct. If a mistake has occurred or if there are any questions, please immediately report this to the Human Resources Director. Employees will not be subject to any retaliation for asking questions about or reporting mistakes in their compensation.

K. Garnishments and Levies

In the event that garnishment or similar proceedings are instituted against an employee, the Authority will deduct the required amount from the employee's paycheck. All correspondence related to a garnishment or levy should be sent to the Human Resources Director, at 15093 Landfill Drive, Summerdale, Alabama 36580.

L. Temporary Labor Policy

The SWDA acknowledges that a portion of its staffing requirements may be met through the use of agency temporary workers. The Human Resources Director is responsible for identifying and reviewing staffing vendor relationships. Contractual agreements relating to fee schedules, bill rates, payment schedules, selection processes and replacement policies must be negotiated in advance of placement of temporary staff or contractors.

The CEO is the designated company representative authorized to enter into any legally binding agreement with any type of staffing-related agency or business. Payment of services rendered by temporary staff may only be paid directly to a third-party agency whose primary purpose is to provide temporary labor.

A Temporary Employee is defined as an individual who is employed to perform special functions, emergency functions, to serve in periods of excessive workloads, or as a replacement for a Classified Employee who is on an approved leave. Temporary employment will not normally exceed 6 consecutive months. Temporary employees are not entitled to participate in any Authority benefits and are not entitled to protections as Classified Employees. Service as a Temporary Employee does not count as continuous years of service.

A temporary employee shall not be used continuously for more than 12 months and shall not be re-employed without a one month break in service, unless the worker is assigned to a specific project with a pre-determined termination date.
Temporary employees are paid only for hours worked. These employees earn an hourly rate for time worked and earn time and one-half (1½) for all hours physically worked over forty (40) hours within a workweek. Temporary workers have no entitlement to benefits.

1. Procedures: The following procedures must be followed in order to obtain temporary staffing.
    a. Division Directors must complete and submit a SWDA Job Requisition Form to the Human Resources Director for processing and approval.

b. The Human Resources Director will determine the rate of hourly compensation based on the current employee pay scale and forward the request to the temporary staffing agency.
c. After initial processing is completed (drug test, background check, etc.) the department requesting a temporary worker will be notified and an effective date of employment will be determined.

If any performance concerns with a temporary worker arise, the department supervisor/manager must notify the Human Resources Director immediately who will correspond with the temporary agency representative.

IV. Leave Policies

A. Holidays

SWDA observes the holidays listed below. Full-time and part-time employees are to be paid for these holidays if they are in a paid status.

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Mardi Gras Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day and the day after
- Christmas Eve
- Christmas Day

If a holiday falls on a Saturday it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday.

Employees are required to be at work or on an approved absence the day before and after an official holiday to be paid for the holiday. If an employee is absent due to illness, they must present a doctor's excuse to be paid for the holiday. If an employee is on leave without pay the day before or after a holiday, the employee will not be entitled to holiday pay.

Holiday pay may be used in lieu of accrued leave to meet the 40-hour work week, only if the employee is in a paid status or on an approved leave of absence. When a paid holiday occurs during an employee's annual leave, the day will be deemed a holiday and not as an annual leave day.

Employees will receive holiday pay for the number of hours that they are regularly scheduled to work, at a maximum of 10 hours. If an employee is scheduled to work four hours they will receive four hours of holiday pay, if an employee is scheduled to work 8 hours they will receive 8 hours of holiday pay, and if an employee is scheduled to work 10 hours, they will receive 10 hours of holiday pay.

If an employee elects to work on an observed holiday and is granted permission to do so by their manager, the employee will be paid regular pay for the holiday and will be given a floating holiday to use during the calendar year. Employees may only elect to receive a floating holiday up to four times per calendar year.

A floating holiday provides flexibility for employees to choose when they take a day off (at their supervisor's discretion). This promotes work-life balance and recognizes diverse needs within the workforce. The Authority's intent of a floating holiday was created exclusively for the 4 holidays during our busy season: Memorial Day, Juneteenth, Independence Day, and Labor Day. It will be the supervisor's responsibility to track an employee's floating holiday. If the floating holiday is not used within the calendar year, it will be paid out to the employee on the final paycheck in December in accordance with the pay period end date.

If an employee is required to work on an observed holiday, the employee may elect to receive regular pay for the hours worked plus holiday pay or they can elect to receive regular pay for the hours worked and be given a floating holiday to use during the calendar year. Employees may only elect to receive a floating holiday up to four times per calendar year.

If an employee wishes to observe a religious holiday, the employee must communicate with their manager to make arrangements. Annual leave will be used for time taken off for religious holidays. If the employee has no accrued annual leave, they may use leave without pay.

Updated: 6/18/2024

B. Annual Leave

All current full-time Appointed, Classified and Probationary employees shall earn paid annual leave in accordance with the following schedule:

Years of Consecutive Service	Leave Per (26) Pay Period	Leave Earned Per Year	Two Year Carry Over
0 – 4	3.69231 hours	96 hours	192 hours
5 – 9	4.61539 hours	120 hours	240 hours
10 – 14	6.46154 hours	168 hours	336 hours
15 – over	7.38462 hours	192 hours	384 hours

Employees that were employed by the Baldwin County Commission by SWDA during the initial hiring period, without a break in employment, will be credited with years of consecutive service including their years of service to Baldwin County Commission.

A probationary employee will earn, but cannot use, annual leave until the employee has successfully completed their probationary period and becomes a Classified employee. Employees terminated before successfully completing their probationary period will not be eligible for payout of any annual leave accrued.

Employees will not accumulate annual leave while on a leave of absence or in a leave without pay status.

Annual leave is based on a calendar year with employees accruing leave 26 pay periods per year. Annual leave may not be taken before it is earned.

Annual leave may be taken in 0.25 increments. The number of hours to be used for one day of leave is equal to the number of scheduled paid hours for that day of leave, e.g., if an employee is scheduled for a 10-hour workday they must use 10 hours of annual leave.

To schedule annual leave, an employee must submit his request to their manager at least two weeks in advance whenever possible. Approval will be given if the needs of the Authority can be met.

Annual leave may be used in the year it is earned or may be carried over for use in a later year. Employees may carry over up to two years of annual leave to the next calendar year. If as of the last pay period of the calendar year an employee has more than two years of accrued annual leave, they will be paid by the Authority for any annual leave over two years provided the employee has taken, in that calendar year, four consecutive days of annual leave for employees who are scheduled to work a four-day work week or five consecutive days of annual leave for employees who are scheduled to work a five-day work week. Holidays may be considered in the consecutive days rule; however, the employee must take at least 40 hours of annual leave within that calendar year. If the employee has accrued more than two years of annual leave and has not taken off the consecutive days, the annual leave over two years accrual will be forfeited.

When an employee resigns or is terminated, the employee is entitled to payment for any unused annual leave that has accrued. Payment is based on the rate of compensation at the time of resignation or termination. Payroll checks are computed on the regular payroll date and will not be issued in advance.

Updated: 6/18/2024

C. Sick Leave

All current full-time Appointed, Classified and Probationary employees shall earn paid sick leave at the rate of eight hours of leave per month based on a 26 pay period accrual. The accrual will be credited at 3.69231 hours each pay period month for a total of 96 hours per year.

A probationary employee will accrue sick leave during the probationary period and is eligible to begin using accrued sick leave upon completion of 90 days of employment.
The intent of sick leave is to provide paid time off to an employee who is temporarily ill or caring for an immediate family member who is ill. Sick leave may also be used for the birth or placement of a child for adoption or foster care. For purposes of this policy, “immediate family member” is limited to a spouse, parent, or child. Sick leave may also be used to attend medical appointments for the employee or their immediate family member. An employee who is out of work for one of these reasons will be paid sick leave to bring the employee to a 40-hour work week. Sick leave is not intended to be used for additional paid time off and is a benefit of working for the Authority. An employee who is out of work for one of these reasons will be paid sick leave to bring the employee to a 40-hour work week.

To be eligible for sick leave an employee must notify their manager that they are unable to report to work as scheduled. Notice must be given at least two hours prior to the employee’s scheduled

start of work or as soon as the employee is aware they will be unable to report to work. Employees who arrive at work late will still be considered tardy.

For scheduled or planned medical appointments or procedures, employees should notify their manager when the appointment or procedure is scheduled.

Sick leave may be taken in 0.25 increments. The number of hours to be used for one day of leave is equal to the number of scheduled paid hours for that day of leave, e.g., if an employee is scheduled for a 10-hour workday they must use 10 hours of sick leave.

Employees who are absent for three working days or more must provide a healthcare provider's statement excusing their absence, stating the expected date of return and listing any restrictions the employee may have. If restrictions are given the Authority will determine if those restrictions can be accommodated. Employees who are out for three or more days may qualify for protection under the Family and Medical Leave Act (FMLA). Managers are responsible for notifying the Human Resources Director of any employee out for three or more days.
Employees on workers' compensation leave may use up to 10 hours of sick leave per pay period to help pay for benefit premiums.

Upon separation from employment with the Authority, an employee will not be paid for their accrued sick leave with the exception of retirement as outlined in Section V, P. If an employee dies while employed by the Authority, the Authority will pay one-half of the employee's accumulated sick leave up to 360 hours on the employee's last paycheck.

Updated: 10/1/2026

D. Part-Time Employee Paid Time Off (PTO)

All part-time Classified employees are eligible for paid time off (PTO) at a rate of .0319 per hour worked for a maximum of 48 hours per calendar year. PTO may be used for personal time, vacation time, sick days or bereavement periods. A probationary employee will earn, but cannot use, annual leave until the employee has successfully completed their probationary period and becomes a Classified employee. Employees terminated before successfully completing their probationary period will not be eligible for payout of any PTO accrued.

PTO may be used in the year it is earned or may be carried over for use in a later year. Part-time employees may carry over up to two years (96 hours) of annual leave to the next calendar year. If as of the last pay period of the calendar year an employee has more than two years of accrued PTO, they will forfeit this leave.

To schedule PTO, an employee must submit his request to their manager at least two weeks in advance whenever possible. Approval will be given if the needs of the Authority can be met.
If a part-time employee accepts a full-time position, all PTO accumulated will be converted to annual leave and the employee will begin to accrue annual leave and sick leave as a full-time Classified employee.

If a full-time employee accepts a part-time position, all sick leave will be forfeited and all accumulated annual leave will be converted up to 96 hours of PTO and any remaining annual leave will be paid to the employee. The employee will begin to accrue PTO instead of annual leave and sick leave.

When an employee resigns or is terminated, the employee is entitled to payment for any unused PTO that has accrued. Payment is based on the rate of compensation at the time of resignation or termination. Payroll checks are computed on the regular payroll date and will not be issued in advance.

E. Bereavement Leave

Leave will be granted to full-time employees who have a death in their immediate family. For purpose of this leave, immediate family is defined to include the employee's spouse, parents, grandparents, children, grandchildren, brother, sister, and equivalent relations of the employee's spouse. Included within the definition of immediate family are those persons who live with the family as a member of the family whether related or not. Bereavement leave will not exceed three calendar days in length and an employee will only receive pay for regularly scheduled workdays. If additional time is required, the employee may request annual leave, sick leave or leave without pay. Any bereavement period that is expected to go beyond five days requires the Division Director's approval.

F. Administrative Leave

Any Division Director, in consultation with the Human Resources Director, may require an employee to take up to 10 days of administrative leave with pay. Administrative leave with pay is typically utilized during investigations of an employee or group of employees for an allegation of a disciplinary or safety infraction. Administrative leave may also be utilized for the purpose of fitness for duty evaluations.

G. Jury Duty or Court Appearance

When an employee must miss work for jury duty or a court appearance, the employee will be excused from work. Upon receipt of a jury summons the notice must be immediately given to the employee's manager. Full-time and part-time employees will be paid for the hours they were scheduled to work for time missed for jury duty. If an employee completes their jury duty assignment during work hours, they must immediately return to work.

Employees must use their own annual leave or PTO for court appearances that are unrelated to their employment with the Authority.

H. Voting Leave

All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, employees will receive up to two hours

during the workday to vote. Employees may use annual leave, sick leave or PTO for hours taken to vote.

I. Leave Without Pay

Leave without pay may be taken only if all accrued annual leave, sick leave and/or PTO has been exhausted. However, if an employee has exhausted all annual leave, he/she may not use sick leave unless he/she meets the requirements set out for use of sick leave as set out above in Section C. Division Directors in consultation with the Chief Executive Officer may approve up to, but not more than, 40 hours of leave without pay, per employee, within a year of first taking leave without pay. Employees in a leave without pay status the day before or the day after a holiday will not be eligible for holiday pay. 16- hours of Leave Without Pay may be granted to a probationary employee for reasons of sickness and emergencies.

No Authority paid benefits (annual leave, sick leave, insurance premiums, etc.) will be provided to an employee for any month in which the employee was placed in a leave without pay status for a period that exceeds 10 working days. An employee who is on leave without pay for more than 10 working days in a month will be required to reimburse the Authority for any benefit costs paid on behalf of the employee for that month. An employee in a leave without pay status will not accrue credit toward longevity and pay increases.

Employees who use more than 40 hours of leave without pay, and are not on an approved leave of absence, are subject to progressive disciplinary action.

Employees desiring leave without pay under the Family and Medical Leave Act must comply with the Family and Medical Leave Act policy. When an employee is in a leave without pay status, and has used all Family Medical Leave and accumulated leave time, he/she shall no longer be eligible to remain on the Authority's insurance plan but may be allowed to continue coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, Title X).

Updated: 10/1/2026

J. Leave of Absence

If an employee exhausts all of his/her annual, sick, and FMLA leave and still needs additional time off for personal or health reasons, he/she may apply for an unpaid leave of absence for a period of up to 90 days. The request for leave must be given to the employee’s manager and Division Director at least 30 days prior to the start of the requested leave date unless the leave is an emergency. Any request for leave of absence must be approved or denied by the Chief Executive Officer.

Regardless of the reason for the leave, it is essential that the Human Resources Director be notified to ensure that benefits are properly administered.

A leave of absence may or may not be approved at the discretion of the Chief Executive Officer unless the leave qualifies under the Family Medical Leave Act. Factors considered in approving the request are the employee's length of service, employment record, and the reason for the absence, reason for the leave and whether the leave will cause an undue hardship to the Authority. The Employee understands that that he/she may be required to return to work before the leave expires; and that failure to report for duty promptly when requested or at the end of the leave will be considered a resignation and the employee will be separated.

Employees will not accumulate annual leave time while on a leave of absence or in a leave without pay status.

The employee must notify their manager of the anticipated return to work date prior to that date. The manager is responsible for immediately notifying the Human Resources Director.

If an employee fails to return to work at the conclusion of the leave of absence without pay, he/she shall be terminated from employment.

There may be changes in employee benefits during a leave of absence. Please contact the Human Resources Director to determine what changes may be experienced.

Employees desiring a leave of absence under the Family and Medical Leave Act must comply with the Family and Medical Leave Act policy. When an employee is on a leave of absence and in a leave without pay status, and has used all Family Medical Leave and accumulated leave time, he/she shall no longer be eligible to remain on the Authority's insurance plan but may be allowed to continue coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, Title X).

K. Family Medical Leave Act (FMLA)

For a full description of SWDA's FMLA policy, see Section II, H.

L. Military Leave

Employees who are active members of the Alabama National Guard, Naval Militia or the Alabama State Guard organized in lieu of the National Guard, or any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they are engaged in field or coast defense or other training or on other service ordered under the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, seniority, annual leave or sick leave. An employee receiving authorization for leave with pay will be paid in accordance with *Ala. Code* §*31-2-13*, or such other applicable law.

As a result of the employee's membership in any of the named military reserve organizations, the employee is allowed to receive up to 168 working hours (21 working days) per calendar year of paid military leave when absent from work because of performance of duty or training in the

military reserve. If an eligible employee is on military leave when a scheduled holiday occurs, the holiday pay will prevail, and the day will not be charged against the military leave account.

An employee who is called to active duty with the Armed Forces of the United States may request annual or personal leave, if available, or leave without pay. Upon his/her release from military service the employee shall be re-instated by the Authority in a position that is no lower in grade or pay than that in which he/she is physically and mentally suited to perform, provided the employee makes application for re-employment to the Authority within 30 days following honorable separation from the Armed Forces of the United States; and his/her absence for military service did not exceed the original service period.

There is no waiting period to be eligible for military leave. This applies to both probationary and non-probationary employees.

An eligible employee who plans to use military leave for training during the year must notify their manager of their projected schedule. Employees are requested to provide copies of their military orders to the Human Resources Director within five days of receiving the orders.

V. Employee Benefits

A. Benefits Eligibility

Full-time employees are eligible for benefits. These benefits include: medical coverage, dental coverage, vision coverage, life insurance, long-term disability, Employee Assistance Program, retirement, and flexible benefit options. Part-time employees are eligible for retirement benefits only.

It is the employee's responsibility to list only dependents that are eligible for coverage as defined by the plan rules. If a covered dependent becomes either eligible or ineligible based on the plan rules, it is the employee's responsibility to immediately notify the Human Resources Director.

Employees must notify the Human Resources Director of any changes in status within 30 days of the status change. This includes: dependent status change, address changes, divorce, marriage, birth, adoption, reduction in work hours, or any other change that could affect benefit plan eligibility.

B. Effective Dates and Termination Dates of Benefits

The Human Resources Director will determine the effective date of coverage based on each plan's requirements. Typically, an employee will be entitled to benefits on the first day of the month following their hire date of full-time employment. For example, if an employee is hired on January 18, coverage would go into effect on February 1. Payroll deductions for the employee's share of the benefits would begin in February. Insurance premiums will be collected the month of coverage and not in advance.

Benefits will end the last day of the month in which an employee actively works. Any benefit premiums due upon the benefit term date, the employee's final paycheck will be adjusted or the employee will receive an invoice.

C. Medical, Dental and Vision Coverage

SWDA offers health, dental, and vision insurance coverage to all full-time employees. The plans are priced for both individual and family coverage. SWDA pays a significant portion of the employee's medical insurance premium, but employees are responsible for their portion. Employees are solely responsible for dental and vision insurance premiums. Information on the current medical, dental, and vision plans and premiums is available from the Human Resources Director.

Employees must enroll for coverage within 30 days of employment or an eligible qualifying event. Complete benefit packets are provided at new hire orientation. Additional packets may be obtained by contacting the Human Resources Director. Identification cards will be mailed to the home address or accessed on-line through the carrier for medical, dental, and/or vision coverage.

D. Notice for Individuals Declining Health Coverage

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires group health plans and issuers to advise an employee and an employee's dependents of enrollment rights when declining health coverage.

If an employee is declining enrollment for health plan benefits for himself or herself, dependents, or both because of other health insurance coverage, the employee may, in the future, be able to enroll in this plan, provided that he/she requests enrollment within 30 days after the other coverage ends.

In addition, if an employee has a new dependent as a result of marriage, birth, adoption, or placement for adoption, he/she may be able to enroll himself or herself, dependents, or both, provided that he/she requests enrollment within 30 days after the marriage, birth, adoption, or placement for adoption.

E. Annual Enrollment/Transfer Period

Health plans, benefit designs, eligibility rules, and premiums are subject to change each plan year based on the previous year's claims experience. Announcements concerning changes for the upcoming plan year are made during annual enrollment period each fall. Employees are required to review notices, home mailings, and department memos for information about the benefits for the upcoming year. **Failure to review this information may result in no coverage for the new year.**

F. Benefit Premiums/Payroll Deductions

Employees are responsible to review his/her paycheck to ensure the appropriate benefit deductions have been taken. Deductions from the employee's paycheck will begin the first pay period of the month prior to the coverage start date. Medical, dental, and vision premiums will be deducted from the first two pay periods of each month for a total 24 pay deductions per year. There will be two pay periods each year in which no insurance deductions will be taken.

If an employee misses a paycheck due to work absence or unpaid time, then the missed deductions will be taken out of the next paycheck immediately upon return or employee may pay the Human Resources Director the amount due each pay period.

G. Consolidated Omnibus Budget Reconciliation Act (COBRA)

If an employee loses coverage due to a termination of employment, a reduction in work hours, or other qualifying event, the employee and employee's covered dependents may be eligible to continue coverage through COBRA.

For a full explanation of COBRA terms and eligibility, contact the Human Resources Director or refer to the "General COBRA Notice" received at time of enrollment.

Employees may remain on SWDA benefits until all FMLA, sick, and annual leave have been exhausted.

H. Life Insurance

SWDA provides life insurance for all full-time employees. Employees may purchase a supplemental policy in $10,000 increments up to $250,000 and have the premium deducted from their paycheck. Policies may have reduced benefits depending on the employee's and/or covered family member's age. The plan document is available from the Human Resources Director.

I. Disability Insurance

SWDA provides Long Term Disability Insurance for all full-time employees. Full-time employees may purchase Short Term Disability Insurance and have the premium deducted from their paycheck. The plan document is available from the Human Resources Director.

J. Flexible Spending Accounts

Flexible spending accounts allow a full-time employee's medical out-of-pocket expenses and dependent care expenses to be paid with "before tax" dollars. The Authority offers a benefit option that utilizes a debit-type card to access the employee's plan dollars. If a full-time employee elects this benefit, he/she chooses a dollar level based on the individual or family needs. A portion of the amount is deducted out of the first two pay periods per month. There are minimum and maximum deduction limits in this benefit that is determined by the IRS annually.

Employees do not have to be enrolled in the Authority's medical plan in order to participate in a flexible spending account.

Full-time employees may enroll during the annual enrollment period. Re-enrollment is required each year to continue participation.

K. Employee Assistance Program

The Employee Assistance Program (EAP) is a professional service providing assessment, short-term counseling and referral to appropriate treatment providers or programs when needed. This is a company benefits, provided by SWDA at no cost to the employee.

L. Supplemental Benefits

The Authority offers supplemental voluntary benefits from providers such as:

- AFLAC
- Liberty National/Globe Life
- Nationwide Retirement Systems
- RSA-1

- Other voluntary products

M. Change in Status

Employees are required to report, in writing, personal changes and/or changes in work status to the Human Resources Director within 30 days of any status change. This includes:

- Dependent status changes;
- Address changes;
- Divorce;
- Marriage;
- Birth/adoption;
- Reduction in work hours; or
- Any other change that could affect benefit plan eligibility.

N. Retirement Investments

Retirement participation is mandatory with the Retirement Systems of Alabama. If an employee averages at least 20 hours per week, they will automatically be enrolled in the retirement plan.

Employees who were hired into the Retirement Systems of Alabama before January 1, 2013, are defined as "Tier 1" members. Any employee hired into the Retirement Systems of Alabama on or after January 1, 2013, are defined as "Tier 2" members.

The Authority provides Tier 1 member benefits for all Tier 2 employees pursuant to Act No. 2019-132. All employees will be required to contribute 7.5% on a pre-tax basis from each paycheck.

If a Tier 2 member leaves employment with the Authority and is later employed by another agency that did not make an election pursuant to Act No. 2019-132, the Tier 2 member will receive Tier 2 benefits for his/her service with the new employer. A member whose creditable service includes periods of service to two different Tier plans, the benefit rates of each Tier plan will be applicable to the creditable service earned while in each Tier plan. In all other respects the pension shall be determined on the basis of the member's Tier plan at the time of his or her withdrawal from service.

Employees are vested in the Retirement Systems of Alabama after ten years of service. Employees who were hired before January 1, 2013 (Tier 1), are eligible to retire with 25 years of service or ten years of service and age 60. Any employee hired on or after January 1, 2013 (Tier 2), and retires with the Authority, will be eligible to retire with 25 years of service or 10 years of service and age 60. However, if the Tier 2 employee leaves employment with the Authority and is later employed by another agency that did not make an election pursuant to Act No. 2019-132, they will be eligible to retire at age 62 with at least ten years of service.

O. Conditions for Retirement

Whenever an employee meets the conditions for retirement set forth in the Retirement Systems of Alabama Regulations, they may elect to receive all benefits earned under the Alabama Retirement Plan.

The Notice of Retirement may be forwarded to the Human Resources Director no more than three months or no later than 30 days prior to the last scheduled day of work.

Due to the complexity of each individual retirement account, the employee should contact the Human Resources Director with any questions or write to:

Retirement Systems Building
135 South Union Street
Montgomery, AL 36130-4101
1-877-517-0020

P. Benefits Due at Retirement

1. Unpaid Sick Leave -- Full-time employees hired into the Retirement Systems of Alabama and retiring pursuant to the requirements of the Retirement Systems of Alabama with 25 years of service or at least age 60, with at least 15 years of said service with the Authority, may be paid one-half of their accumulated sick leave not to exceed 360 hours or elect to roll over unused sick leave hours into service credit.

Employees who are at least age 60 with at least ten years of creditable service or employees with 25 years of creditable service, regardless of age are eligible to roll over unused sick leave hours into service credit.
An employee retiring on disability may convert unused sick leave to retirement credit only if he/she meets the minimum qualifications for service retirement after converting unused sick leave days to service credit.

Conversion of unused sick leave may not be used for deferred retirement.

There is no maximum number of accrued sick leave days.

The following chart will be used by the Retirement Systems of Alabama to convert sick leave to retirement service credit. Please note that the chart lists sick leave days up to 370 days, but there is no maximum limit on sick leave accrual.

Accrued Sick Leave Days		Service Credits (Months)
0-10	0-80 hours	0
11-30	88-240 hours	1
31-50	248-400 hours	2
51-70	408-560 hours	3
71-90	568-720 hours	4
91-110	728-880 hours	5

111-130	888-1040 hours	6
131-150	1048-1200 hours	7
151-170	1208-1360 hours	8
171-190	1368-1520 hours	9
191-210	1528-1680 hours	10
211-230	1688-1840 hours	11
231-250	1848-2000 hours	12
251-270	2008-2160 hours	13
271-290	2168-2320 hours	14
291-310	2328-2480 hours	15
311-330	2488-2640 hours	16
331-350	2648-2800 hours	17
351-370	2808-2960 hours	18

2. Retiree Health Insurance Coverage -- A retiring employee currently enrolled in Authority sponsored health insurance is eligible to continue single health coverage at a cost of one hundred dollars ($100) per month. The retiree must meet the following requirements: (1) Retiring with 25 years of service in the Retirement Systems of Alabama; (2) 15 years of said service must be with the Authority; and (3) has not met the age requirement to be eligible for Medicare. The Authority will contribute the remaining portion of the cost of single health coverage.

The Authority will pay 100% of single health coverage for a retiring, full-time employee currently enrolled in Authority sponsored health insurance. The retiree must meet the following requirements: (1) Retiring with 30 years of service in the Retirement Systems of Alabama; (2) 15 years of said service must be with the Authority; and (3) has not met the age requirement to be eligible for Medicare.

Employees who were employed by the Baldwin County Commission and hired by SWDA during the initial hiring period, without a break in employment, will retain the longevity status they had acquired with the Baldwin County Commission for the purpose of calculating years of service to the Authority.

Q. Disability Retirement

Employees who participate in the Retirement Systems of Alabama and have completed ten years of service and become disabled as defined by the plan, may be eligible to receive a disability benefit subject to all applicable requirements.

VI. Safety Rules, Safety Incentives and Workers' Compensation

SWDA makes every effort to provide a workplace free of recognized hazards. Because of the variations in the work of the different divisions, each division has specific safety rules that are available from the Division Director. Employees should familiarize themselves with those rules. The following rules apply to all employees.

A. Health Rules

1. In case of injury, no matter how slight, immediately report it to the manager.

2. Keep the workplace clean. Put all rags, trash, cups, and waste in containers provided for that purpose.

3. All personnel who are required to wear a respirator must successfully pass a PFT (Pulmonary Function Test).

4. All personnel who wear a respirator or dust mask are required to be clean-shaven at the time that the respirator or dust mask is used.

5. Use extreme care in handling all chemicals.

6. After working with oil or toxic combustibles, thoroughly wash and scrub your hands.

7. Do not report to work if you have been diagnosed with a communicable disease or contagious health condition.

Violation of a health rule may result in appropriate corrective action from a verbal warning to termination of employment depending on the seriousness of the violation.

B. Safety Rules

1. Only approved safety equipment will be used in the performance of an employee's official duties. Safety glasses/goggles, steel-toed safety boots, ear plugs, and hard hats are required to be worn in certain areas as a condition of employment. All steel-toed boots shall be sturdy work boots only. The adequacy or type of protection required must be commensurate with the potential hazard of each job assignment. This will be determined by the Division Director.

2. A face shield or safety glasses are required when employees are using a grinder, weed eater, lawnmower, trimmer, chainsaw, mulcher, chipper, etc., or when performing other operations where sparks or small pieces of debris can become airborne.

3. Any employee welding must use a welding shield. Any employee using a torch must wear the appropriate shaded lens or shield.

4. Never operate any piece of equipment, machine, crane, tractor, forklift, etc., unless trained and instructed to do so. Training should be approved by the Division Director.

5. Never operate a machine unless all guards are in place. If a guard is missing or in need of repair, it is the employee's responsibility to immediately notify their manager.

6. Immediately report unsafe acts and unsafe conditions to the manager.

7. Be sure the machine has stopped running before it is cleaned or adjusted. Follow the guidelines set forth by OSHA for de-energizing equipment.

8. Always wear chaps when operating a chainsaw.

9. Long pants/trousers are required to be worn while operating weed-eaters, trimmers, saws, lawnmowers, etc., in order to help reduce the number of potential injuries associated with the operation of such equipment.

10. At no time should any part of the body be placed in a potential area that may result in contact with moving machinery.

11. At no time is an employee permitted to climb on, walk on, stand on or jump over machinery or other equipment in contravention or violation of the safety and/or operations manual for the machinery or equipment.

12. At no time should an employee use defective tools or equipment. Always inspect any tool or piece of equipment about to be used. If a tool or piece of equipment is defective, it is the employee's responsibility to immediately notify their manager. Always use the proper tool for the job. Do not use tools with mushroomed heads. All files must have handles.

13. Only authorized employees are permitted to service or maintain electrical equipment.

14. All aisles, walkways, gates, etc., must be kept clear of debris at all times.

15. Never turn compressed air on yourself or anyone else. Do not clean your person or clothing with compressed air. As little as four pounds of air pressure can rupture an eyeball or an eardrum. Employees must always properly wear a face shield when using compressed air.

16. Lift the right way to avoid strain. Bend at the knees, keep the body erect and then push upward with the legs. Never lift any item that is too heavy. Get help.

17. Employees are prohibited from riding on the forklifts, cables, slings, or any other part of any machine or crane. Only authorized personnel are permitted to operate forklifts and other powered industrial trucks. The operator is the only person authorized to ride on a forklift or powered industrial truck.

18. Any employee who is in a man lift or basket of any kind must properly wear a safety harness and lanyard while in the basket or man lift.

19. Never walk or stand under a suspended load.

20. Do not use lifting slings, hooks, or chains without inspecting them first. If faulty, do not use them. Employees must contact their manager for proper inspection procedures or to report faulty equipment. Do not use "homemade" slings, hooks, or other lifting devices for any load bearing purpose. Slings and chains should have a manufacturer tag or label on them, which tells the date the item was made and its rated load capacity. Homemade lifting devices such as hooks and slings are not to be used.

21. Never use a makeshift or defective scaffold.

22. Gloves must be worn when working on jobs that present hand hazards.

23. All employees who are working from an elevated platform of any kind over six feet high without the proper guard rails are required to properly wear fall protection equipment.

24. Only authorized employees are allowed to enter a confined space at any time.

25. Each employee working in or on a piece of equipment that is required to be locked out must attach their own individual lock out device to the machinery or equipment.

Violation of a safety rule may result in appropriate corrective action from a verbal warning to termination of employment depending on the seriousness of the violation.

C. Fire and Environmental Rules

1. Report any fire or emergency immediately to the manager.

2. All employees are to be familiar with emergency exits, emergency evacuation meeting areas, and firefighting equipment such as fire extinguishers. Fire extinguishers are located throughout SWDA buildings. These extinguishers have instructions on how to operate the extinguisher and for what type of fire they are designed to be used.

3. Never block an exit or firefighting equipment.

4. All flammable liquids must be maintained in approved containers. All bulk flammable material must be stored in a flammable storage locker or equivalent.

5. All containers must be labeled as to their contents.

6. Rags saturated with flammables must be kept in approved safety containers.

7. Never pour oil, flammable liquids, or other unauthorized chemicals into any sewer or drain.

8. Smoking is prohibited in restricted areas.

9. Employees should strive to protect the environment, minimize waste, meet all established environmental goals and objectives, and strive for continuous improvement.

10. In the event of a chemical or oil spill, immediately notify the manager.

Violation of a fire or environmental rule may result in appropriate corrective action from a verbal warning to termination of employment depending on the seriousness of the violation.

D. Safety Incentives

The Authority's mission is to provide superior solid waste service to the citizens it serves. The Authority can best accomplish this mission by providing its employees with a safe workplace. In support of the Authority's goal to provide a safe workplace for all employees, the Authority offers a safety incentive program that recognizes and rewards employees for their attendance, and adherence to all safety, health, fire, and environmental rules.

1. Calculation Period

Safety Incentive Pay will be calculated each quarter of the calendar year. For example, January 1 through March 31 will be the first quarter and the bonus will be paid the second pay period of the following month. Supervisors will complete and submit a Safety Incentive Form for each employee. These forms are to be submitted to payroll in accordance with the pay period cutoff date. Safety Incentive payments are considered part of an employee's earnings and, when applicable, must be included in the calculation of the employee's regular rate of pay for overtime purposes in accordance with the Fair Labor Standards Act (FLSA).

Eligible employees may receive a quarterly Safety Incentive of $300. For employees who work overtime during the applicable incentive period, the Safety Incentive will be allocated over eligible hours worked and the overtime rate will be recalculated as required by the FLSA. Any additional overtime compensation resulting from this calculation will be paid as a **"True-Up"** in addition to the Safety Incentive.

The Authority will calculate and process any required True-Up automatically when quarterly Safety Incentives are paid. Employees are not required to take any additional action.

2. Individual Eligibility

a. Employees are eligible for safety incentives upon hire but must work the entire quarter.
b. Employees must be a current employee at the time payment is made.

3. Safety Incentive Pay

A full safety incentive bonus will be $300 per quarter based on three categories of conduct.

a. **Attendance** -- $100 per quarter for employees who report to work as scheduled, are not late reporting to work, and who do not miss more than two days of unscheduled work per quarter.

b. **(Operations) No Preventable Accident/Warranted Customer Complaint** -- $100 per quarter for employees who do not cause any property damage for which they were at fault or that was preventable as determined by the Chief Executive Officer or Director of Operations. Internal communication policy to report all route deficiencies was adhered to. Examples of preventable accidents include hitting mailboxes or signs with automated trucks or backing into stationary objects.

   (Administration) Follows Account Documentation / Workflow Protocols: Employee carefully reviewed and corrected all work to ensure accuracy and to limit errors. For employees dealing directly with customers, they are eligible for this portion of the bonus if no warranted customer complaints are received during the quarter as determined by the Chief Executive Officer or Director of Finance.

c. Conduct -- $100 per quarter for employees who keep their workstations/vehicle clean, have no adverse inspection of their assigned equipment, <u>have not lost, or had their ID badge, fuel card, computer key stolen</u> and do not violate the health, safety, fire or environmental rules.

Examples: An employee who meets the attendance, no preventable accident, and conduct guidelines will receive a $300 safety incentive. An employee who meets the attendance and no preventable accident guidelines but not the conduct guideline will receive a $200 safety incentive.

4. Disqualifications

a. **Attendance:** Employees with three or more unscheduled absences per quarter are not eligible. An absence is considered scheduled when the employee notifies their supervisor of additional days needed at the time of the initial call-in. Calling out for any reason other than approved FMLA, ADA, Workers' Compensation or Bereavement leave is unscheduled.

b. **(Operations)** Employees who failed to report that they were involved in an accident, that they suffered an on-the-job injury, or that a vehicle or piece of equipment is not in good working condition will be disqualified.

(Administration) Employees who failed to follow protocols, failed to report or communicate administrative errors or issues, and failed to maintain balanced cash drawers or financial records.

c. An employee who has received two written warnings, has been placed on suspension, or involuntarily demoted during the quarter is not eligible.

Updated: 6/18/2024, 10/1/2026

E. Workers' Compensation

1. All employees are protected under the State of Alabama's Workers' Compensation Law for injuries and occupational diseases that result "out of and in the course of employment." This includes injuries that take place when the employee is performing tasks he/she was hired to perform at times and in places where he/she was hired to work.

2. For all life threatening injuries or illnesses, please notify 911.

3. <u>If an employee experiences an on-the-job, non-life threatening injury or illness,</u> he/she is required to:

a. Immediately report the incident to their manager.

b. The Supervisor <u>and</u> injured worker should immediately call the **<u>Triage Hotline at 1-855-660-5200</u>** which will connect them directly with a Registered Nurse that is trained and experienced in occupational triage.

c. The Nurse will gather details from the Injured Worker regarding the injury to provide appropriate medical triage according to established protocols. This may include instructions for self-care/first aid (per protocols), a referral to a preferred providers clinic, or a referral to the Emergency Room.

4. All related follow up visits for treatment should be with the initial medical provider or the current medical provider for the Authority.

5. Every employee injured on the job is required to:

a. Keep all scheduled appointments with physicians/therapist as scheduled.
b. Be aware that SWDA has a Transitional Duty Program.
c. Notify their supervisor immediately if the physician advises the employee not to return to work or to work with restrictions and when the physician releases the employee to full duty.
d. Give the manager a copy of the Return to Work and/or Work Restriction Form(s) received from the physician. A copy must be given to the Human Resources Director so that it may be retained in the employee's workers' ccompensation file.

e. If an employee requires emergency medical treatment for "life threatening" injuries, he/she should use the emergency room at any local hospital. Only one visit to the emergency room will be covered by workers' ccompensation per each work related incident. Notification to the Human Resources Director should be made immediately.
f. If there is a follow-up appointment required after the initial visit to the emergency room, then the follow-up visit MUST be scheduled with the current medical provider for the Authority. The employee's workers' compensation case manager will assist the Human Resources Director in scheduling this appointment for the employee. The employee is not authorized to return to the emergency room for follow-up treatment (i.e., removal of stitches, change of injury dressings, etc.).
g. Prescription medications should be filed under workers' compensation and should not be put on the employee's personal insurance.
h. If the employee's authorized treating physician releases the employee to return to work with specific temporary restrictions (i.e., transitional duty) and the Authority can provide a job within the recommended restrictions, he/she must return to work and attempt the transitional duty. Transitional duty is offered at the will of the Authority and is only offered on a temporary basis.
i. The employee's authorized physician determines what transitional duty work is appropriate. If clarification of transitional duty restrictions is needed, the Human Resources Director should be contacted. Failure to report for the assigned transitional duty work as authorized may result in the employee having to use their sick or leave time to cover the employee's absence. An employee may qualify for benefits if the Authority cannot provide a job within the restrictions given by the authorized physician.
j. After the employee's claim has been received by the Human Resources Director, it will be submitted to the Authority's workers' compensation provider who will ddetermine whether the claim is approved. The employee will be notified of that decision.

6. If a Workers' Compensation claim is rejected as a Workers' Compensation injury, it may be applied to the employee's medical insurance.

7. All employees involved in a Workers' Compensation Injury will be required to receive a Post-Accident Drug Screen immediately after the reported incident.

8. Official medical records in regard to Workers' Compensation and Drug Screen Testing should only be maintained by the Human Resources Director. At no time should any medical information (personally identifiable information) be retained at any location other than in the Human Resources Office, unless written consent has been otherwise given.

F. Workers' Compensation Payments

1. The employee will be paid a full day's pay for the day of the injury. The following three days can be charged to annual leave, sick leave, or leave without pay. These

"following three" days will be reimbursed under the workers' compensation benefits after the employee remains off work for a period of 21 calendar days. If an employee remains off work for a period of 21 days, they must reimburse the Authority for the "following three" days that was paid to the employee.

2. The only check an employee who has filed for workers' compensation benefits will receive is a check received from the workers' compensation insurance carrier for the Authority. Based upon an approved claim, and after the 3-day waiting period, payment will be 66 2/3% of the employee's average weekly wage subject to the maximum and minimum. This is also depending on the authorized treating physician's approval of the missed days from work.

3. While on workers' compensation leave, the employee shall be placed in a leave without pay status. The employee will not accumulate annual or sick leave while on workers' compensation leave.

4. All individual health insurance premiums paid by the Authority for an employee will remain in force and continue to be paid by the Authority. All employees are required to continue to pay their portion of health insurance premiums. Employees will be issued an invoice from the Finance Division.

5. If, while on workers' compensation leave, the employee wishes to continue dependent coverage or other items that are customarily deducted from their paycheck, the employee must contact the Human Resources Director for payment procedures. If payments are not submitted in a timely manner, coverages are subject to cancellation.

6. An employee (who has depleted his/her sick leave and annual leave) out on workers' compensation leave, who has reached "Maximum Medical Improvement (MMI)," shall be terminated, if he/she does not return to work.

Updated: 6/18/2024

G. Transitional Duty

1. The Temporary Transitional Duty Policy is intended to support injured and ill employees who have temporary restrictions due to work related injuries and are expected to return to their regular assignments following recovery. This policy and procedure does not cover employees with permanent restrictions and is offered at the will of the SWDA and may be terminated at any time. Each case presented for possible Temporary Transitional Duty will be evaluated on a case-by-case basis by the Chief Executive Officer and respective Division Director.

2. Eligible Personnel.

   a. Any probationary or permanent employee of the Authority is eligible for consideration of a temporary transitional duty assignment.

b. A physician's note detailing the employee's temporary work restrictions is required to be eligible for a Temporary Transitional Duty Assignment.
c. Work restrictions are defined as physician specified work activities that are limited due to an occupational illness or injury, regardless of whether the employee has lost time from work or not (e.g., limited hours, limited functions, need for equipment, etc.).
d. The employee must provide their manager a physician's note identifying temporary work restrictions or time off, within one business day of the employee's receipt of the note.
e. The manager is then responsible for notifying their Division Director of the request for Temporary Transitional Duty.
f. The Division Director is responsible for consulting with the Human Resources Director and Chief Executive Officer in order to authorize Temporary Transitional Duty. This determination will be made on a case-by- case basis, while considering the best interests of the employee and the Authority during the evaluation.

3. Non-Eligible Personnel.

a. Contractors, volunteers, inmates, interns, or temporary employees.
b. Employees who have a common, contagious illness (e.g., cough, cold or flu) or an injury that has no impact on the ability to perform his/her regular job duties (e.g., an employee who works sitting at a desk and has a sprained ankle).
c. Employees on non-medical leave (e.g., military, bonding, etc.).
d. Employees who have permanent restrictions that do not fall within the normal scope of his/her job activities.

4. Every effort will be made within five working days, or as early as possible, to provide a temporary transitional duty assignment, if feasible, for all work-related injuries. Consideration will be based on information from the medical provider, a need for equipment beyond internal resource availability, assessment of possible alternate job duties or special projects, and/or an assessment of the appropriateness of the modification. Assignments are determined based upon the employee's temporary work restrictions, skills, the duration of time required for the assignment, and the needs of the Division. The Human Resources Director or appropriate Division director will discuss the temporary transitional duty assignment with the employee. The refusal to do so may result in the loss of workers' compensation wage replacement benefits, in accordance with state law or long-term disability benefits.

5. If at any time during a temporary transitional duty assignment the employee receives modified work restrictions, the employee must within one business day provide their new restrictions to their manager who must notify the appropriate Division Director. The Division Director and Human Resources Director will reassess the assignment upon any change of temporary work restrictions or as the needs of the department change.

6. A temporary transitional duty assignment for occupational illnesses or injuries will be up to 90 days, as the needs of the department allow.

7. An extension beyond 90 days may be granted with approval from the relevant Division Director and Chief Executive Officer. In order for an extension to be considered, the department must still have a need for the assignment and the extension is for a specific, short period of time due the employee's physician indicating the employee is progressing and is expected to return to work in their regular assignment. In no event shall a temporary transitional duty assignment exceed 365 days for an occupational illness or injury.

8. A temporary transitional duty assignment will terminate at any time, if the needs of the department change or when a department determines that the employee is not acting in accordance with the stated restrictions or is unable to perform the duties as assigned within the stated restrictions. Furthermore, a temporary transitional duty assignment will terminate at any time if the physician releases the employee to full duty without restrictions, removes the employee from work, or indicates the employee has permanent restrictions.

9. The temporary transitional duty assignment automatically terminates at the end of the approved assignment unless an extension has been requested and approved per the policy. If the department is terminating the temporary transitional duty assignment prior to the agreed upon end date, the Division Director shall give the employee as much notice as possible. Early agreement termination must be approved by the relevant Division Director in consultation with the Human Resources Director.

10. Dispute Resolution -- In the case of disputes regarding the denial of a temporary transitional duty assignment or the denial of an extension of a transitional duty assignment, the employee or department should consult with the Human Resources Director

VII. Workplace Rules of Conduct and Progressive Discipline

SWDA seeks to create and maintain a work environment where management and employees demonstrate respect and dignity in service to their customers and interactions with each other. To ensure orderly operations and provide the best possible work environment, the Authority has established general work rules.

A. Code of Ethics

All Authority employees should maintain the highest standards of personal integrity, truthfulness, honesty, and fairness in carrying out their duties. All Authority employees should avoid any improprieties in the performance of their duties and never use their position or powers for personal gain. You are entrusted to carry out the business of the Authority in a respectful and ethical manner.

B. Reporting Arrests

Any employee who has been arrested for any reason must report the arrest and surrounding circumstances to their manager within one day of returning to work. Failure to comply with this policy may result in disciplinary action up to and including termination. Managers are required to forward the information to the Division Director.

C. Rules of Conduct

Although it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of the types of infractions which can result in disciplinary action up to and including termination. In order to avoid such severe consequences, employees should use simple common sense, read and understand this list of examples, and ask management before engaging in any questionable activity.

1. **Group One Offenses:** Group One workplace rules of conduct for which an employee will be subject to progressive discipline under the Progressive Disciplinary Policy from counseling up to and including termination include, but are not limited to, the following:

   a. Insubordination or lack of cooperation;
   b. Failing to follow instructions or to perform work as requested;
   c. Failing to meet reasonable standards of efficiency and productivity, or otherwise unsatisfactory job performance and/or repeated substandard work;
   d. Unauthorized or excessive absences (including failure to report for work, late arrival, early departure, or unauthorized absence from duty) from work;
   e. Excessive break time or repeatedly attending to personal affairs on work time;
   f. Sleeping or giving the appearance of sleeping while on Authority property or during the time in which the employee is supposed to be working;
   g. Careless behavior that results in damage to property;
   h. Failure to keep assigned work areas or vehicles clean; and

i. Failure to prepare and submit required reports and/or records in a timely manner.

2. **Group Two Offenses:** Group Two workplace rules of conduct for which an employee may be subject to a letter of reprimand or other disciplinary action up to and including immediate termination as set forth in the Progressive Disciplinary Policy include, but are not limited to, the following:

a. Abusing, damaging, wasting, stealing, inappropriately removing, or possessing Authority property, records, or the property of other employees;
b. Falsifying the employment application or making misrepresentations on any other personnel records;
c. Falsifying Authority reports or committing fraud with regard to any records (including time records, expense accounts, absence excuse, etc.);
d. Fighting, threatening violence, or otherwise starting a disturbance on Authority premises or while performing job duties including, but not limited to, assaulting or intimidating an Authority employee or non-employee;
e. Reporting to work in a condition unfit to perform his/her duties, including reporting to work with measurable amounts of illegal drugs, intoxicants, or controlled substances in the employee's system or being under the influence of alcohol, drugs, or controlled substances;
f. Possessing, consuming or selling alcohol, illicit drugs, or controlled substances on Authority premises or while performing job duties and/or any violation of the Authority's Drug-Free Workplace Policy;
g. Violating an Authority health, safety, fire prevention, or environmental rule; or creating or contributing to unhealthy or unsanitary conditions;
h. Boisterous or disruptive activity or horseplay in the workplace;
i. Misconduct leading to damage of Authority property;
j. Unauthorized disclosure of confidential Authority information;
k. Unauthorized solicitation or distribution on Authority property;
l. Sexual, racial, or other unlawful harassment or any violation of the Equal Employment policies;
m. Failure to fully cooperate in any Authority investigation;
n. Failure to notify the Authority of wrongdoing of co-workers or for violation of any rules, regulations, or law;
o. Failure to promptly notify the employee's manager of an accident;
p. Abuse of the Authority telephone system, computer system, or data;
q. Entering a restricted area without authorization;
r. Not being truthful or attempting to mislead or evade a direct question or inquiry from any manger or Authority official; or
s. Multiple or repeated violations of workplace rules of conduct.

The above list is not all encompassing or all-inclusive.

D. Progressive Discipline Procedures

In cases where an employee displays inappropriate conduct or poor performance, and the activity does not call for automatic termination, the Authority follows a progressive discipline process. This is a system that consists of corrective action, documentation, and adverse action. The Chief Executive Officer must be notified in advance of any disciplinary action beyond an employee counseling or written warning. The steps of progressive discipline may include:

1. Employee Counseling– The first step is usually an employee counseling from the manager with the employee to identify the problem and to state the corrective action needed. The manager documents this step including dates, times, and details of incidents of improper conduct or poor performance and the date the employee counseling was given. The manager sends this documentation to the Human Resources Director who will review it and place it in the employee's personnel file. The employee may submit a separate written statement for the file, if desired.

2. Written Warning – The second step in the process is usually a written warning with specific examples cited. The manager prepares the "Notice of Disciplinary Action" form that states a specific time frame in which the employee must improve and gives the consequences of failure to improve. Prior to issuing the form, the manager must review it with their Division Director. A copy of the original form is forwarded to the Human Resources Director for review and placement in the employee's personnel file and a copy is given to the employee. The employee may submit a separate written statement for the file, if desired.

3. Adverse Action – If attempts at corrective action fail to produce satisfactory results, some form of adverse action may be taken. The term "adverse action" means action involving suspension, involuntary demotion, or termination.

Any employee who receives two documented warnings for any reason within a 12-month period may be subject to termination, unless automatic termination is justified. Depending on the circumstances surrounding a disciplinary action, any step of progressive discipline may be skipped and disciplinary action up to and including termination may be utilized at any time. Furthermore, past performance and disciplinary action may be considered when determining disciplinary action to be taken.

In the event that the Human Resources Director or Chief Executive Officer determine that a request for disciplinary action is not appropriate under the circumstances, or in the event that a manager or Division Director fail to take appropriate disciplinary action against an employee, the Chief Executive Officer may, in their discretion, initiate new or additional disciplinary action against an employee which shall be subject to the pre-disciplinary hearing and appeals process set forth below.

4. Administrative Leave with Pay Due to Potential Disciplinary Action

An employee may be placed on administrative leave with pay by the Division Director in consultation with the Human Resources Director for up to one pay period during the course of an investigation to determine whether any disciplinary action should be initiated against the

employee. The Human Resources Director may approve up to an additional pay period to complete the investigation.

5. Suspensions without Pay

The Division Director may suspend an employee without pay as a part of disciplinary action for up to two pay periods. Employees may not use annual leave or sick leave while on suspension. The progressive discipline process will be followed prior to suspension unless the situation warrants automatic suspension.

6. Involuntary Demotions

An involuntary demotion is an assignment to a job at a lesser basic pay rate. There are two kinds of involuntary demotions: involuntary demotion for cause and involuntary demotion due to a reduction in workforce.

a. Involuntary Demotion for Cause: An involuntary demotion may be made for cause including, but not limited to, violations of rules, failure to perform job duties adequately, misconduct, or neglect of duty. The progressive discipline process will be followed prior to demotion unless the situation warrants automatic involuntary demotion. An involuntary demotion with cause will result in a reduction of pay of no less than 5%.

b. Involuntary Demotion Due to Reduction in Force: If an involuntary demotion is based on a reduction in force, the employee will be given consideration, based on seniority and work performance record, for openings in vacant job classifications. An involuntary demotion due to a Reduction in Force is not a disciplinary action and no progressive discipline is necessary and no grievance/appeals process is available.

7. Terminations

a. Immediate termination: May be made for cause including, but not limited to, an employee's action or behavior that constitutes the following.

i. Insubordination (refusal to follow supervisor's instructions).
ii. Endangering his/her own health or safety or the health or safety of other employees or citizens.
iii. Theft, vandalism, or willful destruction of Authority or co-employee property.
iv. Making fraudulent statements on employee applications or job records.
v. Any violation of the SWDA Alcohol and Drug Policy.
vi. Conviction of a felony offense or of a crime involving moral turpitude.
vii. Conviction of an offense that affects the employee's ability to perform their job duties or insurability, including, but not limited to, loss or suspension of licenses or other credentials.
viii. Any other infraction when termination is determined to be in the best interest of the Authority.

b. Terminations that follow the progressive discipline process: May be made for cause including, but not limited to, an employee's action or behavior that constitutes the following are permitted for reasons that include, but are not limited to, the following.

i. Misconduct.
ii. Willful neglect of duties.
iii. Absence from work without authorization or notification.
iv. Failure to perform job duties.
v. Repeated tardiness or absence.
vi. Violation of departmental rules.
vii. Email or internet abuse.

Any employee who fails to correct deficiencies after two documented warnings may be subject to termination unless automatic termination is justified.

E. Appeals Procedures for Adverse Actions

1. When a manager seeks to suspend an employee without pay, involuntarily demote an employee, or terminate an employee, he or she should make a recommendation to the Human Resources Director the action be taken. The manager shall notify the employee in writing that the discipline is proposed. The employee then has one working day to request in writing to the Human Resources Director, a pre-disciplinary hearing before their Division Director. If the employee reports to the Human Resources Director, a pre-disciplinary hearing, if requested, will be held before the Chief Operating Officer. If the employee does not request a pre-disciplinary hearing within one day or receiving written notification of the proposed discipline, the proposed discipline will become effective at the end of the one-day working period. In the case of a suspension, an employee can request a pre-disciplinary hearing; however, the suspension will be effective at the time of the written notice. If the pre-disciplinary hearing overturns the disciplinary action, the employee is entitled to be paid for any time missed from work.

2. If the employee requests the pre-disciplinary hearing, the Division Director will inform the employee of the date and time of such hearing. Generally, the pre-disciplinary hearing will be held within two working days of the request for the hearing. The hearing will be informal in nature and the employee may have a representative of their choosing present at the hearing at their own expense.

3. Within three working days of the pre-disciplinary hearing, the Division Director will issue a decision on the proposed disciplinary action. If the proposed disciplinary action is upheld by the Division Director, the employee may, within three working days, appeal the decision to the Chief Executive Officer. If the Division Director upholds a recommendation for suspension or termination, the suspension or termination is effective at the time the decision is issued; however, the employee may still appeal the decision to the Chief Executive Officer. If the Chief Executive Officer overturns the disciplinary action, the employee is entitled to be paid for any time missed from work.

4. If an employee appeals an adverse action to the Chief Executive Officer, the hearing will be informal in nature and the employee may have a representative of their choosing present at the hearing at their own expense. The employee is entitled to a copy of his personnel file prior to the hearing, if so requested. Generally, a hearing will be held within five working days of the request for the hearing. If the Chief Executive Officer is unavailable, the Chief Operating Officer will conduct the hearing. If the appeal is from a decision of the Chief Operating Officer and the Chief Executive Officer is unavailable, the Director of Finance will conduct the hearing. The hearing officer will issue their decision within three working days of the hearing. The decision of the hearing officer is final.

VIII. Drug and Alcohol Policy

A. Alcohol and Drugs – Drug Free Workplace Policy

1. The Solid Waste Disposal Authority of Baldwin County, Alabama is committed to providing a safe working environment for all employees. The SWDA recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to his or her self, his/her coworkers, and to the public in general. Even small quantities of narcotics, abused prescription or over-the-counter drugs or alcohol can impair judgment and reflexes. This impairment can have dire results, particularly for employees operating vehicles or potentially dangerous equipment.

It is therefore the policy of the Solid Waste Disposal Authority of Baldwin County, Alabama that all employees or any person performing any kind of work for the SWDA must report to work completely free from alcohol, illegal or unauthorized drugs, or any other substances that may have a mind-altering or intoxicating effect or otherwise impair the employee's judgment, reaction times or functioning.

2. The SWDA also prohibits all employees from using, possessing, manufacturing, distributing or making arrangements to distribute alcohol, illegal or unauthorized drugs, or any other intoxicating substances while at work or on or about any county property.

3. In order to avoid creating safety problems and violating this policy, employees must inform his/her supervisor when he/she is legitimately taking any medication, including prescription drugs or over-the-counter medications, which affects his/her ability to work. Employees whose job performance may be affected by such medications may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

4. Any employee who violates this policy in any way shall be immediately removed from his/her job duties and shall be subject to discipline, up to and including immediate termination.

5. No part of this policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in his/her employment. The Authority maintains the right to change this policy at any time without notice. To the extent that any portion or provision of this policy and procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling. Further provisions of this policy, specifically including, but not limited to, testing procedures, are subject to change in order to remain consistent with the United States Department of Transportation regulations. It is the Authority's intent that it be allowed to choose any testing method that is approved by the United States Department of Transportation.

6. The Authority has designated the Human Resources Director as the Drug Program Coordinator. If you have any questions or concerns regarding this policy or its application, please contact him/her at: (251) 972-8548.

7. The Federal Drug and Alcohol Clearinghouse herein referred to as "Clearinghouse"

manages an electronic database that tracks all covered employees with commercial driver's licenses who have tested positive for prohibited drugs or alcohol use, as well as refusals to take required drug tests and other drug and alcohol violations. Additionally, when a covered employee driver has been found to be in violation and then completes the required return-to-duty process, this information will also be recorded in the Clearinghouse.

The Clearinghouse is Required by Federal Law

The Authority is required to populate the Clearinghouse with the following information:

- Employees' DOT drug and alcohol violations under Part 382 of the Federal Motor Carrier Safety Regulations as part of the hiring process; and
- Posting to the Clearinghouse all prohibited driver activity, who have tested positive for prohibited drugs or alcohol use, as well as refusals to take required drug tests, and other drug and alcohol violations; and
- The requirement to query the Clearinghouse annually for information relating to prohibited drug and alcohol testing behavior by the employee; and
- Verification of a CDL driver's completed steps in the DOT return-to-duty process (if applicable).

Covered DOT Employee Drivers Need to Know Their Rights and Responsibilities

If a covered DOT employee changes companies, he or she will have to register in the Clearinghouse in order to give permission for the new hiring motor carrier to make queries into his/her clearinghouse testing information. All companies are required to enter selected information into the Clearinghouse, as listed in Section 382.601(b)(12). The following is the best-practices information that all employees should understand:

- All types of inquiries companies will perform consistent with (Section 382.701);
- Employee driver procedures on signing up for access to the Clearinghouse;
- Covered employees be provided information on how they may obtain a copy of their Clearinghouse records (Sections 382.707, 382.709);
- Procedures for correcting information in the database (Section 382.717);
- Awareness that state licensing authorities (DMVs) will have access to the database (Section 382.725); and
- Clarification on an employee's obligation to notify a current employer(s) (in writing) of DOT testing violations occurring under a different employer (Section 382.415)

It is important to understand that all covered DOT employee drivers must give their permission to access their Clearinghouse drug and alcohol information. Which means if the covered employee refuses to allow access to the Clearinghouse, it will result in removal of the employee from his/her duties and disciplinary action up to and including termination.

Lastly, all covered employee drivers have a right to review their Clearinghouse information, and if the driver finds a discrepancy or disagree with the records, they are encouraged to write to FMCSA and dispute any issues in question and potentially correct any incorrect records. All

these processes are easily defined and available online at https://clearinghouse.fmcsa.dot.gov/

B. Definitions

1. "Accident" means any on the job accident. "Accident" includes vehicular accidents as well as any acts or omission causing an accident or injury to any person or damage to any equipment or property belonging to the Authority.

2. "Administrator" means the person or entity that implements drug testing on employees and applicants.

3. "Alcohol" means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.

4. "Chain of Custody" means procedures implemented by SWDA for the identification and integrity of each urine specimen. SWDA requires the person responsible for policy implementation to track the handling and storage of each urine specimen from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. Chain of custody forms shall document the date and purpose of each time a specimen is handled or transferred and shall identify every individual in the chain of custody.

5. "Clearinghouse" means *FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse*. It is a secure online database that gives employers, the FMCSA, State Driver Licensing Agencies (SDLAs), and state law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations. The Clearinghouse enables employers to identify drivers who commit a drug and alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations).

6. "Collector" means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the urine specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this procedure and certifies completion as required herein. In any case, where a collection is observed or monitored by non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.

7. "Collection Site" means a place designated by SWDA where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substances and alcohol. The site will possess necessary personnel, materials, equipment facilities, and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the samples to a laboratory.

8. "Controlled Substance" means any substance defined or classified as a controlled substance according to federal or state law. Title II of the Comprehensive Drug Abuse Prevention

Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana and its derivatives regardless of how obtained, and any stimulants or hallucinogens, that are subject to legal prohibitions or restriction on their sale purchase, transfer, use or possession.

9. "Authority" means Solid Waste Disposal Authority of Baldwin County, Alabama.

10. "DOT Employee" is an employee who is subject to the rules and regulations of the United States Department of Transportation regarding drug and alcohol testing because of the job duties that he/she performs.

11. "Drug Program Coordinator" is the person designated by SWDA to ensure compliance with this Policy, including, but not limited to, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by SWDA are properly certified and ensuring that the Medical Review Officer is properly credentialed. SWDA has designated the Human Resources Director as the Drug Program Coordinator.

12. "Employer Premises" includes all property owned, leased, used, or under the control of the SWDA, including, but not limited to, the job site of any employee, structures, building offices, facilities, vehicles and equipment or transportation to and from those locations while in the course and scope of Authority employment.

13. "Employee" means any and all employees of the Authority.

14. "Illegal/Unauthorized Drug" means any drug (1) which is legally obtainable but has not been legally obtained or, even if legally obtained, is not being used in accordance with instructions given either by a physician or, if over-the counter, on the drug's label; or (2) all illegal drugs, including, but not limited to, methamphetamine, cocaine, heroin, marijuana etc.

15. "Intoxicating Substance" means any substance, whether legal or illegal, that may have an intoxicating or mind-altering effect when ingested, snorted, smoked, or otherwise introduced into the body. Intoxicating substances include, but are not limited to, "bath salts," nitrous oxide, glues, solvents, cannabidiol (CBD) derivatives, or herbs or other plants such as salvia.

16. "Legal Drug" means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used appropriately for their intended purpose in accordance with directions given either on the label or by an employee's treating physician.

17. "Medical Marijuana" refers to marijuana or any of its derivatives that is prescribed in accordance with the laws of a State.

18. "Medical Review Officer" (MRO) means a licensed physician (medical doctor) responsible for receiving laboratory results generated by the county's drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history and any other relevant biomedical information.

19. “Possession” means actual or constructive care, custody, control, or immediate access.

20. “Random Selection Process” is the process used to ensure that each employee holding a safety-sensitive position has an equal chance of being drug-tested every time that random drug tests are conducted. This process means that some employees may be tested multiple times in any given year.

21. “Reasonable Cause” means that SWDA believes the actions, appearance, or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.

22. “Safety-Sensitive Employees” are those persons who are subject to random drug and alcohol testing. These employees include, but are not limited to, persons who inspect, service, repair, or maintain a vehicle or other heavy equipment, operate or load a vehicle or heavy equipment, use tools, including both power and hand tools, and that have the capacity to injure any person. An employee is engaged in a safety-sensitive function at all times from the time that an employee begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. A list of all positions that are designated as “safety sensitive” is maintained by the Human Resources Director.

23. “Under the Influence” means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees or the public; and/or having any laboratory evidence of the presence of drugs, alcohol, or prohibited or controlled substance in the employee’s body.

C. Persons Subject to Testing

1. The following employees have been designated by the Authority to submit at any time to be tested for illegal drug abuse and alcohol abuse:

a. All employees who hold positions or regularly perform duties that have been designated to be “safety-sensitive” by the Authority;
b. Any employee who, during the course of said employee’s employment, is involved in an accident causing physical injury to any person or damage to any property; and
c. Any employee, regardless of whether he/she holds a safety-sensitive position, whose conduct, behavior, or physical symptoms establishes reasonable cause to believe that said employee is under the influence of any drug and/or alcohol while performing his/her job duties or while being physically present on the premises of the Authority’s property during any activity sponsored or supervised by the Authority or in which the Authority participates.

D. Types of Testing

1. Pursuant to the Authority’s Policy and Procedures, employees will undergo testing as follows.

a. **Pre-Employment Testing:** All employees applying for a position that has been designated as safety-sensitive will be required to submit to a pre-employment drug and alcohol test before a final offer of employment is extended. All pre-testing offers of employment to such persons are explicitly conditioned on the employee successfully taking and passing the drug and alcohol test and undergoing a routine pre-employment physical exam. Pre-employment testing will also be done when an employee transfers from a non-safety sensitive position to a safety-sensitive position.

b. **Random Testing:** All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them.

c. **Reasonable Cause Testing:** The Authority may schedule a drug/alcohol test when behavioral observations indicate to the employee's supervisor that any employee may be involved in illegal use of a controlled substance, use of alcohol, or abuse of legal drugs. Before testing, the employee's supervisor shall either (1) contact another supervisor to observe the employee's behavior and to concur with the decision to test the employee or (2) review the employee's behavior with another supervisor to obtain concurrence with the decision to test the employee. The employee shall be promptly escorted to the collection site for testing by the employee's supervisor or designee.

d. Employees arrested or convicted for the off-the-job use or possession of illegal or controlled substances shall undergo testing to assist the Authority in determining fitness for duty. If the employee tests positive, the Authority may discharge the employee.

e. **Post-Accident Testing:** All employees are required to report all injury or damage related accidents and submit to a post-accident drug/alcohol test as set out in this policy. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee's supervisor or his/her designee shall schedule the drug screening test immediately following a reportable incident or a reportable accident.

f. **Return-To-Duty Testing:** If an employee has violated the prohibited drug and alcohol rules, he/she must take and pass a drug and alcohol test before returning to work. Further, any employee who has violated the prohibited drug and alcohol rules is required to take a drug and/or alcohol test before returning to safety-sensitive functions for *any* DOT regulated employer and is also subject to unannounced follow-up testing at least six times in the first 12 months following a return to active safety-sensitive service.

2. Any and all drug testing conducted by the Authority will not be used to identify the existence of any disability.

3. In the event there is reasonable suspicion of a violation of this policy, the Authority also reserves the right to search all property, including, but not limited to cabinets, tool boxes, vehicles, including personal vehicles brought onto SWDA's property.

E. Safety-Sensitive Employees

1. Employees are considered to be "safety-sensitive" when his/her job duties regularly require them to engage in activities that have the potential to cause physical injury to themselves or others or to cause serious property damage. Such activities include, but are not limited to:

a. Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors, trucks, and riding mowers;

b. Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including, but not limiting to, chainsaws or weed-eaters;

c. Regularly operating motor vehicles or heavy equipment as part of his/her job duties, including equipment such as tractors or riding mowers for which licensure is not required by the State of Alabama;

d. Regularly operating tools or machinery that has the capacity to seriously injure the user or another person; or

e. Loading and unloading vehicles or heavy equipment.

2. A list of positions that have been designated as safety-sensitive by SWDA is available for view with the Human Resources Director. Some safety-sensitive positions are specifically subject to regulation by the Department of Transportation (DOT). These positions are indicated by an asterisk. An accredited testing laboratory will maintain two different random testing pools, including one pool for persons specifically subject to regulation by DOT and one pool for all other safety-sensitive employees.

3. All employees are subject to drug and alcohol testing when there is reasonable cause to believe that they have violated this policy and after any accident involving physical injury or serious property damage. However, employees who have been designated as safety-sensitive are also subject to pre-employment testing and random testing. Random drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed when the safety-sensitive employee is performing a safety-sensitive duty, just before or just after the performance of a safety-sensitive duty.

4. Medical marijuana prescribed pursuant to State law is not a valid explanation for a positive test result for a safety-sensitive employee. Employees may not perform safety-sensitive functions while taking medical marijuana. Employees who are prescribed medical marijuana in accordance with State law must inform Employer of their prescription prior to first use. Reasonable accommodations will be made for an employee who complies with this procedure, depending on the individual circumstances; however, failure to properly report may result in

termination for cause.

5. In addition, employees occupying positions deemed to be "safety-sensitive" must promptly report any arrests, charges or convictions for drug or alcohol related criminal offenses, including both misdemeanors and felonies, to his/her supervisor. **Failure to report such arrests, charges or convictions may be grounds for discipline, up to and including immediate dismissal.**

F. Necessity of Compliance with Testing Requirements

1. All employees are subject to reasonable suspicion and post-accident testing as a condition of his/her employment. In addition, all safety-sensitive employees will be subject to pre-employment and random drug and alcohol testing urine, breath, or any other method approved by the Department of Transportation as a condition of employment.

3. Any employee who refuses to take a drug and/or alcohol test to which he/she is properly subject shall be considered to have a verified positive test result. An employee who has a verified positive test result, including by refusal, shall be immediately removed from his/her duties and may be subject to immediate termination. In addition, any employee subject to DOT regulations will receive educational and rehabilitative information and a referral to a Substance Abuse Professional.

a. Refusals can include a variety of behaviors, including the following:
   i. Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the Authority;
   ii. Failure to remain at the testing site until the testing process is complete;
   iii. Failure to provide a urine specimen for any required drug test;
   iv. Failure to permit the observation or monitoring of the specimen collection when required to do so;
   v. Failure to provide a sufficient amount of urine when directed without an adequate medical explanation for this failure;
   vi. Failure to take a second test when directed to do so by the Authority or collector;
   vii. Failure to undergo a medical examination when directed to do so by the MRO or the Authority;
   viii. Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, or fail to wash hands after being directed to do so by the collector);
   ix. Failure to follow the observer's instructions during an observed collection, including instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
   x. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
   xi. Admit to the collector or MRO that the specimen has been adulterated or

substituted;

xii. Failure to sign step two of the alcohol test form; or

xiii. Leaving the scene of an accident without a valid reason before post-accident tests has been completed. Failure to remain "readily available."

G. Off-Duty Conduct

Off-the-job use of drugs, alcohol or any other prohibited substance which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product or harm to the Authority's image, tasks or government is prohibited. Employees should realize that these regulations prohibit all illicit drug use, on and off duty.

H. Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; except that safety-sensitive employees may not use medical marijuana. The Authority prohibits the misuse of prescribed and/or over-the-counter medications or other intoxicating substances and requires all employees using drugs at the direction of a physician to notify the Authority's Medical Review Officer (MRO) or their Drug Program Coordinator/Human Resources Director, when these drugs may affect his/her job performance, such as by causing drowsiness, dizziness, or otherwise interfered with performance or cognition. Employees may not perform safety-sensitive functions while using any controlled substances, unless the employee's physician certifies that the substances will not adversely affect the employee's ability to perform his/her job. All employees should also be aware that the use of such medications will not excuse misconduct or violations of policy; however, depending on the circumstances, an employee may be entitled to a reasonable accommodation if they inform their supervisor of their need to use such substances prior to an incident.

Employees should be aware that there is a risk that the use of certain supplements and topical lotions, oils, creams, etc., including, but not limited to, products containing CBD oils, may cause a positive drug test result. The use of such products may not provide a medical justification for a positive test result.

I. Persons Subject to Testing

1. All safety-sensitive applicants shall undergo urine drug testing using either urinalysis or any other method approved by the Department of Transportation prior to performing safety-sensitive duties. This requirement also affects employees not in safety-sensitive positions who seek reclassification into a safety-sensitive position. Receipt by the Authority of a negative test result is required prior to performing safety-sensitive duties in a covered position. A cancelled test result is not acceptable and must be retaken. If the applicant has a positive pre-employment drug test, he/she cannot be hired for a safety-sensitive position.

2. A negative result on a pre-employment test by a job applicant is valid for 30 days. If a current covered employee has not performed a safety-sensitive duty for 90 days or longer and has been removed from the random pool, the employee must submit to a new pre-employment test and

receive a negative result before resuming safety-sensitive duties.

3. Any person who is subject to DOT testing will be required to undergo pre-employment testing if they have been removed from the DOT random testing pool for more than 30 days.

4. An MRO may report negative pre-employment test results for individuals who are unable to provide sufficient volume due to permanent disability but has a medical evaluation that indicates no chemical evidence of illegal drug use.

5. All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo pre-employment/reclassification drug testing prior to his/her employment and that they will be subject to drug and alcohol testing throughout the period of his/her employment. Applicants will acknowledge in writing his/her understanding of these provisions for his/her application and employment. The Authority will retain on file the negative drug test results of all new hires.

6. In addition to undergoing pre-employment testing, applicants for a safety-sensitive position will be asked to sign forms for release of information from any previous employer for whom the applicant performed safety-sensitive functions. Failure to sign this form will result in not being hired. When a covered applicant has previously failed a pre-employment drug test with a prior employer, the employee must present proof of having successfully completed a referral, evaluation and treatment plan.

J. Reasonable Cause

1. All employees (whether or not safety-sensitive) will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in workplace or vehicular accident or other actions which indicate a possible error in judgment or negligence or other violations of the drug or other Authority policy. Before testing the employee, another supervisor shall be contacted to observe the employee's behavior and to concur with the decision to test the employee or the observing supervisor will review the employee's behavior with another supervisor either face to face or via telephone to obtain concurrence with the decision to test the employee. The documentation of the employee's conduct shall be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

2. Upon the reasonable suspicion determination being made, the Authority shall ensure that the employee is transported immediately to a collection site for the collection of a urine sample. The employee shall be counseled not to drive a vehicle and a supervisor shall provide transportation for the employee to the collection site.

3. All persons designated to make a determination that reasonable suspicion exists to require an employee to undergo testing under this provision shall receive at least 60 minutes of training on both alcohol and controlled substance use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

4. Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and/or alcohol test will be terminated.

K. Random Testing

1. The Authority will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two computerized random testing pools including one DOT pool and one non-DOT pool. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule in either pool.

2. **Employees will be required to report to the designated collection site for testing as soon as possible, but in no case later than two hours following notification.** Failure to report for drug/alcohol screening within two hours of notification will be treated as a positive test result.

L. Post-Accident Testing

1. Employees are required to immediately notify the Drug Program Coordinator/Human Resources Director or designee of any accident resulting in injury or damage to any Authority property or personnel.

2. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of controlled substances and/or alcohol as soon as possible after the accident, but in no case later than eight hours for alcohol testing and 32 hours for drug testing.

3. Employees will be required to undergo drug and alcohol testing using urine, breath, or any other method approved by the Department of Transportation if they are involved in an accident that results in a fatality. A post-accident test will also be conducted in situations where there is no fatality but the following occurs: (1) an individual requires immediate transport to a medical treatment facility as a result of collision or non-collision; (2) any time one or more vehicles incur disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in its usual manner in daylight after simple repairs; or (3) with respect to any occurrence in which a vehicle including a mass transit vehicle (rail car, trolley car, trolley bus or vessel) is removed from operation. In a non-fatal accident as previously described, post-accident testing will be conducted, unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by the Authority using the best information at the time of the decision. In addition, drug screening and alcohol screening will be required for any

driver receiving a citation for any moving violation resulting from an accident.

4. After notification of any accident, the Authority will arrange for the employee to be taken as soon as practicable to the collection site designated by the Authority. The supervisor or designee will schedule the employee and assure that he/she is tested the same day as the reportable accident, if possible.

5. If an employee is injured, unconscious or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample. A supervisor may elect not to test under these circumstances, but such a decision must be made based upon information received as a result of an investigation of the accident. *Nothing in this document should be construed to require the delay of 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 in responding to the accident or to obtain necessary emergency medical care.*

6. Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight hours following an accident or until he/she submits to an alcohol test, whichever comes first. As stated above, the employee will be tested not to exceed eight hours following an accident for alcohol and not to exceed 32 hours post-accident for drug testing. If there is a delay of greater than two hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral and the employer must still attempt to administer an alcohol test for up to eight hours following the accident or until the employee undergoes a post-accident alcohol test.

7. An employee who is subject to post-accident testing must remain available and follow these guidelines or the Authority may consider the employee to have refused to submit to testing.

8. The Authority will discipline or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator/Human Resources Director shall ensure that an accident report is filed in compliance with SWDA policy and applicable laws and regulations.

M. General Testing Procedures

1. The Authority Commission will contract with a properly certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws. The following is a list of the general procedures that will be followed for all drug and alcohol testing, regardless of the reason why the test is being performed:

a. All testing procedures, including collections, will be performed by certified technicians and/or laboratories;

b. Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the controlled substance testing consent form provided by the Authority. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current

driver's license, with photo, other form of picture identification or identification by an Authority representative;

c. The employee shall complete a drug testing custody and control form;

d. The Drug Program Coordinator/Human Resources Director shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The Authority may, but shall not be required to, reanalyze the employee's original sample to clarify the findings;

e. Controlled substance testing must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the Authority within 72 hours after notification of a positive sample that he/she desires a retest under this provision;

f. If a split sample test produces a negative result or if they second portion is not available, the test is considered negative, and no sanctions will be imposed; and

g. All persons who receive information by the Authority regarding drug tests shall maintain this information on a confidential basis.

h. In the event that the United States Department of Transportation approves additional and/or alternative testing methods, devices, or procedures, including, but not limited to, Oral Fluid Testing, Employer reserves the right to utilize such methods, devices, or procedures as allowed in the applicable regulations.

2. Both the SWDA and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation's procedures for transportation workplace drug testing programs.

N. Substances Tested For

1. DOT employees will regularly be tested for:

a. Marijuana (THC Metabolite);

b. Cocaine;

c. Amphetamines (including when appropriated, amphetamine, methamphetamine, MDMA, and MDA);

d. Opiates (including codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, and oxymorphone);

e. Phencyclidine (PCP); and

f. Alcohol

2. Non DOT-employees may be tested for other substances without advance notice. DOT employees may also be separately tested for other substances without advance notice by the Authority for safety purposes. Such tests will be coordinated with the Drug Program Coordinator/Human Resources Director.

O. Collection Sites

1. The Authority will designate a collection site in a reasonably accessible location.

P. Collection Procedures

1. Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. The collector seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paper work for shipment to a drug-testing laboratory. The specimen collection procedures and chain of custody ensures the specimen's security, proper identification and integrity is not compromised.

2. Split specimen procedures:

a. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen;

b. Both bottles are sent to a laboratory;

c. Only "primary" specimen is opened and used for analysis;

d. "Split" specimen remains sealed and stored at the laboratory;

e. If the "primary" specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request in writing the "split" specimen be sent to another DHHS certified laboratory for analysis;

f. If it is positive for one or more of the drugs, then a continuation test is performed for each drug using state-of-the-art gas chromatography/mass spectrometry ("GC/MS") analysis; and

g. GC/MS confirmation insures that over-the-counter medications or prescriptions are not reported as positive results.

h. Any portion of a sample provided during the collection event will be discarded if an employee fails to provide a sufficient specimen by the end of the three-hour wait

period.

3. Direct Observation.

   a. Observed collections are required in a number of situations for DOT employees. Any employee subject to a drug test may also be required to undergo observed collection. The purpose of direct observation is to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:

      i. All return-to-duty tests;

      ii. All follow-up tests;

      iii. Anytime the employee is directed to provide another specimen, because the temperature on the original specimen was out of the accepted temperature range of 90 – 100 degrees Fahrenheit;

      iv. Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;

      v. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;

      vi. Anytime the employee is directed to provide another specimen, because the laboratory reported to the MRO that the original specimen was invalid and the MRO determines that there is not an adequate medical explanation for the result; or

      vii. Anytime the employee is directed to provide another specimen, because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

   b. The employee who is being observed will be required to raise his/her shirt, blouse or dress/skirt as appropriate, above the waist, lower clothing and underpants and turn around completely at the direction of the observer in order to show that he/she is not wearing any prosthetic device.

   c. When necessary, an Authority representative or medical personnel may obtain a specimen outside of a designated collection site (such as the emergency room following an accident investigation, etc.).

Q. Alcohol Testing Procedures

1. All employees are prohibited from possessing, drinking or being impaired or

intoxicated by alcohol while at work or on duty. ***In addition, safety-sensitive employees are prohibited from consuming any alcohol four hours prior to going on duty.*** A Blood Alcohol Content (BAC) of 0.04 will be accepted as presumptive evidence of intoxication.

2. Any employee may be subject to alcohol testing either for reasonable suspicion or post-accident. Safety-sensitive employees are also subject to random alcohol testing. Random testing will be conducted just before, during or after the employee has performed a safety-sensitive function. Safety-sensitive employees with a BAC of 0.02 will be immediately removed from the safety-sensitive duties for a period of at 24 hours.

3. All alcohol tests will be conducted using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration by a properly trained person. Any result showing greater than a 0.02 BAC will be repeated.

R. Evaluation and Return of Results

1. The MRO will be responsible for reviewing the quantified test results of employees and confirming that the individuals testing positive have used drugs in violation of policy. Prior to making a final decision, the MRO shall give the individuals testing positive an opportunity to discuss the result either face to face or over the telephone. If the test result is negative dilute, the MRO may decide that the employee must take another test. If this second test results in a negative dilute result, the test will ordinarily be considered to be a negative and no additional testing will be required unless the MRO so directs.

2. The MRO shall then promptly tell the Drug Program Coordinator/Human Resources Director which employees or applicants test positive.

S. Request for Re-Test

An employee may submit a written request for a retest of the original specimen within 72 hours of receipt of the final test results. Requests must be submitted in writing to the Drug Program Coordinator/Human Resources Director. The employee may be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

T. Release of Test Results

1. Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the Authority, the drug testing laboratory and the Medical Review Officer. They cannot be released to others without the written consent of the employee. Exceptions to this confidentiality are limited to DOT agencies when license or certification actions are required or to the decision-maker in arbitration, litigation or administrative proceedings arising from a positive drug test.

2. However, all employees will be required to execute a consent/release form permitting the Authority to release test results and related information to the Department of Industrial Relations or other relevant government agency. Applicants for safety-sensitive positions will also

be required to execute a consent/release form permitting the Authority to review records of previous drug and alcohol testing information.

U. Retention of Records

1. All records will be maintained so as to preserve confidentiality and prevent unauthorized persons from accessing, releasing or tampering with records. The following records will be maintained:

a. Records related to the collection process, including:

i. Collection logbooks, if used;

ii. Documents relating to the random selection process;

iii. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests;

iv. Documents generated in connection with decisions on post-accident drug and alcohol testing; and

v. MRO documents verifying existence of a medical explanation of the inability of an employee to provide adequate urine or breath sample.

vi. Records related to test results:

1. The employer's copy of the custody and control form;

2. Documents related to the refusal of any employee to submit to a test; and
3. Documents presented by an employee to dispute the result of a test.

vii. Records related to referral and return to duty and follow-up testing, including records of any DOT employee's entry into and completion of the treatment program recommended by the substance abuse professional.

viii. Records related to employee training:

1. Training materials on drug use awareness and alcohol misuse, including a copy of the employer's policy on prohibited drug use and alcohol misuse;

2. Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training;

3. Documentation of training provided to supervisors for the purpose of

qualifying the supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion; and

4. Certification that any training conducted under this part complies with the requirements for such training.

ix. Copies of any annual MIS reports submitted to FTA.

b. The following records will be maintained for no less than five years:

i. records of verified positive drug or alcohol test results;

ii. documentation of refusals to take required drug or alcohol tests;

iii. referrals to the substance abuse professional; and

iv. copies of annual MIS reports submitted to FTA

c. The following records will be maintained for no less than two years:

i. records related to the collection process and

ii. employee training

d. The following records will be maintained for no less than one year:

i. records of negative drug or alcohol test results, with the exception that all post-accident testing records will be maintained for at least three years after an accident.

V. Employee Education and Training

The Authority will provide written information on drug/alcohol use and treatment resources to safety-sensitive employees. The Authority will provide training for employees on the dangers of controlled substance use annually. All supervisors of safety-sensitive employees must also attend one hour of training on the signs and symptoms of drug abuse. The training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing and decisions regarding work assignments.

W. Employment Assessment

Any safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended or has refused to submit to a drug or alcohol test (except in the case of an applicant) will be referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified psychologist, social worker or employee

assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will follow the protocols and meet the requirements defined in 49 CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

X. Investigation/Searches

1. Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he/she may inspect vehicles which an employee brings on the Authority's property, lockers, work areas, desks, purses, briefcases, tool boxes or other belongings and at locations where Authority related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator/Human Resources Director will do so for him/her. The Authority may release any illegal or controlled drugs or paraphernalia to appropriate law enforcement authorities.

2. All searches should be coordinated with the Drug Program Coordinator/Human Resources Director or his/her designee.

Y. System Contacts

Any questions regarding this policy or any other aspect of the drug free and alcohol-free transit program should contact the following transit system representative:

Designated Solid Waste Disposal Authority's Representative/Program Manager:

Title: Human Resources Director
Address: 15093 Landfill Drive
Summerdale, Alabama 36580
Telephone #: (251) 972-8548

IX. **Motor Vehicle Operations Policy**

Purpose: To establish a Solid Waste Disposal Authority Motor Vehicle Policy pertaining to the requirements and responsibilities for operating a Solid Waste Disposal Authority vehicle or for the operation of a vehicle on behalf of the Solid Waste Disposal Authority.

Definition of a Solid Waste Disposal Authority Vehicle: Any vehicle that is owned, leased, rented, or loaned to the Solid Waste Disposal Authority. This includes equipment that does not require a driver's license but will be operated on a public street or right-of-way.

Driver's License Requirements:

1. Prospective and current employees, whose job duties include the operation of a Solid Waste Disposal Authority vehicle or driving on behalf of the Solid Waste Disposal Authority, must be in possession of a valid and current driver's license to include the appropriate class of commercial license for the vehicle being operated. Under no circumstances shall a Solid Waste Disposal Authority employee, whose license has been cancelled, revoked, suspended, or expired, operate a vehicle around or about a roadway.

2. During the hiring, promotion, or transfer of a current or prospective Solid Waste Disposal Authority employee, whose duties include the operation of a Solid Waste Disposal Authority vehicle or driving on behalf of the Solid Waste Disposal Authority, said employee shall produce a valid and current driver's license.

3. An employee, whose job duties include the operation of a Solid Waste Disposal Authority vehicle, or driving on behalf of the Solid Waste Disposal Authority, shall immediately, within 24 hours of returning to work, notify their manager or division director of any change in the status of the employee's license or the receipt of any citation for a moving violation in the operation of a motor vehicle whether the citation is on or off the job. Failure to immediately report a driver's license revocation, suspension, cancellation, or citation, as required by this paragraph, shall result in disciplinary action in adherence with Solid Waste Disposal Authority Rules and Regulations and paragraph 4 of this section.

4. An employee who fails to report a change in the status of their driver's license or the receipt of any citation for a moving violation shall be subject to one or more of the following:

    - letter of reprimand,
    - suspension without pay,
    - revocation of driving privileges and transfer/demotion to a job not requiring the ability to drive, or
    - termination of employment

Motor Vehicle Record (MVR) Requirements:

1. An applicant for a position with the Solid Waste Disposal Authority, whose job duties include driving a Solid Waste Disposal Authority vehicle or driving a vehicle on behalf of the Solid Waste Disposal Authority, will have their current MVR reviewed, prior to being employed, by the hiring authority or so delegated official. If the MVR has greater than eight points in a 24-month period listed for traffic violations or a conviction or pending charge for driving under the influence during that period, that applicant will be disqualified from consideration for the position in question.

2. A current employee whose job description includes the duty to operate a Solid Waste Disposal Authority vehicle or driving a vehicle on behalf of the Solid Waste Disposal Authority will have his/her MVR reviewed at a minimum of every three years. If a current employee has, at any time, an MVR that is found to be greater than eight points according to the points scale for the State of Alabama UTC offense codes, that employee shall be required to attend a defensive driving course at the employee's expense. The accumulation of points is for a 24-month period. The date of reference for points accumulation shall be the date of the conviction. The Risk Management Division shall be responsible for reviewing, around the anniversary date of the employee's initial hiring or promotion to a position necessitating the driving of a vehicle, the employee's MVR.

3. The employee who is identified as having an MVR greater than eight points will be given two weeks from the date of notification to present a certificate from a school of defensive driving to the appropriate division director, or the employee's driving privileges will be suspended until such certification is presented.

4. Any current employee arrested for driving under the influence of alcohol or drugs will be immediately prohibited from operating Solid Waste Disposal Authority vehicles or from driving on behalf of the Solid Waste Disposal Authority. If the person is found not guilty of driving under the influence of alcohol or drugs, driving privileges will immediately be returned. If the person is found guilty, driving privileges will be taken away for an additional period not to exceed one year starting with the initial date driving privileges were revoked. If greater than one year has elapsed between the date of arrest and conviction for DUI, the employee's driving privileges will be revoked for, at least, an additional 90 days from the date of conviction. It is the responsibility of the employee to report such an arrest or conviction to their manager or division director.

Seat Belt Use

1. Seat belt use is mandatory in all Solid Waste Disposal Authority vehicles or when driving any vehicle on behalf of the Solid Waste Disposal Authority. This applies to both the driver and all passengers in seating locations equipped with seat belts.

Procedures for Obtaining Certification to Operate Solid Waste Disposal Authority Vehicles

1. All new employees who may, as a part of their job duties, operate Solid Waste Disposal Authority vehicles or drive on behalf of the Solid Waste Disposal Authority or current employees being promoted or transferred into positions that may require operating Solid Waste Disposal Authority vehicles or driving on behalf of the Solid Waste Disposal Authority will have their driver's license and current MVR reviewed by the Human Resources Director. The purpose of this review is to ensure compliance with the Driver's License Requirements and Motor Vehicle Record (MVR) Requirements of this policy.

2. If an employee is in compliance with the Driver's License Requirements and MVR requirements, the Safety and Training Supervisor will certify the employee to operate Solid Waste Disposal Authority vehicles or drive on behalf of the Solid Waste Disposal Authority and brief the employee on the Solid Waste Disposal Authority Motor Vehicle Operations Policy.

3. MVR Evaluation Grid

1	MVR indicates applicant has a current license and the appropriate endorsements for vehicle(s) he or she will be operating.	YES	Continue to step 2.
		NO	Do not consider for driving duty.
2	MVR indicates moving violations and accidents with in the past three years.	YES	Continue to step 3.
		NO	Continue applicant evaluation procedures.
3	MVR indicates one or more major moving violations or serious preventable accident s within the past three years.	YES	Do not consider for driving duty.
		NO	Continue to step 4.
4	MVR indicates a combination of more than three minor moving violations or minor preventable accidents during the past three years.	YES	Do not consider for driving duty.
		NO	Continue applicant evaluation procedures.

Examples of Major Moving Violations:

- Driving with a suspended or invalid license.
- Operating a vehicle under the influence
- Reckless driving.
- Behaviors including speed racing.
- Using a vehicle to commit a felony.
- Hit and run.
- Fleeing from law enforcement.
- Vehicular manslaughter or assault with a vehicle.

Responsibilities

1. Division Directors shall be responsible for:
    - Ensuring that employees are aware of the driver's license requirement and Motor Vehicle Record (MVR) requirement of this policy.
    - Ensuring that the proper procedures are followed for certifying employees to operate Solid Waste Disposal Authority vehicles.
    - Ensuring employees are aware of and comply with the seat belt usage requirement.

Accident Review Board

1. Effective with implementation date of this policy, there shall be created an Accident Review Committee. The purpose of this committee will be to review all motor vehicle accidents that involve Solid Waste Disposal Authority employees.

2. The Risk Manager will serve as the administrator of the Accident Review Committee. As administrator, the Risk Manager will be responsible for setting the agenda for the Committee, determining the meeting dates and times, and keeping minutes from the meeting. All decisions of the Committee will be forwarded by the Risk Manager to the affected department head for implementation.

3. All departments will submit accident reports/incident reports involving their employees to Risk Management for review. Risk Management shall conduct an initial investigation to determine whether the accident was CLEARLY NON-PREVENTABLE. Those accidents that are deemed CLEARLY NON-PREVENTABLE, after investigation by Risk Management, will not need to be reviewed by the Accident Review Committee. Risk Management will notify the division director of whether the accident is clearly non-preventable or whether the accident is being referred to the Accident Review Board.

4. The Committee will review will determine whether an accident was preventable or non-preventable and recommend disciplinary action for implementation by the employee's division director. The Committee will use the following criteria to make these decisions.

    - Number of previous preventable accidents while operating a Solid Waste Disposal Authority vehicle.
    - Severity of the loss
    - Contributing/mitigating circumstances to the accident
    - The egregious/wanton nature of the accident
    - Consideration of the preventability of the driver's actions; and
    - The employee's previous work record

Record Retention

1. The Human Resources Manager shall be responsible for retaining the following:
    - Employment Application
    - Employees MVR
    - Annual Certifications of Violations
    - Warnings and Corrective Actions

Updated: 6/18/2024

Documents containing personal information and will be stored in a secure location

Motor Vehicle Driver's Annual Certification of Violations and Accidents I certify that the following is a true and complete list of accidents and traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the last 12 months.			
Date	**Offense/Accident**	**Location**	**Type of vehicle**

Date Driver Name Driver Signature

Reviewed by