



Agenda Item: 8.

MEMORANDUM

TO: Personnel, Legislative and Public Affairs

SUBJECT: Update to the Employee Handbook

DATE: January 3, 2012

FROM: Jean Tait, Administrative Assistant

It has been several years since the Employee Handbook has been updated. Most of the changes to the handbook are "housekeeping" in nature. The major change is incorporating the new Family Medical Leave and Family Military Leave Policy as an attachment to the handbook. Other changes include adding a paragraph in regards to resignations and retirement, replacing the disability leave with the Family and Medical Leave Policy, updating the long-term disability policy, updating the non-disability leave of absence, adding Employee Assistance Program as a benefit to employees, adding the smoking and tobacco use policy and updating the email and internet use to include electronic communication systems. The Employee Handbook is attached for your review.

The Employee Handbook will be updated annually as is the Pay Program Administration Manual, Affirmative Action Plan and the Family and Medical Leave and Family Military Leave Policy at the end of each calendar year.

It is recommended that the PLPA Subcommittee recommend to the Board that the update to the Papio-Missouri River NRD Employee Handbook be adopted and incorporated into the District's Policy Manual as Appendix B.

PAPIO-MISSOURI RIVER NRD

EMPLOYEE HANDBOOK

Updated: December 2011

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
An Equal Opportunity Employer

W E L C O M E

The Papio-Missouri River Natural Resources District takes this opportunity to extend to you, our employee, a warm WELCOME!

Mutual understanding is vitally important to the success of any enterprise. To provide a basis for developing mutual understanding, this Employee Handbook contains many of the policies, rules, and procedures by which the District operates. It will serve the best interests of everyone concerned if you study and retain this Employee Handbook for future reference. Each employee is responsible to understand and comply with the District's policies, rules, and procedures throughout their employment.

The policies, rules, and procedures contained in this Employee Handbook supersede all previous District policies, rules, and procedures and apply to you regardless of your date of hire. After reading this Employee Handbook you should sign the "Employee Verifications Form" at the end and give it to the Administrative Coordinator. Even if you do not sign the form, your decision to continue working for the District evidences your agreement to be bound by the terms of this Employee Handbook and the District's current and future policies, rules, and procedures.

In writing this Employee Handbook we have tried to avoid legal words and phrases as much as possible. This Employee Handbook was written for our employees as a matter of information only. It is not a contract between the District and any employee for employment for a specific duration, or any other purpose. New situations develop constantly and the District reserves the right to change, suspend, or cancel any part of this Employee Handbook and/or its policies, rules, or procedures as circumstances (in the sole discretion of the District's General Manager) warrant.

No District representative has the authority to make any promise or agreement which is inconsistent with this Employee Handbook or any of the District's policies, rules, or procedures without the express, written approval of the General Manager. All employees of the District are employed at-will, meaning that either the employee or the District may terminate the employment relationship at any time and for any (or no) reason. Employees of the District have no property right or interest in their employment or any term of their employment.

There are employee benefit documents (insurance policies and plan documents) containing more complete information. You should refer to those documents and not rely upon this Employee Handbook with respect to any specific benefit, especially a benefit which is provided through insurance or is governed by a plan document because the terms of the insurance policy or plan document supersede the terms of this Employee Handbook in the event of any inconsistency. All benefits are subject to the employee meeting whatever eligibility requirements, qualifications, and conditions are set forth in the insurance policies and plan documents.

Please speak with your supervisor or the Administrative Coordinator if you have a question after reading this Employee Handbook.

WORKING TOGETHER FOR A BETTER FUTURE

YOU WANT.....

| | |
|-------------|---|
| OPPORTUNITY | A chance to learn, grow, and be fairly paid for what you do. |
| RECOGNITION | Acknowledgment of your abilities and appreciation for your efforts through recognition as an individual and advancement within the District. |
| SECURITY | A steady, responsible job to provide for you and your family's future. |
| TO BELONG | The satisfaction of being a part of an organization that is vitally important to the community, and knowing that you are a valued member of the team. |

WE WANT.....

| | |
|-----------------|---|
| RESULTS | Accomplishing that which you are paid to do, and taking pride in doing so. |
| TEAMWORK | Working with management and coworkers to combine efforts for the benefit of all--the District, the employees, and the community. Realizing that we can accomplish more together than we can individually. |
| GOOD EMPLOYEES | Employees who know their jobs, who accept responsibility, who are happy and enthusiastic about what they do, and who help us accomplish our mission. |
| A JOB WELL DONE | Doing your job to the very best of your ability. To excel and not just "get by." Respectfully letting us know how we can improve the District and serve the community. |

TABLE OF CONTENTS

| | |
|---|---|
| Welcome | 2 |
| Working Together For A Better Future..... | 3 |

PERSONNEL POLICIES

| | |
|------------------------------------|-------|
| Absences | 8-9 |
| Bad Weather Closing | 13-14 |
| Definition of Employees | 6-7 |
| Emergency Operations Work | 10 |
| Employment Qualifications | 6 |
| Formal Grievance Procedure | 12-13 |
| Grievances..... | 12 |
| Hours of Work | 9 |
| Lunch Breaks | 10 |
| Overtime | 9-10 |
| Pay Adjustments..... | 8 |
| Pay Period - Pay Day | 10 |
| Payroll Deductions | 10-11 |
| Personnel File Up-Date | 8 |
| Personnel Records..... | 8 |
| Probationary Period | 6 |
| Promotions | 7-8 |
| Resignation | 11 |
| Suggestions | 11 |
| Supervisor (Your) | 11-12 |
| Tardiness | 8 |
| Time Records | 9 |
| Vehicle Use - Pay Adjustment | 14 |

EMPLOYEE BENEFITS

| | |
|---|-------|
| Annual Leave/Vacation | 18-19 |
| Breaks | 21 |
| Compensatory Leave | 19 |
| Deferred Compensation Plan | 21 |
| Family and Medical Leave Act Leaves | 16-17 |
| Family Military Leave Policy | 16-17 |
| Employee Recognition Program | 23-24 |
| Employee Wellness Program | 24 |
| Flexible Benefit Plan..... | 21 |
| Funeral Leave | 19 |
| Group Insurance | 15-16 |
| Holidays | 20-21 |
| Jury Duty - Election Board - Criminal Testimony | 20 |
| Long-Term Disability | 17 |
| Military Leave | 20 |
| Non-Disability Leave of Absence | 17-18 |

| | |
|--|-------|
| Professional Organization Membership | 23 |
| Retirement Plan | 21 |
| Savings Bond Program | 24 |
| Sick Leave | 19-20 |
| Social Security | 15 |
| Travel and Expense Accounts | 21-23 |
| Tuition Reimbursement Program | 23 |
| Unemployment Insurance | 15 |
| Worker's Compensation | 15 |

GENERAL WORK REGULATIONS

| | |
|--|-------|
| Affirmative Action Plan | 29-30 |
| Attire | 27 |
| Conduct and Courtesy | 26 |
| Conflict of Interest | 30 |
| Debts - Garnishments | 26 |
| Drugs and Alcoholic Beverages | 26 |
| E-Mail, Internet, and Electronic Communications Systems | 30-31 |
| Equal Opportunity | 29 |
| Gifts and Gratuities | 30 |
| Harassment and Discrimination | 27-29 |
| Honesty | 26 |
| Nepotism Policy | 29 |
| Solicitations | 26 |
| Telephone Calls | 26-27 |
| Trespassing | 26 |
| Use of District Property | 29 |
| Visitors | 27 |
| Workplace Violence..... | 31-32 |

SAFETY RULES - ACCIDENT PREVENTION

| | |
|--|----|
| Safety and Injury Prevention Program | 32 |
|--|----|

| | |
|-------------------------|-------|
| <u>CONCLUSION</u> | 32-33 |
|-------------------------|-------|

| | |
|---|----|
| <u>EMPLOYEE VERIFICATION FORM</u> | 34 |
|---|----|

EMPLOYEE HANDBOOK (EH) ATTACHMENTS

EH Attachment 1 - Drug-Free and Alcohol-Free Workplace Policy
EH Attachment 2 - Safety Manual
EH Attachment 3 - Pay Program Administration Manual
EH Attachment 4 - Family and Medical Leave and Family Military
Leave Policy

PERSONNEL POLICIES

This section of your Handbook covers the policies, procedures and rules relating to your job. Familiarity with the contents will make you aware of what is expected of you, as well as what you can expect from the District.

EMPLOYMENT QUALIFICATIONS:

All persons 18 years of age or older are eligible to apply for employment. All applicants and employees will be treated fairly and no individual will be discriminated against or given preference in any term, condition, or privilege of employment because of race, religion, national origin, sex, age, color, marital status, military/veteran status, genetic information, disability (if the individual is otherwise qualified to perform the essential functions of the job, with reasonable accommodations if necessary), or any other category protected by law.

Each applicant for employment must complete an application form in the fullest, most accurate manner possible. Since this information is used as fact for hiring, employment, and on all records, falsification of this information may result in discharge.

Before entering employment with the District, a background investigation and pre-employment drug test will be required of all individuals who receive a conditional job offer. Assuming the background investigation is satisfactory and the pre-employment drug test is negative, a pre-employment medical examination by a licensed physician will be required to determine the individual's ability to perform the essential functions of the position (with reasonable accommodations if necessary) for which they have applied. Such examinations shall be at the expense of the District.

PROBATIONARY PERIOD:

A new employee is on probation during the first ninety (90) calendar days of employment. During this period of employment, the employee must demonstrate good quality and quantity of work, as well as cooperation and teamwork. In addition, the employee must show a strong interest in doing his/her job. At the end of the probationary period, or earlier if necessary, an evaluation shall be conducted to determine whether the employee is sufficiently well-suited to the job to continue employment by the District; employees discharged during or at the end of the probationary period shall not have recourse to the grievance procedure. The probationary period may be extended in the discretion of the General Manager.

After satisfactory completion of the probationary period, the individual becomes a regular District employee with the anniversary date being the original date of hire.

DEFINITION OF EMPLOYEES:

- **Full-Time Employee:** Any employee who has completed their probationary period and is regularly scheduled to work thirty-seven and one-half (37-1/2) or more hours per week, unless the probationary period is extended.

- **Probationary Employee:** Any employee in their first ninety (90) calendar days of employment, or longer if probation is extended.
- **Part-Time Employee:** An employee who is regularly scheduled to work less than thirty-seven and one-half (37-1/2) hours per week on a regular basis.
- **Temporary Employee:** An employee hired with expectation that employment will be short-term, such as for seasonal work or on an "as-needed" basis.

Exempt/Salaried: An employee who is employed in a position which is exempt from overtime requirements by law. Exempt employees work all hours required to fully and properly perform the job, and do not receive overtime pay. The only exception will be if exempt employees receive extra pay for Emergency Operations work. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to certain exceptions, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the District makes deductions from an employee's predetermined salary, e.g., because of the operating requirements of the District, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available. It is the District's policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state laws. Therefore, the District prohibits any improper deductions from the salaries of exempt employees. The District wants employees to be aware of this policy and that it does not allow deductions that violate the FLSA. If an employee believes that an improper deduction has been made from his/her salary, the employee should immediately report this information to the District. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

Non Exempt/Hourly: An employee whose pay is computed on an hourly basis, for all hours actually worked. Non-exempt employees are eligible for overtime pay at the rate of time and a half (1-1/2 times regular hourly rate) for all hours actually worked in excess of forty (40) hours during any work week. Non-exempt/hourly employees are not authorized to work "off the clock." They shall record, and be paid for, all hours actually worked.

All employee classifications shall be determined by District management and may be changed from time to time as warranted by the circumstances. The employee's official classification maintained by District management shall be controlling, regardless of the hours worked in any individual week.

PROMOTIONS: A promotion is based on each individual's performance record and involves an increase in the amount of responsibility undertaken. The District's policy is to promote from within whenever possible and to select on a merit basis the employee best qualified and most deserving to

fill each job vacancy or new position. Employees seeking promotion will be considered on the strength of many factors including: qualifications, job knowledge, capacity for further responsibility, ability, leadership potential, working relationships, length of service, past performance and employment record.

PERSONNEL RECORDS:

It is important for the District to have accurate records for every employee. You must advise your supervisor and the Omaha office of any changes in the following types of information:

- | | |
|--|---|
| <input type="checkbox"/> Address | <input type="checkbox"/> Next of Kin |
| <input type="checkbox"/> Name | <input type="checkbox"/> Change of Beneficiary |
| <input type="checkbox"/> Telephone Number | <input type="checkbox"/> Person to Notify in an Emergency |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Number of Dependents |
| <input type="checkbox"/> Physician's Name & Phone Number | |

Employee health or medical-related records will be maintained separate from the personnel records and will be subject to more strict confidentiality rules. Except as otherwise required by law, employee health records will not be available to District personnel other than the General Manager, persons responsible for creating and/or maintaining employee health records, and supervisors/department heads if they have a need to be apprised of restrictions on an employee's work duties, accommodations for an employee's disability, or possible emergency conditions involving the employee's health condition.

PERSONNEL FILE UP-DATE: Employees are requested to keep the District advised of any additional training, educational courses completed, civic activities, etc. This information will be placed in the employee's personnel file for reference when considerations for promotion are made.

PAY ADJUSTMENTS: Pay adjustments are based on an employee's job performance and the current Pay Program Administration Manual. Any questions you may have concerning your wage and pay adjustments should be addressed to your supervisor.

COMPENSATION FOR TEMPORARY DUTY: If an employee temporarily serves in the capacity of a higher grade position for an extended period of time (minimum of three months or 60 working days, consecutively), the General Manager shall have the authority to provide additional compensation to that employee for that period according to the general guideline of one-half the difference between the midpoints for the salary grade of the higher grade position and the employee's position.

TARDINESS: Employees are expected to be at their work stations at their designated work time. If you must be late, make every effort to notify your supervisor. Excessive tardiness may result in disciplinary action.

ABSENCES:

Regardless of your reason for absence, always notify your office or supervisor as soon as possible. If you are unable to call your office or supervisor, you are responsible for having someone

do so for you . . . and,

1. Always give the specific reason for your absence; and,
2. Notify your office or supervisor when you expect to return.

Excessive or unwarranted absenteeism will result in dismissal. If you are absent for three (3) consecutive working days without notifying your office or supervisor, and without approved leave of absence, you will be considered to have voluntarily resigned.

An UNEXCUSED absence will be considered as leave without pay, and paid sick leave, vacation, or other paid time off may not be used. When a person does not call their office or supervisor when they are absent, even if they are ill, it shall be considered an UNEXCUSED absence.

An EXCUSED absence is an absence approved by your supervisor for reasons recognized as valid by the employer, and for which available annual leave, sick leave or other paid time off may be used. The following reasons are generally considered valid: Personal illness; death in the family; illness in the family (when the employee is needed at home); accidents - on or off the job.

TIME RECORDS:

Each employee is required to record daily work activities and submit this report every week. At the beginning of each reporting period, employees will receive a weekly work report for this purpose. This weekly work report contains space designated for the recording of:

1. Total hours worked daily.
2. Total hours worked on a particular program, project or miscellaneous activity (each activity, program or project has been assigned an individual work number).
3. A short description of work performed and equipment use number when appropriate.

HOURS OF WORK:

The basic work day shall consist of seven and one-half (7-1/2) hours or eight (8) hours; and the basic work week shall consist of thirty-seven and one-half (37-1/2) hours or forty (40) hours, depending on your job description.

The Omaha office hours shall be 8:00 a.m. - 4:30 p.m., Monday through Friday. Field offices will be open 8:00 a.m. - 12:00 p.m. and 1:00 p.m. - 4:30 p.m.

OVERTIME:

All employees of the District classified as hourly employees (non-exempt) will be paid at the rate of one and one-half (1-1/2) times the regular hourly rate for work in excess of forty (40) hours in any work week. Regular pay rates will be paid for work of less than forty (40) hours. A

work week is defined as the period from Sunday midnight to the following Sunday midnight. Work is defined as only those hours in the work week during which the employee is actually working on the job.

Overtime work will be distributed as fairly and as practicable among qualified available employees within each classification in a department. A record of overtime hours worked by each employee will be kept.

All overtime must be authorized by your supervisor in advance. All employees may be required to work overtime from time to time.

EMERGENCY OPERATIONS WORK:

The District will compensate all employees of the District, except the General Manager, for Emergency Operations Work in accordance with the overtime pay policy.

It shall be the policy of the District to allow reimbursement to employees for meals and other actual expenses incurred while on Emergency Operations Work for the District. An employee must work a complete full shift, (i.e., 8 hours) either during normal office hours or an assigned work period and an additional two (2) hours to be eligible for reimbursement for a meal. Meal expense shall be reimbursed at a rate per meal established by the District for employees working more than a ten (10) hour work period. This will be paid only if submitted for payment by the employee on an Expense Claim form.

LUNCH BREAKS: Lunch breaks for employees may vary from one-half hour to one hour, as designated in your job description and approved by your Supervisor. This includes going from and to work stations.

PAY PERIOD - PAY DAY: Payroll periods shall consist of a two (2) week period, with payments made every other Friday via automatic deposit to a financial institution of the employee's choice. Payroll automatic deposit is mandatory for all P-MRNRD employees.

PAYROLL DEDUCTIONS: We are required by Federal and State laws to make certain deductions from your earnings. Tax deductions are turned over to the proper government department by the District. The records of your tax deductions are noted on each payroll statement.

Tax deductions are based on the number of dependents you declare. Employees are responsible for properly completing their own W-4 forms, and notifying the Accounting Department whenever, due to family changes or otherwise, they wish to change their declared exemptions.

Deductions will include:

- ☐ Social Security (FICA)
- ☐ Medicare portion of FICA (MEDFICA)
- ☐ Federal Withholding Tax
- ☐ State Withholding Tax
- ☐ Retirement Program
- ☐ Other deductions required by law

Voluntary deductions may include:

- ☐ Group Health Insurance for Dependents
- ☐ Retirement Program (additional individual contribution)
- ☐ United Way
- ☐ Supplemental Insurance (AFLAC)
- ☐ Dependent Life Insurance
- ☐ Savings Bond Program
- ☐ Flexible Benefits Plan

RESIGNATION:

You should notify your supervisor as soon as possible of your decision to resign. Two (2) calendar weeks advance written notice is required in order for the employee to be deemed to have resigned in good standing. Employees who do not resign in good standing will not be paid any of their accrued but unused sick leave upon separation. Employees who resign in good standing will be paid 25% of their accrued but unused sick leave.

An employee who is re-employed will be considered the same as any other new employee for the purpose of all employee classifications and must serve the usual probationary period.

RETIREMENT:

In preparation for retirement from the District, an employee should notify his/her immediate supervisor and the Administrative Coordinator, in writing, of their retirement date. This notice must be given at least thirty (30) calendar days prior to the retirement date in order for the employee to be deemed to have retired in good standing. Employees who do not retire in good standing will not be paid any of their accrued but unused sick leave upon retirement. Employees who retire in good standing will be paid 25% of their accrued but unused sick leave.

It is important for employees who intend to retire to continue to work until their retirement date so they can train their successor and ensure a smooth transition. Therefore, in order for an employee to retire in good standing with the District, the employee must also work all of their scheduled days/hours from the date they provide their retirement notice until the date they actually retire. The only exception will be the employee's use of annual leave during this timeframe which has been approved in writing by the employee's supervisor and either the Administrative Coordinator or the General Manager.

SUGGESTIONS: The management of the District does not pretend to know the best answers to every problem. There may be a better way to do each job. We earnestly ask all employees who have ideas or suggestions for the improvement of the District to feel free to offer them, preferable in writing, to their supervisor.

YOUR SUPERVISOR: Your supervisor is responsible for the on-the-job well being of those who report to him/her. It is part of your supervisor's job to see that your working conditions are satisfactory, that your questions are answered, that you are informed about the District and that your problems receive fair consideration. When you are troubled, your supervisor expects you to come to him/her for help. Your supervisor also appreciates an opportunity to discuss your viewpoints and

suggestions. A good working relationship between you and your supervisor is essential to the smooth functioning of your department.

GRIEVANCES: The District shall provide a fair and efficient means to receive, investigate and resolve employee complaints and grievances. Each employee is encouraged to informally discuss grievances with their immediate supervisor. The General Manager shall ensure employees' freedom from restraint, interference, discrimination or reprisal in the presentation of grievances of any supervisory level.

FORMAL GRIEVANCE PROCEDURE:

When an instance occurs that an employee considers to be unfair or incorrect relative to that employee's working situation, the following procedure will be followed to resolve the matter. If the grievance directly involves the immediate supervisor, and the employee for good reason is unable to take the issue to the immediate supervisor, the employee may go directly to the next level of supervision according to the District's Administrative Flow Chart.

1. The aggrieved employee, within two (2) working days after the instance, shall verbally present the grievance to the immediate supervisor as a formal grievance. The supervisor shall make careful inquiry into the facts and circumstances of the grievance and shall verbally advise the employee of the findings of the investigation and his or her decision usually within seven (7) calendar days after hearing the employee's grievance.
2. If the grievance is not resolved by action of the immediate supervisor, the employee may submit the grievance in writing to the Department Head, on a form furnished by the immediate supervisor and within seven (7) calendar days after being advised of the supervisor's decision. The Department Head shall make a separate investigation and inform the employee in writing of his or her decision and the reasons for it usually within seven (7) calendar days after receipt of the employee's grievance form.
3. If the grievance is not resolved by action of the Department Head, the employee may obtain a review by the General Manager by submitting a written request for review to the General Manager within seven (7) calendar days following receipt of the written decision of the Department Head. The General Manager shall make such investigation as appropriate, and within approximately fifteen (15) calendar days after the receipt of the employee's request for review, shall inform the employee in writing of his or her findings and decision. Routine Grievances shall be concluded with the determination of the General Manager.
4. When an employee believes that the matter has not been satisfactorily resolved by the General Manager's decision, the employee may request a review by the Personnel, Legislative and Public Affairs Subcommittee by submitting a written request for review, stating the complaint, and the decision received from the General Manager. The concerns of the employee will be considered by the Personnel, Legislative and Public Affairs Subcommittee in making a determination of whether to submit the matter to the Board of Directors for review and guidance.

5. Within the foregoing procedure the burden of proof shall be on the aggrieved employee.

BAD WEATHER CLOSING:

There are occasions where storms during non-duty hours render roads hazardous to traffic so that it is deemed that employees, except those engaged in services which cannot be suspended or interrupted, will not report for work.

- **For employees located at the Chalco Hills Natural Resources Center:** Delayed opening will automatically occur if the Millard Public Schools (MPS) cancel classes due to inclement weather. Employees will automatically report for duty at 10:00 a.m. when MPS is closed due to inclement weather. The Hazardous Weather Committee (P-MRNRD General Manager; USDA FSA Sarpy/Douglas County Executive Director and USDA NRCS District Conservationist) will act to further decide office closure by 9:00 a.m., if necessary. Hazardous weather that develops during the workday requiring early office closing will be addressed by a consensus of the lead person available for each agency. Employees should monitor KFAB (1110 AM Radio) for closing information.
- **For employees located at field offices:** The Natural Resources Conservation Service Resource Conservationist at the respective field office may declare the office closed for all or a portion of the day if weather conditions require. Employees should monitor radio announcements or contact their supervisor for closing information.
- **For employees located at the Dakota County Rural Water Office:** The Water Supply Superintendent may declare the office closed for all or a portion of the day if weather conditions require. Employees should monitor radio announcements or contact their supervisor for closing information.

If hazardous conditions exist before regular workings hours and the office is declared closed, employees will be on administrative leave for that work day. Employees who had scheduled leave are to remain on scheduled leave, not administrative leave.

In the case of late start, i.e., if the office is declared open at 10:00 p.m., employees will be on administrative leave until the time the office opens. Employees who had scheduled leave are to remain on scheduled leave, not administrative leave. Examples of how to charge administrative leave based on established working hours are described in the following scenarios:

- If established hours are 7:30 a.m. – 4:00 p.m. and the office opens at 10:00 a.m., the employee is approved for 2-1/2 hours of administrative leave.
- If the established hours are 8:00 a.m. – 4:30 p.m., the employee will be approved for 2 hours of administrative leave.

In the event hazardous weather conditions occur during office hours, employees **on duty** are to receive administrative leave based on established working hours. Employees who had scheduled leave are to remain on scheduled leave, not administrative leave. Examples of how to charge administrative leave based on established working hours are described in the following scenarios:

- If established working hours are 7:30 a.m. – 4:00 p.m., and the office is closed at 3:00 p.m. due to weather conditions, the employee is approved for 1 hour of administrative leave.
- If established working hours are 8:00 a.m. – 4:30 p.m., and the office is closed at 3:00 p.m. due to weather conditions, the employee is approved for 1-1/2 hours of administrative leave.

Administrative Leave will be recorded on time sheets under 900-55 (Other Leave).

VEHICLE USE POLICY: Some employees, at the discretion of the General Manager, shall be assigned a District vehicle to drive to and from work. Personal use of the District vehicles, other than driving to and from work, is not allowed.

1. Employees who utilize a vehicle for commuting purposes have the option to utilize a personal vehicle for commuting purposes or can continue to utilize a District vehicle for commuting only after agreeing to reimburse the District a fair and equitable deduction from the employee's pay. The employee would sign an agreement with the District to have funds withheld from their bi-weekly pay checks. In addition, for those employees who continue to utilize a District vehicle for commuting purposes, this expense will be reviewed annually during their performance appraisal process and adjusted appropriately to reflect actual costs to the District for this benefit. This option would be adopted to address the six (6) vehicles that are being utilized for commuting purposes. This provision does not apply for employees who are required to respond to an emergency event on a 24/7 basis.
2. All employees utilize a District vehicle, when available, for attending District related functions and or conducting work related duties. Personal vehicle use should be discouraged for conducting District business unless no other transportation is available to the employee.
3. Vehicles should be eliminated through attrition whenever feasible.
4. Assigned vehicle usage should no longer be utilized in lieu of pay or as a reward for performance.
5. If the Board of Directors so desires to modify the existing vehicle use policy that the General Manager is required to follow the adopted policy and the existing contract be amended as necessary.

EMPLOYEE BENEFITS

As a member of the Papio-Missouri River Natural Resources District team, you will enjoy a number of benefits, above and beyond your paycheck. The following descriptions of benefits are summaries only, designed for the convenience of the employee, and an employee's eligibility for benefits and benefits rights will be governed by the plans and policies themselves, and applicable law. District management reserves the right to exercise discretion when interpreting and applying benefit plans, and to modify benefit policies and plans at any time.

SOCIAL SECURITY: Each pay day, the District deducts from your pay a tax which is paid into the Treasury of the United States Government to provide a Retirement Fund for you when you are eligible. The District also contributes an equal amount.

UNEMPLOYMENT INSURANCE: This benefit is paid entirely by the District. Employees who qualify for benefits will receive a check from the Nebraska Department of Labor for a limited period.

WORKERS' COMPENSATION: This benefit is also paid entirely by the District and covers all employees, while working here, in case of occupational illness or injury. The benefits allowed are set in accordance with the State law.

GROUP INSURANCE:

The District provides a comprehensive insurance plan for all eligible full-time employees through participation in the Nebraska Association of Resources Districts Insurance Plan. An employee is eligible to participate in the plan the first day of the month after hire. A full description of the coverage, eligibility dates and benefits is available to employees and their dependents at the Omaha office.

An employee who is discharged or voluntarily leaves his or her employment may be entitled to a continuation of the District's health benefits (COBRA) at the employee's cost, depending on the specific provisions of the District's health insurance policy. Additional information regarding continuation rights will be provided upon termination from employment or another COBRA event.

The plan includes the following:

1. **Medical Insurance:** The District pays the entire premium cost for the employee. The employee may enroll his/her eligible dependents under the District's employee health insurance coverage. The District will pay a portion of the applicable monthly premium and the employee will pay for the remaining premium for dependent medical coverage.
2. **Dental Insurance:** The District pays the entire premium cost for the employee and

eligible dependents.

3. Vision Care: The District pays the entire premium cost for the employee and eligible dependents.
4. Life Insurance: The District pays the entire premium cost for the employee. Dependent coverage is available for eligible dependents at the employees cost.
5. Long Term Disability Insurance: The District pays the entire premium cost for the employee.

FAMILY AND MEDICAL LEAVE ACT LEAVES:

In accordance with the Family and Medical Leave Act (FMLA) and its regulations, eligible employees may take a leave of absence because (1) of the birth of a son or daughter and in order to care for such son or daughter; (2) of the placement of a son or daughter with the employee for adoption or foster care; (3) the employee is unable to work due to his/her own serious health condition; (4) the employee needs to care for a spouse, son or daughter or parent with a serious health condition; (5) of a qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves; or (6) the employee is the spouse, son or daughter, parent or next of kin of a covered servicemember with a serious injury or illness and the employee needs to care for that person.

To be eligible for FMLA leave, an employee must:

1. Have been employed by the District for at least 12 months, which need not be consecutive;
2. Have worked at least 1250 hours for the District during the 12 month period immediately preceding the commencement of the leave; and
3. In addition, there must be at least 50 employees at the employee's location or within a 75-mile radius.

An employee's total cumulative FMLA leave may not exceed 12 weeks in any 12-month period, and available sick leave and annual leave must be used while on FMLA leave. An employee has the right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as a "rolling" 12-month period measured backward from the date of any FMLA leave usage. A husband and wife who are eligible for FMLA leave and are employed by the District are limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. FMLA leave for the birth or placement of a child must be completed within one year after the birth or placement of that child.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their

12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. The District may require employees to provide a copy of the covered military member's active duty orders or other military issued documentation that indicates that the covered military member is on active duty in support of a contingency operation, and the dates of the active duty service.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

The District may, *at its sole discretion*, grant FMLA leave, or some variation of FMLA leave, to those employees who are not legally entitled to such leave due to ineligibility (e.g., less than 12 months' employment or employment at a location more than 75 miles from the District's office).

Refer to the District's Family and Medical Leave and Family Military Leave (Appendix V) policy for more details.

LONG-TERM DISABILITY:

Long-term disability is a benefit provided all full-time employees. After the 90-day elimination period has been met the insurance carrier for this plan determines if an employee is disabled and coordinates all benefit payments. An employee who qualifies for long-term disability is ineligible to use available sick leave or annual leave.

The District will continue to pay its share of premiums under the District's Employee Benefit Program (i.e., life insurance, dental insurance, medical insurance, vision care, long-term disability, and retirement program) for up to two years on behalf of employees on long-term disability, subject to their continuing eligibility under the plan documents. If employment is separated due to the employee's disability, the District's payment of the premiums on behalf of the employee may be contingent upon the employee electing COBRA continuation coverage. If the employee on long-term disability has elected dependent coverage under the insurance program, the District will continue to pay its share of the premiums for dental coverage and applicable medical insurance premium for up to two (2) years after the first long-term disability benefit payment is made to the employee. Any employee payments normally required for dependent coverage shall be reimbursed to the District on a monthly basis prior to the month being covered. Dependent medical, dental and vision coverage may continue after the two year period, but the employee is responsible for the entire premium payment for any dependent coverage. Sick leave and annual leave does not accrue while an employee is receiving long-term disability benefits.

NON-DISABILITY LEAVE OF ABSENCE:

The District recognizes that there will be instances where, for various reasons, an employee may require time off from his or her job without pay or benefits, for personal reasons. Anyone requesting a leave of absence for personal reasons, must receive prior permission from the General Manager. Each request for leave of absence will be considered on an individual basis, and the granting of a leave will be at the sole discretion of the General Manager. The duration of the leave, and whether the employee's job will be held open during the leave, will be determined on an individual case basis.

Any such leave will be without pay or benefits. The employee will be allowed to use accrued but unused annual leave. Sick leave and annual leave does not accrue while an employee is on a non-disability leave of absence. If insurance benefits are continued during the leave, the employee shall pay the full cost of the benefits.

ANNUAL LEAVE/VACATIONS:

Vacations must be earned before they can be taken. Vacations will be considered "earned" only to the extent that vacation time has been accrued according to the following schedule, and all conditions for using vacation have been met. The employee's date of hire will be the eligibility date for determining the amount of vacation earned.

Each full-time employee shall accrue annual leave bi-weekly at the following rates:

0 through 5 years of service -- 13 working days per year

6 through 10 years of service -- 18 working days per year

11 years of service or greater -- 23 working days per year

Employees may carry-over all unused annual leave days into the next calendar year; however, no employee will continue to accrue annual leave once he or she has accumulated 53 days of annual leave. Annual leave does not accrue when an employee is on an unpaid leave or long-term disability.

No annual leave can be taken during the first six (6) months of employment unless approved by the employee's immediate supervisor.

All annual leave shall be scheduled in advance and taken at a time that is agreeable to the employee and the employee's supervisor. Any paid vacation more than 10 consecutive working days in duration will require a minimum of thirty (30) days notice and approval of the General Manager.

Annual leave is accrued on a bi-weekly basis and an employee may not take more time than that which the employee has already accrued and has available at the time annual leave is taken.

Employees will be paid for all accrued but unused vacation upon termination from employment.

Part-time employees will accrue annual leave on a pro-rata basis according to average hours worked. Temporary employees are not eligible for annual leave.

FUNERAL LEAVE: Funeral leave is allowed for all full-time employees only for family funerals. The term "family" is defined to include spouse, children, parents and parents of the employee's spouse, brothers, sisters, grandparents, and grandchildren and those similarly related to the employee's spouse. The amount of funeral leave (not to exceed 5 days) will be determined by the General Manager based on the particular situation involved. Employees will be paid at their regular rate of pay for any funeral leave granted.

COMPENSATORY LEAVE: The District allows compensatory leave for overtime worked by salaried (exempt) employees. The General Manager may allow salaried employees time off during their normal work hours when they attend required evening or weekend meetings. However, it is not intended that compensatory leave time be granted on an hour for hour basis.

SICK LEAVE:

Each full time employee will accrue one and one-half (1-1/2) days per month sick leave. This leave may only be used in the case of actual sickness and/or for actual, necessary visits to health care providers (including dentists).

The purpose of this benefit is to assist eligible employees when they suffer the misfortune of an extended illness or disability. Therefore, to avoid possible abuse of this benefit, a physician's statement will be required by the District as verification of illness or accident before sick leave benefits are paid when an employee has been absent for three (3) consecutive working days. Sick leave pay benefits for work related injury/accidents will be coordinated with workers' compensation benefits received by the employee.

The General Manager has the authority, in his discretion, to permit an employee to utilize sick leave to tend to the needs of his/her spouse and "immediate family." The term "immediate family" is defined to include spouse, children and parents of the employee and children and parents of employee's spouse. The use of sick leave for this purpose will require approval by the General Manager. An example of approved sick leave under this situation would be where an employee's spouse is ill and children require attention until other adequate arrangements can be made. The illness of a spouse requiring a doctor's attention would be a second example.

Accrued but unused sick leave may be carried forward from year to year, up to a cumulative total of 180 days. For those employees who have over 180 days of accumulated sick leave, their cap will be set at the amount of accumulated sick leave as of June 30, 1994. If an employee whose cap is over 180 days drops below 180 days of sick leave as of June 30th of any given year, that employee's cap will be re-established at 180 days. Sick leave does not accrue when an employee is on an unpaid leave or long-term disability.

Abuse of this sick leave policy may result in loss of the sick leave benefit and/or discharge.

Part-time and temporary employees are ineligible for sick leave.

WELLNESS BENEFIT: Each full time employee will be compensated for unused sick leave upon retirement, termination/resignation in good standing, or death at the rate of 25% of salary. No payment of accumulated sick leave will be made to an employee in the event of termination for any other reasons, including resignation prompted by an action of the employee that could result in disciplinary action.

MILITARY LEAVE: The District is proud to grant time off to our employees in the military service for necessary training, reserve duty and active duty. Full pay will be provided for the first fifteen workdays in any one calendar year. Other pay, benefits, and return-to-work rights will be followed in accordance with applicable state and federal law governing absence for military duty. All employees with military obligations are expected to notify the District of their obligations and expected absences as far in advance as possible, and to provide return-to-work notification as provided by law.

JURY DUTY - ELECTION BOARD - CRIMINAL TESTIMONY:

All employees will be granted time off for jury duty and election board duty and will be paid the difference between their jury and election board pay and their regular wages for time lost from their regularly scheduled work. The same will apply for an employee when subpoenaed as a witness in a criminal case.

The pay voucher the employee receives from the court for his/her services must be presented to the office to receive supplemental pay. Employees released from jury duty prior to noon on any day must return to work.

HOLIDAYS:

All full-time and part-time employees will receive and be paid the following ten (10) holidays:

- | | |
|---|---|
| <input type="checkbox"/> New Years Day | <input type="checkbox"/> Labor Day |
| <input type="checkbox"/> Martin Luther King Day | <input type="checkbox"/> Veteran's Day |
| <input type="checkbox"/> Presidents' Day | <input type="checkbox"/> Thanksgiving Day |
| <input type="checkbox"/> Memorial Day | <input type="checkbox"/> Day After Thanksgiving |
| <input type="checkbox"/> Independence Day | <input type="checkbox"/> Christmas Day |

Full-time hourly employees will be paid seven and one-half (7-1/2) hours or eight (8) hours, according to their regular work schedule, or their regular rate of pay for salaried employees. Part-time employees will be paid on a pro rata basis according to average hours worked. Temporary employees are not eligible for holiday pay.

In the event that any of the paid holidays fall on a Saturday, the preceding Friday will be observed as the paid holiday. Holidays falling on Sunday will be observed on the following Monday. District offices will be closed on holidays.

Hourly (non-exempt) employees who actually work on a District holiday will be paid for the holiday, plus their regular rate of pay for all hours worked on that holiday. In the event that a holiday falls on a Saturday or Sunday, the employee will be paid for the holiday, plus their regular rate of pay for all hours worked on the day the District offices are closed to observe the holiday.

BREAKS: Breaks are not required by law, but are a benefit provided to employees. The breaks are fifteen (15) minutes each -- one before lunch and one after lunch as scheduled by your supervisor. No employee should use more than fifteen (15) minutes total, including going from or to work stations.

RETIREMENT PLAN: The District provides, on a matching contribution basis, a retirement income program for District employees. Eligibility and participation in the retirement income program is mandatory for new full-time employees of the District. Participation in the retirement income plan begins six (6) months after employment. Employees are vested at the rate of 20% for each year of employment (i.e., 1 year = 20%; 2 years = 40%, etc.) After 5 years of employment, the employee is 100% vested. The vesting percentage is applicable only to the employer's contribution.

DEFERRED COMPENSATION PLAN: A voluntary plan of deferred compensation is available for employees of the District. The plan provides the employees of the District with an option whereby salary and wages may be contributed to a fund maintained by the District or its designate. No State or Federal Income Tax is paid on the contributions in the year contributed. Tax is payable in a later year when distributed to the employee.

FLEXIBLE BENEFITS PLAN: A Flexible Benefits Plan is available to employees of the District pursuant to Section 125 of the Internal Revenue Code of 1986, as amended. **Employee participation in the plan is on a voluntary basis.** The plan features three benefit options:

1. Insurance Premium Payment Option – This allows participants to pay for dependent coverage with pre-tax dollars.
2. Health Flexible Spending Account – This will allow employees to pay for medical expenses not covered under the insurance plan, i.e., deductibles, \$30 co-pay for office visits; prescription drug co-pays, dental co-pays, etc., with pre-tax dollars. Employee contributions to the Health Flexible Spending Account cannot exceed \$2,400 during the plan year. The minimum contribution is \$40/month to offset administrative costs.
3. Dependent Care Flexible Spending Account – This option would allow participants to pay for dependant care with pre-tax dollars. In most cases employee contributions shall not exceed \$5,000 during the plan year.

TRAVEL AND EXPENSE ACCOUNTS:

It is the District's policy to pay actual and necessary travel expenses to those employees required to travel away from the office on business. Hourly (non-exempt) employees are eligible to be paid for travel time to out of town meetings with the approval of the General Manager. An hourly (non-exempt) employee who is sent out of town for less than one day will be paid for all

travel time except time from home to plane or other mode of transportation. Hourly employees will be paid for all hours actually worked or attending meetings, classes, etc.

Expenses of the District employees will be reimbursed only upon the completion of an Expense Claim, Form 14.3.B., Manual of Standard Forms (Appendix E) and as necessary for the District to remain compliant with Internal Revenue Service requirements for an accountable plan. An expense claim shall be submitted within sixty (60) days after the occurrence of the claimed expense. The expense claim shall itemize and describe the nature of the expense. Receipts for expenses shall be attached to the claim. The following rules apply to Expense Claim, Form 14.3.B.

1. **Description** – Record the purpose of the visit. If any amounts are included for guest meals, you should record name and title of the guests, business purpose and nature of expenditure(s), i.e., meals, etc.
2. **Lodging** – Receipts are required for all lodging expenditures, show single rate, if applicable.
3. **Transportation** – Air, limo, taxi, etc. Receipts are required for all air expenditures; however, receipts are not required for normal local transportation such as taxi, subway, limousine, etc. Automobile expenses (not to be used if you use District vehicle) – For use of personal automobile. Record number of miles driven and the amount of reimbursement. For rental car insert appropriate amount and attach copy of receipt.
4. **Tolls/Parking** - Receipts should be attached if available for parking or tolls incurred while using a District or personal vehicle for District business.
5. **Meals** – This should reflect amount expended on meals. Receipts are required for all meals if daily total exceeds \$39.00 and/or individual meal exceeds \$20.00.
6. **Telephone**: Charges should be accompanied by telephone bill which indicates business called and purpose.
7. **Other Expenses** – Other expenses such as meeting/conference registration fees, internet connection expenses, miscellaneous supplies, etc. Receipts should be attached if available.
8. **Daily Total** – The total amount of expenses expended for each day should be accumulated and entered here.
9. **Travel Advance** – If you have drawn a travel advance for a trip, insert the amount and calculate the balance owed to you or if the advance exceeds the expenses, return the amount due to the District.
10. **Credit Card Use** – A credit card receipt, except for fuel purchases, must be accompanied by an itemized receipt.
11. **Signature** - Sign and date and return to the NRC office.
12. If the spaces provided for explanations are not adequate, please use the space provided on the back of the form or attach additional pages as required.
13. Be sure report is completely and correctly identified and columns totaled.

Staff expense claims will be furnished to the District Accountant by the first work day of each month. Staff expense claims shall have the written approval of the staff member's supervisor prior to being processed for payment.

District employees are eligible for a travel advance against the otherwise reimbursable expenses of any authorized out-of-District travel. The maximum amount for a travel advance shall be \$500.00.

A written request for a travel advance must be submitted to the District Accountant at least five (5) days but not more than thirty (30) days prior to the date of travel. Any excess reimbursement or excess travel advance shall be returned within one hundred twenty (120) days after the expense was incurred.

It shall be the policy of the District to pay the standard mileage rate allowed by the State of Nebraska Administrative Services Department, pursuant to Section 81-1176, R.R.S., 1943, for those employees required to provide their own vehicles. This mileage shall start from his/her office and end at his/her office except for the case of meetings at the District office during other than regular office hours, at which time a round-trip mileage would be applicable.

TUITION REIMBURSEMENT PROGRAM:

The District will reimburse 75% of the tuition cost of full time employees who enroll in approved courses related to job requirements. Approval of the General Manager is required prior to enrollment and grades of "C" or higher must be achieved in the course.

Reimbursement will be made after the school notifies the District of satisfactory course completion. A maximum of five (5) courses per year is allowed with a maximum of two (2) courses per semester or quarter. Approval for enrollment will be granted only to employees who have completed at least six months of employment with the District prior to requesting such approval.

PROFESSIONAL ORGANIZATION MEMBERSHIP: The District encourages participation by employees in professional organizations and societies. The District will pay the annual membership fee for one professional organization/society membership for each employee if the employee requests. The organization selected must be approved by the General Manager and related to the employee's job responsibilities.

EMPLOYEE RECOGNITION PROGRAM:

Each full or part-time District employee with 5 years of continuous employment will receive a certificate of appreciation and a \$50.00 check recognizing their service to the District. Following 10 years of continuous employment a \$100.00 check will be awarded; after 15 years a \$150.00 check will be awarded; after 20 years a \$200.00 check will be awarded; after 25 years a \$200.00 check and 1 day of annual leave (annual leave to be taken the following calendar year) will be awarded; after 30 years a \$200.00 check and 2 days of annual leave (annual leave to be taken the following calendar year) will be awarded; after 35 years a \$200.00 check and 3 days of annual leave (annual leave to be taken the following calendar year) will be awarded; and, after 40 years a \$200.00 check and 4 days of annual leave (annual leave to be taken the following calendar year) will be awarded.

In addition to the certificate and the monetary award, the names of employees recognized for five, ten, fifteen, twenty, etc., years of service will be noted on a plaque to be displayed in the headquarters office of the District.

Temporary employees are not eligible to participate in this program.

SAVINGS BOND PROGRAM: A voluntary program to purchase Series EE U.S. Savings Bonds through payroll deduction is available to all employees of the District. Please contact the District Accountant for details.

EMPLOYEE WELLNESS PROGRAM:

The District encourages employees to practice healthy lifestyles and sponsors a wellness program. A wellness committee, designated by the General Manager, will develop and distribute information materials and will organize activities and workshops with speakers on various topics, such as nutrition, exercise, etc, which normally will be held in conjunction with District All Employee Meetings.

As a part of the Wellness Program, the District will reimburse participating employees 50% of the monthly individual membership cost, up to \$25.00 per month, in a health club, based on active participation on the employees' own time.

EMPLOYEE ASSISTANCE PROGRAM (EAP):

The District has contracted with the Omaha Public Schools Employee Assistance Program (EAP) to provide short-term counseling services designed to help employees and their families work through issues in their work and personal lives. EAP counselors typically provide assessment, support, and, if needed, referrals to additional resources. The issues for which the EAP provides support vary, but examples include substance abuse, emotional distress, major life events (including births, accidents and deaths), health care concerns, financial or legal concerns, and family/personal relationship issues. The EAP's services are confidential.

The majority of the EAP's services are free. If a referral is to another resource, there may be a cost involved. The District's health insurance program may pay for a portion of costs associated with advanced counseling by a licensed professional.

At times, personal difficulties may affect an employee's work performance. The District's administration is not trained in counseling, so may refer an employee to the EAP for support. If the District refers an employee to EAP as a condition of employment, only the District's administration will have knowledge of the particular service used.

To inquire about services EAP provides, or to schedule an appointment, call 402-593-1711. You can also contact the Administrative Coordinator for further information.

GENERAL WORK REGULATIONS

All employees are expected as a continuing condition of employment to comply with all personnel policies, general work regulations, safety regulations, and other District policies, to display respect for their coworkers, to accept and carry out reasonable job assignments, to refrain from insubordination, carelessness, mishandling of District property, repeated absenteeism and tardiness, and to avoid any other conduct which is disruptive or adverse to the best interests of the District. Whenever an employee fails to do so, appropriate corrective action will be imposed. The nature of corrective action will be determined in the discretion of the supervisor, department head, and/or General Manager, depending on the circumstances, the employee's prior work record and conduct, and the manner in which similar problems have been treated in the past. Corrective action may include a verbal or written warning, suspension without pay, probation, discharge, or other appropriate action. Whenever possible, corrective action will be designed to assist the employee in improving his or her performance or conduct, and not to be punitive in nature, but severe action may be taken without prior warning when deemed necessary.

The three basic steps in the progressive disciplinary process are as follows:

- 1. First, a verbal reprimand from their supervisor.*
- 2. For a second offense of the same violation, a written notice shall be issued.*
- 3. For a third offense of the same violation, further disciplinary action and/or dismissal.*

These three steps are guidelines only, and one or more steps may be skipped or repeated, or other corrective action may be taken at the discretion of the district management and based on all of the facts and circumstances in each individual case.

Following are some of the general work regulations which all employees are responsible to abide by, in addition to the general personnel policies, safety rules and other District policies.

CONDUCT AND COURTESY: Consideration for the rights of others requires that each employee conduct himself/herself in a respectable and orderly manner. The District's effectiveness is helped greatly by the high degree of courtesy and willing service shown by employees in their dealings with the general public and coworkers.

HONESTY: Honesty is expected of each employee in dealing with the District, the District's property, and their coworkers. Falsification of District records, or theft from the District or from coworkers will result in dismissal.

DEBTS - GARNISHMENTS: Employees are expected to handle their personal finances in a timely and effective manner, avoiding garnishment of wages.

DRUGS AND ALCOHOLIC BEVERAGES: See Employee Handbook Attachment 1 -- Drug-Free and Alcohol-Free Workplace Policy, adopted by the District's Board of Directors on June 12, 1990.

SOLICITATIONS: The District prohibits solicitations for sales, membership in organizations and other causes, or distribution of materials for outside interests, with the exception of those expressly approved by the Board of Directors as promoting the best interests of the District. Accordingly, solicitation or distribution by employees is not permitted when either the employee doing the soliciting or distributing, or the employee being solicited or receiving materials, is on working time. In addition, solicitations or distribution of materials by non-employees is not permitted at any time in any part of District premises which is accessible only to employees and is not open to the public. Exceptions must be approved by the Board of Directors.

SMOKING AND TOBACCO USE:

The use of tobacco products is prohibited in all District buildings, vehicles, and motorized equipment with cabs. Additionally, the use of tobacco products is prohibited within a reasonable distance outside the entrances to and air intakes and operable windows of District buildings, and at such other locations as provided by laws or government regulations. Contractors, vendors, suppliers, and visitors are expected to comply with this policy.

For purposes of this policy, "use of tobacco products" means the smoking of, or carrying in one's hand or mouth, any kind of cigarette, cigar, or pipe, or any other smoking equipment or material, or the use of smokeless tobacco ("chew") or snuff.

Special or additional work breaks will not be given for the use of tobacco products. Employees may use normal work breaks for this purpose.

TRESPASSING: Employees shall enter District property or work areas only when they are here on specific business or during working hours. This policy shall not prohibit employees from enjoying public-access areas of the District on the same basis as other members of the public.

TELEPHONE CALLS: The District's telephones (both landlines and cellular telephones) are for business purposes; therefore, all employees are requested to use discretion in the use of these telephones for personal calls. When driving a District vehicle, or a personal vehicle on District

business, be aware that you should never be reading or sending text messages or e-mails due to safety and insurance issues. You should also limit talking on a cellular phone while driving a District vehicle or a personal vehicle on District business. If you must talk, you should use a hands-free device or safely pull the vehicle into a parking area or the side of the road.

VISITORS: The District requests that you do not have personal visitors or conduct personal business during working hours, nor should anyone accompany District employees on District business unless appropriate to completion of the task.

ATTIRE:

Clothing should be appropriate to the demands of the individual job.

From time-to-time the District may provide to employees and Directors certain items of clothing which bears the District's logo. This clothing is provided to employees and Directors to identify them as District representatives when dealing with the public. These items of clothing (such as shirts, windbreakers, sweatshirts, etc.) bearing the District's logo are not provided on a regular basis and have a low fair market value. Therefore, they are not considered to be taxable fringe benefits.

The District may also provide items of apparel (or an expense allowance) for its employees' personal protective clothing, such as steel-toed boots. Personal protective equipment is likewise not considered to be a taxable fringe benefit.

HARASSMENT AND DISCRIMINATION:

Professionalism and respect for each individual's privacy and dignity are essential to the reputation and success of the District. Behavior which is inconsistent with these principles is not acceptable and will not be tolerated. More specifically, any form of harassment or discrimination on the job or related to the job -- including that based on sex, race, religion, national origin, age, color, marital status, military/veteran status, genetic information, or disability, or any other category protected by law, is absolutely prohibited and may result in severe corrective action, possibly including discharge from employment.

Harassment is a form of discrimination and is broadly defined to include any conduct which is personally demeaning or offensive, and tends to equate a person's worth to their gender, race, religion, national origin, age, color, marital status, military/veteran status, genetic information, or disability, or any other category protected by law, rather than their ability to perform their jobs and contribute to the success of the District. Without limiting the breadth of this definition, harassment specifically includes:

1. **Sexual harassment in any form.** Sexual harassment is defined by federal regulations as follows:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's

employment, (2) submission to or rejection of such conduct by an individual is used as basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Examples of some of the kinds of conduct included in the definition of sexual harassment are:

Sexual relations, sexual contact, or threats or intimation of sexual relations or sexual contact which are not welcome and freely and mutually agreeable to both parties;

Continual or repeated remarks with sexual implications, placing sexually suggestive objects or pictures in the work area, or propositions of a sexual nature; and,

Threats or insinuations that the person's employment wages, promotional opportunities, job assignments or other conditions of employment may be adversely affected by not submitting to sexual advances or promises or insinuations that any conditions of employment may be favorably affected by submitting to sexual advances.

What is or is not offensive must be viewed from the perspective of the victim and the fact that no objection is voiced or the other person seems to be "going along" does not mean the conduct is acceptable. In the interest of avoiding sexual harassment and maximizing the professionalism of this organization, extra care should be taken to prevent matters of a sexual nature from becoming part of our working environment.

2. Harassment on the basis of any other category protected by law. As with sexual harassment, any conduct which could be offensive and create an intimidating, hostile, or offensive working environment on the basis of race, religion, national origin, age, color, marital status, military/veteran status, genetic information, disability, or any other category protected by law is improper and strictly prohibited. This could include, for example, racial epithets, religious jokes, or the assignment of work known to be beyond an individual's disability limitations, with the intent to harass or annoy.

An employee who believes that he or she has been harassed or discriminated against by a supervisor, co-worker, Director, vendor, or any other person in the workplace, or who has witnessed harassment of, or discrimination against, an employee, may tell the person doing the harassing or discriminating, politely but firmly, that such conduct is unacceptable. Additionally, and at a minimum, a report of harassment or discrimination must be brought to the Administrative Coordinator or General Manager. The worst alternative is to do nothing and allow the situation to continue.

All reports of harassment or discrimination will be promptly and thoroughly investigated; if the report is found to be justified, corrective action appropriate to the circumstances will be taken. All reports and all information given during an investigation will be treated as confidentially as possible, subject to the need to conduct a full and fair investigation, and to inform those individuals who will be involved in any corrective action.

Under no circumstances will any person who in good faith reports harassment or discrimination, or assists in its investigation, be subject to any form of retribution or retaliation. Any person who makes or participates in such retribution or retaliation, directly or indirectly, will be subject to severe corrective action.

NEPOTISM POLICY:

The District shall not hire more than one full-time, part-time or temporary employee from any family on a District-wide basis. Family is defined as any blood relative, spouse or in-law to include: husband, wife, parent, grandparent, brother, sister, aunt, uncle, niece, nephew, mother-in-law, father-in-law, brother-in-law and sister-in-law.

If two employees within the District marry, one of the employees must leave the employment of the District. The individuals marrying shall have the opportunity to decide which one shall leave. If the individuals do not determine which employee shall leave, the District will make the decision.

No District Directors' family shall be hired for a full-time, part-time or temporary position during the term of said elected office. However, this would not include relatives who were hired prior to the District Director's term.

USE OF DISTRICT PROPERTY: Employees may not use the District's tools, vehicles, equipment and supplies other than for the business of the District. Personal use of such items is prohibited.

EQUAL OPPORTUNITY:

The District declares and reaffirms a policy of equal employment opportunity, affirmative action in employment, and non-discrimination in the provision of all of its services to the public.

Equal Employment Opportunity: The District will make all decisions regarding recruitment, hiring, promotions, and all other terms and conditions of employment, without discrimination on the basis of race, religion, national origin, sex, age, color, marital status, military/veteran status, genetic information, disability (so long as the person can perform the essential functions of the job with or without reasonable accommodation), or any other category protected by law.

Non-discrimination in Services to the Public: The District reaffirms its policy of non-discrimination on the basis of minority status, sex or other illegal grounds, in the provision of all services to members of the public.

AFFIRMATIVE ACTION: The Papio-Missouri River NRD is an Equal Employment/Affirmative Action employer, meaning that it is committed to providing equal employment opportunity to all applicants and employees, regardless of their race, color, gender, religion, national origin, and disabled or veteran status. Specifically, the NRD is required to comply with the requirements of Executive Order 11246, as amended, related to affirmative action;

Section 503 of the Rehabilitation Act and the Americans with Disabilities Act, covering the employment of the disabled; and Section 402 of the Vietnam Era Readjustment Assistance Act of 1974, covering the employment of veterans. As part of these obligations, the NRD is required to monitor and analyze its employment practices to ensure equal employment opportunity for all individuals, regardless of their membership in any protected class. Should you have any concerns or suggestions on how to better promote equal employment opportunity, please contact the General Manager or Administrative Coordinator.

CONFLICT OF INTEREST: No employee shall use his or her job or position or any confidential information received through his or her job or position to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated; nor shall such employee use personnel, resources, property, or funds under that individual's official care and control, other than in accordance with prescribed constitutional, statutory and regulatory procedures, or use such items, other than compensation provided by law, for personal financial gain. (Source: Neb.Rev.Stat. 49-14, 103 (3) and (4)).

GIFTS OR GRATUITIES: No employee will solicit or accept anything of value including a gift, loan, contribution, reward or promise of future employment, based on an agreement that the official action or judgment of the employee would or could be influenced thereby. (Source: Neb. Rev. Stat. 49-14, 101 (2)).

E-MAIL, INTERNET, AND ELECTRONIC COMMUNICATIONS SYSTEMS:

The term "electronic communications systems" refers to all computers (and related equipment and data), electronic messaging, and communication systems and services maintained by the Papio-Missouri River NRD and used by employees from any location, including but not limited to e-mail, internet services, voice mail, and cellular telephones. The term "internet" or "internet services" refers to all services subscribed to or maintained by the Papio-Missouri River NRD to connect with or communicate through the internet and accessed or used by employees from any location. (For the purposes of this policy, "employees" shall mean employees and other authorized persons.)

The electronic communications systems and all information created, sent, received, accessed, or stored on them are the property of the District. The electronic communications systems are to be used primarily to conduct business of the District. Reasonable personal use of such systems is permitted but must not interfere with an employee's productivity.

Employees should assume that any communications that they create, send, receive, or store on the District's electronic communications systems may be read or heard by the District's representatives and someone other than the intended recipient. Employees do not have personal privacy rights, and should not expect privacy, with respect to their use of the electronic communications systems (including their e-mail messages, internet usage, telephone calls, and voice mail). The Board and the General Manager reserve the right to authorize the Information Technology Administrator, or any other authorized person, to monitor, access, and retrieve an employee's use of the District's electronic communications systems, including any electronic communications, for any purpose not prohibited by law, and if advisable, to disclose the same to

law enforcement officials or other third parties.

Employees will assign their own password and will update this password on a semi-annual basis. Employees may not, without authorization, use or disclose someone else's password or give their own password to someone else.

Electronic communications may not contain content that a reasonable person would consider to be defamatory, offensive, harassing, discriminatory, disruptive, or derogatory.

With the use of the internet, employees may not upload, download, or otherwise transmit copyrighted, trademarked, or patented material; or other confidential, private or proprietary information or materials in violation of any legal constraints. Employees may not use the District's electronic communication systems to gain unauthorized access to remote computers or other systems, or to damage, alter, or disrupt such computers or systems in any way, and may not access or display any websites or other materials containing any text, images or other material which would generally be considered pornographic, sexually explicit, hateful, or otherwise offensive or inappropriate to a place of business.

Personal use of the internet should be limited to breaks, lunch and other non-working hours.

Non-exempt/hourly employees who are not working and are not on call are not required to review or respond to the District's electronic communications of any type, including e-mail and text messages. Remote access for non-exempt/hourly employees is for the employees' primary benefit, and not for that of the District. Non-exempt/hourly employees are not granted permission to work remotely simply because they have remote access. Permission from the employee's supervisor must be obtained before using remote access to perform any work. Non-exempt/hourly employees approved to use remote access to perform work must document their working time and submit it on a weekly basis for payment. It is the responsibility of employees with remote access privileges to the District's electronic communications systems to ensure that their remote access connection is given the same considerations as their on-site connections. Users should never leave the computer or other device they are using for remote access unattended while connected to the District's electronic communications systems.

Violations of this policy may result in disciplinary action, or if necessary, termination.

WORKPLACE VIOLENCE:

It is the District's policy to promote a safe environment for its employees. The District is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior.

Violence, threats, harassment, intimidation and other disruptive behavior in our workplace will not be tolerated; that is, all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and maybe subject to disciplinary action, criminal penalties or both.

The employees' cooperation is needed to implement this policy effectively and to maintain a safe working environment. If you observe or experience violent, threatening, harassing, intimidating or other disruptive behavior by anyone on District premises or at a work location, report it immediately to a supervisor or to the General Manager. Supervisors who receive such reports should seek advice from the General Manager regarding investigating the incident and initiating appropriate action.

Threats or assaults that require immediate attention by law enforcement (police, sheriff, etc.) should be reported to the General Manager and to the following:

| | | |
|--------------------------|---------------------------|-----------------|
| Natural Resources Center | Sarpy County Dispatch | 593-4111 |
| O&M Shop | Sarpy County Dispatch | 593.4111 |
| Blair Field Office | Police | 911 |
| Tekamah Field Office | Burt County Sheriff | 374-2900 |
| Walthill Field Office | Thurston Co. Sheriff | 385-3018 or 911 |
| Walthill O&M Shop | Thurston Co. Sheriff | 385-3018 or 911 |
| Dakota City Field Office | Emergency Police and Fire | 911 |
| | Local Police | 494-7512 |
| | Local Fire | 494-7555 |

SAFETY RULES - ACCIDENT PREVENTION

The District is proud of its safety record and wants to continue to make working conditions as safe as possible. All employees are expected to follow common sense safety practices to protect themselves and others from injury. In order to insure the safety of employees, a comprehensive safety program is in effect. Protective equipment, as prescribed by the District, must be worn, and the District's safety policies, rules, and procedures must be followed. If you observe an unsafe condition or hazard, please bring this to the attention of your supervisor immediately.

CONCLUSION

The District believes that the personnel policies described in detail in this Employee Handbook represent modern, progressive policies.

The policies have been formulated to insure that in return for quality work, you and your coworkers have been carefully selected, adequately trained, and given every opportunity to receive fair wages, advancement and promotion limited only by personal ability. The District can remain effective -- and thus provide jobs and wages for us all -- only so long as we, as a team, are able to provide a valuable service to the Community.

Our success is up to you!

Your job, your personal development, your promotional possibilities all depend on your cooperation in enabling us to provide this service efficiently and promptly.

We do not require any employee to pay any person or organization for the right to work with the District. Affiliations, be they religious, fraternal or business, are matters of the employee's own judgment. The District does not believe in compulsory membership in any organization.

EMPLOYEE VERIFICATION FORM

I have received and reviewed a copy of the Papio-Missouri River Natural Resources District Employee Manual to include Employee Handbook Attachment 1 - Papio-Missouri River NRD Drug-Free and Alcohol-Free Workplace Policy; Employee Handbook Attachment 2 - Papio-Missouri River NRD Safety Manual; Employee Handbook Attachment 3 - Papio-Missouri River NRD Pay Program Administration Manual, Employee Handbook Attachment 4 - Papio-Missouri River NRD - Papio-Missouri River NRD Family and Medical Leave and Family Military Leave Policy. I agree that I will comply with and be bound by these policies. I understand that the policies are not a contract, that District management has the right to interpret and change these policies, and that my employment is not under an employment contract but is "at-will" as described in these policies.

Employee Signature

Date

(Sign and return this form to your supervisor within seven (7) days of receipt.)

EH Attachment 1

Papio-Missouri River NRD

Drug-Free and Alcohol-Free Workplace Policy

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT DRUG-FREE AND ALCOHOL-FREE WORKPLACE POLICY

I. PURPOSE

Alcohol or drug abuse by employees of the Papio-Missouri NRD, whether on or off the job, presents a variety of unacceptable risks, including:

- The risk of personal injury to coworkers or members of the public, from accidents caused by an individual who is under the influence of alcohol or drugs.
- The risk of harm to the District through reduced productivity, increased absenteeism, damage to District property, or damage to the District's reputation and to the public trust and confidence which has been placed in the District and its employees.
- The risk of physical, mental, emotional, and economic harm to the employee who is abusing drugs or alcohol, and to his or her family or friends.
- The risk of harm to the community and to the public we serve through any behavior which contributed to drug and alcohol abuse, one of the greatest threats to our society.

As a public entity and a responsible employer, the Papio-Missouri NRD must take steps to help reduce drug and alcohol abuse in our community, to prevent abuse by its employees affecting District property or operations, and to maintain a drug-free and alcohol-free workplace in the interest of safety and efficiency for all concerned. For these reasons, the District hereby establishes and commits itself to enforcement of the policies and procedures set forth below.

II. GENERAL POLICY – ALL EMPLOYEES

A. COVERAGE:

Parts I, II and III of this policy shall apply to all employees for the Papio-Missouri NRD and to all applicants for employment. Part IV of this policy sets forth additional requirements for drug and alcohol testing of those employees who, as a requirement of their position with the District, operate a commercial motor vehicle and are subject to commercial driver's license requirements. All employees must as a condition of employment abide by the terms of this policy. This policy replaces and supersedes to the extent they are inconsistent with this policy, other District policies including those covering Drugs and Alcoholic Beverages, and Disciplinary Procedures.

B. CORRECTIVE ACTION:

Violation of any part of this policy may result in any corrective action appropriate to the circumstances, notwithstanding any other provision of the District's policies or Employee Handbook. Depending on the circumstances, appropriate action may include, without limitation, termination from employment, suspension, warning, probation, or any lesser sanction: referral to EAP or another source for chemical dependency evaluation and/or treatment as a condition of continuing employment; reassignment, supervision, or limitation of responsibilities; or other action deemed to be commensurate with the problem.

C. RULES AND REGULATIONS:

1. Use or Possession at Work. The use or possession of alcoholic beverages or illegal drugs, and the unlawful manufacture, distribution, dispensing, possession, or use of alcohol or illegal drugs, while on District property, in District vehicles, or on the job or performing District business, is prohibited.
2. Intoxication/Impairment. Appearing for work or performing any job duties or District business while intoxicated or impaired by alcohol or illegal drugs is prohibited. Employees who are believed to be intoxicated or impaired on the job may, in addition to any other appropriate action, be suspended or reassigned for safety reasons while the situation is evaluated.
3. Off-Duty Use. The use of alcohol off duty and off premises in any manner which results in intoxication or impairment on the job, which adversely affects attendance or job performance, or which otherwise adversely reflects on the District is prohibited. The use of illegal drugs, whether on or off duty and whether on or off premises, is prohibited under all circumstances.
4. Legal Drugs: Notification. The use of legal drugs (over the counter or prescription medications) in accordance with doctor's orders and manufacturer's recommendations is not prohibited. Excessive use or abuse of such drugs shall be considered to be the same as use of illegal drugs under this policy. If use of legal drugs in accordance with doctor's orders and manufacturer's recommendations may impair the employee's ability to safely and effectively perform his or her job, the employee must so notify his or her supervisors in advance, so that any necessary arrangements can be made to assure the safety and productivity of all employees. Employees may be required at any time to provide documentation of the nature and safety of any legal drugs currently being used. The District reserves the right, in its sole discretion, to require any employee to refrain from working while possibly under the influence of any drug or medication.
5. Drug Convictions. Any employee who is convicted of any criminal drug violation or of driving while intoxicated, must so notify his or her supervisor within five (5) days after the conviction.
6. Consent. All employees are required to consent, upon request, to drug and/or alcohol testing in accordance with this policy and to the release of test results to the District. Refusal to consent to such testing, to consent to the release of test results, or to otherwise fully cooperate with the testing process, may result in corrective action.
7. Management Discretion. Nothing contained in this policy shall require the District to obtain drug or alcohol testing before imposing corrective action in any circumstance, if testing is not needed or desired in the District's sole discretion; or prevent the District from imposing corrective action in its sole discretion for any other infraction, regardless of whether or not drugs or alcohol are involved. The District reserves the

right to require that any employee demonstrate current fitness for duty satisfactory to the District in its sole discretion, as a condition of returning to work or remaining at work. This policy, as with all District policies, is subject to management discretion in its interpretation and enforcement.

D. DRUG AND ALCOHOL TESTING:

Testing of blood and/or urine for the presence of alcohol and/or drugs will be conducted at District expense, in the following circumstances:

1. Pre-Employment Drug Testing. All applicants for employment who have been conditionally selected for hire will submit to drug testing, as part of the normal pre-employment physical, prior to confirmation of their appointment. Refusal to submit to the test, or testing positive, will disqualify the applicant from employment. If an applicant who is disqualified for this reason later re-applies for employment, the applicant will not be eligible for consideration for employment unless he or she can demonstrate successful completion of a bona fide drug rehabilitation program, including complete abstinence from drug abuse, and meets all other qualifications and conditions for employment including successfully passing another pre-employment drug test.
2. Post-Accident/Reasonable Cause. An employee involved in a serious job-related accident will be required to submit to testing if there is reason to believe that the employee was intoxicated or impaired by drugs or alcohol at the time of the accident. Continued employment with the District following adoption of this policy shall constitute the employee's consent to testing under these circumstances. For purposes of this section, the following definitions shall apply:
 - a. A serious job-related accident shall include any accidental or intentional incident on the job, on District premises, or involving District property, which results in damage to District property, in personal injury requiring medical attention, or in a substantial delay in work or production.
 - b. The determination of whether or not there is reason to believe that the employee was intoxicated or impaired by drugs or alcohol at the time of the accident may be based on any facts or circumstances which reasonably support the conclusion, including the following:
 - (1) Observable phenomena, such as direct observation of drug or alcohol use or possession, detection of an odor of alcohol on or around the employee, and/or observation of physical symptoms of intoxication or impairment such as slurred speech, staggered walk, erratic behavior, irrational statements, and so forth.
 - (2) Extraordinary circumstances surrounding the accident which are difficult to explain other than as the result of the impairment of the employee's normal faculties.
 - (3) Information provided by a coworker or other third party which is independently corroborated or which appears to be provided in good faith and is consistent with the other facts of the situation.
 - c. A supervisor shall transport the employee to the testing site or make other arrangements for testing as soon as possible after the accident and the determination to require a test, and preferably no more than two (2) hours after the accident. If the employee is seriously injured and cannot provide the blood

or urine sample necessary for testing, the employee shall provide all necessary authorizations for his or her doctor/hospital to release to District management all medical or hospital records related to the accident.

d. Refusal to comply with a request for testing or records shall be treated the same as if the employee tested positive.

3. Follow-Up Monitoring. Any employee may be required to agree to submit to periodic testing as part of an individualized plan of follow-up, after the employee has been disciplined for a violation of this policy or has been required to obtain counseling or treatment for chemical dependency pursuant to this policy. Refusal shall be treated the same as if the employee tested positive.

E. REHABILITATION

Employees who have a drug or alcohol related problem will be encouraged and assisted to obtain appropriate treatment whenever reasonably possible, but neither this philosophy nor the availability of treatment will excuse violation of the District's policies or rules, or necessarily lessen the corrective action taken. All employees should obtain help before their personal problem interferes with their work or leads to a violation of District rules. Employees are strongly encouraged to utilize the Employee Assistant Program for this purpose.

An employee may be required, as a condition of continued employment, to undergo a qualified professional assessment for chemical dependency whenever it is determined that the employee has violated this policy, or whenever there is reason to believe that the employee suffers from an alcohol or drug problem which requires intervention to prevent a serious job-related problem from occurring, and to follow through with any treatment recommended by the professional(s) conducting the assessment. The employee shall authorize the assessment and treatment providers to inform the District of the employee's diagnosis and treatment status. Eligibility to continue or to resume work, and any special conditions on the employee's work, shall be determined on a case-by-case basis to balance the individual's rehabilitation program which the District's interest in safety and operational efficiency, considering all relevant circumstances including without limitation the following:

- The expressed desires of the employee.
- The nature and success of the employee's treatment and after-care plan, including the employee's ability to function independently and to handle the responsibilities of his or her position.
- The nature of the employee's prior position, and other appropriate positions for which there are openings, including the extent of responsibilities, decision-making and stress levels, impact on safety issues, and so forth.
- The recommendations of the employee's treatment providers and supervisors.

Treatment costs shall be the responsibility of the employee or his/her health insurance.

F. AWARENESS/EDUCATIONAL PROGRAMS

The District will periodically provide educational programs and resources to all employees, to increase their awareness and understanding of the dangers of drug and alcohol abuse, the District's drug-free and alcohol-free workplace policy, the penalties which may be imposed for violation of this policy, and the availability of the Employee Assistance Program and other helpful resources. Supervisors will receive training on identifying the signs and symptoms of

drug and alcohol abuse, and on identifying impairment or intoxication on the job. Employees shall be encouraged, and may be required to attend these programs.

III. TESTING PROCEDURES

- A. **APPROVAL:** Drug or alcohol testing of an employee (not an applicant) shall require the approval of the General Manager or Assistant General Manager
- B. **TESTING FACILITIES:** Testing facilities shall meet any licensure or certification standards imposed by applicable state law and DOT regulations which are applicable. Testing will be conducted under the direction of qualified medical personnel selected by the District. The medical personnel will collect the blood and/or urine sample, arrange for testing by a qualified laboratory, and report test results to the District in accordance with accepted scientific standards and applicable laws and regulations. Testing costs will be paid by the District.
- C. **TRANSPORTATION:** Applicants will be notified of the time and place for the pre-employment health examination, including drug and alcohol testing, and will be responsible for their own transportation and arrangements to complete the examination. Employees who are being tested based on reason to believe they are impaired or intoxicated shall be transported to the testing site and back to work or home by a supervisor.
- D. **RELEASE OF RESULTS:** All applicants and employees being tested shall execute written authorizations for the tests, and for release of test results to the District. Refusal to do so shall be considered refusal to submit to the test.
- E. **OPPORTUNITY TO EXPLAIN:** If the initial screen and confirmatory test are positive, the applicant or employee will be afforded a reasonable opportunity to talk with the medical personnel/medical review officer to explain or rebut the results.
- F. **RECORDS:** Upon his/her written request, an employee will be allowed to review his/her records kept by the District pursuant to this policy. Confidential files containing test results shall be maintained for five (5) years in a secure location with controlled access. No information regarding the test or the results thereof shall be provided to any other person, orally or in writing, without the applicant's or employee's approval, except for those District employees or agents with a legitimate need for the information in the performance of their responsibilities, or as otherwise provided by law.
- G. **TAMPERING OR FALSIFICATION:** Any employee who knowingly tampers with or falsifies, or knowingly assists or aids another in tampering with or falsifying, any test sample or test results, or who knowingly violates the confidentiality of any test information, shall be subject to immediate and severe corrective action.
- H. **POSITIVE TEST:** For purposes of this policy, a blood/alcohol level of .02 or greater will constitute a positive test result. The presence of any amount of an illegal drug as determined in accordance with the cutoff levels established by the District and/or the testing facility, will be deemed a positive test.
- I. **NOTIFICATION OF RESULTS:** The District will notify an applicant of the results of his/her pre-employment drug test if the applicant requests such results within 60 days of being notified of the disposition of the employment application. The District will notify employees of their test results, both positive and negative, and, if positive, will notify employees of the specific drug(s) found.

IV. DEPARTMENT OF TRANSPORTATION (DOT) **TESTING-COMMERCIAL DRIVERS**

IN ADDITION TO PARTS I, II AND III OF THIS POLICY, drivers (as defined below) shall be governed by the following provisions, and by any other applicable provisions of DOT regulations. These provisions shall control if they conflict in any way with the provisions of Parts I, II and III of this policy governing all employees.

A. DEFINITIONS:

1. Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. Driver. Any person whose job description required him or her to possess a valid commercial driver's license.
3. Drug. Those controlled substances set forth in the Regulations, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).
4. Refuse to Submit. When an employee fails to provide adequate breath for alcohol testing, without valid medical explanation, or fails to provide an adequate urine sample for drug testing, without genuine inability to provide a specimen, when he or she has received notice that he or she must take an alcohol and/or drug test pursuant to this policy, or when the employee engages in conduct that clearly obstructs the testing process.
5. Regulations. Those regulations found at 49 C.F.R. Part 40 and 49 C.F.R. Part 381, as from time to time amended.
6. Safety-Sensitive Function. All on-duty functions performed from the time a driver begins work or is required to be ready to work until he or she is relieved from work and all responsibility for performing work.
7. Substance Abuse Professional. A licensed physician (M.D. or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

B. ALCOHOL/DRUG PROHIBITIONS

In addition to the prohibitions set forth in Parts I, II, and III of this policy, drivers are subject to the following prohibitions:

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
2. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol.
3. No driver shall use alcohol while performing safety-sensitive functions.
4. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.

5. No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
6. No driver shall refuse to submit to a post-accident, random, reasonable suspicion or follow-up alcohol test.
7. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any drug, except when the use is pursuant to the instructions of a physician who has advised the driver that the drug does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
8. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for drugs.

C. REQUIRED DRUG AND ALCOHOL TESTING

In addition to those testing requirements set forth in Part II of this policy, drivers are subject to the following drug and/or alcohol testing under the following conditions. Before performing a drug and/or alcohol test under Part IV of this policy, the District will inform the driver that the test is required by the Regulations. All testing under this Part IV will be conducted in accordance with DOT regulations.

1. Pre-employment. In addition to the requirements set forth in Part II of this policy, those existing employees who transfer into positions requiring them to possess a commercial driver's license will also be subject to pre-transfer drug testing.
2. Post-Accident. Alcohol and drug tests will be conducted as soon as practicable, after a driver is in an accident involving his or her use of a commercial motor vehicle:
 - a. if the accident occurred while the driver was performing safety-sensitive functions with respect to the vehicle and the accident involved loss of human life; or,
 - b. If the driver received a citation under state or local law for a moving traffic violation arising from the accident.

All drivers subject to post-accident testing must remain readily available for testing or will be deemed to have refused to submit to testing. However, a driver shall be allowed to leave the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care, provided the driver provides the District with all necessary authorization for the release to the District of medical records related to the accident. Alcohol tests will be performed within eight (8) hours following an accident, and drug tests will be performed within thirty-two (32) hours following an accident. Testing requirements for drivers under this paragraph may be fulfilled by properly administered tests conducted by federal, state and/or local law enforcement officials as long as the test results are provided to the District.

3. Reasonable Suspicion. Drivers will be subject to drug and/or alcohol testing when the District has reasonable suspicion to believe that the employee's faculties are impaired on the job or that the employee has used or possessed drugs and/or alcohol. The determination of reasonable suspicion will be made by a supervisor or manager who is specifically authorized and trained by the District to make the determination. Reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, speech or body odors of the employee. The supervisor or manager will document the basis for his or her suspicion within 24 hours

of the incident, or before the test results are released if that is sooner. Management's determination of whether reasonable suspicion exists shall be final. The supervisor or manager who makes the determination that reasonable suspicion exists to test for alcohol may not conduct the alcohol test. Reasonable suspicion tests will only be conducted on a driver just before, during, or just after the driver's performance of safety-sensitive functions. Attempts to conduct an alcohol test shall cease eight (8) hours after the determination that reasonable suspicion exists. After a determination of reasonable suspicion of alcohol use, the driver may not return to the performance of a safety-sensitive function until an alcohol test establishes that the driver has an alcohol concentration of less than 0.02 or until twenty-four (24) hours have elapsed since the determination.

4. Random. All drivers are subject to drug and/or alcohol testing on a random basis at unannounced times spread reasonably throughout the year in accordance with the Regulations. Tests for alcohol will be conducted just before, during, or just after the performance of safety-sensitive functions.
5. Return-to-duty. Drivers who have violated Part IV of this policy must submit to a return-to-duty drug and/or alcohol test. A driver may not return to the performance of safety-sensitive functions until, in the case of an alcohol test, he or she has an alcohol concentration of less than 0.02 or, in the case of a drug test, the test produces a verified negative result.
6. Follow-up. Drivers who violate Part IV of this policy and are subsequently identified by a substance abuse professional as needing assistance shall be subject to unannounced, random alcohol and drug testing following their return to duty as required by the substance abuse professional in accordance with the Regulations. Follow-up testing will be performed for a period of one (1) to five (5) years, with a minimum of six (6) tests to be performed during the first year following a driver's return to duty.

D. CONSEQUENCES OF VIOLATING THIS POLICY

In addition to those consequences set forth in Part II of this policy, a driver who violates this policy will be immediately removed from the performance of safety-sensitive functions and may not return to duty to perform safety-sensitive functions until he or she has been evaluated by a substance abuse professional in accordance with this policy and has been administered a return-to-duty test that produces the required result.

A driver who is tested and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours after the test was administered.

Subject to applicable law, the District does not guarantee that a position will be held open for the driver in the event a driver violates this policy and later becomes requalified for his or her position.

E. REHABILITATION

A driver who violates Part IV of this policy shall be evaluated by a substance abuse professional who will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and/or drug use. Additionally, after such evaluation, the driver is subject to return-to-duty and follow-up testing as described above. The paragraph does not apply to those individuals who refuse to submit to pre-employment drug testing or those individuals whose pre-employment drug test produces a verified positive result.

**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
DRUG-FREE AND ALCOHOL-FREE WORKPLACE POLICY
ACKNOWLEDGMENT AND CONSENT FORM**

I acknowledge that I have read and understand the Papio-Missouri NRD Drug-Free and Alcohol-Free Workplace Policy effective January 1, 1996.

I agree to comply with the policy and cooperate fully in any requested testing, and I consent to blood, breath and/or urine testing pursuant to the policy. I further consent to the release of test results to the District or others for use pursuant to the policy.

I understand that consent and cooperation in these procedures is a condition of employment and that refusal to consent will result in my discharge from employment.

I authorize the release of any test results to the State Department of Labor, the U.S. Department of Transportation, or any other government agency upon valid request or as otherwise required by law.

Name (Please Print)

Employee Signature

Date

**SUPERVISOR OR MANAGER BASIS FOR REASONABLE SUSPICION
DRUG/ALCOHOL TESTING**

Employee Name: _____

Date: _____ Time: _____

Description of Circumstances: _____

Reason for testing: _____

Names of known witnesses: _____

Supervisor(s) or Manager(s) signature(s): _____

EH Attachment 2

Papio-Missouri River NRD

SAFETY MANUAL

Update: February, 2010

PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT

TABLE OF CONTENTS

2. SAFETY POLICY
3. BUILDING INSPECTIONS
4. ACCIDENT REPORTING/ INVESTIGATING
5. MANUAL MATERIAL HANDLING
6. SAFETY COMMITTEE
7. ELECTRICAL CORDS
8. STAIRWAY AND LADDER
9. SLIPS, TRIPS AND FALLS
10. WELDING AND CUTTING
11. BLOODBORNE PATHOGENS
12. HAND AND POWER TOOLS, LAWN EQUIPMENT
13. FLAMMABLE MATERIAL STORAGE
14. PERSONAL PROTECTIVE EQUIPMENT
15. MOTOR VEHICLES, HEAVY EQUIPMENT AND TRACTORS
16. HOUSEKEEPING AND EXITS, OFFICES, SHOPS AND PARKS
17. GENERAL LIABILITY HAZARDS
18. ALCOHOL, ILLEGAL DRUGS, PRESCRIPTION DRUGS, HORSEPLAY
19. DISCIPLINARY PROCEDURES
20. COMPLAINT PROCESSING
21. LIGHT DUTY WORK
22. LOCKOUT/TAGOUT
23. CONFINED SPACES
24. TRAINING
25. HAZARD COMMUNICATION PROGRAM
26. EMERGENCY ACTION PROGRAM
27. EXCAVATION AND TRENCHING PROGRAM
28. ICE MEASURING SAFETY PROCEDURES
29. FORMS:
 - a. Safety Reprimand
 - b. Accident Investigation Form
 - c. Training Document

PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT

SAFETY POLICY

The Papio-Missouri River Natural Resources District ("District") recognizes that the safety of its employees, guests and the general public is of the utmost importance. We will strive to provide appropriate safety equipment and training for our employees, and expect certain actions in return.

The District has created a Safety Committee ("Committee") made up of employee and management representatives. This Committee has adopted a written Safety and Injury Prevention Program ("Program") designed to aid employees and management in adhering to safe standards in our work place, with the ultimate objective of preventing accidents and injuries to all concerned. The names of the Committee members, a schedule of and the minutes of the Committee's meetings and a copy of the Program are available from the Safety Coordinator and the General Manager.

Supervisors are expected to assist in developing policies and procedures to be used in training, and to enforce them when necessary. We also expect them to follow the elements of the policies and procedures in order to set an example for their employees. Supervisors will be considered the "competent person", since they are responsible for knowing the elements of your Program, training employees, and correcting problems that may arise.

Office and field employees are asked to notify their supervisor if they have any ideas or questions pertaining to safety. Otherwise, they will be expected to follow the elements of the Program.

The only thing each of us really controls is our own actions. The main purpose of our Program is to help you recognize hazards in your daily life, both on and off the job, and know what to do to prevent a loss.

BUILDING INSPECTIONS

Each building will be inspected regularly for hazardous conditions. Any found are to be corrected immediately, and/or reported to your supervisor.

Eye wash and shower stations are to be inspected monthly, and tested to make sure they will operate when needed, and to clear out any impurities that may have collected in the piping.

The emergency lights above exit doors are to have their "test" switches pushed for at least 30 seconds each month to help recharge the batteries.

Keep all exit doors clear of materials that could hinder your ability to get out of the building quickly. Make sure safety locks on the doors are operating properly and are free of any chains or padlocks which would not allow the doors to open in an emergency.

ACCIDENT REPORTING/ INVESTIGATING

Report all accidents and injuries to your supervisor and our Safety Committee Coordinator, regardless of how small it might be, ASAP, but no later than 24 hours after the occurrence.

The supervisor will conduct an accident investigation. Be accurate and specific when gathering and organizing the information put in the report, as we want to get to the root cause and how to prevent a recurrence.

An accident to a person will be handled using materials in the first aid kit, or by going to a doctor.

An accident to property will result in actions to prevent further damage, such as if a building is hit and could collapse.

Each employee has the option of going to the doctor of their choice for initial treatment. If they have no preference, they will be sent to the company clinic of choice. Your supervisor will assist you in finding the clinic's location. If one is not chosen, go to the nearest hospital emergency room.

The accident investigation reports will be reviewed by the general manager and safety committee members to determine if our safety policies and procedures are adequate, or need to be revised.

MANUAL MATERIAL HANDLING

The principles of manual material handling are as follows:

1. Visualize the route to be taken when carrying an object in order to recognize obstacles in your path.
2. Size up the load to be carried to determine the weight, shape and whether assistance is needed in the form of another person or a mechanical device such as a forklift.
3. Position the load in the center of your body in order to utilize the leg muscles.
4. Bend at the knees as much as possible to obtain the best leverage.
5. Get a firm grip on the load.
6. Use a slow, steady lifting, pulling or pushing action to prevent a muscle injury.
7. Reverse the order when putting the load back down.

SAFETY COMMITTEE

A Safety Committee, appointed by the General Manager, will meet to provide guidance and direction to the ongoing safety effort. The committee will meet at the call of the General Manager, at least quarterly, who will also determine the agenda. Committee members may also request inclusion of additional agenda items to be discussed.

The Safety Committee shall meet to accomplish the following functions:

1. Review the loss control experience and trends, recommending and implementing corrective plans. Arrange for inspection and accident investigation.
2. Review accident investigation reports.
3. Discuss and review safety education and training requirements to ensure employees receive adequate task, safety, and injury prevention information.
4. Plan and conduct scheduled safety meetings.
5. Evaluate the safety program on a periodic basis to ensure compliance and validity.
6. Make recommendations to the Safety Coordinator and the General Manager.
7. Report their findings to employees, managers and the General Manager. Safety Committee Minutes will be distributed to all P-MRNRD employees.
8. Solicit and respond to general employee and management ideas and recommendations to help improve safety and injury prevention.
9. Changes to the Safety Committee Membership will be published in the P-MRNRD Safety Committee Minutes. Committee membership may be rotated every two years.
10. All Safety Committee Minutes, recommendations, accident reports, and government/insurance reports will be filed for a period of three years.

ELECTRICAL CORDS

Electrical cords are to be inspected before and during their use for cuts in the insulation, frayed and/or cracked plugs or other damage. Do not repair any cord that has insulation pulled away from the plugs or separated along the length of the cord. Do not repair them if the interior wires have insulation cut exposing copper, either. If any are found, get a new cord, or repair the problem if you have proper training to do so.

Keep cords out of water or mud so defects can be found, and the water will not be energized if a cut should short circuit.

Do not use flat cords as they are single-insulated. Double insulated cords are required.

If you have any questions, ask your supervisor.

STAIRWAY AND LADDER

Stair steps are required if the rise from the lower floor to the one you are climbing to is 19" or more in height.

Make sure stair rails are on the outside edge of any steps that rise more than 30 inches above the bottom floor.

An extension ladder must be placed at an angle measuring 1' horizontal for every 4' vertical rise on the wall it is leaning against.

The top of the ladder must be at least 3' above the floor you are getting on for a good hand hold.

When climbing the ladder, keep a 3-point stance for good balance.

Secure the ladder off at the top to keep it from sliding along the floor edge.

Step ladders must have the legs spread, hinges locked in place, and you must not stand on the top two rungs. That reduces your center of balance.

Always clean scrap materials away from the base of the ladder to avoid a twisted ankle.

SLIPS, TRIPS AND FALLS

Remove all oil and moisture from floors immediately, or cordon it off with rope or cones to warn others to stay out of that area. Post signs up where written warnings are deemed appropriate.

During winter when walking surfaces can be slippery, clear snow and ice off sidewalks and parking lots and use ice melt.

In offices, keep desk drawers pushed in to prevent a tripping accident.

When working on a step ladder, keep the legs spread, hinges locked in place, floors around it clear of debris and moisture, and stand below the top two rungs. Do not set it up in front of doors which could open and knock you off, unless the doors are locked, or warning signs and lines have been set up to notify others that the ladder is present.

If working on a structure with a drop off to a lower level of 4 feet or more, make sure fall protection is used. This could include guardrails, a harness and lanyard or some other type of protective system to keep you from falling.

WELDING AND CUTTING

Charged fire extinguishers must be kept by you when welding or cutting materials.

ARC WELDING AND CUTTING

Wear appropriate eye, head, face and body equipment to prevent an injury. This would include welding hoods with a #9 or higher lens.

PRESSURIZED BOTTLES- GAS WELDING AND CUTTING

Cylinders must be tied off to prevent them from falling over.

VENTILATION

Be sure to have adequate ventilation to draw fumes away from you, or wear appropriate respirator protection.

If you have further questions, ask your supervisor and check the OSHA standards or call a supplier for answers.

BLOODBORNE PATHOGENS

Nothing we do would readily cause an injury creating a lot of blood or other bodily fluids to be released. If fluids are released, it will be up to you to decide whether to expose yourself to them, as we will have no first responders assigned to help. If you decide to help out, rubber gloves will be available in the first aid kit to wear.

HAND AND POWER TOOLS, LAWN EQUIPMENT

Inspect all hand and power tools before and during each use for defects. These could include broken handles/casings, mushroomed heads, or damaged power cords. If any are found, have them replaced, or the tool repaired by a trained person.

Pick tools up to prevent them from being damaged, and to eliminate tripping hazards.

Power tool cords should be inspected for damaged insulation, or to see if they have pulled away from the handle exposing internal wires. If so, have them repaired before using them again.

Pay attention to overhead work areas where tools could have been left, allowing them to fall on you. Always remove tools and extra materials when you finish your task.

Do not get your hands or feet in the path of weed whipper lines, and wear safety glasses to protect your eyes.

The lawn equipment, such as mowers, should be operated by employees who have been trained in the proper use based on the manufacturer's instructions.

Check the area to be mowed for debris such as stones, wires, sticks or anything else that could be caught in the blade and thrown out the side.

Keep your hands and feet away from the blade, engine or drive mechanism when the mower is running. Stop the engine and disconnect the spark plug before making adjustments or cleaning the blade.

Do not leave an unattended mower while it is running.

All slow moving equipment shall have a Slow Moving Vehicle sign mounted on the rear, which must be visible to same-lane traffic when in transit on roads.

If you have any questions, ask your supervisor.

FLAMMABLE MATERIAL STORAGE

Keep flammable and combustible materials, such as gasoline and diesel fuel in approved containers with spring caps on the pouring nozzles. Other types of containers shall be removed from the premises, as they could tip over allowing the contents to spill across the floor to a pilot light or some other type of ignition source.

Keep flammables and combustibles in fire resistant storage cabinets which are clearly labeled as to the hazardous nature of their contents. Paints and varnishes should also be placed in these cabinets.

Collect and dispose of waste paper and trash promptly.

Avoid the accumulation of materials that may ignite spontaneously. Use self-closing metal receptacles for oil rags.

Keep cleaning materials in covered containers in approved storage areas.

Be sure charged fire extinguishers are located near these flammables/combustibles, hung up to keep them from being kicked over, serviced annually and inspected monthly by a qualified person, with the tags attached showing evidence that these activities were conducted. Do not block the fire extinguisher, either, as you want quick access to it.

PERSONAL PROTECTIVE EQUIPMENT

Here are examples of equipment that may be worn based on the hazard you are exposed to.

1. Safety glasses/ face shields/ goggles

These are to be worn when flying particles could be a problem, such as when using or mixing chemicals that could splash in your eyes or using a saw. MSDS will also give examples of when face shields or goggles are needed.

2. Hard hats

These are to be worn when there is the possibility of someone working over your head who could drop something on it.

3. Hand Protection

Gloves may be worn when handling rough edged materials and chemicals as prescribed by MSDS.

4. Footwear/ Protective Clothing

Safety-toed shoes should be worn if you are exposed to potential foot impact hazards. The District will cost share with employees, up to \$200 per year, for the purchase of steel toed boots as required. Do not wear loose clothing around unguarded moving parts. Wear hair nets if you have long hair. Remove jewelry and other types of adornments that could be caught in moving parts. Wear a fluorescent orange traffic vest when working adjacent to or in a traffic lane. Wear leather chaps when working with chain saws.

5. Ear Protection

Wear ear plugs or ear muffs to protect your hearing under loud noise conditions. We have not identified any jobs at this time that would generate a noise level of 85 decibels over an eight hour period, so the use of ear protection is up to each employee.

If you have any questions, ask your supervisor.

MOTOR VEHICLES, HEAVY EQUIPMENT AND TRACTORS

You must have a valid driver's license to operate a District vehicle.

Only authorized individuals are to operate the vehicles.

All occupants must wear seat belts while driving or riding in automobiles, dump trucks, tractors, mowers, etc. belonging to the District.

They are to be serviced by qualified employees or outside service mechanics as suggested by the manufacturers.

Obey all local and state traffic rules and regulations.

Report accidents to your supervisor immediately. Do not admit fault.

All slow moving equipment shall have a Slow Moving Vehicle sign mounted on the rear, which must be visible to same-lane traffic when in transit on roads.

If you have any questions, ask your supervisor.

HOUSEKEEPING AND EXITS- OFFICES, SHOPS AND PARKS

We want all scrap materials picked up, placed in piles and/or thrown in dumpsters ASAP.

Rope off or close sections being mopped or waxed. Repair loose or missing sections of floor tile or linoleum.

Stair steps are to have all materials removed that could cause you to slip, trip and fall.

Nails are to be bent over or removed from scrap lumber to prevent a puncture wound.

Exits are not to be blocked at any time. The panic hardware which locks and opens exit doors are to be kept unlocked during opening hours.

Fire doors are to be kept closed, not wedge open for ventilation. Their self-closing devices are to be reviewed to make sure they will work correctly.

GENERAL LIABILITY HAZARDS

Maintain gates and fences in good order so that the public will not enter areas at unauthorized times and places.

Be sure rough and sharp edges on equipment are smoothed to prevent you or a member of the public from being hurt.

Before mowing, check the terrain for rocks, bottles, cans or other trash that could be thrown out from the mower and throw those items found in the trash.

Review informational and warning signs posted around our parks and other premises to make sure they are in good condition.

ALCOHOL, ILLEGAL DRUGS, PRESCRIPTION DRUGS AND HORSEPLAY

The use and/or possession of alcohol or illegal drugs on the jobsite will be grounds for immediate termination of employment.

If you are using prescription drugs that could cause drowsiness or have other adverse side effects, notify your supervisor. We do not want you working at a task that could endanger you or someone else, such as up in the air or with power tools.

We all like to have fun, but make sure you do not startle someone, causing them to fall or hurt themselves with a tool.

DISCIPLINARY PROCEDURES – Regarding Safety Issues

1st time offense

Verbal warning and retraining session, to be placed in the personnel file

2nd offense

Same, plus a written warning to further emphasize the importance of working safely.

3rd offense

Same as the 2nd, but the employee will also be sent home for the rest of the day with no pay.

4th offense

This would subject the employee to termination.

These procedures will be applied against, among other things, violation of any safety policy or rule that you have acquired training on.

Each case will be reviewed by your supervisor as to whether the violation warrants a disciplinary measure.

All employees are expected as a continuing condition of employment to comply with all personnel policies, general work regulations, safety regulations, and other District policies, to display respect for their coworkers, to accept and carry out reasonable job assignments, to refrain from insubordination, carelessness, mishandling of District property, repeated absenteeism and tardiness, and to avoid any other conduct which is disruptive or adverse to the best interests of the District. Whenever an employee fails to do so, appropriate corrective action will be imposed. The nature of corrective action will be determined in the discretion of the supervisor, department head, and/or General Manager, depending on the circumstances, the employee's prior work record and conduct, and the manner in which similar problems have been treated in the past. Corrective action may include a verbal or written warning, suspension without pay, probation, discharge, or other appropriate action. Whenever possible, corrective action will be designed to assist the employee in improving his or her performance or conduct, and not to be punitive in nature, but severe action may be taken without prior warning when deemed necessary.

The three basic steps in the progressive disciplinary process are as follows:

1. First, a verbal reprimand from their Supervisor.
2. For a second offense of the same violation, a written notice shall be issued.
3. For a third offense of the same violation, further disciplinary action and/or dismissal.

These three steps are guidelines only, and one or more steps may be skipped or repeated, or other corrective action may be taken at the discretion of the district management and based on all of the facts and circumstances in each individual case.

COMPLAINT PROCESSING

Any employee who at any time feels that he/she has been subjected to an unsafe or improper hazard should immediately notify your supervisor, the General Manager or the Safety Coordinator; preferably within 24 hours of the occurrence.

All complaints will be promptly and thoroughly investigated. If the complaint is found to be justified, corrective action appropriate to the circumstances will be taken. All complaints and information collected during the investigation will be treated as confidentially as possible, subject to the need to conduct a full and fair investigation, and to inform those individuals who will be involved in any corrective action.

If by filing a complaint, the employee feels that (1) the matter adversely affects him/her individually in his/her job, and (2) the matter is not being handled satisfactorily, then the employee may pursue the matter in accordance with the District's existing grievance policy.

LIGHT DUTY WORK

If one of our employees gets hurt on the job and cannot resume their full duties, we will determine what, if anything, they can do that at work which will not cause them further injury. This could include things such as sorting materials, helping in the office, or reviewing chemicals and materials safety data sheets.

We will discuss the options with our insurance claim adjuster or case manager.

LOCKOUT/ TAGOUT

There is a variety of energy sources associated with our buildings, machinery and equipment to consider before someone works on them. This would include things like electricity, air pressure, heat, natural and LPG gas and springs.

We have electrical panels with breakers labeled as to what they control in each of our buildings. This would include things like lights, wall outlets, furnaces and air conditioners, to name a few.

Gas valves control the flow feeding heaters.

If any work is to be done on our buildings, machinery or equipment which requires the electrical, air or gas to be locked/tagged out, we will hire an outside contractor to handle this for us. They will be asked to provide their own lockout/tagout procedures to protect them and us from an injury.

If any of our employees should work on a motorized piece of equipment, simply take the key out of the ignition and keep it with you. You may also want to remove the cable from the tip of the spark plug. Machinery and equipment with power cords can have the cord pulled out of electrical outlets and kept in view before you work on it, too.

If you have any questions about what to do, ask your supervisor.

CONFINED SPACES

A confined space is an area:

1. large enough and shaped in such a way that an employee can enter and perform assigned work
2. which has limited or restricted means for entry or exit
3. which is not designed for continuous employee occupancy

A permit-required confined space is one that has one or more of the following:

1. it contains or could contain a hazardous atmosphere (such as gases)
2. it contains a material with the potential for burying someone alive
3. it has an internal shape that could trap you, or reduce the oxygen content due to inwardly converging walls, or a floor which slopes downward and tapers to a smaller cross-section
4. it contains any other serious safety or health hazard, such as machinery/equipment which could emit a hazardous gas

We have two steel cylinders buried located in Dakota and Thurston, Nebraska. They have motors, gauges and controls in them which keep track of the rural water.

Two man crews work together twice a year when entering these cylinders to obtain information. They have an air sensor to determine what the oxygen content is inside the cylinder. It can also check for hazardous airborne contaminants, too.

Both cylinders are vented to the outside, allowing fresh air to enter. When the hatch is opened on top of the cylinder, it creates a draft. We also check to make sure no vehicles are near the vent or hatch to prevent carbon monoxide from entering.

A permanent ladder is attached inside the cylinders to allow you to get in and out to work.

We have assessed no hazards at this time which would require a permit before entering the cylinders, so a fully written confined space program will not be developed at this time.

If you have any questions before entering these cylinders, or while working in something else you consider to be a confined space, ask your supervisor.

TRAINING

We will conduct periodic training sessions with all of our employees on various safety topics throughout the year.

Each employee is told to ask questions, not do something if they are unsure of the procedures to follow, and abide by our safety policies and procedures.

If any questions should arise that are not covered in our written safety manual, supervisors or employees are asked to review the OSHA standards, and/or contact the office for assistance.

PAPIO-MISSOURI RIVER NRD

HAZARD COMMUNICATION PROGRAM

GENERAL

This program is designed to teach people about chemical safety.

The program will be available in our office in case you want to review it.

Our supervisors are responsible for implementing the program elements. Questions concerning chemicals or safety in general should be directed to them.

CONTAINER LABELING

Supervisors will verify that all containers received for use will:

1. be clearly labeled as to the contents
2. note the appropriate hazard warnings (flammable, corrosive, toxic, reactive)
3. list the name and address of the manufacturer

Containers are not to be released for use until the above data is verified.

Note: Transferring- anytime hazardous material is transferred from a large container into a smaller one, the smaller container must have a label placed on it, which identifies the hazardous chemical and displays the appropriate hazard warning. The only alternative to this procedure is when the transferred hazardous chemical is intended only for the immediate use of the employee who performs the transfer. In this case, a label is not required on the smaller container.

Do not mix hazardous chemicals unless you have read the material safety data sheets and determined whether the chemicals would create a dangerous reaction. Also, be sure to check small containers before transferring chemicals into them, as they may have held a substance that would not react well with the current chemical being used. If this is the case, obtain a suitable small container, or thoroughly rinse out the one you plan to use.

MATERIAL SAFETY DATA SHEETS

Supervisors are responsible for obtaining MSDS for all chemicals their employees may be exposed to, and for making sure that they contain all of the information mentioned in the standard.

1. Copies of MSDS will be kept in the offices in our safety manual or near it.
2. MSDS will be available for review to all employees, with copies given out on request. Old MSDS are to be kept for at least 30 years after they are

discontinued as future reference in case a current or former employee acquires medical problems.

EMPLOYEE TRAINING AND INFORMATION

Supervisors are responsible for training and supplying information to employees on the chemicals used, and how to read MSDS.

Before any new hazardous chemical is brought onto the work site, supervisors are to review them with the employees who will use or work around them.

Topics of the training class will include, among other things:

- a. target organs that can be affected by chemicals, such as eyes, skin;
- b. whether the chemical being discussed is flammable, corrosive, toxic or reactive;
- c. personal protective equipment to use to protect the employee from contamination;
- d. what the company has done to lessen or prevent workers exposure such as providing personal protective equipment;
- e. physical signs to look for which denote contamination;
- f. emergency procedures to follow if they are contaminated by these chemicals, like washing your skin;
- g. what the chemical looks and smells like;
- h. procedures to follow to prevent the hazardous material from escaping out into the environment, if this is an exposure mentioned in the MSDS.

Employees will be told annually that:

- a. supervisors are the ones to go to if they have any questions pertaining to this program;
- b. MSDS can be found in our office;
- c. They have a right to see MSDS, or any other exposure record pertaining to them.

LIST OF HAZARDOUS CHEMICALS

A list will be found in front of the MSDS found in the office in or by our safety manual.

HAZARDOUS NON-ROUTINE TASKS

Presently, we are not able to identify a task that would be considered non-routine in nature, nor are we aware of any chemicals in unlabeled pipes. If any of these situations should arise, though, employees are to follow these procedures.

None-Routine Tasks

Notify your supervisor before beginning a task if you're unsure as to how to perform it safely. Failure to do so could result in disciplinary action being taken against you.

Upon notification, the supervisor will:

1. have a job safety analysis performed to identify all potential chemical hazards
2. develop policies and procedures regarding how to proceed safely
3. train employees required to work on the task, and provide equipment needed
4. make sure a competent person is present to monitor the actions of the employees to make sure procedures are followed and equipment is used correctly.

CHEMICALS IN UNLABELED PIPES

The same steps set out for non-routine tasks will be followed.

INFORMING CONTRACTORS AND MULTI-SITE EMPLOYEES

Our supervisor will make sure contractors performing work on our sites keep their MSDS on site and readily available so everyone can find them if questions should

PAPIO-MISSOURI RIVER NRD
EMERGENCY ACTION PROGRAM

TYPES OF EMERGENCIES ADDRESSED

Fires
Tornadoes
Accident Treatment
Dealing With the News Media

JOB SITE COORDINATOR/ COMPETENT PERSON

The supervisor and his “safety representative” (if present) will coordinate all immediate activities in case of an emergency. A competent person is one who understands our safety policies and programs, and the basic concepts of other safety regulations, and has the authority to stop work to correct hazards observed.

FIRE ACTION PLANS

Fuel & Ignition Sources

The main fuel sources for a fire on jobsites are gasoline, oils, paint, thinners, adhesives and combustible paper/wood.

The main ignition sources are electrical power outlets, cigarette lighters and matches, lit cigarettes/cigars.

The main fuel sources for a fire in a truck are gasoline, diesel fuel, and oils.

The main ignition sources are batteries, vehicle engines, cigarette lighters and matches, lit cigarettes/cigars.

Protective Systems

Protective systems to keep the two separated are spring-loaded caps on flammable/combustible material containers, grounded circuits in the building and temporary power panels, regular cleanup of scraps, segregated storage areas for flammables and segregated smoking areas away from flammables/combustibles.

Fire extinguishers will be kept on the jobsite and at the office/shop within a 50’-75’ travel distance, serviced annually, and inspected monthly by Jobsite Coordinators. Fire extinguishers on job sites will be positioned where they are highly visible, and won’t be knocked over and damaged.

- If you notice a fire and have been trained in the use of a fire extinguisher, grab one and try to put the fire out while asking someone to call the Emergency Phone Number posted (911). If you are not sure as to how to use one, reverse the roles.
- If the fire cannot be put out with one fire extinguisher, get away from the fire and meet outside of the building (if you are in one) for a head count.

The Action Coordinator will be responsible for making a head count, and for notifying the Fire Department, if necessary.

Fire Alarm

On a job site or in the office, notify personnel by shouting.

Outside Meeting Place

On job sites, everyone should choose a spot to meet outside in case of a fire, and stay away from emergency vehicles.

TORNADO ACTION PLAN

Tornado Shelters

If you are at a job site, get to the center away from open windows or glass, where the walls are the strongest. Get near the floor, under equipment, and cover your head. Do not come out until the supervisor gives the “All Clear” signal.

If you are in the office, get under desks and away from windows when the tornado warning is given.

If you are in the open with no buildings nearby, get into the nearest ditch or under heavy equipment to allow objects to fly over you. If a building is nearby, try to get to it as soon as possible.

Tornado Alarm

The Civil Defense Sirens will be activated when the weather bureau sends out a “Tornado Warning—Take Cover” alarm. Keep a battery-operated radio and flashlight in the office shelter to use in case of power outages. Radio stations will broadcast weather reports, letting you know what to do, also.

ACCIDENT TREATMENT

First Aid Kits

These will be chosen based on the type of injuries most likely to occur, and include bandages, band-aids, and rubber gloves. Rubber gloves are available to be worn if you wish to assist a bleeding person to help prevent the spread of blood borne diseases such as Hepatitis B. The kits will be kept in the shops.

Emergency Phone Numbers/Posters

The emergency phone number to use will be 911.

First Aid Training/Treatment

At the present time, we have employees with current first aid and CPR training. You are asked to call 911 if the injury requires assistance in getting the injured person to a doctor.

Persons receiving what is considered to be a first aid injury (e.g. - small cut) should use the materials found in the first aid kit.

We have some “first responders” who work for fire departments, and know how to treat injured people. If you do chose to help them, though, there are rubber gloves in the first aid kit to wear.

Medical Treatment

Persons who obtain an injury that requires more assistance than can be obtained from our first aid kits should notify his/her supervisor first so that treatment can be arranged, and an accident investigation started. In Nebraska, an employee will be allowed to go to their family doctor if he or she wishes, or be sent to our company doctor.

Physicians Choice Form

All of you will be asked to fill out one of these forms to denote who your choice of doctor will be, if any, in case of a medical injury. If you have no preference, you will be sent to a company doctor. This same form should be filled out following each recordable injury to see if there have been any changes in your choice of doctor.

DEALING WITH THE NEW MEDIA

Ask anyone from the radio or television media to talk to your supervisor if they ask you questions, as you could be misquoted. This procedure is to be followed when anyone asks you for information pertaining to our safety programs, jobs, etc.

PAPIO-MISSOURI RIVER NRD

EXCAVATION AND TRENCHING PROGRAM

SCOPE AND PURPOSE

An excavation means any man-made cut, cavity, trench or depression in an earth surface, formed by earth removal.

A trench means a narrow excavation (in relation to its length) made below the surface of the ground, with the depth greater than the width, but the width no greater than 15 feet.

Our program is designed to provide our employees with protection while work in and around excavations. It is our goal to keep our employees safe at all times when performing these operations and aware of the hazards with trenching and excavating operations.

The project is also designed to train the competent person who will oversee the operations, and all other employees required to work in and around the trenches and excavations. The competent person will normally be the supervisor of the crew performing the work.

The success of the program is dependent on safe work practices being followed by every exposed employee throughout all phases of the trenching or excavating operations. If anyone feels unsafe or does not understand something, ask your supervisor and do not proceed until your questions are answered.

TYPE OF WORK PERFORMED

Our crews will be installing corrugated pipe for farmers, etc., to allow water to drain from their property into a creek or ditch. These excavations will be 5 feet or less in depth.

Building in the county will be supplied with water tapped from rural water systems (such as those control by the NRD). This type of work will be performed by outside contractors who will be asked to have and abide by their own safety programs which address not only excavations and trenches, but other safety hazards, as well.

PRE-EXCAVATION REQUIREMENTS

Prior to beginning a trenching operations, there are a number of areas you need to look into in order to eliminate any hazards you might encounter. These areas include, but may not be limited to the following:

1. Surface Encumbrances

Locate and remove or support as necessary all surface encumbrances which may pose a hazard in order to protect employees. These include such things as trees, boulders and vehicles. In some instances, these encumbrances may become undermined, unstable and

fall or collapse onto employees. They can also disrupt smooth traffic flow on excavation sites. This assessment will be conducted by the competent person prior to beginning the operations.

2. Underground Installations

Determine where underground installations are located, such as sewers, telephone cables, and fuel, electric and water lines that may be encountered during the excavation. This also includes foundations and underground storage tanks of all kinds.

Employees may be exposed to serious hazards as a result of damage to underground installations. These hazards may include flooding, shock, electrocution, asphyxiation, fire, explosion and collapse of undermined installations. These hazards can be eliminated if the locations of underground installations are properly identified prior to excavation, and if such installations are properly supported or protected when excavations are taking place near them.

When you have determined that we may encounter underground installations, the following actions will be taken.

1. Utility companies or owners will be contacted and advised of the proposed work, and ask to establish the location of the utility.
2. When you approach the estimated location of the underground installations, the exact location will be determined by the safest means possible.
3. While the excavation is open, these underground installations will be protected, supported or removed as necessary to protect our employees.

ACCESS AND EGRESS

We will use a number of ways to get in and out of trench excavations, including the following.

1. A ladder, dirt ramp or other safe means of egress will be used and remain in trenches that are 4 feet or more in depth, and placed so you will not have to travel more than 25 feet horizontally to reach it.

EXPOSURE TO VEHICLES

Operations located near heavy vehicular traffic will require employees to wear warning vests or other suitable garments made of reflective material at night, or highly-visible materials during the day. Orange and lime green are two colors often chosen in shirts and vests.

EXPOSURE TO FALLING LOADS

Do not get under loads handled by lifting or digging equipment. Employees are required to stand away from any vehicle being loaded or unloaded to avoid being struck by spillage or any falling material.

WARNING SYSTEMS FOR MOBILE EQUIPMENT

In order to avoid the hazards of equipment getting too close and possibly falling into an excavation, a warning system such as barricades, hand or mechanical signals or stop logs will be used. Whenever possible, the grade will be away from the excavation. This will be the responsibility of the competent person and will be determined prior to employees being allowed into the excavation.

HAZARDOUS ATMOSPHERES

We have assessed no hazardous atmospheres at this time, so testing will not be necessary.

EMERGENCY RESCUE EQUIPMENT

We carry first aid kits, but no other type of equipment is needed at this time.

PROTECTION FROM HAZARDS ASSOCIATED WITH WATER ACCUMULATION

This is not considered a hazard and will not require protection such as barriers, a trench box, etc.

STABILITY OF ADJACENT STRUCTURES

This is not an exposure for work we perform.

PROTECTION OF EMPLOYEES FROM LOOSE ROCK OR SOIL

We will pull the dirt back away from the top of the excavation, and protect the side walls as needed to keep them from rolling down onto employees.

INSPECTIONS

Our supervisor and the employees performing the work will check the soil and area around the excavation before, during and after the work for hazards which could hurt someone. Problems will be corrected before work continues.

PROTECTIVE SYSTEMS

1. Protection of employees in excavations – excavations dug by our crews are normally 5 feet or less, and consist of installing a corrugated pipe from a farm field to a creek or ditch for drainage purposes, so there is minimal danger.
2. Design of Sloping and Benching Systems – N/A
3. Design of Support Systems – N/A
4. Support Systems Designed by Professional Engineers – N/A
5. Materials and Equipment Used for Protection Systems – N/A

TRENCH BOX SYSTEM – N/A

SOIL CLASSIFICATION

Our supervisor will check the soil as they are digging to make sure it is not a problem for caving in, even though we are not digging deep or long excavations/trenches.

SOIL TESTING

The supervisor can do a ribbon test, and visually determine what type of soil is present.

SEDIMENTATION TESTING – N/A

This test is used to determine the amount of sand in the soil and can be performed in the field. This test can only be used in soil which is predominantly sand.

RIBBON TEST

This consists of taking a ball of soil from the pile just dug, rolling it into a long roll between your palms, and pinching it outward between your thumb and fore finger. If it starts breaking apart immediately, the soil is pretty sandy and would need to be protected to prevent it from caving in.

SHEAR STRENGTH TEST USING A TORVANE – N/A

POCKET PENETROMETER – N/A

PAPIO-MISSOURI RIVER NRD

Ice Measuring Safety Procedures

The Papio-Missouri River NRD periodically has to check ice measurements on the Platte River each year, normally beginning in January, and we report the findings to Nebraska Emergency Management Agency (NEMA) and other Government entities. The District's goal is to ensure each individual tasked to conduct ice measurement is familiar with the ice measurement procedures and is confident in performing these operations. Each individual is responsible for making sound, personal decisions in the area of physical condition, clothing, equipment and individual acts to protect themselves, co-workers, and District equipment. The procedures listed are to be adhered to and not optional.

Physical condition

Anyone going out on the ice should be in reasonably good physical condition and be able to sustain periods of intense exertion if an emergency were to arise from either falling through the ice or having to rescue someone who does.

Clothing

Clothing should be that which provides protection from low air temperatures, wind, and precipitation while also allowing mobility. When clothing is selected, keep in mind the possibility of falling through the ice. Clothing that would severely restrict your ability to swim or stay afloat is NOT a good choice. Hip boots or waders should never be worn. A personal flotation device (PFD) will be worn. This can be a vest or jacket, either auto inflatable or naturally buoyant.

Equipment

Include equipment needed for ice measuring and also include items needed for rescue. These include, but are not limited to the following: ice picks, ice chisel, ice drill or auger, measuring tape or stick that can be hooked under the bottom edge of the ice in an auger hole. PFD, rescue ropes, and a spotter with a charged emergency cellular phone will also be available in the event of an emergency. Blankets and a spare set of warm clothes should be available in the vehicle for the ice measurers.

Procedures

- Never go out on the ice alone, and never go out on the ice if there is any question of its safety.
- A PFD will be worn by each person on the ice (and the first person on the ice will be tethered by a rope). The tethered rope can be strung through the PFD loop or hook, coat, belt loop etc.). The second person will have the rescue life preserver in their possession in case of emergency.
- The lead person will vigorously probe the ice ahead with an ice chisel. If the chisel ever goes through, carefully turn around and retrace your steps back to shore.

- After getting on the ice, others in the group should follow in the leader's steps, but stay at least 10 feet apart.
- Obtain the record of air temperature for the past several days and continue observing air temperatures while on the ice.
- When at the water's edge, visually survey the ice. Look for open water areas, and look for signs of recent changes in water levels: ice sloping down from the bank because the water dropped, or wet areas on the ice because the water rose and flooded areas of the ice that couldn't float because it was frozen to the bottom or the banks. (If the ice is snow-covered, look for wet areas in the snow.)
- Listen for loud cracks or booms coming from the ice. In a river this can mean the ice is about to break up or move.
- Look for an easy point of access to the ice, free of cracks or piled, broken ice.
- Near shore, listen for hollow sounds while probing. Ice sloping down from the bank may have air space underneath. This is NOT safe; ice must be floating on the water to support loads.

Conclusion...

Be sure you understand this information. Don't hesitate to seek the advice of management or your supervisors. Be safe!

References: U.S. Army Cold Regions Research & Engineering Laboratory, Hanover, New Hampshire "Safety on Floating Ice Sheets"

SAFETY REPRIMAND

I, _____, acknowledge violating the following safety policy.

I understand that the following disciplinary measure will be implemented, and a record of it will be placed in my personnel file for future review. Any further violations of company policy will result in additional disciplinary measures being taken, up to and including discharge from employment.

Disciplinary Measure

Employee's Name _____

Management Representative _____

Date _____

PAPIO-MISSOURI RIVER NRD

ACCIDENT INVESTIGATION FORM

NAME OF INJURED PERSON: _____

DATE OF INJURY: _____ LOCATION: _____

WITNESSES: _____

WHAT HAPPENED:

WAS SAFETY EQUIPMENT INVOLVED: _____

WAS THE INJURED PERSON TRAINED ON THE WORK PERFORMED: _____

WHAT COULD THE INJURED PERSON HAVE DONE TO PREVENT THE INJURY

WHAT COULD THE COMPANY HAVE DONE TO PREVENT THE INJURY:

DATE OF INVESTIGATION: _____

NAME OF INVESTIGATOR: _____

PAPIO-MISSOURI RIVER NRD

TRAINING DOCUMENT

TOPIC COVERED: _____

TRAINER: _____

DATE: _____ LOCATION: _____

READ CAREFULLY: PRINT AND SIGN YOUR NAME. IF YOU HAVE HAD AN INJURY DURING THE PAST TWO (2) WEEKS THAT DID OR MAY REQUIRE A DOCTOR'S ATTENTION, DESCRIBE IT NEXT TO YOUR NAME.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EH Attachment 3



Pay Program Administration Manual

January 2012

TABLE OF CONTENTS

| | |
|---|----|
| Reward Philosophy and Objectives | 1 |
| Base Pay Program Description | 2 |
| Pay Program Administration..... | 5 |
| Placement of Jobs in Pay Grades | 8 |
| Performance Review Rating Scale Definitions..... | 11 |
| Appraising Performance for Pay Purposes | 12 |
| Performance Review Schedule | 13 |
| Annual Pay Increase | 14 |
| Transfers Within Pay Grade..... | 17 |
| Promotions | 18 |
| Transfers to Lower Pay Grade | 19 |
| Previous External Job Experience Formula Adjustment | 20 |
| Equity Pay Adjustment | 21 |



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Reward Philosophy and Objectives

The goal of Papio-Missouri River Natural Resources District is to wisely manage and enhance our soil, water, wildlife, and forest resources for the good of all people residing within the District. In order to accomplish our goals, Papio-Missouri River Natural Resources District recognizes the importance of the people who work with us. Papio-Missouri River Natural Resources District' employee reward strategy is designed to compensate performance equitably and comparatively. A major goal of the pay program is to motivate employees to perform their best and to reward excellence.

Objectives for the pay program at Papio-Missouri River Natural Resources District are to:

- Attract, motivate and retain dedicated, high performing employees.
- Complement and enhance the mission and core values of Papio-Missouri River Natural Resources District.
- Pay employees competitively with similar jobs and services in the industry, the local labor market and, when appropriate, the regional and national markets.
- Ensure equitable pay relationships among jobs within the company.
- Reward differences in individual performance.
- Recognize superior achievement and loyalty to Papio-Missouri River Natural Resources District.
- Provide employees ongoing feedback about their performance that will enhance their performance and new skill development.
- Pay employees within "market" comparative pay-ranges of competitive practice for their respective skill sets in the relevant labor market.
- Annually price pay ranges for a select group of benchmark jobs at Papio-Missouri River Natural Resources District.
- Communicate reward plans to employees so they are clearly understood and valued.
- Ensure compliance with government laws and regulations affecting pay.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Base Pay Program Description

The Base Pay Program for employees at Papio-Missouri River Natural Resources District is a market based pricing system that groups jobs paid similarly in the relevant labor market into pay grades.

Under the program, the following definitions apply:

Job—An organizational unit of work composed of tasks, duties and responsibilities performed by an employee or by multiple incumbents. For every job, there is a calculated pay range and a minimum and maximum for the respective range.

Pay Grade—A grouping of individual jobs having similar external worth.

Market Pay Rate—The typical pay for a job in the relevant labor market as determined by an analysis of pay using published pay surveys. The market pay rate will be the basis for managing employee pay within the pay range.

Pay Range—The range of pay from minimum to maximum for a pay grade.

Pay Grade Minimum—The minimum pay rate for a pay grade and for all of the jobs within the grade. The minimum is calculated using the midpoint for the grade.

Pay Grade Midpoint—The pay that represents the middle of a given pay grade.

Pay Grade Maximum—The maximum pay rate for a pay grade and for all of the jobs within the grade. The maximum is calculated using the midpoint for the grade.

Reclassification—A change of pay grade assignment for a vacant or occupied job in which restructuring will occur as a result of a management decision to change the objectives and nature of the work performed. This restructuring should create significant and ongoing changes in the duties and responsibilities of a job.

Green Circle Rate—Pay rate for a job that is less than the relevant pay grade minimum.

Red Circle Rate—Pay rate for a job that is above the relevant pay grade maximum.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Base Pay Program Description (Continued)

Pay Structure Development

It is the policy of the District to provide steady employment at a salary or wage rate comparable to the prevailing rate for similar services in the District. Organizations need to closely monitor the relevant labor markets for job skills to remain competitive and responsive to changes in market conditions. It is important that the organization's pay structure be capable of accommodating such changes. The following steps were taken to measure external competitiveness.

1. Market pay rates for all jobs were determined using national, regional and/or local labor market survey data as appropriate.
2. Jobs with similar market pay rates were grouped together into pay grades.
3. Pay grade minimums, midpoints and maximums were established to create an integrated structure that allows for growth of positions and the creation of new positions.

The pay structure consists of 15 pay grades. The ranges are meant to serve only as broad guides for pay administration.

The first step in implementing the pay program is to ensure that all employees who are performing satisfactorily are paid at least the minimum of the applicable pay range. Pay for any Red Circle employee is frozen; however, a lump sum bonus may be granted in lieu of a pay increase for employees whose performance level is rated at, or above, "Meets Expectations". This option will serve to reward performance without compounding the problem of overpaying the job.

The salary structure includes all jobs through the General Manager. The following methodology was used to develop the pay structure:

1. The market data was arrayed from high to low. The lowest market dollar value, \$25,310, was subtracted from the highest market dollar value, \$128,585 to equal \$103,275.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Base Pay Program Description (Continued)

2. This difference (\$103,275) was subsequently divided by fifteen (15), in order to generate the basic grade spread for a 15-grade system, resulting in a value of \$6,885. This value represents distance between grade-slotting minimums.
3. To determine the grade in which each job would be slotted, the first market point in the array, \$25,310, was identified as the minimum market point of Grade 1. The difference between the minimum and maximum market points, \$6,885, was added to \$25,310 to give the maximum market point to be included in Grade 1. This was repeated for all grades to give the minimum and maximum market points that would be included in each grade.

The range for each pay grade was developed by first determining the midpoint between the minimum and maximum values that served as slotting guidelines.

The pay grade minimums and maximums were established by assuming ranges for each grade as follows: Grades 1 – 15: 50%

Pay grade ranges as of 1/1/2012:

| <i>Grade</i> | <i>Minimum</i> | <i>Midpoint</i> | <i>Maximum</i> |
|--------------|----------------|-----------------|----------------|
| 1 | \$23,462 | \$29,328 | \$35,193 |
| 2 | \$29,080 | \$36,351 | \$43,620 |
| 3 | \$34,698 | \$43,373 | \$52,048 |
| 4 | \$40,317 | \$50,396 | \$60,475 |
| 5 | \$45,935 | \$57,419 | \$68,902 |
| 6 | \$51,553 | \$64,442 | \$77,329 |
| 7 | \$57,171 | \$71,464 | \$85,757 |
| 8 | \$62,789 | \$78,487 | \$94,184 |
| 9 | \$68,407 | \$85,510 | \$102,611 |
| 10 | \$74,025 | \$92,532 | \$111,038 |
| 11 | \$79,644 | \$99,555 | \$119,465 |
| 12 | \$85,262 | \$106,578 | \$127,893 |
| 13 | \$90,880 | \$113,600 | \$136,320 |
| 14 | \$96,498 | \$120,623 | \$144,747 |
| 15 | \$102,116 | \$127,646 | \$153,174 |



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Pay Program Administration

A. Board of Directors

The Board of Directors has the overall responsibility for policies covering the direction, coordination and control of the Papio-Missouri River Natural Resources District pay program. Such responsibilities include:

1. Reviewing and providing final approval for any new policy or any policy change based upon recommendations from the General Manager and the Management Team.
2. Providing final approval for newly created jobs, including position descriptions and placement within job grades.
3. Providing final approval for major exceptions to policies based upon recommendations from the General Manager and the Management Team.

B. Management Team

Under the leadership of the General Manager, the Management Team initially reviews all new jobs and recommends slotting them into appropriate pay grades.

The Management Team shall be appointed by the General Manager and serve at his/her pleasure.

The Management Team will meet as needed to review the grade placement of new and changed positions and to monitor the overall performance of the pay program. The Management Team may also serve as an appeal review body on disagreements over pay. The Management Team shall make recommendations to the General Manager who provides recommendations to the Personnel, Legislative and Public Affairs Subcommittee for changes. The Personnel, Legislative and Public Affairs Subcommittee will review this information and make a recommendation to the Board of Directors for final approval and implementation. The actions shall be made retroactively January 1, 2009 for the first year of the newly implemented compensation system.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Pay Program Administration
(Continued)

C. General Manager

The General Manager is accountable for the implementation and administration of the pay program and has responsibility for the following:

1. Ensuring proper consideration of the relationship of pay to performance of each employee.
2. Ensuring conformance to policies and procedures by reviewing all job grade placements and individual pay changes.
3. Finalizing and maintaining position descriptions for each current and new position.
4. Providing pay administration reports and analyses to the Management Team for effective program administration.
5. Making recommendations, at least annually, regarding revision to the pay structure. On a periodic basis the General Manager shall verify minimum and maximum pay rates for each pay grade by pricing benchmark jobs within the appropriate area labor market. Recommendations regarding minimum and maximum pay rates for each pay grade shall be made to the Personnel, Legislative and Public Affairs Subcommittee. The General Manager shall be responsible for reviewing and forwarding recommendations on to the Personnel, Legislative and Public Affairs Subcommittee. The Subcommittee will review this information and make a recommendation to the Board of Directors for final approval and implementation.
6. Completing an annual review of relevant market data pertaining to pay structure adjustments for budgeting purposes and developing guidelines for annual pay increases. These guidelines shall identify a percentage pay increase range which shall include factors of both employee performance and relationship to market pay rate.
7. Providing consultation on pay administration to managers and supervisors as appropriate.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Pay Program Administration
(Continued)

D. Manager/Supervisor

Each manager/supervisor has the obligation to evaluate performance and make appropriate performance-based pay increase recommendations within designated guidelines. In addition, each manager/supervisor is accountable for:

1. Administering the pay program within the departments under his/her accountability in conjunction with the General Manager.
2. Advising the General Manager of the need to create a new position within a department for which he/she is responsible and to draft an accurate position description for approval.
3. Ensuring that all new positions within those departments for which he/she is responsible are described accurately and presented to the General Manager for placement into the appropriate pay grade before a position is advertised and an incumbent is employed.
4. Reviewing with each employee the position description covering his/her current position and discussing the employee's pay in relation to the relevant pay range during the annual performance evaluation.
5. On a continuing basis, each manager or supervisor is responsible for communicating performance expectations and measuring employees against those expectations consistent with the performance-based pay guidelines in effect.
6. Each manager/supervisor is responsible for communicating the performance evaluations with the General Manager, who will review, approve and sign off on all performance evaluations.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Placement of Jobs in Pay Grades

The General Manager will maintain an objective, complete and relevant position description for each job.

A. Creation of New Jobs

When there is a need for creating a new job, the following steps should be followed to ensure accurate documentation and market pricing:

1. The manager or supervisor should advise the General Manager of the need to create the new job.
2. The Manager will conduct a job analysis and assemble a position description to be returned to the General Manager for approval.
3. The General Manager, in coordination with the manager/supervisor, will determine the external worth of the job and slot the job into the appropriate pay grade.
4. The General Manager will review the job placement and provide final approval.
5. The Management Team will meet as needed to examine all job placements to provide retrospective review.

B. Maintaining and Revising Existing Job Descriptions Due to Changes in Job Responsibilities and Duties

Two types of changes in job responsibilities and duties may occur for an existing job, and each type of change should be handled separately.

Due to continual growth of Papio-Missouri River Natural Resources District, there is the expectation of a natural growth in job duties and responsibilities for some employees in the organization. *Natural growth in job duties and responsibilities* may be defined as the natural increase of duties and responsibilities resulting from the growth and development of the employee.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Placement of Jobs in Pay Grades (Continued)

Natural growth should not be confused with *promotional growth of job duties and responsibilities*. Promotional growth may be defined as new and significant changes in duties, responsibilities, or accountability in the job. It is not more of the same, but higher level duties normally assumed through direct assignment.

To ensure that current, accurate job descriptions are in place, each manager will perform an annual review of the descriptions for all jobs within his/her area of responsibility at the time of the employees' performance evaluations and provide the General Manager with the results of this review. At that point:

1. If the job has remained essentially the same, the existing job description will remain unchanged.
2. If natural growth in job duties and responsibilities has occurred, the description for that job must be revised by the manager/supervisor, reviewed and approved by the General Manager.
3. If promotional growth in job duties, responsibilities and/or accountability has occurred, the description for that job must be revised and reviewed in relation to the job's position within the pay grade. The General Manager will reclassify the job and place the job appropriately in the pay structure and present to the Management Team at the next scheduled meeting for retrospective review.

The above procedure in no way relieves individual managers from accountability for reporting significant changes in job content and reflecting them in revised position descriptions as they occur.

Resolving Differences

It is recognized that the manager/supervisor may not agree in all cases with the placement of an individual job in a particular pay grade relative to other jobs within the organization. In such cases, the General Manager will work with the manager/supervisor to resolve the issue. If they are unable to agree the General Manager will review the job placement with the Personnel, Legislative and Public Affairs Subcommittee. If an employee feels the matter has not been satisfactorily resolved by the General Manager's decision, the



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Placement of Jobs in Pay Grades (Continued)

employee may request a review by the Personnel, Legislative and Public Affairs Subcommittee by submitting a written request for review, stating the complaint, and the decision from the General Manager, as stated in the Grievance Procedure within the Employee Handbook. The concerns of the employee will be considered by the Personnel, Legislative and Public Affairs Subcommittee in making a determination of whether to submit the matter to the Board of Directors for review and guidance.

C. Transitioning to the Pay Program

In transitioning to the pay program, Papio-Missouri River Natural Resources District shall adopt the following transition guidelines in order to ensure an orderly implementation of the plan.

1. Incremental market pay adjustments will be made within the initial three years of the pay program to bring all employees with a "Meets Expectations" performance rating or greater to at least the minimum of the range of the job grade if they fell below the minimum of the pay range as of 01/01/2009. Reviews will be completed every 6 months until minimum of grade is reached, at which time, the reviews will proceed on an annual basis. In the case of a new hire brought in at above the rate of an incumbent, in same position, a request will be made to the General Manager for approval to bring incumbent at or above minimum, to be determined on case by case basis.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Performance Review Rating Scale Definitions

The following rating scale will be used in conjunction with the performance management system for Papio-Missouri River Natural Resources District.

| Rating | Description | Definition |
|--------|--------------------------|---|
| 5 | Far Exceeds Expectations | All performance priorities exceed expectations. Demonstrates exceptional contributions and accomplishments. Regularly goes beyond expectations of position. |
| 4 | Exceeds Expectations | The majority of performance priorities exceed expectations. Employee also assumes additional responsibilities which are beyond position expectations. |
| 3 | Meets Expectations | Performance is fully acceptable; performance priorities, responsibilities and accountabilities outlined are met consistently and are done in an acceptable manner. |
| 2 | Below Expectations | Some aspects of performance are acceptable or approach the established priorities and expectations. Definite improvements are necessary within a specified time frame. |
| 1 | Unacceptable | Performance level is unacceptable. Consistently failed to meet performance priorities and position requirements. Does not merit retention unless immediate corrective action. |



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Appraising Performance for Pay Purposes

A. Application of Performance to Pay Program Administration

A fundamental principle of the pay program is that pay should be administered on an individual basis according to each employee's performance in relationship to expectations and the level of contribution the employee is making to the organization. There is no substitute for thoughtful, objective review of each employee involved.

To be effective, the pay program must provide incentive for exceptional contributors. Accordingly, pay increases should be fully utilized to encourage and reward higher levels of performance throughout the organization.

B. Performance Review Schedule

Each individual's performance will be appraised by their immediate supervisor and reviewed by the department manager and the General Manager. The fact that an individual's performance is reviewed does not necessarily mean that the individual will be granted a pay increase. An increase will be given only when it is clearly warranted by performance.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Performance Review Schedule

A. New Employees

The performance of new employees shall be reviewed after a 90 day introductory period, not subject to merit increase. Following six months of employment, employees shall receive a second performance evaluation and annually thereafter on the employees anniversary date, both subject to merit increase consideration.

B. Current Employees

Employees will participate in a performance management and planning session with their managers/supervisors. Performance management and planning will be conducted on an annual basis, following the guidelines of Papio-Missouri River Natural Resources Districts' Performance Management System.

C. Performance Rating Expectations

An employee rated as an "Unacceptable" may have up to 90 days in which to reach the "Meets Expectations" performance level. At any time during that 90-day period, if the employee is not progressing to the "Meets Expectations", the employee may be terminated from employment with Papio-Missouri River Natural Resources District.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Annual Pay Increase

A. Annual Pay Increases Budgeting and Guidelines

Relevant market data pertaining to annual pay structure adjustments for budgeting purposes will be reviewed by the Personnel, Legislative and Public Affairs Subcommittee and approved by the Board of Directors on an annual basis. The staff shall also develop guidelines for annual pay increases by completing a matrix for use by managers/supervisors in determining appropriate pay increases. Factors impacting an employee's pay increase opportunity include both their performance rating and the relationship of their current pay to the market rate for their job. The following example is for illustration purposes only. Actual percentage increase guidelines will vary from year to year based on changing market conditions and organizational strategy.

Merit Increase Matrix effective 01/01/ 2012

| Performance Rating | Relationship to Market | | | | |
|-----------------------|------------------------|--------|---------|----------|------------------|
| | <80% | 80-89% | 90-109% | 110-120% | >120% |
| 1 | 0% | 0% | 0% | 0% | 0% |
| 2 | 0% | 0% | 0% | 0% | 0% |
| 3 | 3% | 2.5% | 2% | 1.5% | 0-1% Lump Sum |
| 4 | 3.5% | 3% | 2.5% | 2% | 1-2% Lump Sum |
| 5 | 4% | 3.5% | 3% | 2.5% | 2-3% Lump Sum |



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Annual Pay Increase
(Continued)

B. Eligibility for Annual Increases

After an employee has served an initial six month period in a job, he/she may be eligible for a performance-based pay increase based on the performance review.

Employees who are not rated at the “Meets Expectations” performance level or above shall not receive any increase until they are meeting the overall performance expectations for their job and are rated as a “Meets Expectations”.

C. Length of Service Increase

The District recognizes that because of the number of positions with the District, there exists limited opportunities for advancement to positions of greater responsibility and duties that utilize the job skills and knowledge which are gained through experience as an employee of the District. In recognition of the increased value to the District of an employee who has demonstrated a performance rating of “Meets Expectations” or above and because of the knowledge and experience gained, it is the policy of the District to increase the salary grade of a position by one grade level following the completion of seven years, fifteen years and twenty-five years of continuous employment in a position. Part-time employees are eligible for length of service salary grade increases on a pro rata basis. The wage and salary pay range for the adjusted salary grade will be used in determining wage and salary adjustments. No salary adjustment will be made at the effective date of a salary grade increase unless it coincides with the evaluation date.

Example: if salary grade adjustment is effective 1/1/09 and evaluation date is 7/1/09

- No salary adjustment is made on 1/1/09
- The adjusted salary grade will be used to determine the salary adjustment for the 7/1/09 evaluation.

Performance appraisals for employees who have completed seven years, fifteen years and twenty-five years of employment will consider the experience and additional productivity that is expected of an employee who has been with the District in the same position for an extended period of time.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Annual Pay Increase
(Continued)

D. Annual Cost of Living Adjustments

Cost of living adjustment estimates will be reviewed by the Personnel, Legislative and Public Affairs Subcommittee and approved by the Board of Directors on an annual basis. The cost of living is closely tied to rates of inflation and deflation. In estimating such costs, food, clothing, rent, fuel, lighting, and furnishings as well as expenses for communication, education, recreation, transportation, and medical services are generally included. The Consumer Price Index (CPI), a measurement of the cost of living prepared by the U.S. Bureau of Labor Statistics, tracks changes in retail prices of an average “market basket.” Changes are compared to prices in a previously selected base year, from which figures the percentage increase or decrease in the cost of living can be calculated.

- The 2012 COLA adjustment will be 0%

E. Resolving Differences

It is recognized that the manager/supervisor may not agree in all cases with the placement of an individual job in a particular pay grade relative to other jobs within the organization. In such cases, the General Manager will work with the manager/supervisor to resolve the issue. If they are unable to agree the General Manager will review the job placement with the Personnel, Legislative and Public Affairs Subcommittee. If an employee feels the matter has not been satisfactorily resolved by the General Manager’s decision, the employee may request a review by the Personnel, Legislative and Public Affairs Subcommittee by submitting a written request for review, stating the complaint, and the decision from the General Manager, as stated in the Grievance Procedure within the Employee Handbook. The concerns of the employee will be considered by the Personnel, Legislative and Public Affairs Subcommittee in making a determination of whether to submit the matter to the Board of Directors for review and guidance.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Transfers Within Pay Grade

A. Transfer and New Position Performance Review

A transfer occurs when an employee moves from one job to a different job within the same pay grade. Individuals who transfer to another job within the same pay grade shall not be eligible for any type of pay adjustment and the date of transfer will be used to determine the next evaluation date. A six-month initial evaluation period will be effective in the new position. If the employee is not meeting the expectations of the new position at that time, he/she may be transferred back to the old position if it is still available, or terminated from employment with Papio-Missouri River Natural Resources District.

If appropriate a lateral transfer increase will be determined on a case-by-case basis by the General Manager. Factors considered in making the increase decision will include:

- Employee's current pay rate in relation to the new pay grade minimum
- Average labor market transfer increases
- Length of time between transfer increase and the last pay review

B. Compensation for Temporary Duty

If an employee temporarily serves in the capacity of a higher grade position for an extended period of time (minimum of three months or 60 working days, consecutively), the General Manager shall have the authority to provide additional compensation to that employee for that period according to the general guideline of one-half the difference between the midpoints for the salary grade of the higher grade position and the employee's position.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Promotions

A. Promotion, Pay Adjustment and Performance Review

Promotions can occur through promotional growth of job duties. For this type of promotion, see the policy on Placement of Jobs in Pay Grades.

Initially, promotional increases should be to the minimum of the pay grade or calculated based on a percentage pay increase. The appropriate promotional increase will be determined on a case-by-case basis by the General Manager. Factors considered in making the increase decision will include:

- Employee's current pay rate in relation to the new pay grade minimum
- Average labor market promotional increases
- Length of time between promotional increase and the last pay review

Employees receiving a promotion will have an initial period of 120 days in the new job. At the end of six months, the employee's performance will be reviewed. If the anniversary date falls within the initial period, the pay increase may be delayed until completion of the initial period. Upon completion of the initial period, any delayed pay adjustment granted will be made retroactive to the annual review date.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Transfers to Lower Pay Grade

A. Transfer to Lower Pay Grade

When an employee transfers to a lower pay grade in which the maximum pay for the grade is below the rate the employee is currently earning, pay adjustments may be considered.

When the transfer is due to inadequate performance, the employee's pay will be reduced to a pay level within the range for the new job. When the transfer is due to reasons other than inadequate performance, the employee's pay shall be reduced to the maximum of the applicable lower pay range and the employee may be eligible for an annual lump sum payment on the anniversary date. Lump sum pay increases are made at the discretion of the manager/supervisor. They do not increase the employee's base pay rate and must be re-earned annually.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Previous External Job Experience Adjustment

A. External Experience Adjustment to Minimum Pay Grade Pay Rate

When an applicant with previous job related experience is considered for employment with Papio-Missouri River Natural Resources District, the hiring manager may request that an experience adjustment be applied to the pay grade minimum rate. Requests can be made when the previous job experience:

- Significantly enhances the applicant's ability to perform the job
- Substantially decreases the amount of training time required
- Positively affects applicant's ability to perform all or a majority of the essential job functions
- Materially relates to current labor market conditions

B. Approving Experience Adjustment

The General Manager will evaluate pay adjustment requests on a case-by-case basis and in conjunction with the hiring manager to determine if the previous job experience will significantly contribute to performance on the new job or substantially decrease the training time required. Several factors will contribute to this decision including, but not limited to:

- Similarity of tasks and duties of the previous job experience with those for the open position at Papio-Missouri River Natural Resources District
- Reduction in training time anticipated
- Recent application of relevant duties or competencies in previous job experience
- Criticality of the job to Papio-Missouri River Natural Resources District

C. Resolving Differences

It is recognized that the manager/supervisor may not agree in all cases with the placement of an individual job in a particular pay grade relative to other jobs within the organization. In such cases, the General Manager will work with the manager/supervisor to resolve the issue.



PAY PROGRAM ADMINISTRATION MANUAL

Policy:

Equity Pay Adjustment

If they are unable to agree the General Manager will review the job placement with the Personnel, Legislative and Public Affairs Subcommittee. If the employee feels the matter has not been satisfactorily resolved by the General Manager's decision, the employee may request a review by the Personnel, Legislative and Public Affairs Subcommittee by submitting a written request for review, stating the complaint, and the decision from the General Manager, as stated in the Grievance Procedure within the Employee Handbook. The concerns of the employee will be considered by the Personnel, Legislative and Public Affairs Subcommittee in making a determination of whether to submit the matter to the Board of Directors for review and guidance.

A. Equity Pay Adjustment

Equity pay adjustments may be needed when an individual employee's pay rate is not in parity with the pay rates for employees in equivalent positions. The General Manager will consider equity pay adjustments on a case-by-case basis. When an equity pay adjustment is warranted, the General Manager and the respective manager/supervisor will determine the appropriate parity pay and either raise the current pay level immediately or implement an accelerated increase schedule (i.e. quarterly adjustments). To qualify for an equity pay adjustment, the employee's performance must be currently meeting or exceeding the performance expectations of the job and rated at the "Meets Expectations" or above.

**Papio-Missouri River
NRD**

**Family and Medical
Leave
and
Family Military Leave
Policy**

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT FAMILY AND MEDICAL LEAVE AND FAMILY MILITARY LEAVE OF ABSENCE POLICY

FAMILY AND MEDICAL LEAVE OF ABSENCE

The Family and Medical Leave Act (the "Act"), requires covered employers to provide up to 12 weeks of unpaid, job protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job

Such a leave is referred to in this policy as "FMLA leave."

This policy defines the terms and conditions of FMLA leave. The Act and the regulations of the Department of Labor shall be referred to for any questions not addressed by this policy. The District shall determine in each case whether an absence qualifies as a FMLA leave. The District has chosen to require the use of available sick leave and annual leave off while taking FMLA leave.

Eligibility

Employees are eligible if they have worked for the District for at least twelve (12) months in the last seven (7) years; worked at least 1,250 hours for the District during the twelve (12) months preceding the commencement of the leave.

The District may, *at its sole discretion*, grant a family and medical leave of absence, or some variation of it, to those employees who are not legally entitled to such leave due to ineligibility (e.g., less than 12 months' employment or employment at a location more than 75 miles from the District's office).

Duration

An employee's cumulative total of all leaves of absence under this policy may not exceed twelve (12) weeks in any twelve (12) month period. The 12-month period will be measured on a rolling 12-month period measured backward from the date an employee uses any FMLA leave. A husband and wife who are eligible for FMLA leave and are employed by the District are limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. FMLA leave for the birth of a child or placement of a child for foster care or adoption, must be completed within one (1) year after the birth or placement.

Intermittent/Reduced Schedule

An employee does not need to use this leave in one block. Leave may be taken on an intermittent or reduced schedule basis only when the leave is because of a serious health condition, and the intermittent leave or reduced schedule is shown to be medically necessary. Medical certification of this need will be required. Where the intermittent leave or reduced schedule is foreseeable, the employee must try to schedule the leave so as not to unduly disrupt District operations, and if the employee needs to be absent due to planned medical treatments, the employee may be temporarily transferred to an alternative position with equal pay and benefits for which the employee is qualified and which better accommodates the intermittent or reduced schedule leave.

Unable/Decline to Return

An employee who is unable or declines to fully return to work upon expiration of FMLA leave and has exhausted all other leave will be considered to have resigned, unless the inability to return is due to a disability under the Americans with Disabilities Act and the employee requests and can reasonably be granted some additional accommodation.

Notice of Leave

Employees must provide at least 30 days' advance notice of the need to take FMLA leave, when the need is foreseeable, to the appropriate District representative. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and must comply with the District's normal call-in procedures required for other absences. If less than thirty (30) days' notice is given, the employee must explain why providing timely notice was not practicable.

Notice must be provided either in writing (for foreseeable leave only), or by calling (for either foreseeable or unforeseeable leave). When requesting leave for the first time for a particular FMLA-qualifying reason, the employee must provide sufficient information for the District to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization, or continuing treatment by a health care provider. Calling in "sick" is not enough.

Employees must also inform the appropriate District representative if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

The District will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities with regard to FMLA leave. If an employee is not eligible, the District will provide a reason for the ineligibility. The District will generally notify an employee within five (5) business days whether he/she is eligible for FMLA leave.

Medical Certification

An employee on leave due to a serious health condition of the employee or a family member must provide a written medical certification on a form adopted by the District. This requirement may be waived by the District's Administrative Coordinator in cases of pregnancy or other situations where both the medical need and the timing of the leave are obvious. The certification must be provided prior to commencement of the leave when the need for leave is foreseeable; in any case, it must be provided within fifteen (15) days after it is requested. Failure to return the medical certification, absent unusual circumstances, will cause the District to deny the FMLA leave. Where the leave is due to the employee's own serious health condition, the employee must provide a copy of his or her current job description to the health care provider.

before obtaining the certification. A copy of the job description will be provided to the employee by the District. The District may require a second and third opinion at District expense, in accordance with the Act.

The District will notify the employee within five (5) days of receipt of a complete and sufficient medical certification whether the leave is FMLA-qualifying. If the District is unable to determine whether the leave is FMLA qualifying because (a) the medical certification is incomplete or insufficient, or (b) the District requires a second or third opinion, it will notify the employee. The District will notify the employee in writing if the medical certification is incomplete or insufficient, and state the information needed to cure the deficiency. The employee will have seven (7) calendar to cure the deficiencies, or FMLA leave will be denied.

Recertification

Medical recertification must be provided within fifteen (15) days after requested by the District during the leave. For intermittent leave for continuing, open ended conditions, recertification may be requested every six (6) months. In addition, recertification may be requested when (1) there is a significant change in condition, (2) an extension of the leave is requested, or (3) the District receives information which casts doubt on the continuing validity of the certification.

Failure to Provide Notice/Certification

Failure to provide required notices or certifications may result in a delay in the leave of absence, or loss of the protections provided by the Family and Medical Leave Act.

Salary/Wages

FMLA leave is unpaid, except as follows:

- a. If the employee has earned but unused sick leave or annual leave for which the employee is eligible, that time off must be applied concurrently (sick leave first, and then annual leave) until it is exhausted.
- b. If the absence is due to a job-related injury, the employee may be covered by workers' compensation. If workers' compensation benefits apply, the employee will not be required to apply any earned but unused paid time off, but may elect to do so to the extent that the workers' compensation is less than the employee's regular salary.

Except as provided above, FMLA leave shall be without pay.

Benefits

During any period of FMLA leave, the District will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work, provided the employee makes timely payment of the employee's share of the premiums.

Upon return to work, most employees will be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms, unless the employment would have ended even if the employee had not been on leave (for example, if the job has been eliminated due to a staff reduction or reorganization). Use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

During any paid portion of the leave the employee's premiums will continue to be deducted from payroll; otherwise, payments must be delivered to the District. Failure to make premium payments may cause the employee (and covered dependents) to be uninsured during a portion of the leave. No benefits accrue during any unpaid portion of FMLA leave.

Regular Reporting

While on FMLA leave, employees must keep the District informed of their plans to return to work. As a general rule, the employee must contact the Administrative Coordinator at least once every two (2) weeks; other reporting schedules may be agreed on between the employee and the Administrative Coordinator based on the employee's individual circumstances. Reasonable notice (at least two business days, and more if possible) is required prior to returning to work on any date other than the originally scheduled return date.

Fitness for Duty

The District may require an employee to provide it with a sufficient fitness-for-duty certification at the time the employee returns to work or within fifteen (15) days after the employee would have returned to work. The certification must state that the employee may return to work and is able to perform all essential functions of the position. If the fitness-for-duty certification is insufficient or incomplete, the employee shall have seven (7) calendar days to cure the deficiencies. Failure to return a sufficient fitness-for-duty certification in the requisite time period may cause the FMLA leave to be denied, and employment terminated.

For intermittent leave, the District may require a fitness for duty certification as often as every 30 days if the health condition involves a contagious disease, or could reasonably affect the employee's, a co-worker's, or a third party's safety.

Failure to Return

If the employee fails to return to work for at least 30 days at the end of the approved leave, the employee will be obligated to repay to the District 100% of all health, life, and disability insurance premiums paid by the District during the unpaid portion of the leave. The only exception is where the non-return to work is due to a continued serious health condition (medical certification is required) or other circumstances beyond the employee's control.

Definitions

"Foster care" is defined as 24-hour care for children in substitution for, and away from, their parents or guardian, in accordance with a placement made by the State or in agreement with the State.

"Spouse" is defined as a husband or wife as recognized under state law.

"Parent" is defined as a biological parent, or an individual who stood in loco parentis (had day-to-day responsibilities to care for the employee) when the employee was a child. A parent "in-law" is not considered a "parent" for purposes of family and/or medical leave.

"Son" or "daughter" or "child" is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (has day-to-day responsibilities to care for and financially support the child). The "son" or "daughter" or "child" must be either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of

the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 full consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. Absent complications or inpatient care, "serious health condition" generally does not include the cosmetic treatments, minor conditions such as the common cold, earaches, headaches, the flu, and so forth, routine doctor's appointments, or treatment with over-the-counter medicines.

A "health care provider" for purposes of medical certification shall include doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, state-authorized nurse practitioners, nurse-midwives, clinical social workers, state-authorized physician assistants, and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

A certification that an employee is "needed to care for" a sick family member includes both physical and psychological care. It includes situations where the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, and where providing psychological comfort will be beneficial to a seriously ill family member.

Intermittent or reduced schedule leave is "medically necessary" when the medical need can be best accommodated through an intermittent or reduced leave schedule. The term "medically necessary" does not include voluntary treatments or procedures.

An "equivalent position" is defined as a position which has the same pay, benefits and working conditions; involves the same or substantially similar duties and responsibilities which entail equivalent skill, effort, responsibility and authority; is available at the same or a geographically proximate worksite where the employee had previously been employed; and is on the same or an equivalent work schedule.

Leave for the birth of a child may include necessary prenatal care, or may begin before the actual date of birth of a child if the expectant mother's condition makes her unable to work. Leave for placement of a child may begin before actual placement if an absence from work is required for the placement to proceed.

Interference

The FMLA makes it unlawful for any employer to:

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

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for enforcement. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FAMILY MILITARY LEAVE OF ABSENCE

It is the District's policy to grant family military leave under the Family and Medical Leave Act ("FMLA") or under the Nebraska Family Military Leave Act ("NFMLA"), which entitle an eligible employee to take a leave of absence when (1) certain family members in the National Guard or Reserves are on (or have been called to active duty), or active duty service members who are on duty in a foreign country (or called to active duty) and there is a qualifying exigency, (2) when certain family members in the armed forces, National Guard, or Reserves, suffer a serious injury or illness in the line of duty and the employee wants to care for them, or (3) in Nebraska, when the employee's spouse or child has been called to military service scheduled to last 179 days or longer. Such leave is referred to for purposes of this policy as "Family Military Leave."

This policy defines the terms and conditions of Family Military Leave. The Act and the Department of Labor's regulations shall be referred to for any questions not addressed by this policy. The District shall determine in each case whether an absence qualifies as Family Military Leave.

All leave under this policy runs concurrently with any other leave provided for under federal, state or local law. Employees using Family Military Leave must concurrently use available sick leave when caring for an injured or ill family member, and then available annual leave. For all other types of family military leave, an employee must use available annual leave.. To the extent no applicable paid leave is available, Family Military Leave is unpaid.

Eligibility

To be eligible for Family Military Leave under this policy, an employee must have been employed by the District for at least twelve (12) months in the last seven (7) years, and must have worked at least 1,250 hours for the District during the twelve (12) months preceding the commencement of the leave.

The District may, at its sole discretion, grant Family Military Leave, or some variation of it, to those employees who are not legally entitled to such leave due to ineligibility (e.g., less than 12 months' employment or employment at a location more than 75 miles from the District's office).

Leave Entitlement

Family Military Leave under the FMLA provides an unpaid leave of absence for the following reasons:

1. Because of any "qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of an eligible employee is on active duty (or has been notified of an impending call or order to active duty) in the National Guard or Reserves in support of a "contingency operation" (as defined by federal law) or is an active duty member of the armed forces in a foreign country (or has been notified of an impending call or order to duty in a foreign country);
2. An eligible employee is the spouse, son, daughter, parent, or next of kin of a "covered servicemember" who has suffered a "serious injury or illness" and wants to care for the servicemember.

3. Under the NFMLA, when an eligible employee's spouse or child has been called to military service scheduled to last 179 days or longer.

Qualifying Exigency Leave

Employees who have a spouse, son, daughter, or parent called to active duty with the National Guard or Reserves or is an active duty member of the armed forces in a foreign country (or has been notified of an impending call or order to duty in a foreign country) may be entitled to up to 12 weeks of leave for a "qualifying exigency." The 12-month period will be measured on a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

Qualifying exigency leave may be taken only for the following non-medical, non-routine activities:

1. Short-Notice Deployment Activities: If a military member receives seven (7) or less calendar days' notice prior to the date of deployment, the employee may take up to 7 calendar days of Family Military Leave to address any issue arising from the impending call or order to active duty. The 7 days begins on the date the military member receives the call or order to active duty.
2. Military Events and Related Activities: An employee may take Family Military Leave to attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of the military member. The employee may also use qualifying exigency leave to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or Red Cross that are related to the active duty or call to active duty status of the military member.
3. Childcare and School Activities: The employee may take Family Military Leave for any of the following activities necessitated by the military member's active duty or call to active duty status, or circumstances arising from it:
 - To make alternative childcare arrangements for a military member's child;
 - To provide childcare for a military member's child on an urgent, immediate need basis but not on a routine, regular, or everyday basis;
 - To enroll in or transfer a military member's child in a new school or day care facility; and/or
 - To attend meetings with staff at a school or daycare facility.
4. Financial and Legal Arrangements: The employee may take Family Military Leave to make or update financial or legal arrangements to address the military member's absence while on active duty or call to active duty status. Leave may also be granted for the employee to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or

appealing military service benefits while the military member is on active duty or call to active duty status, up to a period of 90 days following the termination of the military member's active duty status.

5. Counseling Activities: An employee may take leave to attend non-medical counseling provided that (1) the need for counseling arises from the military member's active duty or call to active duty status; (2) such counseling is provided by someone other than a health care provider; and (3) the counseling is for the employee, the military member, and/or the military member's child. In the event medical counseling is needed, the employee may be able to take regular FMLA leave due to the "serious health condition" of the employee or of a military member who is the employee's spouse, parent, or son or daughter as defined in the FMLA.
6. Rest and Recuperation Activities: If a military member is granted short-term, temporary rest and recuperation leave during the period of deployment, an employee may take Family Military Leave of up to five (5) days to spend time with the military member.
7. Post-Deployment Activities: An employee may take Family Military Leave to attend arrival ceremonies, reintegration briefings and events, and other official ceremony or programs sponsored by the military for a period of 90 days following termination of the military member's active duty status. The employee may also take leave to address issues that arise from the death of a military member while on active duty status.
8. Additional Activities Approved by the District: An employee may only take Family Military Leave for other exigencies if the exigency arises out of the military member's active duty/call to active duty, and the employer agrees that as to the leave's qualification, timing, and duration.

If an employee uses up his or her 12 weeks of FMLA leave for reasons other than Family Military Leave, the employee may be eligible for additional leave under the NFMLA.

Military Caregiver Leave

A spouse, son, daughter, parent, or next of kin of a "covered servicemember" who has suffered a "serious injury or illness" and wants to care for the servicemember, is eligible for up to 26 weeks of Family Military Leave in a "single 12-month period." For purposes of military caregiver leave, the single 12-month period applies per servicemember, and per injury/illness. An eligible employee may *not* take military caregiver leave for an injury or illness that manifests itself *after* the military discharge, however, the employee may be eligible for leave under the traditional FMLA if the servicemember is a parent, spouse or child, and the ailment qualifies as a "serious health condition."

During a single, 12-month period, caregiver leave is combined with regular FMLA leave and the total cannot exceed 26 weeks. If leave qualifies as both military caregiver leave and FMLA medical leave to care for a family member with a serious health condition, it will be counted as caregiver leave first.

Intermittent/Reduced Schedule

Family Military Leave taken due to a qualifying exigency may be taken intermittently or on a reduced schedule basis. Family Military Leave taken to care for a covered servicemember with a serious injury or illness may be taken intermittently or on a reduced schedule basis only when medically necessary. Medical certification of this need will be required. Where the intermittent leave or reduced schedule is foreseeable, the employee must try to schedule the leave so as not to unduly disrupt the District's operations, and if the employee needs to be absent due to planned medical treatments, the employee may be temporarily transferred to an alternative position with equal pay and benefits for which the employee is qualified and which better accommodates the intermittent or reduced schedule leave.

Notice of Leave

An employee requesting a leave of absence must notify the Administrative Coordinator as far in advance as practicable, or within the same timeframe required for other absences. The employee should make reasonable efforts to schedule leave so as to not disrupt District operations. The employee must provide sufficient information as to the reason for the leave to enable the District to determine eligibility for Family Military Leave, and must provide information as to the expected duration of the leave. When requesting subsequent leave for the same particular exigency related to the same military member, or the same injury/illness for the covered servicemember, the employee must specifically reference the qualifying reason or state "FMLA leave or Family Military Leave."

The District will notify an employee within five (5) business days whether he or she is eligible for Family Military Leave. If eligible, the District will also notify the eligible employee of their rights and responsibilities with regard to Family Military Leave.

Regular Reporting

While on Family Military Leave, employees must keep the Administrative Coordinator informed of their plans to return to work. As a general rule, the employee must contact the Administrative Coordinator at least once every two (2) weeks; other reporting schedules may be agreed upon between the employee and the Administrative Coordinator based on the employee's individual circumstances. Reasonable notice (at least two business days, and more if possible) is required prior to returning to work on any date other than the originally scheduled return date.

Certification

An employee requesting any form of Family Military Leave must provide written proof of the military member's military status, and call to duty or deployment information, on a form adopted by the District to determine whether the leave is FMLA-qualifying. For qualifying exigency leave, the employee must also provide a signed statement and description of facts for each particular exigency. For military caregiver leave, the employee must provide certification of the covered servicemember's serious injury/illness. These requirements may be waived by the Administrative Coordinator in cases of emergency or where both the need and the timing of the leave are obvious. These certifications must be provided prior to commencement of the leave

when the need for leave is foreseeable; in any case, it must be provided within fifteen (15) days after it is requested. Failure to return the required certification, absent unusual circumstances, will cause the District to deny the Family Military Leave.

A certification of active duty will remain in effect for the dates of the military member's active duty status for the contingency operation. A certification of a particular exigency will remain in effect for the duration of that exigency.

The District will notify the employee within five (5) days of receipt of a complete and sufficient certification whether the leave is FMLA-qualifying. If the District is unable to determine whether the leave is FMLA qualifying because the certification is incomplete or insufficient, the District will notify the employee in writing, and state the information needed to cure the deficiency. The employee will have seven (7) calendar days to cure the deficiencies, or Family Military Leave may be denied.

Failure to Provide Notice/Certification

Failure to provide required notices or certifications may result in a delay in the leave of absence, or loss of the protections provided by the Family and Medical Leave Act or NFMLA.

Compensation During Family Military Leave

Family Military Leave is unpaid, except that employees must concurrently use available sick leave when caring for an injured or ill family member, and then available annual leave. For all other types of family military leave, an employee must use available annual leave.

Benefits

The employee's group health, life and other insurance (if participating) will remain in effect throughout the Family Military Leave period on the same basis as if the employee were not on leave. During any paid portion of the leave, the employee's premiums will continue to be deducted from payroll. To the extent that payroll does not cover the employee's share of premiums, payments must be delivered to the Administrative Coordinator. Failure to make premium payments may cause the employee (and covered dependents) to be uninsured during a portion of the leave period. No benefits accrue during any unpaid portion of Family Medical Leave.

Return to Work

Upon return to work, the employee will be restored to his or her prior job, or an equivalent position with equivalent pay, benefits and other terms and conditions, unless the employment would have ended even if the employee had not been on leave (for example, if the job has been eliminated due to a staff reduction or reorganization).

Unable/Decline to Return

An employee who is unable or declines to fully return to work upon expiration of Family Military Leave will be considered to have resigned.

Non-Discrimination

The District will not discharge, fine, suspend, expel, discipline, or in any other manner discriminate against any employee who exercises any right provided under the FMLA, NFMLA, or this policy.

Definitions

All definitions contained in the FMLA apply to Family Military Leave (excluding the definitions of "son" or "daughter"). Additionally, the following definitions apply to Family Military Leave under the FMLA:

Active Duty: The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

Contingency Operation: The term "contingency operation" has the same meaning given such term in section 101(a)(13) of title 10, United States Code.

Covered Servicemember: The term "covered servicemember" for purposes of military caregiver leave means a member of the Armed Forces, including a member of the National Guard or Reserves, who is on the temporary disability retired list or a veteran who was in active duty in the previous five years, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or who is otherwise in outpatient status. A "veteran" is defined as a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

Outpatient Status: The term "outpatient status," with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:

- a. a military medical treatment facility as an outpatient; or
- b. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Serious Injury or Illness: The term "serious injury or illness," for purposes of military caregiver leave, means an injury or illness incurred by the member in the line of duty or on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty in the armed forces) that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. With regard to veterans, because they do not have a current "office, grade, rank, or rating," the serious injury or illness be one that manifested itself before or after the member became a veteran.

Son or Daughter of a Covered Servicemember: This term means the covered servicemember's biological, adopted, or foster child, step child, legal ward, or a child for whom the servicemember stood in loco parentis, and who is of any age.

Parent of a Covered Servicemember: A "parent of a covered servicemember" means the servicemember's biological, adopted, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

Next of Kin of a Covered Servicemember: This term means the nearest blood relative, other than the servicemember's spouse, parent, son, or daughter in the following order: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative for purposes of military caregiver leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the servicemember's next of kin for these purposes.