



BENBROOK WATER AUTHORITY
1121 Mercedes Street
Benbrook, TX 76126
June 15, 2021
3:00 P.M.

1. Call To Order
2. Invocation
3. Citizen Comment On Any Agenda Item
4. Consent Agenda
 - Items listed under Consent Agenda are considered routine and are enacted under one motion. The exception to this rule is that a Board Member, Citizen or General Manager may request one or more items to be removed from the Consent Agenda for separate discussion and action.
 - 4.I. Minutes From May 18, 2021 Regular Board Meeting
 - 4.II. Financial Statement For May 2021
 - Documents:
 - [MAY 2021 FINANCIAL SUMMARY.PDF](#)
5. Texas Coalition For Affordable Power
 - Margaret Somereve - Recognition of Founding Members
6. Reports Of Manager
 - 6.I. Miscellaneous
 - Basin 7 West Sanitary Sewer Evaluation
 - American Water Infrastructure Act of 2018 (AWIA) - Risk & Resiliency Assessment
 - 6.II. Development Update
 - Whitestone Point (Project No. 2020-5150)
 - Whitestone Crest Phase 2 (Project No. 2020-5130)
 - Whitestone Heights Phase 2 (Project No. 2020-5120)
 - Brookside IV (Agreement No. 2019-5110)
 - Boulevard Office Park Addition (Agreement No. 2020-5140)
 - Victron Benbrook Addition
 - Basis Charter School
 - Creekside Apartments / Mercedes Street Bridge
 - 6.III. Active Capital Project Updates
 - Basin 7 Central Wastewater Improvements (2021-112)
 - 2020 WL Renewals and Std. Specification & Detail Development (Project No. 2020-112)
7. New Business
 - 7.I. Consider, Discuss And Possibly Approve Re-Appointments Of Marshall Carminati, Ronald Tamada And David Gattis To The Capital Improvements Advisory Committee

- 7.II. Consider And Discuss The Possibility Of Changing The July 2021 Board Of Directors Meeting Schedule
- 7.III. Consider, Discuss And Possibly Approve Resolution 2021-2, A Resolution Approving The Addition Of The Basin 7 Central Wastewater Rehabilitation Project To The List Of Projects Eligible For Funding With Revenue Bonds, Series 2019, Subject To Approval By The Texas Commission On Environmental Quality

Documents:

[RESOLUTION 2021-02 SR.PDF](#)

- 7.IV. Consider, Discuss And Possibly Approve Revisions To The BWA Personnel Policies

Documents:

[PERSONNEL POLICIES SR.PDF](#)
[PERSONNEL POLICY - FINAL DRAFT 6-9-21.PDF](#)

- 7.V. Consider, Discuss And Possibly Approve A Professional Services Agreement With Garver For Pump Performance Testing Services.

Documents:

[PUMP TESTING SR - GARVER.PDF](#)

- 7.VI. Consider, Discuss And Possibly Approve Second Amendment To Tower / Ground Lease Agreement With Verizon For Site #193041, Chapin Rd.

Documents:

[VERIZON AMENDMENT - SR.PDF](#)

8. Public Comment

All persons wishing to provide public comment should complete a public comment information form and submit it to the General Manager before the meeting.

Documents:

[PUBLIC COMMENT FORM.PDF](#)

9. Director / Staff Comment

Announcements from Board Members and / or Staff; there will be no discussion or formal action taken on these items.

10. Executive Session

Conduct Closed Executive Session Pursuant to Government Code Section 551.071, to consult with the BWA Attorney Regarding Pending or Contemplated Litigation, Settlement Offers, or on Matters in Which the Duty of the Attorney to the BWA under the Texas Disciplinary rules of Professional Conduct Clearly Conflicts with Chapter 551 Government Code.

Any other item set forth in any section of this notice / agenda

Section 551.072, to discuss real estate / real property transaction

11. Re-Convene In Open Meeting

Take any Action Necessary from Executive Session

12. Adjournment

12.1. Next Regular Meeting Scheduled For July 6, 2021

13. Work Session

Discussion of current / future agenda items

This facility is wheelchair accessible. For accommodations or to inform us of inaccessibility to this meeting, please call 817-249-1250. For sign interpretative services, please call 48 hours in advance.



BENBROOK WATER AUTHORITY

2021 Financial Summary

Financial Statement for May 2021⁽¹⁾

1. Total Operating Revenues	\$930,184
2. <u>Total Operating Expenditures⁽²⁾</u>	<u>\$885,939</u>
3. Monthly Operating Net	\$44,245

Year to Date (YTD) Financial Statement⁽¹⁾

1. Total Operating Revenues	\$4,413,964
2. <u>Total Operating Expenditures⁽²⁾</u>	<u>\$4,420,771</u>
3. YTD Operating Net	(\$6,807)

Consolidated Cash Summary⁽¹⁾

Restricted & Unrestricted Cash – Non-bond Fund Accounts

1. Beginning Balance	\$10,582,457
2. Ending Balance	\$10,313,660

Bond Funds

1. Beginning Balance	\$10,488,472
2. Ending Balance	\$10,440,930

⁽¹⁾ As of 5/31/2021

Prepared 6/2/2021

⁽²⁾ Total expenditures less transfer to create Impact Fee Fund

Meeting Date

June 15, 2021

New Business Item #3

Subject

Resolution 2021-02
Basin 7 Central Wastewater Rehabilitation Project Funding

Recommendation

Staff recommends the Board of Directors approve Resolution 2021-02, adding the Basin 7 Central Wastewater Rehabilitation Project to the list of projects eligible for funding with Revenue Bonds, Series 2019, subject to approval by the Texas Commission on Environmental Quality.

Background/Analysis

1. In 2019, BWA received approximately \$7 million in bond proceeds to fund various capital improvements projects. Ten projects were listed in the original bond fund application to the Texas Commission on Environmental Quality (TCEQ). Currently, approximately 45% of the work originally planned as part of the 2019 Bond program has been completed.
2. Implementation delays associated with the South Elevated Tank project as well as reevaluation of future capital improvements in conjunction with the 2021 Water & Wastewater Master Plan Update together are likely to result in the need to modify the scope and/or schedule of certain remaining 2019 Bond projects.
3. As part of the Authority's commitment to the Sanitary Sewer Overflow Initiative (SSOI) Plan, approved by the Texas Commission on Environmental Quality (TCEQ), various wastewater collection system improvements are expected over the next several years, including significant improvements planned for later this year in South Benbrook (Basin 7 – Central Drainage Area).
4. Although construction reserve funds are available, Staff have determined that the upcoming Basin 7 – Central Wastewater Rehabilitation Project is of higher priority than remaining 2019 Bond projects and utilization of available bond funds for the next wastewater project (Basin 7) to be appropriate and in the best interest of the rate payers.

To reallocate bond funds as recommended, TCEQ requires the Authority to adopt a resolution establishing the Authority's intent to modify the 2019 Bond program, subject to approval of TCEQ. Staff have prepared Resolution 2021-02 to address this requirement. If the Resolution is approved, Staff will apply to TCEQ for approval of the proposed change. The application will include a copy of the approved Resolution.

Financial Impact

Procuring bond funds for future wastewater projects was contemplated in the 2020 Cost of Service Study and assumed to be necessary as soon as 2022. Reallocation of 2019 bond funds as recommended herein will postpone the issuance of new debt for capital projects while maintaining capital project reserve funds appropriately.

Meeting Date

June 15, 2021

New Business Item #4

Subject

Personnel Policy Update

Recommendation

Staff recommends the Board of Directors approve the 2021 Update to BWA Personnel Policies as proposed and discussed.

Background/Analysis

BWA's Personnel Policies were adopted on June 1, 2005 and included in the Authority's Personnel Policy Handbook. These policies have been revised numerous times since then, including in 2009, 2011, 2013, 2016 and most recently in 2017.

Recognizing that periodic reviews and updates of policies are appropriate and necessary to ensure proper management of the workforce and to limit liability for the Authority, BWA Management undertook the task of reviewing and recommending changes to the Authority's Personnel Policies which have been reviewed and discussed with the Board of Directors during Board work sessions in April and May 2021.

Generally, changes proposed are intended to update or otherwise remove outdated language in the current Personnel Policies as well as to clarify existing policies. Additionally, certain policies in practice for many years but not previously included in the Authority's formal written policies have been included in the policies proposed for adoption. Lastly, updates to various policies concerning compensation and benefits are proposed.

These Policies reflect the direction of the Board provided at meetings held on April 6, 2021 and May 18, 2021.

Financial Impact

No modification to the current (2021) budget is anticipated to result from the adoption of the revised Personnel Policies. Neither are significant impact on future budgets anticipated.



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BENBROOK WATER AUTHORITY

Personnel Policies

Adopted June 1, 2005

Revised July 1, 2009

Revised November 1, 2011

Revised June 1, 2013

Revised January 31, 2016

Revised June 1, 2017

Revised June 15, 2021

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CHAPTER I: INTRODUCTION

Section 1. Objectives

These policies are designed to bring to the Benbrook Water Authority (BWA) service a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform application of modern personnel practices. Objectives of the BWA personnel management system, which includes these policies, are to:

1. promote and increase efficiency, responsiveness to the public, and economy in BWA services;
2. provide fair and equal opportunity for qualified persons to enter and progress in the BWA service in a manner based on merit and fitness as ascertained through fair and practical personnel management methods;
3. maintain recruitment, advancement, and tenure practices enhancing the attractiveness of a BWA career and encouraging each employee to give his or her best effort to the BWA and the public;
4. maintain consistent, up-to-date position classification and compensation plans based on the relative duties and responsibilities of jobs in the BWA service;
5. promote high morale among BWA employees by fostering good working relationships and by providing uniform personnel policies, opportunities for advancement, and consideration of employee needs and desires.

Section 2. Applicability

These policies apply to all BWA employees. A person on retainer or under contract is not considered to be a BWA employee in the absence of a specific agreement to that effect. These policies replace and supersede all earlier BWA personnel practices, policies, and guidelines.

Section 3. Nature of Employment

These policies provide employees with a general understanding of the personnel system. Employees are required to read and understand the contents of this handbook.

1. Policies contained herein are not a binding employment contract nor are they intended to create contractual obligations of any kind.
2. All employees with the BWA are “at will”, meaning that an individual’s employment may be terminated at any time by either the BWA or the employee. Neither the employee nor the BWA is bound to continue the employment relationship.
3. Any increase or decrease in employee benefits will normally occur annually and be adopted by a Board of Directors action.

Section 4. Equal Opportunity Policy

BWA is an equal opportunity employer. BWA strictly prohibits unlawful discrimination against any employee or applicant for employment because of the individual’s race, color, religion, gender, national origin, age, disability, veteran status, or any other characteristic protected by law. Unlawful discrimination will not be tolerated against any person in recruitment, examination, appointment, training, promotion, discipline, or any other terms or conditions of employment.

Section 5. Immigration Law Compliance

This organization is committed to employing only United States citizens and aliens who are authorized to work in the United States and who comply with the Immigration Reform and Control Act of 1986.

1. Before commencing work, each new employee must properly complete, sign and date the first section of the Immigration and Naturalization Service Form I-9 and provide the appropriate documentation for section two.
2. Before rehired employees commence work, they must also complete the Form I-9 if, (1) they had not previously filed with the organization, (2) their previous form is more than 3 years old, or (3) their previous form is invalid in any other aspect.

Section 6. Dissemination

All BWA employees shall be informed of the existence of these policies and each department shall keep a copy available for reference by employees.

Section 7. Amendment

These policies may be changed, supplemented, or superseded in whole or in part at any time as provided by the Board of Directors.

Section 8. Administrative Authority

1. With the exception of matters reserved to the Board of Directors, the general and final authority for personnel management rests with the General Manager who shall administer and interpret personnel policies and procedures as they apply to all departments and employees. This authority may be delegated as necessary and proper.
2. Each division head is responsible for enforcing provisions of these policies and procedures with regard to matters involving his/her division.

Section 9. Communication with Employee

1. All information related to employment with the BWA shall be between official BWA representatives and the employee. An employee, during an illness or other incapacitation, while out of town, or on a similar limited basis, may specify another person (spouse, etc.), to communicate with the BWA on his/her behalf.
2. It is the responsibility of all employees to provide accurate and current contact information to BWA. If an employee's address, phone number, or other contact information changes, he or she should immediately notify the human resources department.

CHAPTER II: DEFINITIONS

Budgeted Position - Individual jobs approved by the Board of Directors to be included in the annual budget. Changes in the number of budgeted positions require specific Board of Directors action.

Classification - Consists of all positions, regardless of departmental locations, that are sufficiently alike in duties and responsibilities to be called by the same descriptive title, to be accorded the same pay scale under like conditions, and to require substantially the same education, experience, and skill on the part of the employees.

Department Head - A person appointed by the General Manager or division head who is responsible for the administration of a department.

Merit Increase - Advancement from a lower to a higher step of a salary schedule based on meritorious performance and recommendation of the supervisor. Merit increases are discretionary rather than automatic.

Good Standing - Separation from the BWA with two full weeks' notice.

Year - Unless otherwise specified, the term "year" shall mean a period from January 1 through December 31.

"At Will" - Meaning that an individual's employment may be terminated at any time, with or without notice by either the BWA or the employee.

CHAPTER III: METHOD OF FILLING VACANCIES

Section 1. Vacancy Identification

Department heads shall notify the General Manager when job vacancies occur or are imminent.

Section 2. Announcement of Vacancies

1. The General Manager shall publicly announce by appropriate means all vacancies to be filled in the BWA service by other than administrative transfer, promotion, temporary promotion, or reinstatement and shall maintain a list of announced vacancies for public inspection.
2. Each announcement, insofar as practicable, shall specify the title, salary, and nature of the job; required qualifications; whether competition is open to the general public or restricted to BWA employees; type of selection procedure to be utilized; and deadline and method of application. Each announcement shall contain a statement affirming BWA commitment to a policy of equal employment opportunity and to a policy for a tobacco free and drug free workplace.

Section 3. Promotion Policy

A promotion is the assignment of an employee from a position in one class to a position in another class having a higher maximum salary. It shall be BWA policy to provide promotional opportunities whenever possible. A selection process may be limited to qualified BWA employees or such employees may be given preference in application and/or consideration. Opportunities for promotion across organizational lines shall be maximized.

Section 4. Temporary Promotions

1. The General Manager may authorize a temporary promotion to ensure the proper performance of BWA functions if a position is vacant or its regular incumbent is absent. Employees so promoted shall be additionally compensated for the duration of their temporary assignments in an amount to be determined by the General Manager.
2. Temporary promotions shall not be used to circumvent normal selection procedures. The employee involved shall not acquire any status or rights in the classes to which he/she is temporarily promoted except as provided above.
3. Nothing herein shall be construed to prevent the assignment of high-level duties to an employee without additional compensation. Authorized additional compensation shall be paid only in cases of formal temporary promotion effected in accordance with these rules.

Section 5. Transfers

1. A transfer is the assignment of an employee from one position to another. A transfer not involving promotion or demotion may be effected at any time for administrative convenience, if intra-departmental, provided that the employee is qualified to perform the duties of the position to which the transfer is contemplated.
2. Transfers may be made administratively or in conjunction with an announced selection process. Transfers between classes or between departments shall become effective following approval by the General Manager.

Section 6. Non-disciplinary Demotions

A demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. With the approval of the General Manager and, if qualified to perform the duties of the lower level position, an employee may be administratively demoted at his/her own

request or as an alternative to layoff. Such demotions shall not be considered disciplinary actions or disqualify the employee(s) involved from consideration for later advancement. Demotions effected as an alternative to layoffs may be fully or partially rescinded at any time.

Section 7. Applications

Application for initial employment, promotion or other type of transfer, shall be submitted as prescribed by the General Manager. Only applications officially received in the prescribed manner shall be considered. All information submitted in connection with applying for BWA positions is subject to verification.

Section 8. Evaluation

1. The General Manager shall determine the most appropriate means of evaluating applicants against job requirements to identify the best qualified. Reference checks, interviews, medical examinations, background checks, performance tests, written tests, and psychological and/or other screening procedures may be used as appropriate.
2. Applicants shall be required to provide any information and undergo any examinations necessary to demonstrate compliance with prescribed qualification requirements for the positions involved.

Section 9. Disqualification

An applicant shall be disqualified from consideration if he/she:

1. does not meet the qualifications necessary for performance of the duties of the position involved;
2. has made a false statement on the application form or supplements thereof;
3. has committed or attempted to commit a fraudulent act at any stage of the selection process;
4. is an alien not legally permitted to work; or
5. receives a positive result on the drug screening test.

An applicant may also be disqualified from consideration upon other reasonable grounds relating to job requirements at the General Manager's discretion.

Section 10. Referral and Selection

Referral of applicants to departments for final selection shall be in accordance with procedures developed by the General Manager. The procedures shall provide for selecting officials to report the disposition of all referred applicants and the reasons therefore.

CHAPTER IV: APPOINTMENTS

Section 1. Authority

Except as otherwise provided by State law, the appointing authority of all BWA positions shall be the General Manager. No offer of employment shall be made without the General Manager's written approval. Offers of employment are non-binding and may be withdrawn at any time.

Section 2. Basis

Appointments shall be made based on the qualifications of applicants as ascertained through fair and practical selection methods.

Section 3. Type

1. Appointments shall be designated either regular or temporary. A regular appointment is ordinarily of indefinite duration and may be made to a full-time or part-time position. A limited term regular appointment may be made in unusual circumstances.
2. Temporary appointments are ordinarily limited to a maximum of six months. Thereafter, a position may be made full-time or part-time requiring continuous, seasonal, or intermittent performance.

Section 4. Emergency Temporary Appointments

Whenever an emergency exists which requires the services of personnel who are not otherwise available, the General Manager may immediately appoint such personnel for a period not to exceed thirty (30) working days without regard to normal recruitment and selection requirements.

Section 5. Minimum Age

No person under the age of eighteen (18) years shall be employed by the BWA.

Section 6. Nepotism

Relatives of the Board of Directors, General Manager, and Division Heads of BWA shall not be employed or appointed for public service at BWA. Employee may not (1) appoint or hire, (ii) recommend the appointment or hiring of, or (iii) encourage others to appoint or hire an individual to a BWA position that is to be directly compensated or indirectly compensated from BWA's funds if the individual is related to the employee. RELATED shall mean the employee's spouse, mother, father, stepmother, stepfather, mother-in-law, father-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, brother-in-law, or sister-in-law, or any grandparent, aunt, uncle, niece, nephew, or cousin related to the employee by blood or marriage. Employees shall not be placed in positions in which they would supervise or be supervised by a related employee; or be positions where related employees could affect each other's employment, promotion, salary administration, or other related supervisory or personnel actions.

Section 7. Residence

There shall be no absolute residence requirement for BWA employment except as provided by law. Employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting distances of their places of work.

Section 8. Medical Examinations

1. A person selected for initial appointment or reinstatement may be required to undergo a complete or partial medical examination that is job related and consistent with business necessity. Employment may be contingent upon successful completion of the medical examination in relation to the standards of fitness required for the position involved. The General Manager, acting on information provided by medical personnel, shall be the final authority in determining suitability for employment.
2. The General Manager may waive or modify the medical examination requirement if: 1) the exam is not job related or consistent with business necessity, 2) for any or all part-time positions, 3) for reinstatements following short breaks in service.
3. With approval of the General Manager, a department head may require that a current employee successfully undergo a medical examination to determine fitness for continued employment, promotion, or other personnel action.

DRAFT

CHAPTER V: PERFORMANCE EVALUATION

Section 1. Performance Evaluation Report

The work performance of each regular employee shall be evaluated in accordance with procedures developed by the General Manager. An employee shall normally be evaluated annually; however the BWA reserves the right to not evaluate at all. Special evaluations may be made if requested by the department head and approved by the General Manager.

Section 2. Purpose

Performance evaluations are designed to help supervisors and employees measure employee performance and to provide a tool for management decisions regarding training, assignments, promotion, and retention of employees.

Section 3. Counseling

Employees shall be provided copies of their performance evaluation reports. Evaluators shall individually discuss the reports with the employees and shall counsel them regarding their careers and any improvements in performance which appear desirable or necessary.

Section 4. Reconsideration

Employees who disagree or are dissatisfied with their performance evaluations should discuss the situation with their supervisor. An employee remaining dissatisfied may request a hearing with the General Manager to discuss the evaluation. The General Manager may, at his or her discretion, review the evaluation and make recommendations to the reviewing supervisor. In such cases, the decision of the General Manager shall be final.

CHAPTER VI: COMPENSATION

Section 1. Basis

The General Manager shall prepare and administer a comprehensive compensation plan for BWA employees subject to approval by the Board of Directors. BWA employees shall be paid salaries or wages in accordance with the compensation plan, which shall include one or more salary schedules. In positioning classes on salary schedules, consideration shall be given to prevailing rates of pay among public and private employers; the duties, responsibilities, and qualifications required of employees in the classes; and other relevant factors.

Section 2. Administration of Range/Step Salary Schedules

Range/step salary schedules shall be administered in accordance with the following rules:

1. Beginning pay for a new employee shall normally be compensated at the minimum amount/step of the approved salary range. In exceptional circumstance(s), the General Manager may authorize hiring above the minimum amount/step.
2. A newly promoted employee shall ordinarily be compensated at the lowest amount/step of the approved range which would provide an increase in pay over that received in the previous class. An employee who is laterally transferred shall ordinarily continue to receive the same salary and shall retain the same eligibility date for pay increases.
3. Individual increases within range may be granted as specified in the compensation plan upon recommendation of department heads, who shall give careful consideration to the ability and production record of each employee.
4. No employee shall be paid more than the rate established in the approved compensation plan. However, an employee whose job was downgraded by reclassification, through no fault of the employee, may continue to receive his/her former rate of pay until the rate of the new salary range equals or surpasses the old rate or the employee's job changes.
5. An employee voluntarily or involuntarily demoted for any reason shall be compensated at a level in the new range as administratively determined by the General Manager.
6. A former employee reinstated pursuant to provision of these rules shall be compensated at an amount of the approved range as administratively determined by the General Manager.
7. If an employee is hired at the minimum amount/step, he/she may be considered for a merit increase upon completion of their first ninety (90) days of employment. There is no obligation on the BWA'S part to grant a pay raise upon completion of this ninety (90) day period. Increases must be earned.
8. Employees in pay grades above the minimum amount/step may be considered for a merit pay raise one (1) time per year (usually in January) until the final pay step in the classification is reached. All employees submitted for merit raises must receive a performance evaluation other than for the completion of the ninety (90) day period in step "1". There is no obligation on the BWA'S part to grant merit pay raises annually.
9. A department head may recommend an employee for a special merit raise at any time, if sufficient increases exist. If such a recommendation is made, the reasons for it must be supported in writing to the General Manager. The General Manager may approve or disapprove the special merit raise request.
10. If an employee's position is reclassified to a higher classification, he/she shall remain in the same pay level except if the minimum amount/step of the new range exceeds the highest amount/step of the former range, in which instance the employee will be placed at the minimum amount/step

of the new range. If an employee's position is reclassified to a lower classification, he/she shall maintain his/her current pay level until the rate of the new salary range equals or surpasses the old rate.

Section 3. Overtime

1. Except for specified employees, normal work days and hours shall be Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch. However, in unusual circumstances and/or for temporary periods, work days and hours may be changed.
2. Overtime work for approved positions shall be compensated at the rate of one and one-half (1 1/2) times the regular rate of pay, except for the special provision in Section i of this regulation regarding time off for administrative, supervisory, technical, and professional positions.
3. An employee who works overtime may opt to receive compensatory time off in lieu of overtime pay. Compensatory time off for overtime work will be calculated at time and one half (1 ½) for all hours over forty (40) worked in a week. No more than eighty (80) hours of compensatory time off may be earned or taken in lieu of overtime pay. If an employee accrues or accumulates more than eighty (80) hours of compensatory time off or overtime, the employee will be required to take compensatory time off to bring the balance under eighty (80) hours or must receive the equivalent overtime pay. .
4. All overtime must be requested and/or approved, in advance, by department heads or the General Manager.
5. The hours to be compensated at the overtime rate shall be defined as the hours an employee is required to work in excess of forty (40) hours per work period (one week) unless an employee is required to work more than eight (8) hours in one day to make up for time off without pay.
6. Department heads shall be responsible for reviewing and analyzing staffing levels, workloads, and vacation schedules to minimize the need for overtime work. Overtime shall be avoided whenever possible. However, when necessary and approved by the appropriate department head, overtime shall be allocated as evenly as possible among all employees qualified to do the work.
7. All employees must work forty (40) hours per work period (one week) before they are eligible for overtime pay. Vacation, sick leave, or any other approved absence with pay used during a pay period shall count as days worked and not be deducted from the forty (40) hours.
8. If an employee takes a day off without pay, the employee will not be eligible for overtime pay unless he or she works an additional day other than his/her normal work day or additional hours over and above the normal work day hours. The employee's supervisor will decide whether to allow the employee taking time off without pay to make up the time off or to dock the employee's pay for the time lost. If the time absent from work without pay is not made up during the same pay period by working extra hours or days, then the employee will be paid for the actual number of hours worked in that pay period.
9. Overtime pay shall not be made to administrative, executive, technical or professional positions. However, under special circumstances the General Manager may approve overtime pay for these positions. The General Manager may, at his discretion, grant time off for these employees not to exceed the amount of time worked. No such time off will be granted unless accurate records are kept in the human resources department of the extra time worked.

Section 4. Holiday Pay

Employees who must work on a holiday shall be paid their regular compensation rate plus two (2) times their regular compensation rate for hours worked on the holiday. Employees who must work on a holiday are not entitled to a substitute paid day off. Holidays that fall within an authorized leave of absence will

not be charged as leave taken. An employee working over 40 hours during the week of a paid holiday must receive the approval of their immediate supervisor prior to working over 40 hours.

Section 5. Call Backs and Scheduled Overtime

1. Responsibility:
 - a. Division Managers and Superintendents: Oversee the record keeping, assignment of on-call or standby status, and the other procedural decisions related to paying an employee to be on-call or in a standby status to respond to emergencies, repairs, etc.
 - b. Employees: Accurately record incidents of call-back assuring that department management is kept informed when situations arise warranting an on-call or call-back status.
2. Requirement for on-call status. An employee who provides essential services to the public is expected to respond to a reasonable assignment by the employee's supervisor to be in "on-call status" periodically. The employee is free to pursue personal activities but must respond to a call back within designated guidelines, set by the Division Manager. On-call status is not considered time worked and will not be counted in the total number of hours the employee works during the work period. However, employees will receive a flat rate of on-call pay for each week they are in "on-call status."
3. Policy Elements.
 - a. Designation of "on call": An employee will be officially scheduled and designated as "on-call" when an on-call need has been identified by the Superintendent or Division Manager, instructions have been communicated by the supervisor to the employee concerned and the employee has acknowledged the on-call status and availability instructions; and the employee indicates to the supervisor how the employee can be contacted by phone.
 - b. Timeline for On-call Status: Employees are in "on-call status" for a calendar week.
4. Pay for Call Backs.
 - a. Employees will be paid \$100 for being in an on-call status.
 - b. When an employee who is designated as "on-call" is called back to work, they will receive a minimum of one-hour of pay. When an employee is not in an "on-call" status but is called back to work, he/she will get a minimum of two hours of pay. Time worked during the call backs will be at overtime rate even if hours worked during the week had not reached 40 hours (or differing overtime period as permitted by law), provided the employee had left work for the day and was required to physically return back to the worksite.
 - c. When an employee designated as "on-call" is called for a consultation but not called back to work, that employee shall be compensated for the time required for the consultation, rounded up to the nearest 15-minute increment.
 - d. Holidays/Weekends - No additional pay or arrangements are paid for holidays or weekend except as noted in (e).
 - e. Full-time employees that would typically have been off on a holiday with the rest of a department or work group but are required to work either on an actual holiday (or observed holiday as substitute) to support Authority services or events will be paid for hours worked on such holiday as holiday pay.

Section 6. Insurance and Retirement

Eligible employees shall receive insurance and retirement benefits as prescribed in the applicable programs. Current insurance benefits and information regarding retirement eligibility are maintained by the Administration Division Manager.

Section 7. Stability/Longevity Pay

1. On the first pay period in November each year, full-time employees who have been employed for a one-year period as of November 1 will be eligible for a stability program. Stability pay shall be calculated from the date the employee is hired and shall be seven dollars (\$7) for each month of continuous service up to maximum of three hundred and sixty (360) months.
2. Employees must be employed on November 1 of the current year to receive longevity pay that year.
3. In addition to Stability/Longevity Pay described above, employees in good standing separating from service and eligible for retirement in the Texas County and District Retirement System (TCDRS) will receive pay in the amount of \$10 for each full month of continuous employment with the Authority.

Section 8. License & Certification Pay

Certain employees obtain occupational licenses issued by the Texas Commission on Environmental Quality (TCEQ) or other professional certifications applicable to their roles with the Authority.

Licensed employees shall be compensated in accordance with the following pay scale:

Water License Levels & Pay:

1. D License (or equivalent)—Base pay
2. C License (or equivalent)—Base pay plus \$50 per month
3. B License (or equivalent)—Base pay plus \$100 per month
4. A License (or equivalent)—Base pay plus \$200 per month

In addition to monthly compensation described above, as an incentive for employees to increase their skill level and competence, upon providing documentation of having obtained an “A” Water License, an employee shall be entitled to a one-time bonus of \$3,000. This bonus does not apply to newly hired employees who received “A” license status prior to employment with the Authority.

Wastewater License Levels & Pay:

1. Class I License (or equivalent)—Base Pay
2. Class II License (or equivalent)—Base pay plus \$50 per month
3. Class III License (or equivalent)—Base pay plus \$100 per month

Cross-Connection License Levels & Pay:

1. Backflow Prevention Assembly Tester—Base pay plus \$50 per month
2. Customer Service Inspection—Base pay plus \$50 per month
3. Irrigation Inspector—Base pay plus \$50 per month

No employee may receive more than one certification pay from each category (water or sewer) and it shall be the highest rating attained.

Professional certifications (as distinct from occupational licenses) may entitle an employee up to \$50 per month additional compensation, subject to approval of the General Manager.

An employee must be in a paid status to be entitled to Certificate Pay.

Section 9. Safety Incentive Pay

Distribution and water plant personnel and service technicians will receive monetary compensation for having no lost time or expense due to a preventable accident or injury. An Employee must have been employed by BWA for 6 months to be eligible for Safety Incentive Pay. An award of \$35.00 will be made for each six (6) month period, following eligibility that is loss-free. If time is lost or a preventable accident or injury occurs, the employee will not be eligible for Safety Incentive Pay until after the succeeding six (6) months of no loss. The Safety Incentive Pay award will be paid in January and July of each year. An employee must be in a paid status during the six (6) month eligibility period and at the time of award to be entitled to Safety Incentive Pay.

Section 10. Shift Pay

Employees who are regularly required to work evening or night shift shall receive shift differential pay as listed below:

1. Evening shift workers shall receive 3% differential pay on top of their normal hourly wage for each hour worked.
2. Night shift workers shall receive 4% premium pay on top of their normal hourly wage for each hour worked.

Evening shift workers shall be defined as employees whose regular work shift is 4:00 p.m. to midnight. Night shift workers shall be defined as employees whose regular work shift is midnight through 8:00 a.m.

Hours worked over 40 in one week shall be eligible for overtime pay but shall not be eligible for shift pay.

On-call employees are not eligible for shift pay.

CHAPTER VII: ATTENDANCE AND ABSENCES

Section 1. Attendance Required

All BWA employees are expected to report to work punctually and prepared to perform the job functions of their positions.

Section 2. Absences

Employees who miss work for any reason other than the reasons exempted hereunder shall be deemed absent. Absenteeism is grounds for discipline pursuant to Chapter 13, Section 1 of the BWA Handbook.

Section 3. Holidays

1. As many employees as possible shall be given each holiday off consistent with the maintenance of essential BWA functions. BWA recognizes the following holidays:

Holiday	Date
New Year's Day	January 1
Dr. Martin Luther King Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Floating Holiday	See conditions below

Other days in addition to those set forth above may be declared a Holiday by the Board of Directors.

2. Full-time regular employees shall be entitled to paid holidays. Part-time regular employees who would normally have worked on a day of the week observed as a holiday shall be entitled to pay for the number of hours they would have worked on that day if the holiday had not occurred. Temporary employees may be granted unpaid holidays.
3. If a holiday falls on Saturday, the preceding Friday shall be observed, and if a holiday falls on Sunday, the following Monday shall be observed. In the case where Christmas Eve falls on a Sunday, Christmas Eve and Christmas Day will be observed on Monday and Tuesday.

4. When an observed holiday falls on an employee's normal day off, the employee may take an alternate day off for the holiday. The alternate day off must be taken during the same pay period as the observed holiday.
5. An employee must be in pay status for the entire scheduled work day immediately preceding and immediately following the holiday in order to receive pay for the holiday.
6. Employees desiring time off in observance of a religious holiday not recognized by BWA must receive approval from the General Manager.
7. Employees must have been employed with BWA for 6 months in order to be eligible for the Floating Holiday, which must be taken during the calendar month coinciding with the employee's birthday.

Section 4. Vacation

1. Full-time employees shall earn vacation leave as follows:

Years of Service	Accrual Rate
1 – 4	80 hours/year (3.08 hours/pay period)
5 – 9	120 hours/year (4.62 hours per pay period)
10+	168 hours/year (6.47 hours per pay period)

2. Regular part-time employees will earn vacation time at one-half the full-time rate.
3. Employees shall accrue vacation leave from the date of employment, but are not permitted to use accrued vacation leave during the first one hundred twenty (120) days of employment.
4. Vacation leave shall be administered according to the following rules:
5. Vacation leave shall not accrue for any month during which an employee is in pay status for less than half the standard number of paid days for his/her type of job.
6. Vacation leave may be taken in one-quarter (1/4) hour increments with proper supervisory approval at any time after employment begins.
7. Department heads shall schedule or approve vacation giving due consideration to the needs of the BWA and the interests of the employee.
8. Vacation leave shall be charged for time during which the employee would ordinarily have worked.
9. Employees being laterally transferred, promoted, or demoted shall retain accrued vacation leave.
10. Vacation leave credits are not transferable between employees.
11. Vacation time (accrued plus earned) may not exceed three times the accrual rate for an employee as of December 31 of any year. All hours more than the maximum vacation time balance will be lost to the employee unless the General Manager determines that the failure to take vacation was beyond the control of the employee.
12. Employees shall be eligible to receive the value of their accrued and unused vacation hours when separating from service.

Section 5. Sick Leave

1. A full-time employee shall earn 96 hours of sick leave per year. Regular part-time employees shall earn 48 hours of sick leave per year. Sick leave will be earned at the rate of 3.70 hours per pay period for regular full-time employees and 1.85 hours per pay period for regular part-time employees. Sick leave shall accrue from the date of employment but shall not be taken until the expiration of ninety calendar (90) days. Accumulation of sick leave credits shall be limited to four

hundred-eighty (480) hours. Sick leave credits earned in excess of four hundred-eighty (480) hours shall be lost to the employee.

2. Sick leave shall not accrue for any month during which an employee is in pay status for less than half the standard number of paid days for his/her type of job.
3. BWA encourages employees to use sick leave only when the employee is physically unable to perform the work assigned due to temporary illness or injury. However, sick leave may be taken in increments equivalent to one-quarter (1/4) hour of work because of personal illness, injury, legal quarantine, illness of the employee's spouse or child (for purposes of this section, a child is defined as a child eligible for coverage on the employee's health insurance plan) requiring the employee to remain at home, or routine health care appointments which cannot reasonably be scheduled outside of working hours.
4. Accrued vacation leave may be used to supplement sick leave. Pay shall be discontinued when authorized leave is exhausted.
5. An employee who becomes ill or injured during a vacation may request that the vacation be terminated, and the time of the illness or injury be charged to sick leave.
6. Sick leave credits are not transferable between employees.
7. Verification relative to the use of sick leave after four (4) individual unexcused absences due to illness during one calendar year may be required before the employee may return to work. Verification is defined as a copy of the attending physician's receipt of charges or return to work order with physician's signature.
8. The BWA may request and obtain verification of the circumstances surrounding any use of sick leave, in accordance with applicable law.
9. Unused sick leave is forfeited when an employee separates from employment. An employee who is terminated, for any reason, or who resigns from employment does not have a claim to accrued sick leave.
10. BWA policy allows specific unpaid sick leave benefits under the Federal Family and Medical Leave Act of 1993.

Section 6. Bereavement Leave

1. BWA offers employees up to two (2) paid bereavement leaves each year that may be taken in the event of the death or imminent death in the extended family. Extended family shall be defined as husband, wife, mother, mother-in-law, father, father-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, grandchildren, or other member of kinship who resides under the same roof with the employee at the time of death.
2. Employees are allowed bereavement leave for up to forty (40) hours off from regularly scheduled duty. An employee may, with his or her supervisor's approval, use any available vacation for additional time off as necessary.
3. Requests for bereavement leave in excess of that specified above or due to the death of persons other than those specified above, will be considered individually and at the discretion of the General Manager.

Section 7. Military Leave

Military leave shall be granted in accordance with applicable State and Federal laws. Employees preparing to take authorized military leave shall furnish their department heads with copies of military orders or other appropriate certifications.

Section 8. Administrative Leave with Pay

1. An employee ordered not to report to work because of inclement weather or disaster may be granted administrative leave with pay by the General Manager. Employees who cannot report to work because of inclement weather or disaster shall take vacation leave, comp time, or be charged absent without pay.
2. Employees shall be granted sufficient administrative leave with pay, when necessary, in order to vote in an official election. Employees called for regular jury service shall be granted administrative leave with pay during such service and shall also retain any fees paid by the courts. Employees excused or released from jury service shall report to their workstations in accordance with BWA instructions.
3. A department head may grant an employee administrative leave with pay for up to five (5) working days for purposes of attending a professional conference, convention, training activity, legislative proceedings, civic function or meeting, or for purposes of coordinating with governmental and private agencies and entities in the interest of the BWA. Any such leave in excess of five (5) working days must be approved by the General Manager.

Section 9. Leave Without Pay

1. In circumstances not falling within other provisions of these rules, the General Manager may authorize an employee to take leave without pay.
2. Requests for leave without pay will be considered on a case-by-case basis. All requests for leave of absence must be submitted in writing and must include the reason and approximate duration of the absence.
3. Subject to applicable law, any employee who fails to return to work within the approved time period for leave under this Section shall be deemed to have resigned from employment.
4. Except as otherwise provided for in these rules or where otherwise required by law, leave without pay may result in discontinuation of some or all employee benefits. Any employee who elects to take a leave of absence should, as soon as practicable, meet with the Administration Division Manager to discuss the continuation benefits during the leave of absence.

Section 10. Pregnancy and Maternity

1. No employee shall be discriminated against on the basis of pregnancy, childbirth, or related medical conditions.
2. Employees with illness or disabilities arising from pregnancy or maternity shall be entitled to benefits on the same basis as employees with other types of temporary illnesses or disabilities.
3. Employees are also entitled to benefits under the Family and Medical Leave Act of 1993.

Section 11. Injury on the Job

1. An employee injured in the line of duty may be granted injury leave up to five (5) working days, if necessary. Employees whose injury necessitates that they be off work more than five (5) working days are eligible to be provided compensation through the Texas Worker's Compensation Insurance Law.
2. Every employee of the BWA accepts such employment upon the condition that, if in the course of employment such employee sustains injury attributable in whole or in part, directly or indirectly, through the negligence or wrong doing of a third person, firm or corporation, the BWA shall be subrogated to such employee's rights, remedies and claims against such third party to the extent of the amounts expended by the BWA for and on behalf of such employee, including salary paid during absence from active duty, arising out of or in any manner connected with such injury.

3. Injury leave shall not be charged against accumulated sick leave. Injury leave must be indicated on payroll sheets.

Section 12. Neutral Absence Control Policy

Any employee who is absent from work, for any reason other than military leave, for a period of more than one (1) year, will be terminated. Leave taken pursuant to the Family Medical Leave Act will not count towards the calculation of the period of absence for purposes of this policy.

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CHAPTER VIII: WORKERS' COMPENSATION

Section 1. Policy

It is BWA's policy to provide a workers' compensation program at no cost to employees. This program covers any injury or illness sustained in the course and scope of employment.

Section 2. Benefits

1. BWA's workers' compensation program provides benefits for medical care, lost work time, partial and permanent disability and other benefits to cover work-related injuries and illnesses, in accordance with applicable law.
2. In addition to the worker's compensation benefits required by law, BWA provides a salary supplement program which offers additional compensation, as set forth in Section 4 of this Chapter.
3. As provided by law, compensation benefits are subject to a seven (7) calendar day waiting period.
4. Employees shall not accrue sick leave and vacation benefits while receiving salary supplement payments or using accumulated leave for injury leave.

Section 3. Reporting Injury

1. An employee who sustains a work-related injury or illness should inform his or her supervisor or the human resources department immediately. No matter how minor an on-the-job injury may appear, it is important that it reported immediately.
2. The human resources department will help the employee and the employee's supervisor arrange for appropriate medical treatment. Employees should not go to their personal physician without consulting the human resources department. Employees who arrange medical treatment without consulting the human resources department may lose compensation benefits for that care.
3. A supervisor who learns of an employee's on-the-job injury must immediately inform the human resources department and complete the First Report of Injury (TWCC-1) within twenty-four (24) hours of an alleged occupational injury or illness.
4. The Administration Division Manager shall complete the Employer's Supplement Report of Injury (TWCC-6) any time there is a change in status (i.e. the employee returns to work or the employee begins losing time again after returning to work and after sixty (60) days of lost time).
5. If the employee has missed work due to an on-the-job injury, his or her supervisor shall notify the Administration Division Manager and also instruct the injured employee to contact the Administration Division Manager.
6. Neither BWA nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity arranged by BWA.

Section 4. Salary Supplement Program

1. BWA provides salary supplement benefits to eligible employees. An eligible employee under this Section 4 is defined as: a full-time employees who has been employed for at least six (6) consecutive months and is receiving temporary income benefits from BWA's workers compensation insurer. Part-time, temporary, and seasonal employees are not eligible for salary supplements.
2. An eligible employee may receive up to ninety (90) days of salary supplement benefits. An eligible employee who is unable to return to work after ninety (90) days will stop receiving supplemental salary benefits from BWA.

3. BWA will continue to provide compensation at 100% of net pay during the statutory seven (7) day waiting period. If workers' compensation income benefits are subsequently paid to cover the waiting period, the employee is responsible for refunding the waiting period payments to BWA. Salary supplement benefits are subject to the approval of the General Manager.
4. For eligible employees off work for more than seven (7) days with a covered, work-related injury, BWA will provide a supplemental payment to cover the difference between the employee's workers' compensation income benefit payment and the employee's regular total net pay. The salary supplement is calculated based on a normal forty (40) hour work week.
5. To receive salary supplement benefits, an employee must provide the supervisor with written authorization from his/her attending physician which documents the need for the employee to be off work. The employee must maintain weekly contact with his/her supervisor and must provide the supervisor with a copy of any doctors' notices within twenty-four (24) hours of all medical appointments, as physically able.
6. Employees who are not eligible for salary supplement may use accumulated sick or vacation leave as a supplemental income benefit based on a normal forty (40) hour work week. If and when accumulated sick and vacation leave is exhausted, the employee will be placed on Authorized Leave Without Pay status.
7. As a condition of continued eligibility for salary supplement payments, BWA may require that the employee be examined by a physician chosen by BWA. An employee may also be required to provide BWA with a signed authorization for release of all pertinent medical records.
8. Employees whose payroll deductions exceed the calculated salary supplement payments must take appropriate action to insure payment of items such as credit union loans, dependent insurance premiums and other similar deductions.
9. An employee who is injured after giving notice of retirement or resignation, or after receiving notice that they are subject to lay-off or discharge, shall not be eligible for salary supplement benefits after the date that retirement, resignation, discharge, or lay-off is to be effective.

Section 5. Ineligibility and Termination of Salary Supplement Benefits

An employee may forfeit all rights to initial and/or future salary supplement benefits if he/she:

1. Was injured in a motor vehicle accident and was not wearing a proper safety restraint at the time of the accident.
2. Was injured as the result of the violation of any provision of a departmental job requirement safety standard or other unsafe act.
3. Was injured as a result of the employee's violation of any Federal, State, or Local law, ordinance, or statute.
4. Is found to be working for pay at any job not approved by the Administration Division Manager and not specifically recommended by the treating physician while on injury leave.
5. Retires, dies, resigns, or is discharged for any reason while receiving salary supplement benefits.
6. Fails or refuses to comply with or follow or disregards or violates the treating physician's instructions regarding treatment of the injury.
7. Refuses to perform light, modified, partial, or part-time duty when offered by the BWA and which has been authorized by the treating physician.
8. Refuses to accept or perform a different job with the BWA that is within his/her physical capacity and for which the employee is qualified or will be trained.
9. Falsifies or misrepresents his/her physical condition or capacity while receiving salary supplement benefits.

10. Fails to return to regular duty after he/she has been released to regular duty by the treating physician.
11. Fails to contact the immediate supervisor on a weekly basis and notify the supervisor of his/her medical condition and expected return to work date, when known.
12. Fails to communicate with the Administration Division Manager when required to do so by BWA personnel rules and regulations or when requested by a competent authority including the General Manager or department head.
13. If statutory workers' compensation benefit payments are stopped for any reason.

Section 6. Return-to-Work

1. It is the policy of BWA to support employees returning to work, as soon as they are medically able, after a work-related injury. Prior to returning to work, the employee returning from leave must provide a doctor's release signed by the treating physician.
2. BWA will, when possible, restore an employee returning to work to a position within BWA compatible with the employee's physical restrictions and the advice of the employee's treating physician. BWA will, when possible, modify the employee's current position to fit an injured employee's medical restrictions by modifying work stations, reassigning workloads, altering specific tasks, or reducing work hours.
3. If BWA is unable to modify the employee's current position, the employee may be reassigned to another position within the employee's department or to a temporary position within another department. To be eligible for reassignment, the employee must be able to perform the essential job functions of the new position.
4. BWA will not create a position just to enable an employee to remain on the payroll.

Section 7. Retaliation Prohibited

Retaliation against any employee for filing a workers' compensation claim, inquiring about workers' compensation benefits or engaging in any other activity protected by applicable workers' compensation laws is prohibited.

Section 8. Subrogation

Every employee of the BWA accepts such employment upon the condition that, if in the course of employment such employee sustains injury attributable in whole or in part, directly or indirectly, through the negligence or wrong doing of a third person, firm, or corporation, the BWA shall be subrogated to such employee's rights, remedies, and claims against such third party to the extent of the amounts expended by the BWA for and on behalf of such employee, including salary paid during absence from active duty, arising out of or in any manner connected with such injury.

Section 9. Zero Tolerance for Fraud

Workers' compensation fraud is a punishable crime. BWA has a zero tolerance policy for workers' compensation fraud. If BWA learns that an employee has committed workers' compensation fraud, BWA has the right to terminate his or her employment and prosecute the employee to the fullest extent permitted by law.

CHAPTER IX: FAMILY MEDICAL LEAVE ACT OF 1993

BWA provides leave to eligible employees in accordance with the Family Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to twelve (12) weeks of job-protected leave each year for specified medical and family reasons or twenty-six (26) weeks of leave to care for a covered service member.

FMLA leave is unpaid and runs concurrently with other types of leave.

Section 1. FMLA Leave Runs Concurrently with Other Forms of Leave

1. If an employee has any available sick leave or vacation leave, it must be used concurrently with any available FMLA leave.
2. If the employee is approved for workers' compensation or disability, the employee's absence from work is automatically approved for FMLA. Employees being paid either workers' compensation benefits or disability benefits while on leave are not required to use accrued sick leave or vacation leave while collecting workers' compensation or disability benefits.

Section 2. Eligibility

To be eligible for FMLA leave, an employee must:

1. Have worked for BWA for at least 12 months (need not necessarily be consecutive 12 months);
2. Have worked for BWA at least 1,250 hours during the 12 months before the start of the leave; and
3. Work within 75 miles of a BWA worksite employing 50 or more employees.

Section 3. Qualifying Reasons for Leave

1. Eligible employees may take up to 12 work weeks of FMLA leave in a single 12-month period (the 12-month period is measured backwards from the first date an employee uses federal family and medical leave) for one or more of the following reasons:
 - a. When the employee is unable to perform the functions of his/her job because of his/her own serious health condition;
 - b. For the birth or placement of a child for adoption or foster care. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee's spouse are both employed by BWA, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) who has a serious health condition;
 - c. To care for a spouse, child, or parent with a serious health condition; or
 - d. A qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty (or has been notified of an impending call or order to active duty) as a member of the National Guard or Reserves in support of a contingency operation or who is serving on active duty in any regular component of the Armed Forces who is deployed in a foreign country.
2. Eligible employees may take up to 26 work weeks of FMLA leave in a single 12-month period to care for a covered service member (i.e., the employee's spouse, child, parent, or next of kin) with a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces. A covered service member means a current member of the Armed Forces, National Guard or Reserves or a veteran who has been a member of the Armed Forces, National Guard or Reserves during the period of five years preceding the date on which the veteran undergoes that medical

treatment, recuperation, or therapy. If an employee and the employee's spouse are both employed by BWA, both are jointly entitled to a combined total of twenty-six (26) work weeks of military caregiver leave during a single 12-month period.

3. The maximum amount of FMLA leave available 12 weeks during a 12-month period or 26 weeks in a single 12-month period to care for an injured or ill service member even if there are multiple FMLA qualifying events.

Section 4. Employee's Responsibilities

1. Employees must give BWA sufficient information so that it can make a determination as to whether the employee's absence is FMLA-qualifying. If an employee fails to explain the reasons, leave may be denied. Employees must also indicate on their time records when an absence or tardy is or may be covered by FMLA. Any absence or illness that results in more than three days' absence must be reported to the human resources department.
2. Employees must provide both their supervisor/manager and the human resources department with at least 30 days' advance notice when the need for FMLA leave is foreseeable.
3. If the need for FMLA leave is not foreseeable, employees must provide both their supervisor/manager and the human resources department with as much advance notice as practicable. The employee should also provide an explanation as to why he/she was unable to provide at least 30 days' advance notice of the need for leave.
4. Employees must provide BWA with at least verbal notice and explain the reasons for the needed leave and the anticipated timing and duration of the leave, if known. If the employee has previously taken FMLA leave for the same reason, he/she must specifically reference the qualifying reason for leave or the need for FMLA leave. BWA is entitled to make reasonable requests for information to determine if the absence is FMLA-qualifying. The employee is obligated to respond to all such requests.
5. If the employee fails to timely explain the reasons for his/her need for leave, FMLA leave may be denied or delayed for up to 30 days. Likewise, if an employee fails to respond to BWA's reasonable inquiries regarding a leave request, the employee may not be granted FMLA leave protection. Additionally, if an employee fails to timely respond to BWA's reasonable requests for information, the employee may not be entitled to protected leave under the FMLA.
6. The employee must return the FMLA leave and certification forms, as set forth in Section 6, within fifteen (15) days of receipt. Failure to timely submit these forms, the employee may not be entitled to protected leave under the FMLA.
7. The employee must check in periodically with their supervisor/manager and with the human resources department regarding their status and intent to return to work. If the employee discovers that the amount of leave originally anticipated is no longer necessary, the employee must provide BWA with reasonable notice of the changed circumstances, if foreseeable.

Section 5. BWA's Responsibilities

1. BWA is responsible for the verification, approval and notification of FMLA leave. BWA may place an employee on FMLA leave, even if not requested by the employee, if it determines that a qualifying event has occurred.
2. BWA will notify an employee of his/her eligibility to take FMLA within five business days (absent extenuating circumstances) of its receipt of the employee's request for FMLA leave (or from when BWA otherwise determines that an employee's absence may be FMLA-qualifying). Employee eligibility is determined (and notice will be provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. Notification may be oral or in writing, but BWA will normally notify the employee in writing. If an employee's eligibility

status changes, BWA will notify the employee within five business days, absent extenuating circumstances.

3. If leave qualifies as FMLA leave, the department head shall, at the time of giving notice to the employee, provide the employee with an FMLA Information Form detailing the specific expectations and obligations of the employee and explaining consequences of a failure to meet these obligations. The required certification form will accompany this notice. These forms will be provided to the employee in a language in which the employee is literate.
4. BWA notify the employee in writing as to whether the leave will or will not be designated as FMLA. This Designation Notice will be given to the employee within five business days, absent extenuating circumstances.
5. BWA responsible for determining the completeness and authenticity of certification forms, fitness-for-duty/return to work certifications, and for review and coordination of all other FMLA documentation required by this policy.

Section 6. Obligations of Supervisors and Managers

Supervisors and managers must immediately notify the human resources department if they have reason to believe that an employee's absence is due to an FMLA-covered reason. Supervisors and managers must make this report even if the employee is using paid time off to cover the absence, e.g., sick leave, vacation, holiday, workers' comp, or disability. Supervisors and managers must report any time an employee misses work for more than three days because of his/her own illness or injury or that of a spouse, child or parent, even if the employee does not expressly mention FMLA.

Section 7. Medical Certification and Other Required Documentation

1. In all instances in which BWA requests a certification from an employee, it is the employee's responsibility to provide the human resources department with a complete and sufficient certification. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of intermittent leave.
2. The employee must turn in the required certification to the human resources department within fifteen (15) days after it is requested. If the employee is unable to timely return the required certification, he or she should contact the human resources department before the expiration of fifteen (15) days and explain the reason(s) for said inability.
3. If an employee's certification is incomplete or insufficient, BWA will advise the employee regarding what additional information is required. BWA will provide the employee with seven (7) additional days to cure any deficiency in his or her certification.
4. Failure to timely submit a complete and sufficient certification, in accordance with this Section, may result in the denial or delay of FMLA leave.
5. The employee is responsible for any expenses associated with providing BWA the required certification.
6. BWA reserves the right to contact the employee's health care provider for purposes of clarifying and authenticating FMLA certification.
7. In some cases, BWA may require a second or third medical opinion (at BWA's expense). Second or third opinions will not be required in the case of leave to care for a covered service member.
8. Employees may be asked to periodically recertify the need for FMLA, in accordance with applicable law. The recertification must be provided within 15 days. If the employee is unable to timely return the required recertification, he or she should contact the human resources department before the expiration of fifteen (15) days and explain the reason(s) for said inability.

Section 8. Certification for Leave to Care for Service member

If an employee elects to take FMLA leave in order to care for a service member or covered veteran, the employee may be required to provide reasonable documentation confirming the family relationship. The employee may also be required to provide documentation of the service member or covered veteran's injury, illness, recovery, and need for care. This documentation may be a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness.

Section 9. Certifications for Qualified Exigency Leave

1. The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active-duty status of a covered military member, the employee must provide a copy of the covered military member's active-duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the active duty service.
2. The employee must complete and submit to the human resources department the appropriate certification form in support of his/her need for leave. This form should be turned in within fifteen (15) days after BWA requests it.
3. BWA reserves the right to contact the appropriate unit of the Department of Defense to request verification of active duty or call to active-duty status, if applicable.
4. Exigency leave may be delayed or denied if the employee fails to turn in the required certification within fifteen (15) days. If the certification is incomplete or insufficient, BWA will advise the employee regarding what additional information is required. BWA will provide the employee with seven (7) additional days to cure any deficiency. If deficiencies are not cured within the seven (7) day deadline, BWA may deny the taking of FMLA leave.

Section 10. Fitness-for-Duty/Return to Work

1. Employees must submit a "fitness-for-duty" certification before they can return to work if FMLA leave is a result of the employee's own serious health condition. The fitness for duty/return to work certification must specifically address the employee's ability to perform the essential job functions of his/her position but is limited to the particular health condition that caused the employee's need for FMLA leave. The employee is responsible for any expenses associated with providing BWA with a required fitness for duty/return to work certification.
2. BWA reserves the right to contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty/return to work certification.
3. While BWA will not require a fitness-for-duty certification to return to duty for each absence taken on intermittent or reduced leave schedule, it will require such a certification up to once every 30 days if reasonable safety concerns (i.e., a reasonable belief of significant risk of harm to the employee or others) exist as to the employee's ability to perform his/her duties, based on the serious health condition for which the employee took leave.
4. An employee who fails to timely provide BWA with fitness-for-duty/return to work certification will not be permitted to return to work.

Section 11. Intermittent and Reduced Leave Schedule

1. An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if medically necessary, because of a qualifying exigency, for planned medical treatment, or as otherwise approved by BWA in writing. The employee must inform BWA of the reasons why the

intermittent or reduced leave schedule is necessary and of the schedule for treatment, if necessary.

2. When an employee intends to take leave for planned medical treatment for him/herself or for his/her spouse, child or parent, the employee is ordinarily expected to consult with his/her supervisor/manager and try to schedule the treatment so as not to disrupt unduly BWA's operations, subject to the approval of the treating health care provider. This should be done prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of the both the employee and BWA.
3. BWA may temporarily transfer the employee to an alternative position (with equivalent pay and benefits, but not necessarily equivalent duties) in order to better accommodate an employee's intermittent or reduced leave schedule and BWA's operational needs.
4. Intermittent leave will be counted in increments no greater than the shortest period of time used by BWA to account for use of other types of leave, up to a maximum of one hour.
5. Exempt employees using unpaid intermittent or reduced schedule FMLA leave may be docked for absences of less than a day without jeopardizing their exempt status under the Fair Labor Standards Act (FLSA). This special exception to the "salary basis" requirement for the FLSA's exemptions extends only to an eligible employee's use of leave required by the FMLA.

Section 12. Benefits During FMLA Leave

1. During any period of FMLA leave, BWA will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. The employee is responsible for paying his or her share of health insurance premiums while on FMLA leave. BWA will advise the employee of the terms and conditions for making such payments. Failure to pay premiums in a timely manner may result in cancellation of group health coverage.
2. BWA is entitled to recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition, the serious injury or illness of a covered service member, or another reason beyond the employee's control. Medical certification is required under such circumstances.
3. The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave, and seniority will not be affected. However, benefit accruals will be suspended during any unpaid leave.
4. When an employee takes a full work week of FMLA leave and a holiday occurs within the week, the week is counted as a full week of FMLA leave. If, however, an employee uses FMLA in increments of less than a week, the intervening holiday does not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work on the holiday. Employees on FMLA leave are not normally paid for holidays.

Section 13. Job Restoration

1. Upon return from FMLA leave, an employee will normally be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions. An employee, however, has no greater right to reinstatement than if he/she had been continuously employed during the period of FMLA leave. Further, BWA may delay restoration to employees who fail to timely provide a fitness-for-duty certification to return to work.
2. Under certain circumstances, BWA is not required to reinstate "key" employees. Certain highly compensated key employees may be denied reinstatement, in accordance with applicable law, when necessary to prevent "substantial and grievous economic injury" to BWA's operations. An

employee will be notified of his/her status as a key employee, when applicable, after requesting FMLA leave.

Section 14. Other Employment During FMLA Leave Prohibited

Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment unless expressly authorized in writing in advance by the human resources department or the General Manager.

Section 15. Fraud

An employee who fraudulently obtains FMLA leave is not protected by the FMLA's job restoration or maintenance of health benefits provisions. Further, an employee who commits fraud will be subject to discipline up to and including termination.

Section 16. Mandatory Reporting of Improper Handling of FMLA

Employees must immediately report, in writing, to BWA's human resources department or General Manager in order to insure that BWA can investigate and respond appropriately:

1. Any interference with restraint or denial of the employee's right to take FMLA or any rights protected by the FMLA or this policy;
2. Any discrimination or perceived acts of discrimination against the employee for any right protected by the FMLA or this policy;
3. Any refusal by a supervisor to authorize FMLA leave or attempt to discourage an employee from taking FMLA leave;
4. Any attempt to avoid BWA's FMLA responsibilities;
5. Discrimination or retaliation against an employee for exercising or attempting to exercise FMLA rights; or
6. Discrimination or retaliation against an employee for opposing or complaining about any unlawful practice under the Act or this policy.

Section 17. FMLA Statute and DOL Regulations

More detailed provisions and definitions of some of the terms used in this policy are set out in the Act and in the DOL's regulations. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. BWA will refer to the Act and the applicable DOL regulations in carrying out this policy, as well as any relevant court interpretations and decisions. If additional information is needed on the FMLA, please contact the human resources department. Employees may also contact the nearest office of the U.S. Department of Labor's Wage and Hour Division or the Department of Labor's website for more information.

CHAPTER X: WORK RULES

Section 1. Attendance

Employees shall be at their places of work in accordance with BWA and departmental policies and regulations as approved by the General Manager. Department heads shall establish work schedules as approved by the General Manager and maintain daily employee attendance records.

Section 2. Code of Conduct

All employees will receive a copy of BWA's Code of Conduct. As a condition of employment, employees must read, understand, and sign a copy of BWA's Code of Conduct. All employees, regardless of department, position or seniority, are bound by BWA's Code of Conduct.

BWA does not tolerate workplace harassment or discrimination.

Section 3. Work Standards

1. It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in his/her work for the BWA. Department heads shall organize and direct the work of their departments to achieve these objectives.
2. If the work habits, attitude, production, and/or personal conduct of an employee falls below appropriate standards, supervisors should point out the deficiencies at the time they are observed. Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action but nothing herein shall prevent immediate formal action as provided elsewhere in these rules whenever the interest of the BWA requires.

Section 4. Political Activity

1. Employees shall not use working hours or BWA property in any way for the purpose of soliciting or receiving any subscription, contribution or political service or to circulate petitions or campaign literature on behalf of candidates for public office in any jurisdiction.
2. No employee may seek or hold an appointive or elective BWA office of public trust, partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with BWA employment, with or without compensation. Upon announcement of intention to seek or assume such office, an employee shall resign or shall be dismissed for cause upon failure to do so.
3. No employee, while in BWA uniform or in duty status, may engage in a political activity relating to a campaign for an elective office. An employee engages in a political activity if he or she:
 - a. makes a public political speech supporting or opposing a candidate;
 - b. distributes political cards or literature relating to a candidate;
 - c. wears a political campaign button;
 - d. circulates or signs a petition for a candidate;
 - e. solicits votes for a candidate; or
 - f. solicits campaign contributions.
4. If not in uniform and not in duty status, an employee may engage in these political activities.

Section 5. Solicitation

No solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by BWA employees on the job except with the express approval of the General Manager. No employee may be

required to make any contribution, nor shall he/she be penalized or rewarded in any way in connection with his/her employment according to the response to the solicitation.

Section 6. Outside Employment

An employee shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or would adversely affect the employee's performance in the BWA. Outside employment must be reported to and approved in writing by the department head. Such approval is subject to revocation by the General Manager.

Section 7. Physical Fitness

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing the basic essential functions of the job as stated in the employee's job description. BWA encourages all employees to participate in its Wellness Program activities.

Section 8. Personal Appearance

1. BWA expects its employees to maintain an appropriate appearance that is professional, neat and clean, consistent with the requirements of the work area and job duties.
2. Employees are required to wear their BWA ID in a location easily visible by members of the public.
3. Uniformed employees shall wear uniforms provided by BWA at all times while on duty, unless excused by a supervisor because of temporary job assignments. Employees should keep their uniforms in a clean and neat condition. Shirts must be worn buttoned up with the shirt tails tucked in. Footwear must be job appropriate. Additional department-specific guidelines may be established.
4. Non-uniformed employees must dress in apparel that is acceptable as business casual and adhere to the following rules:
 - a. Shorts, skorts and denim capris are not permitted at any time.
 - b. Jeans are not permitted other than on days designated by the General Manager as a "jeans day."
 - c. The hemline of all dresses and skirts shall not be higher than four (4) inches above the knee. If a dress or skirt has a slit, the slit should not be higher than five (5) inches above the knee.
 - d. Dirty, wrinkled or defective clothing should not be worn.
 - e. Clothing should be modest and not revealing. Backless or low cut shirts or dresses are not permitted.
 - f. Tank tops, tube tops, halter tops and spaghetti straps are not permitted.
 - g. Sport sandals, flip flops, water shoes, or tennis shoes are not permitted, unless authorized by the General Manager.
 - h. All footwear must be in good repair and appropriate for the work area and job duties.
5. All employees are expected to maintain good grooming habits and adhere to the following rules:
 - a. Facial hair should be neatly trimmed;
 - b. Hair should be dry, neatly combed and styled/colored in a manner appropriate for the workplace;
 - c. Fingernails should be clean and trimmed;
6. Tattoos/brands/body markings must allow the employee to maintain a professional appearance. Body markings that are obscene or advocate sexual, racial, ethnic or religious discrimination are prohibited.

7. Employees should come to work free of offensive smells such as excessive perfume/cologne, cigarette smoke, or body odor.

Section 9. Tobacco Use

In keeping with BWA's intent to provide a safe, healthful and smoke-free work environment, use of tobacco products, including a pipe, cigar, cigarette, e-cigarette other lighted or electronic smoking equipment emitting vapors is prohibited on BWA property, to include on BWA's premises, at a BWA worksite, in BWA vehicles, or while operating BWA equipment. Violation of this Section by any employee may result in discipline up to and including termination.

Section 10. Financial Obligations

All employees should properly manage their financial obligations to insure that they do not interfere with their work performance or cause disruption in the workplace.

Section 11. Acceptance of Gifts

All employees, regardless of position, are prohibited from accepting gifts or gratuities from individuals or firms with which BWA does or potentially could conduct business including but not limited to trips, clothing, etc. In many instances, businesses have a policy of giving gifts during holiday seasons, and the refusal or return of such gifts could create unnecessary ill will for BWA. Under these circumstances, non-cash gifts of a value of fifty dollars (\$50) or less may be accepted. All accepted items that can be shared and enjoyed by others, such as Christmas food, shall be made available to other employees.

Section 12. Driving Record

All employees who drive BWA vehicles shall maintain an acceptable driving record. Failure to maintain an acceptable driving record may result in discipline up to and including termination.

Section 13. Weapons and Firearms

Employees will not be permitted to bring any weapon, firearm, or ammunition onto BWA premises or while performing any BWA business.

Weapons shall include, but not be limited to, the following: fireworks of any kind, explosives, clubs, razors, knives as defined by the state of Texas, knuckles, chemical-dispensing devices, martial arts equipment, stun guns, and "BB" guns.

An employee, while on the premises of BWA or while performing any BWA business, shall not carry a weapon or firearm on or about the person, use a weapon or firearm against another person, or store a weapon or firearm on BWA property. BWA prohibits weapons and firearms in a BWA vehicle.

"Weapons" shall include objects used or designed to inflict bodily injury and/or to intimidate, such as guns, knuckles, switchblades, chains, clubs, and the like. An employee acting in an aggressive manner with any article or object capable of inflicting injury may be judged to be in the possession of a weapon.

"Firearm" shall be defined as any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

This policy does not prohibit an employee who holds a license to carry a handgun under Chapter 411, Texas Government Code, from storing a firearm or ammunition the employee is authorized by law to possess in a locked privately owned motor vehicle in a parking lot, parking garage or other parking area BWA provides for employees.

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CHAPTER XI: DISCIPLINE

Section 1. Grounds for Discipline

BWA expects employees to meet performance goals. In the event that an employee fails to meet performance standards, BWA will, at its discretion, provide coaching, counseling, and/or take appropriate disciplinary action.

BWA expects employees to practice self-discipline and show respect for their co-workers, BWA and BWA's property. Conduct that is illegal, unethical, abusive, destructive, or unsafe will not be tolerated and will be grounds for discipline up to and including termination.

BWA expects employees to follow the policies governing their employment, as set forth in this Handbook. Violation of BWA policy will be grounds for discipline up to and including termination.

Other types of conduct that will warrant disciplinary action up to and including termination include, but is not limited to: insubordination; inefficiency; neglect or abandonment of duties; participation in prohibited political activity or solicitation; fraud; abuse of BWA's benefit policies; excessive tardiness and/or absences; falsification of official documents or records; using or being under the influence of drugs or intoxicating beverages while on duty; waste, damage, or unauthorized use of BWA property or supplies; unauthorized use or disclosure of official information; unauthorized or improper use of official authority; or violation of departmental rules and regulations.

Section 2. Disciplinary Procedure

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action may include written reprimand, suspension, and reduction in pay, demotion, and dismissal. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. Decisions related to employee discipline will be made on a case-by-case basis.

If an employee disagrees with the disciplinary action taken against him or her, or believes the action taken was unlawful, the employee should submit a written statement outlining the basis of the disagreement to the human resources department. An employee must submit his or her written statement within five (5) days of the disciplinary action for it to be considered. If it is determined that the

disciplinary action taken was not appropriate, under the circumstances, the employee will be notified of a modification or withdrawal of the discipline in writing.

CHAPTER XII: SEPARATION FROM EMPLOYMENT

Section 1. Resignation

An employee may leave the BWA service in good standing by submitting his or her resignation in writing at least ten (10) working days in advance. The General Manager may waive any portion of the notice period. An employee resigning without the required notice shall be ineligible for reinstatement.

Section 2. Layoff

1. If layoffs are required, BWA will administer said layoffs in an equitable manner and in conformance with applicable laws and regulations. Reasons for layoffs may include shortage of funds, shortage of work, the elimination of one or more positions, or other material changes in duties within a position or within the organizational structure of BWA or a BWA program or department.
2. Layoffs shall be carried out on the basis of demonstrated job performance and efficiency, with the most proficient employees being retained the longest. Seniority within the BWA service may be used to determine the order of layoff among employees with substantially equivalent records of job performance and efficiency, with the most senior employees being retained the longest.
3. Temporary employees shall be laid off before regular employees performing similar duties. Layoff shall not be considered disciplinary action.

Section 3. Termination for Cause

8. Generally, BWA will provide an under-performing employee verbal and/or written warnings prior to terminating his or her employment. Under certain circumstances, however, it may be necessary to terminate an employee without prior notice or warning. In addition to other grounds for termination established in this Handbook, the following list identifies some, but not all, examples of conduct that may result in immediate termination of employment:
 - a. Dishonesty;
 - b. Use of obscene or abusive language;
 - c. Malfeasance;
 - d. Insubordination;
 - e. Harassment and/or disrespecting others;
 - f. Violation of BWA's health and safety related policies and/or directives;
 - g. Discrimination against anyone associated with BWA because of race, color, age, creed, sex, disability or national origin;
 - h. Willful damage to BWA property or the personal property of other employees;
 - i. Threatening, intimidating, or coercing other BWA employees.
9. Employees terminated for cause will not be eligible for rehire with BWA.

Section 4. Reinstatement

1. Former BWA employees who resigned, were laid off, or were not terminated by BWA for cause are eligible for reemployment. A former employee will generally be required to submit an application for reemployment. He or she must be qualified and able to perform the essential job functions for the position sought.
2. Reinstated employees may lose seniority gained and benefits accrued during prior term of BWA employment, depending on the circumstances of their separation and/or reemployment.

3. Employees who leave BWA service in good standing to enter duty with the Armed Forces of the United States shall be eligible for reinstatement in accordance with applicable state and federal laws.

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CHAPTER XIII: PERSONNEL RECORDS

Section 1. Personnel Files

10. BWA maintains personnel files for all employees. Personnel files are the exclusive property of BWA and considered confidential. Access to personnel files will be controlled by the Human Resources Manager.
11. It is the responsibility of each employee to promptly notify BWA of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times. If any personnel data has changed, employees should notify their department head.
12. Employees who have access to the personnel files of other employees are not permitted to use or divulge any information contained for any reason other than official BWA business. BWA may, at its discretion, disseminate impersonal statistical information relating to its employees.
13. An employee shall have a right of reasonable inspection of his/her official personnel file under procedures prescribed by the General Manager.

Section 2. Status Change

Department heads shall report changes in personnel status of their employees in accordance with procedures developed by the General Manager.

CHAPTER XIV: DRUG-FREE WORKPLACE POLICY

Section 1. Purpose

The purpose of this policy is to provide a safe work environment and to prevent accidents and casualties caused by employees under the influence of controlled-substances or alcohol. The BWA is concerned with the safety and health of its employees, the inhabitants of the properties it owns, and the general public. As such, the BWA respects and honors the letter and spirit of the Drug Free Workplace Act, 41 U.S.C. §701 et seq., as amended.

Section 2. Prohibited Conduct

All employees are prohibited from engaging in the unlawful manufacture, sale, distribution, possession, or use of a controlled substance and/or drug paraphernalia in or on any premises or property owned or controlled by BWA. A “controlled substance” includes alcoholic beverages, inhalants, illegal drugs, and may include prescription drugs.

1. The presence of any detectable amount of prohibited substances in an employee’s system while at work, while in or on any premises or property owned or controlled by BWA or while engaging in business on behalf of BWA, is prohibited.
2. BWA employees should not, at any time, engage in conduct prohibited under this Section while in uniform.

Section 3. Drug Convictions

All BWA employees should notify their supervisor or the human resources department within five (5) days of being convicted of drug-related offense or operating a motor vehicle while under the influence of a controlled substance.

Section 4. Drug Testing

1. BWA will conduct drug and/or alcohol testing under any of the following circumstances:
 - a. Random Testing: Employees may be selected at random for drug and/or alcohol testing at any interval determined by BWA.
 - b. For-Cause Testing: BWA may ask an employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under the influence of drugs or alcohol, including but not limited to the following circumstances: evidence of drugs or alcohol on or about the employee’s person or in the employee’s vicinity, unusual conduct on the employee’s part that suggests impairment by drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.
 - c. Post-Accident Testing- Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol may be asked to submit to a drug and/or alcohol test. “Involved in an on-the-job accident or injury” means not only the one who was or could have been injured, but also any employee who potentially contributed to the accident or injury in any way.
 - d. Pre-Employment- BWA has the right to request that an applicant submit to a controlled-substance test after receiving an offer of employment. A positive test or a refusal to submit to testing on the part of the applicant may result in the withdrawal of that offer of employment.

2. If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, or if an employee refuses a request to submit to testing under this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including discharge from employment. In such a case, the employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.
3. Depending on the circumstances surrounding a violation of this policy, BWA may refer the employee to an appropriately qualified health care professional for evaluation of his or her problem and treatment recommendations. Such an employee may be required to participate in, and successfully complete, a treatment program as a further condition of employment. The employee may be required to provide a release of information to the referring individual (e.g. the department manager, Division Manager, or General Manager) so that participation and progress in the treatment program can be monitored. Failure to comply with any of the recommended treatment conditions shall constitute a willful and deliberate violation of BWA's employment policies and procedures and, as such, may result in immediate termination.
4. As a condition of employment, all BWA employees are required to sign a Consent Form for Drug and/or Alcohol Testing.

Section 5. Violations

Any violation of this Section, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action up to and including termination of employment.

Section 6. Drug Testing Policy for Employees Driving a Commercial Vehicle

Employees who operate a commercial vehicle in the course of employment for BWA are subject to different drug testing rules, in accordance with applicable law. Drug testing will be administered to employees who operate a commercial vehicle in accordance with 49 C.F.R. Part 382.

CHAPTER XV: BWA PROPERTY

Section 1. Introduction

BWA will provide employees adequate tools, equipment, facilities, and vehicles to perform their job functions. BWA has established the policies set forth in this Chapter to insure that BWA property is used correctly, safely, and for the proper purpose. All BWA departments, employees and its representatives are obligated to understand and abide by these policies and observe safe work practices at all times. Employees should be careful and courteous when using BWA property and/or operating BWA equipment and vehicles.

Section 2. Use of BWA Vehicles

1. Only BWA employees are permitted to operate BWA-owned vehicles. The only exception permitted is the operation of an employee of a firm performing repair work on a vehicle. Temporary employees or employees contracted by an outside agency are not allowed to drive BWA vehicles.
2. A BWA employee who drives a BWA vehicle, or who may drive a privately owned vehicle while carrying out job duties, must maintain a valid Texas driver license and an acceptable driving record as determined by the BWA. Employees who lose their licenses or experience a change in their license must report this to their supervisor. Failure to maintain an acceptable driving record may result in discipline up to and including termination. Driving records of employees who operate BWA vehicles and/or whose position required driving for BWA-related business will be examined on an annual basis by Human Resources. It is the employees' responsibility to report all citations received on or off the job to his/her supervisor or to Human Resources.
3. Employees may not drive vehicles for BWA business without the prior approval of their department head. Before approving a driver, the department head, or their designee, must request the Human Resources Department to check the employee's driving record, verify the existence of a valid driver license, and make certain that the employee is eligible for coverage under the BWA's insurance.
4. Employees are not permitted, under any circumstances, to operate a BWA vehicle, or a personal vehicle for BWA business, when the employee cannot drive safely. This prohibition includes circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication. Employees shall not operate any BWA vehicle while on leave due to illness, injury, or a medical condition, light duty, or other restricted duty, unless approved by the attending physician's restrictions.
5. Employees whose jobs require regular driving for business as a condition of employment must practice safe driving habits at all times, even when they are not conducting BWA business. Employees must exercise due diligence to drive safely, wear seat belts, follow all traffic laws, avoid distraction while driving and maintain the security of the vehicle and its contents. Offenses that result in disqualification from coverage, such as driving while under the influence of alcohol or drugs, even when off duty, may result in discipline up to and including termination.
6. Employees are not permitted to use a cellular phone, smart phone, or other similar device while operating a BWA vehicle. Talking on the phone or texting while operating a BWA vehicle will result in discipline up to and including termination.
7. Employees holding jobs that require regular driving for business must inform their supervisors of any changes that may affect their ability to meet the standards of this policy and safely operate a BWA vehicle.

8. Vehicles assigned to each department shall be determined by the department head. Requests for changes in vehicle assignment shall be submitted in writing and approved by the department head.
9. BWA vehicles may be equipped with GPS monitoring devices. BWA vehicles shall be operated in compliance with all applicable state and local laws and ordinances, including state and local traffic laws, such as speeding. The data from GPS monitoring devices will be used to notify supervisory personnel of vehicle location, vehicle trouble codes, mileage, vehicle idling, speed, routing, service intervals, hard braking, rapid acceleration and other operations information.
10. Any tampering, attempts to remove or disable the GPS equipment on BWA vehicles is strictly prohibited.
11. BWA vehicles are to be used for conducting BWA business only, normally within the BWA service area and surrounding communities. Leaving the jurisdiction of the City of Benbrook without permission is prohibited.
12. A BWA vehicle shall not be used to purchase or transport alcohol without the express consent of the General Manager. In no case shall alcoholic beverages be consumed in BWA vehicles.
13. Employees are responsible for compliance with all the provisions of this Section when using a BWA vehicle to conduct BWA business. For the purpose of this Section, the assigned employee and/or operator of each vehicle shall be the responsible employee.
14. It is the responsibility of BWA supervisors to ensure the requirements of this policy are understood by his/her subordinate employees. In the event of a violation of this policy, it is the responsibility of the appropriate supervisor to act in accordance with this policy. Any required disciplinary action deemed necessary shall be documented and shall be included in the employee personnel file.
15. Failure to comply with the provisions of this Section may result in discipline up to and including termination.

Section 3. Accidents and Violations

1. In case of an accident while driving a BWA vehicle or using a non-BWA-owned vehicle on BWA business, the employee shall immediately report the accident to his/her supervisor and call the police or the appropriate law enforcement agency in the jurisdiction.
2. Employees should not leave the scene of the accident, unless required to do so because of injury, until after the police investigation is completed. Employees are expected to cooperate with authorities in the event of an accident. Employees should avoid making any statements to the authorities other than in reply to questions of investigating officers.
3. Failure to immediately report an accident or leaving the scene of the accident may result in discipline up to and including termination.
4. Any employee who commits an "at fault" traffic offense while operating a BWA vehicle will be responsible for any associated penalties and/or fines. Employees must report all occurrences to their supervisor within twenty-four (24) hours of occurrence.
5. When employees receive toll fine, the employee will be responsible for that fine.

Section 4. Vehicle Maintenance

1. It is the responsibility of the employee to ensure the vehicle is in full operational condition before and after each use. Employees who operate BWA vehicles are responsible for maintaining weekly maintenance logs and for reporting any defect(s) in the mechanical equipment to the BWA mechanic.

2. Employees must immediately report any theft, damage, or breakdown involving a BWA vehicle to their supervisor and the Human Resources Department, regardless of the extent of damage or injury.
3. Employees must promptly notify his or her supervisor of any concerns regarding the condition of the vehicle. Any vehicle found to be unsafe must be removed from the operational fleet until necessary repairs are made.
4. It is the employee's responsibility to keep their assigned BWA vehicle clean, inside and out.

Section 5. Take-Home Vehicles

1. The General Manager shall determine which positions are eligible to take home BWA-owned vehicles and at what times. Currently, those who are eligible to take home BWA-owned vehicles must reside within a 30-mile radius of the place to which the employee reports to work. In order to minimize potential theft or damage of property, take home vehicles not in use should be parked legally and locked at all times. Whenever possible, vehicles should be parked in driveways and not on streets.
2. Employees who will be absent from their normal work for a period of five (5) working days or longer shall park their assigned unit at their residence. No personal use of the vehicle is allowed during this time. If deemed necessary by the BWA General Manager or Operations Division Manager, the vehicle will be parked at the BWA facility to which the vehicle is assigned during this time period.

Section 6. Tools and Equipment

1. BWA will provide employees with the tools and equipment necessary to perform their job functions. All such tools and equipment are the property of BWA and should be used only for BWA business purposes. The use of BWA tools or equipment for personal gain or convenience is prohibited.
2. Employees are expected to understand and utilize any and all safety procedures associated with the tools and equipment used in performance of their job duties. Employees should exercise caution and courtesy when using BWA tools and equipment.
3. Employees must immediately report any defect, damage, or hazardous condition in BWA tools and equipment. Any tool or piece of equipment found to be unsafe must be removed from operation until necessary repairs are made.

Section 7. Internet, Email, Phone, Computer and other Electronic Equipment

1. Use of BWA's computers, networks, phones, and internet access is a privilege granted by BWA and may be revoked at any time for inappropriate conduct carried out on such systems or devices.
2. The use of BWA's electronic systems, including computers, fax machines, phones, and all forms of internet access is for authorized business purposes only. Brief and occasional personal use of these electronic systems is acceptable as long as it is not inappropriate, does not disrupt others, does not interfere with the employee's performance and does not result in expense or harm to BWA.
3. Only authorized personnel are permitted to make long distance calls and should only make long distance calls for official BWA business purposes. Personal long distance calls are not permitted. In emergency situations, however, employees may make long distance calls, but are required to notify his or her supervisor and reimburse BWA for all associated charges.
4. BWA's communication systems and devices should not be used to detract, intimidate, or harass coworkers or third parties. Using BWA's electronic systems to access, create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material is strictly

prohibited. BWA's communication devices and systems must not be used to harm others or to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction. Use of BWA resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution.

5. BWA owns the rights to all data and files in any computer, network or other information system used in BWA and to all data and files sent or received using any of BWA's systems, networks, or devices, to the extent that such rights are not superseded by applicable laws relating to intellectual property.
6. Employees should not have any expectation of privacy when using BWA's electronic systems, networks or devices. BWA reserves the right to monitor, view, inspect, download, release, and archive all workplace communications sent or received using any of BWA's systems, networks, or devices. BWA reserves the right to inspect any and all files stored in private areas of the network or on individual computers or storage media to assure compliance with BWA's policies and state and federal laws.
7. Employees who use BWA's systems, networks, and devices for communications that would otherwise be subject to any kind of confidentiality or privilege thereby waive whatever right they may have to assert such confidentiality or privilege. Employees who wish to maintain their right to confidentiality or privilege must send or receive such information using some means other than BWA's systems, networks, and devices.
8. BWA systems, networks and devices are subject to public disclosure under the Texas Public Information Act. Communications and documentation of BWA is retained and disclosed pursuant to the requirements of state law.

CHAPTER XVI TRAVEL POLICY

Section 1. Introduction

The purpose of this section is to establish the policies and procedures of BWA concerning authorized travel expenses for employees incurred while conducting business on behalf of and for the benefit of BWA. BWA will cover reasonable travel expenses associated with transportation, hotel accommodations, meals, and other services authorized by BWA. Employees are expected to use discretion and good judgment regarding expenses charged to BWA. Employees will be compensated for travel time from home to the authorized travel location and are required to adhere to all applicable policies of BWA.

Section 2. Travel Procedures

1. All travel must be approved in advance and in writing by the employee's Division Manager or the General Manager. It is the responsibility of all BWA employees planning to travel for a work-related activity to timely obtain the required approval prior to making travel arrangements.
2. Reservations, including, but not limited to airline, hotel and car rental, shall be made by the Executive Assistant unless otherwise approved by the employee's Division Manager. Employees are encouraged to make reservations for airfare and hotel at least 60 days prior to the travel date and must ensure reservations are made within 30 days of the travel date, unless otherwise approved by the General Manager.
3. Reimbursement for airline tickets will be limited to the cost for economy/coach class tickets.
4. Employees are encouraged to use BWA vehicles for BWA business travel, especially for trips of longer duration involving several employees. At times, Employees may be requested to use their personal vehicles for BWA business travel. Reimbursement for the operating expense of the personal vehicle will be calculated by multiplying the number of miles traveled by the Standard Mileage Rate published by the Internal Revenue Service. Employees who use their personal vehicle for BWA business travel must have a valid driver's license and current automobile/liability insurance coverage sufficient to comply with Texas law.
5. Vehicle rental shall be permitted when more than two BWA employees require transportation at a conference or training event where air travel was necessary to reach the training or conference location. Employees may rent economy-class vehicles (i.e., less than or equal to mid-size). When three or more travelers share a vehicle, rental of a full-size sedan is authorized. When renting a car in the U.S., the collision damage coverage should be waived if the employee is using a BWA purchase card to pay for the rental.
6. BWA will cover approved and reasonable work-related travel expenses such as gasoline charges, tolls, and parking fees.
7. Employees should use the Procurement Card provided by BWA in accordance with the guidelines set forth in BWA's Procurement Card Policy. If an employee does not have a Procurement Card, he or she must submit an expense report to the Finance Division Manager in accordance with Section 5 of this Chapter.
8. Employees are authorized to accumulate frequent flyer miles for their personal account. Under no circumstances shall this influence ticketing, be counter to the BWA's written travel policies, or unduly impact BWA in any way.
9. Employees are permitted to combine vacation or personal leave with a BWA business trip with approval from the General Manager. Any costs incurred by the employee for personal, non-work-related reasons while traveling on BWA business will be the responsibility of the employee.

10. Employees may be permitted to bring a travel companion when traveling on BWA business with approval from the General Manager. BWA is not responsible for additional costs associated with the companion's travel expenses.
11. Employees traveling during normal business hours shall be compensated at their normal salary or pay rate, regardless of whether the employee is travelling alone, as a driver of a vehicle, or passenger. Compensation for after-hours travel will be made on a case-by-case basis, subject to Division Manager or General Manager approval. If after-hours travel is required to ensure business needs are met for the trip, where possible, the travel schedule shall be planned in advance and approved by the employee's Division Manager.

Section 3. Lodging

1. Lodging expenses will be allowed for travel when it is necessary. It is BWA's policy that actual, reasonable costs will be reimbursable for lodging expenses. Hotels of moderate and reasonable comfort should be sought, rather than deluxe or luxury hotels. Each traveler should use their best judgment in selecting a location and hotel to stay, recognizing that their health and safety are of paramount importance. With prior approval from the General Manager, employees may stay at the conference headquarters hotel when attending a conference.
2. Employees should retain receipts for all lodging expenses, even when using a Procurement Card. Charges for personal items should be clearly marked on the receipt as "personal." The employee shall be responsible for all such personal charges.

Section 4. Meals and Incidentals

1. Employee meals and incidental expenses will be reimbursed to the employee for travel that requires an overnight stay, in accordance with applicable IRS Guidelines. Reimbursement for meals and incidental expenses associated with same day (round trip) travel must be approved by the Division Manager or General Manager and maybe subject to withholding or tax liability on the part of the employee, in accordance with IRS Guidelines.
2. Where meals are provided as part of the registration fee paid by the Authority for an offsite event, such as a training seminar or conference, employees shall not be entitled to reimbursement for meals that coincide with the same mealtime/date provided at the attended event.
3. Employees should retain receipts for all meal and incidental expenses, even when using a Procurement Card. Charges for non-approved or non-work-related meals or incidentals should be clearly marked on the receipt as "personal." The employee shall be responsible for all such personal charges.

Section 5. Expense Reports

1. An expense report must be submitted to the Finance Division Manager within ten (10) days of completing a business trip. Each traveler is responsible for preparing and submitting their own report and for providing copies of receipts to support expenses. An expense report must be submitted whether or not a Procurement Card is used.
2. Employees are responsible for insuring that all charges on their expense reports are accurate and supported by documentation. If an employee learns that a mistake has been made, the employee should immediately notify Human Resources and take steps to correct the mistake.
3. Fraudulent expense reports will not be tolerated. Submission of a fraudulent expense report may result in discipline up to and including termination.

CHAPTER XVII: SOCIAL MEDIA

Section 1. Introduction

While BWA understands that there are numerous benefits of using social media; however, employees should be aware that the use of social media presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. Nothing contained in BWA's social media policy is designed to interfere with, restrain or prevent employee communications regarding wages, hours, or other terms and conditions of employment. BWA employees have the right to engage in or refrain from engaging in concerted, protected activity.

Section 2. What is Social Media?

"Social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with BWA, as well as any other form of electronic communication.

Section 3. Social Media Guidelines

1. Employees of BWA should avoid using social media for non-work-related purposes while on work time or while using equipment provided by BWA. Any employee found to have used social media in a manner that hinders or adversely affects his or her job performance may be subject to discipline.
2. All employees are responsible for what they post online. An employee should avoid posting, publishing or engaging in conduct that would adversely affect his or her job performance, the performance of fellow employees, or that could otherwise adversely affect customers, suppliers, contractors, or affiliates of BWA. Conduct that adversely affects the legitimate business interests of BWA may result in disciplinary action up to and including termination.
3. In the course of using social media, employees are prohibited from making comments or otherwise communicating about BWA, its customers, employees, vendors, suppliers or affiliates in a manner that is vulgar, obscene, threatening, intimidating, harassing, libelous, or discriminatory. Those types of communications are disrespectful, unprofessional and will not be tolerated by BWA.
4. Employees must avoid using statements, photographs, or recordings that reasonably could be viewed as malicious, obscene, threatening, intimidating, or harassing. Examples of such conduct might include offensive posts intended to harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other protected status protected by law or BWA policy. Malicious statements are those made with the intent or desire to harm someone or done with an evil intent.

Section 4. Dos and Don'ts of Using Social Media

In addition to the guidelines set forth above, employees must observe the following rules when using social media:

1. DO maintain the confidentiality of BWA's proprietary information and third-parties.
2. DO maintain the confidentiality of private, personal information of coworkers and third parties. Example of such personal, private information includes contact information, health information,

social security information, and any other information that, if disseminated, would violate an individual's right to privacy.

3. DO be mindful of all laws governing copyrights, trademarks, rights of publicity, and rights of privacy.
4. DO be sure to always be honest and accurate when posting information or news about BWA, its employees, customers, vendors, and affiliates. If a mistake is made, take prompt steps to correct the mistake.
5. DO NOT create a link from a blog, website, or other social networking site to BWA's website without express permission from the General Manager.
6. DO NOT represent yourself as a spokesperson for BWA or make a statement on behalf of BWA, unless expressly authorized to so do by the General Manager. If BWA is a subject of the content created, be clear and open that your views do not represent those of BWA, fellow employees, customers, suppliers, or affiliates.
7. DO NOT use a BWA email address to register on social networks, blogs or other online tools used for personal use, unless it is work-related and authorized by the General Manager.

Section 5. Retaliation Prohibited

BWA prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating with a corresponding investigation. Anyone who retaliates against another employee for reporting a possible deviation from this policy or for cooperating with a corresponding investigation may be subject to disciplinary action, up to and including termination.

Meeting Date

June 15, 2021

New Business Item #5

Subject

High Service Pump Performance Testing

Recommendation

Staff recommends the Board of Directors approve the Professional Services Agreement with Garver for Pump Performance Testing services as described herein.

Background/Analysis

In December 2020, the Authority entered into an agreement for Professional Engineering Services with Freese and Nichols, Inc. for the 2021 Water & Wastewater Master Plan and Impact Fee Update.

One of the key components of the project involves evaluating future high service pumping needs based on projected water demands. The high service pumping evaluation initially was planned assuming that existing high service pumps perform at the same level as when they were originally installed (as designed). However, as pumps and related equipment have aged and maintenance and repairs have been made, the actual field performance of the individual pumps as well as the combined pumping capacity of each of the high service pumping facilities can no longer be known precisely without field testing. Such field testing has not been conducted.

Additionally, due to uncertainty regarding the performance characteristics of high service pumps at the water treatment plant and the anticipated reevaluation of future pumping needs in conjunction with the Master Plan Update, the design of proposed improvements to High Service Pumps 1-4, previously undertaken through a contract with Kennedy/Jenks Consultants, was temporarily put on hold pending completion of the 2021 Master Plan Update.

During the data collection phase of the Master Plan Update, it became apparent that additional information regarding the actual performance characteristics of high service pumping facilities would be needed to ensure that the most cost-efficient recommendations are made. Freese and Nichols prepared pump testing protocols for the Authority to facilitate. However, given that Freese and Nichols does not have the equipment and personnel available at this time to conduct testing, BWA Staff sought assistance from other service providers.

BWA has negotiated a Professional Services Agreement with Garver to conduct the required pump testing, which will involve collection of existing data, pump performance testing, and preparation of technical memoranda which will be invaluable to the Authority in future project planning. Field testing of 19 high service pumps is proposed at the following facilities:

- Water Treatment Plant
- Hilltop Heights Pump Station
- Sessums Pump Station.

Services will be provided on an hourly basis, in accordance with the Engineer's hourly rate/fee schedule, not to exceed \$26,083.

Financial Impact

Funding for this project is available in the Water Impact Fee Fund.

Meeting Date

June 15, 2021

New Business Item #6

Subject

Second Amendment to Tower / Ground Lease Agreement with Verizon for Site #193041, Chapin Rd.

Recommendation

Staff recommends the Board of Directors approve the proposed amendment with Verizon as presented and authorize the General Manager to execute the Agreement.

Verizon 9113 Chapin Road Lease Amendment Summary:

Equipment: This equipment upgrade involves the addition of 3 new antennae. Freese and Nichols approved the tower equipment additions on March 12, 2021.

Rent increase: The negotiated rent increase for the additional equipment is \$1,200.00 for a total prorated rent amount of \$45,840.08 for 2021. The annual escalator is 3% increase in rent per year. The annual rent owed for the term of the lease (approved/current equipment) is the last document in the approval package and is provided below. We will include these in all lease amendments going forward to assist in accounting/audit review.

<u>Year:</u>	<u>Amount Due:</u>
2021	\$45,840.08
2022	\$47,723.23
2023	\$49,154.93
2024	\$50,629.57
2025	\$52,148.46
2026	\$53,712.92
2027	\$55,324.30
2028	\$56,984.03
2029	\$58,693.55
2030	\$60,454.36
2031	\$62,267.99
2032	\$64,136.03
2033	\$66,060.11
2034	\$68,041.91
2035	\$70,083.17
2036	\$72,185.67
2037	\$74,351.24

