

PERENNIAL PUBLIC POWER DISTRICT

PERSONNEL POLICIES

PERENNIAL PUBLIC POWER DISTRICT
PERSONNEL POLICIES AND PROCEDURES
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CONTRACT DISCLAIMER AND FORWARD

This policy manual is for the use and information of the employees of the Perennial Public Power District. This manual supersedes all prior written and unwritten policies, including any prior handbook or policy manual.

Please study the manual and keep it available at all times for reference; but remember that it is not for distribution to the general public.

You will be expected to keep this as your personal copy, and if for any reason your association with the District is terminated, it shall be returned to management.

THIS POLICY MANUAL IS NOT A CONTRACT BETWEEN THE DISTRICT AND ANY APPLICANT FOR EMPLOYMENT OR ANY EMPLOYEE, AND IT SHOULD NOT BE CONSTRUED AS SUCH. RATHER, THIS MANUAL IS A GUIDE AND DESCRIBES THE PROCEDURES THE DISTRICT WILL ATTEMPT TO FOLLOW IN MOST CASES. THE DISTRICT RESERVES THE RIGHT TO VARY FROM THESE PROCEDURES IF NECESSARY AT THE DISCRETION OF THE DISTRICT'S MANAGEMENT.

NO TERM OR CONDITION OF EMPLOYMENT WITH THE DISTRICT IS OTHER THAN EMPLOYMENT-AT-WILL, UNLESS SUCH TERM OR CONDITION IS EMBODIED IN A SEPARATE AGREEMENT SIGNED BY THE PRESIDENT OR THE GENERAL MANAGER, WITH THE APPROVAL OF THE BOARD OF DIRECTORS.

Additional policies and/or changes, as they are formulated, will be issued to you and may be inserted according to the number of such policy.

If questions arise concerning any of the policies included in this book, please bring it to the attention of the General Manager for clarification.

SERIES 100

CONDITIONS OF EMPLOYMENT

POLICY NO. 101**EMPLOYMENT-AT-WILL****I. OBJECTIVE**

To inform employees of the at-will basis on which they are employed by the District.

II. POLICY CONTENT

ALL EMPLOYEES WHO DO NOT HAVE A SEPARATE, INDIVIDUAL WRITTEN EMPLOYMENT CONTRACT FOR A SPECIFIC FIXED TERM OF EMPLOYMENT ARE EMPLOYED AT THE WILL OF THE DISTRICT AND MAY BE TERMINATED BY THE DISTRICT AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT NOTICE, EXCEPT AS PROHIBITED BY LAW. ANY CONTRACT OR AGREEMENT THAT SPECIFIES A FIXED TERM OF EMPLOYMENT MUST BE APPROVED BY THE BOARD OF DIRECTORS, AND SIGNED BY THE PRESIDENT OR GENERAL MANAGER OF THE DISTRICT.

III. PROVISIONS

- A. Employees who do not have a separate, individual written employment contract signed by the President or General Manager of the District are employed at the will of the District and are subject to termination at any time, for any reason, with or without cause or notice, except as prohibited by law. Similarly, employees may terminate their employment at any time and for any reason.
- B. The District's Board of Directors is the only body authorized to override the Employment-at-Will provision. No District representative is authorized to modify this policy for any employee or applicant for employment or to enter into any agreement, oral or written, contrary to this policy. Supervisory and management personnel should not make any representation to employees or applicants concerning the terms or conditions of employment with the District that are inconsistent with this policy.
- C. This policy will not be modified by any statements contained in this or any other employee handbooks, employment applications, recruiting materials, memoranda, or any other materials provided to employees in connection with their employment. None of these documents, whether singly or combined, will create an express or implied contract concerning any terms or conditions of employment.

- D. Nothing contained in this manual, employee handbooks, employment applications, District memoranda, or other materials provided to employees in connection with their employment require the District to have just cause in order to terminate any employee or otherwise restrict the District's right to terminate any employee at any time or for any reason. Provided, however, that the District shall not terminate any employee for reasons that violate state or federal law.
- E. Statements of specific grounds for termination set forth elsewhere in this manual are not all-inclusive and are not intended to restrict the District's right to terminate at will.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995

POLICY NO. 102**PURPOSES, DEVELOPMENT, AND REVISION OF PERSONNEL POLICIES****I. OBJECTIVE**

- A. To explain the purposes and functions of the personnel policies; and
- B. To establish a procedure for the development, adoption, and revision of personnel policies.

II. POLICY CONTENT

The District recognizes the need for a staff of efficient, loyal, and well-trained employees who are vitally interested in the operation of the District. To further the development of those qualities in its employees and to assure its employees that those qualities will be rewarded, the District has developed these personnel policies.

These personnel policies are intended as a guideline for personnel practices and procedures of the District. They contain general statements of District policy and should not be read as including the fine details of each policy or as forming an express or implied contract or promise that the policies will be applied in all cases. This manual is not a contract with the employee and does not alter the employment-at-will relationship in any way. The District may add to the policies in the manual or revoke or modify them from time to time. Members of the management staff will try to keep the manual current, but there may be times when policy will change before material can be revised.

The Board of Directors shall adopt new policies and make revisions to existing policies in its discretion upon the recommendation of the General Manager.

III. PROVISIONS

- A. The Board shall consider the personnel policies recommended by the General Manager and shall adopt those policies, at its discretion, which are consistent with sound personnel practices and other policies and programs of the District. The Board reserves the right to amend all personnel policies any time it considers an amendment necessary.
- B. The Board retains the unilateral right to make amendments without the consent of the employees. When policies, practices, or procedures are amended by the Board, the amendment, where applicable, shall take effect and be effective as if the policy, practice, or procedure had always been written in the manner amended by the Board.

- C. Where the Board has delegated authority to management to promulgate administrative policies, such policies may be amended by management with the same rights as retained by the Board under this policy.

- D. THESE PERSONNEL POLICIES ARE INTENDED AS GUIDELINES ONLY. IN NO WAY SHALL THESE POLICIES AND PROCEDURES BE, OR BE CONSTRUED TO BE, A CONTRACT, AGREEMENT, UNDERSTANDING, OR OTHER CONTRACTUAL UNDERTAKING BETWEEN THE DISTRICT AND ANY APPLICANT FOR EMPLOYMENT OR EMPLOYEE. THE DISTRICT SPECIFICALLY RESERVES THE RIGHT TO VARY FROM THESE POLICIES AND PROCEDURES AS NEEDED, AND FURTHER, SPECIFICALLY RESERVES THE RIGHT TO CORRECTIVE ACTION AND TERMINATE AN EMPLOYEE AT ANY TIME WITHOUT REGARD TO THE APPLICATION OF THESE POLICIES. NO TERM OR CONDITION OF EMPLOYMENT WILL BE BINDING ON THE DISTRICT UNLESS IT IS APPROVED BY THE BOARD OF DIRECTORS AND IS EMBODIED IN A SEPARATE, WRITTEN AGREEMENT, SIGNED BY THE PRESIDENT OR THE GENERAL MANAGER OF THE DISTRICT. (SEE POLICY NO. 101)**

IV. RESPONSIBILITY

The Board and the General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 103**BOARD-MANAGEMENT-EMPLOYEE RELATIONS****I. OBJECTIVE**

To delegate management authority to the General Manager and his/her staff and to set forth management's expectations of its employees.

II. POLICY CONTENT

The Board hereby delegates the responsibility of management to the General Manager and his/her staff. In addition, the Board delegates to the General Manager full authority to operate the District within established policies and procedures.

The District's general expectations of its employees shall include, but shall not be limited to, those established by this policy.

III. PROVISIONS

The General Manager, supervisory employees, and all other employees shall be guided by the conditions enumerated herein to create a basis for the daily operation of the District. These provisions and guidelines are not all-inclusive, but rather are illustrative, and all management rights not specifically listed are reserved to the District's Board and/or management personnel.

A. The Board grants management the right and management reserves the right to:

1. control and supervise the operation of the District;
2. determine job requirements and the personnel needed;
3. determine crew make-up and size;
4. direct the work force, including assignments of duties;
5. eliminate jobs determined unnecessary;
6. employ, termination, transfer, promote, demote, and corrective action;
7. schedule hours of work, including overtime work;

8. change methods of operation;
 9. subcontract work;
 10. maintain control over standards of performance; and
 11. resolve all problems related to the daily operation of the District, including the interpretation of Board and Administrative policies.
- B. Management expects each District employee to:
1. respect the position, dignity, and rights of all other employees;
 2. perform his/her work in an efficient manner and in the best interest of the District;
 3. protect and preserve the property of the District to the best of his/her ability;
 4. hold inviolate confidential information about the District and its employees; and
 5. conduct himself/herself with members and the general public in such a way as to reflect favorably upon the District.

IV. RESPONSIBILITY

The General Manager, supervisory management, and individual employees shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 104**ATTITUDE, SPIRIT, AND COOPERATION****I. OBJECTIVE**

To encourage cooperation and a positive attitude between employees and their supervisors, the customers, and other employees.

II. POLICY CONTENT

District employees are expected to perform their jobs in a courteous and professional manner. Employees are expected to use the District's problem-solving procedure to resolve misunderstandings or disagreements that could otherwise affect the employees' ability to do their jobs in an efficient and positive manner.

III. PROVISIONS

Bad attitudes, griping, complaining, rudeness, surliness, and so forth are characteristics that everyone occasionally exhibits. However, when such behavior continues on a day-to-day basis, it can cause conflicts and disruptions that result in inefficient job performance and, if exhibited in the presence of the District's customers, a loss of goodwill.

The District recognizes that everyone has an occasional bad day, but rude or surly conduct will not be tolerated from anyone on a consistent basis. Employees should use the grievance procedure (Policy No. 301) when they have complaints about their working conditions. Even when complaints cannot be resolved to their satisfaction, employees are expected to perform their jobs in a cooperative, courteous, and professional manner. The failure to do so may result in corrective action, including termination.

IV. RESPONSIBILITY

The General Manager, through his/her department managers, shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 105**EQUAL EMPLOYMENT OPPORTUNITY, AND NONDISCRIMINATION****I. OBJECTIVE**

- A. To establish and maintain a continuing policy of equal employment opportunity that will ensure compliance with state and federal civil rights laws and the rules and regulations of federal and state civil rights compliance agencies, including the federal Equal Employment Opportunity Commission, and the United States Department of Agriculture.

II. POLICY CONTENT

The District will recruit, employ, and promote employees in all job classifications without regard to race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability (including physical or mental impairment), marital status, genetic information, or veteran status.

III. PROVISIONS

- A. The District bases employment and promotional decisions solely upon an individual's qualifications for the position to be filled.
- B. The District will ensure that all terms and conditions of employment and all personnel actions, such as hiring, promotion, compensation, benefits, transfers, probation, termination, layoffs, recalls, training programs, educational programs, tuition aids, and social and recreational programs (to the extent that any of the foregoing currently exist or will in the future be adopted) will be administered without regard to race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability (including physical or mental impairment), marital status, genetic information, or veteran status.
- C. The District will make reasonable efforts to accommodate the disabilities of qualified applicants and employees. Accommodations will be made so long as they do not create an undue hardship. Qualified individuals with a disability are encouraged to discuss their need for an accommodation with their supervisor.

Any supervisor receiving a request for a reasonable accommodation should report the request to the General Manager. The General Manager, in conjunction with the affected employee and the employee's supervisor, and

using reasonable resources available, shall determine what, if any, effective accommodations exist. The General Manager shall then determine what accommodations are reasonable, and, if more than one reasonable accommodation exists, what reasonable accommodation will be made.

- D. The District will not tolerate retaliation against employees who oppose discriminatory practices made unlawful under federal and state civil rights laws or who participate in any way in an investigation under federal or state civil rights laws.
- E. The District will not tolerate harassment based on an employee's race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, marital status, or disability, or any other protected status. An employee should immediately report any incident of harassment, following the procedures set forth in Policy No. 307.
 - 1. Any employee violating the policy against harassment may be subject immediately to corrective action up to termination.

IV. RESPONSIBILITY

- A. Department heads shall meet with employees as often as necessary to explain the District's harassment policy.
- B. The Board shall review and approve any changes in the policy statement.
- C. The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: January 1, 1977

REVISED EFFECTIVE DATE: March 21, 2022

POLICY NO. 107**EMPLOYMENT AND PLACEMENT OF EMPLOYEES****I. OBJECTIVE**

To set forth procedures that will enable the District to employ qualified individuals in every position that becomes available, while complying with all laws affecting the employment and placement of employees.

II. POLICY CONTENT

The District shall attempt to employ qualified individuals in every position that becomes available. The District will also comply with all laws affecting the employment and placement of employees.

III. PROVISIONS**A. Applications and Employment of New Employees**

1. The District provides equal employment opportunity and practices nondiscrimination. The District will not discriminate on the basis of race, color, religion, sex- (including pregnancy, childbirth, or related medical conditions), national origin, age, disability (including physical or mental impairment), marital status, or veteran status as set forth in Policy No. 105, Equal Employment Opportunity and Nondiscrimination.
2. In accordance with the Rehabilitation Act of 1973 and the Americans With Disabilities Act, no applicant for employment will be required to undergo a physical examination prior to being offered a position with the District. An applicant will be required to undergo a physical examination, which shall include alcohol and controlled substance testing, after an offer of employment has been made. An offer of employment will be contingent upon the results of the medical examination.
3. Misrepresentation or omission of relevant facts in seeking employment will disqualify the applicant from further consideration for employment. In the case of an employee who has already been hired by the District, falsification of information on the employee's application will result in termination. (See Policy No. 302.)

4. Supervisors should notify the General Manager of all expected vacancies. All vacancies shall be posted in the District's designated work areas. Qualifications necessary for the job will be posted with the job announcement.
5. The District shall only accept employment applications when applicants are applying for a vacant position.
6. All application forms shall be immediately forwarded to the supervisor responsible for filling the vacancy. The supervisor shall review all application forms, selecting any and all applicants who appear to be qualified for the job vacancy.
7. The supervisor shall select several qualified applicants from the available pool. The supervisor shall be responsible for ensuring that the group selected includes representative numbers of protected category applicants, if possible.
8. The applicants selected shall then be notified by letter or telephone that they should appear for a personal interview. The interview should be conducted by the supervisor and/or a designated employee as appropriate. Reference checks on the applicants selected shall be commenced at this point.
9. The employment of new employees will be made on the basis of job specifications for the open position. Such specifications shall include the education and work experience required, and the skills and abilities (mental or physical) that must be demonstrated.
10. Each applicant's experience, training, and references will be measured against the job specifications or qualifications and the position description. During the personal interview, only nondiscriminatory questions should be asked, and the interview should concentrate on the applicant's previous work history and his/her skills as compared to the skills required in the position description. The interviewer(s) shall reduce the interview to a written memorandum, concentrating on the applicant's skills as compared to the objective criteria listed in the position description, and minimizing those subjective criteria such as appearance, attitude, and general demeanor.
11. Based upon the foregoing, the supervisor, with the participation of his/her delegate, if appropriate, shall make the final selection or make a recommendation to the General Manager.
12. Individuals selected for employment from outside the District's existing work force will be required to take a physical examination performed by

a physician selected and paid by the District, in accordance with paragraph III.A.2. of this policy.

13. All new employees must document their employment eligibility completing a Form I-9 and producing proper documentation. One document from List A (found in the instructions for Form I-9) is sufficient to establish both identity and employment eligibility. In the event a List A document is not presented by the employee, then the employee/applicant must present one List B document (identity) and one List C document (employment eligibility).
 - a. The required documentation must be presented by the employee/applicant within three business days of the date employment begins. If the employee/applicant is unable to provide the required document or documents within the time period of three business days, then the individual must present a receipt for the application for the document or documents within three business days and present the required documentation within 90 days of the date employment begins.
 - b. The Staff Secretary shall examine one document from List A or one from List B and one from List C and record the title, issuing authority, number and expiration date (if any) of the documents. The date of hire must be entered on the I-9 form, which must also be signed and dated. A photocopy of the documents presented to prove eligibility may be made. Form I-9 must be retained for three years after the date employment begins or one year after the person's employment is terminated, whichever is later.

B. Internal Transfer of Employees

1. The internal placement of transferring employees will be made on the basis of job specifications for the open position. Such specifications shall include the education and work experience required, and the skills and abilities (mental or physical) that must be demonstrated.
2. Present employees are encouraged to make known to the supervisor their desire for transfer to another position. The District prefers to transfer and promote present employees whenever possible, provided that job specification standards are met.
3. Supervisors should notify the General Manager of all expected vacancies. All vacancies shall be posted in designated work areas. Qualifications necessary for the job will be posted with the job announcement.

4. When an employee is transferred, demoted, or reassigned to a lower grade position, the employee's pay will be reduced to fit the rate range of the lower grade position. Management will determine what the employee's new pay rate will be.
5. Should an employee, in the judgment of the District, become physically unable to perform the essential functions of his/her position, then the following procedure may be utilized.
 - a. The employee will submit to an examination by a physician. If the examination verifies that the employee is physically or mentally unable to safely perform his/her job duties, the District will endeavor to reasonably accommodate the employee in his/her current position. If accommodation is not possible without undue hardship, then the District will try to place the employee in another position if a vacancy exists and the employee is qualified to fill the vacancy.
 - b. If the foregoing accommodations do not permit placement of the employee and the employee will not be able to return to employment within a reasonable period of time, the employee will be separated from employment by resignation, termination, or retirement.

C. THESE PERSONNEL POLICIES ARE INTENDED AS GUIDELINES ONLY. IN NO WAY SHALL THESE POLICIES AND PROCEDURES BE, OR BE CONSTRUED TO BE, A CONTRACT, AGREEMENT, UNDERSTANDING, OR OTHER CONTRACTUAL UNDERTAKING BETWEEN THE DISTRICT AND ANY APPLICANT FOR EMPLOYMENT OR EMPLOYEE. THE DISTRICT SPECIFICALLY RESERVES THE RIGHT TO VARY FROM THESE POLICIES AND PROCEDURES AS NEEDED, AND FURTHER, SPECIFICALLY RESERVES THE RIGHT TO CORRECTIVE ACTION AND TERMINATE AN EMPLOYEE AT ANY TIME WITHOUT REGARD TO THE APPLICATION OF THESE POLICIES. NO TERM OR CONDITION OF EMPLOYMENT WILL BE BINDING ON THE DISTRICT UNLESS IT IS APPROVED BY THE BOARD OF DIRECTORS AND IS EMBODIED IN A SEPARATE, WRITTEN AGREEMENT, SIGNED BY THE PRESIDENT OR THE GENERAL MANAGER OF THE DISTRICT. (SEE POLICY NO. 101.)

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995

REVISED EFFECTIVE DATE: March 21, 2022

POLICY NO. 108**PHYSICAL EXAMINATIONS****I. OBJECTIVE**

To ensure that employees are able to safely perform the essential functions of their jobs.

II. POLICY CONTENT

- A. All new employees are required to submit to a physical examination before reporting for work. Employment is conditional on the results of the physical exam.
- B. Any employee, who in the judgment of the District, is unable to perform the essential functions of their job will also be required to submit to a physical examination.

III. PROVISIONS

- A. A physical examination which shall include a drug and alcohol test, shall be compulsory for every new employee prior to reporting for work; the physical examination shall be scheduled and authorized after an applicant has been offered a position with the District. The cost of the physical shall be paid by the District. While employment will be made conditional on the results of the medical exam, the medical requirements will be job related and consistent with business necessity. The District will not use the medical exam to discriminate against qualified individuals with disabilities.
- B. The General Manager may require a physical examination of any employee to determine the employee's ability to perform the essential requirements of his/her job, should the General Manager have a reasonable suspicion that the employee is unable to perform such duties. Such examinations shall be limited to determining whether the employee can safely perform the essential requirements of his/her job.
- C. Hearing tests and other physical examinations will be conducted as required by applicable occupational safety and health regulations for all employees. Such examinations may include a baseline examination, annual examinations, and other examinations as required by applicable occupational safety and health regulations.

- D. All information collected during the medical exam will be maintained in a separate medical file. Information regarding the medical condition or history of an employee will not be maintained in the employee's personnel or employment file.
- E. All medical information will be treated as confidential except in the following situations:
 - 1. Supervisors and managers may be informed regarding necessary medical restrictions on the work or duties of employees and necessary accommodations.
 - 2. First aid and safety personnel may be informed if an employee has a disability that might require emergency treatment.
 - 3. Information may be released to government officials investigating compliance with the Americans with Disabilities Act or the Nebraska Fair Employment Practice Act upon request and when relevant.
 - 4. Information shall be made available in accordance with the Nebraska Workers Compensation Act.
- G. Physical examinations will not include HIV or AIDS tests.

EFFECTIVE DATE: January 1, 1977

REVISED EFFECTIVE DATE: May 20, 1997
January 15, 2019

POLICY NO. 109**EMPLOYEE AND INDEPENDENT CONTRACTOR CLASSIFICATIONS****I. OBJECTIVE**

To define employee and independent contractor classifications used by the District.

II. POLICY CONTENT

The District's employees shall be classified as (1) temporary, (2) part-time, and (3) regular. Independent contractors and their employees are not employees of the District.

III. PROVISIONS

A. The following classifications and conditions of employment shall be applied to District employees.

1. Temporary Employee

A temporary employee is an individual employed for limited period of time or to perform work on a temporary project. Such temporary vacancies may be occasioned by vacation schedules and/or extended illnesses of employees. A temporary employee is normally employed for a period not to exceed 1,000 working hours during any continuous 12-month period.

Temporary personnel shall be paid in accordance with the level of work they are performing. Where skilled personnel are required, they will be paid at least the minimum of the grade in which the position falls, providing performance justifies such pay grade.

A temporary employee does not:

- a. earn sick leave credits,
- b. earn vacation leave credits,
- c. receive pay for holidays not worked, or
- d. participate in employee insurance benefit programs other than workers' compensation or other legally mandated benefits.

2. Part-time Employee

An employee who works less than 1,000 hours in a continuous 12-month period and who has a recurring schedule of work hours shall be classified as a part-time employee. Such regular, part-time status shall confer no rights to placement in a regular position but may afford rights over temporary employees.

Part-time employees do not:

- a. earn sick leave credits,
- b. earn vacation leave credits,
- c. receive pay for holidays not worked, or
- d. participate in employee insurance benefit programs other than workers' compensation or other legally mandated benefits.

Part-time employees do participate in the retirement program if they meet the minimum age, service, and coverage requirements of the plan and/or ERISA.

3. Regular Employee

An employee who works 1,000 hours or more in a continuous 12-month period shall be classified as a regular employee. By use of the term "regular employee" to describe a classification of employment, it is not meant that any regular employee has an indefinite right to his/her job. The District recognizes that the employee may terminate his/her position at any time, upon proper notification, and the District retains the same right.

Regular employees do:

- a. earn sick leave credits,
- b. earn vacation leave credits,
- c. receive pay for holidays not worked, and
- d. participate in employee insurance and benefits programs.

- B. Independent contractors and their employees are not employees of the District. An independent contractor is a person classified by the District as an independent

contractor as evidenced by the District's failure to withhold taxes from his or her compensation, even if the individual really is the District's common law employee. While a person is performing services in this classification, he or she will not be entitled to participate in any benefit, insurance program, or retirement plan offered to the District's employees.

C. Employment-at-Will

NOTHING IN THE POLICY SHALL BE CONSTRUED TO BE A CONTRACT, AGREEMENT, OR UNDERSTANDING BETWEEN THE DISTRICT AND ANY APPLICANT FOR EMPLOYMENT OR ANY EMPLOYEE, WHICH ALTERS THE EMPLOYMENT-AT-WILL RELATIONSHIP IN ANY WAY. THE DISTRICT SPECIFICALLY RESERVES THE RIGHT TO CORRECTIVE ACTION AND TERMINATION EMPLOYEES AT ANY TIME, FOR ANY REASON OR NO REASON, WITHOUT REGARD TO THIS OR ANY OTHER POLICY.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995

REVISED EFFECTIVE DATE: March 21, 2022

POLICY NO. 110**PERFORMANCE APPRAISAL****I. OBJECTIVES**

- A. To fulfill the District's obligation to inform the employees of how well they are performing their job duties;
- B. To assure both management and all other employees, that performance will be appraised systematically and fairly;
- C. To provide each employee the advice, counsel, and training necessary to assist them in meeting established standards of performance, to allow them to demonstrate abilities and potentialities in their present position, and to encourage them to prepare themselves for more rewarding positions of greater responsibility;
- D. To create a systematic basis for compensating employees according to their contribution to the total effort of the District.

II. POLICY CONTENT

In accordance with the above objectives, the Board of Directors have established the following policy:

- A. A formal and systematic performance appraisal plan for all employed personnel shall be established, maintained, and administered on a continuing definite schedule.

III. PROVISIONS

- A. Each supervisor will conduct an appraisal of the performance of each employee coming under his/her immediate supervision, six months after date of employment, twelve months after date of employment, eighteen months after date of employment, and once each year thereafter on the employees' anniversary date. Additionally, the "Performance Appraisal" process will be conducted in all instances of change of position.
- B. A written appraisal shall be completed for all employees. An "Employee Appraisal" form may be used for the written appraisal. Appraisals will emphasize appraisal of performance and not personal traits, except that habit

patterns, characteristics, and attitudes which affect performance, will be given due consideration in appraisal and in counseling.

- C. Appraisals shall be made against complete position responsibility guides, which shall be carefully reviewed prior to each appraisal.
- D. All appraisals will be reviewed by the General Manager and one or more other persons, who are above the organization level of the appraised. The appraisal reviewers are to advise and assist the appraiser in making an objective final appraisal.
- E. Upon completion, the appraisal shall be discussed with the employee by the immediate supervisor. The discussion shall include giving full credit for accomplishments, reviewing areas requiring improvement, and outlining a plan of action which will lead to the development of the employee.
- F. Special training workshops will be conducted for all supervisors in order to prepare them for appraisals, interviews, and counseling sessions.
- G. **NOTHING IN THIS POLICY IS INTENDED TO CONFER UPON AN EMPLOYEE ANY CONTRACTUAL RIGHTS OR TO CHANGE THE EMPLOYMENT-AT-WILL RELATIONSHIP EXISTING BETWEEN THE DISTRICT AND ITS EMPLOYEES. (SEE POLICY NO. 101) THE PROCEDURES OUTLINED ABOVE ARE INTENDED AS GUIDELINES ONLY, AND THE DISTRICT EXPRESSLY RESERVES THE RIGHT TO HANDLE EMPLOYEE EVALUATIONS DIFFERENTLY, DEPENDING ON THE FACTS AND CIRCUMSTANCES PRESENT IN INDIVIDUAL CASES.**

IV. RESPONSIBILITY

This policy shall be administered by the General Manager and others as assigned. The General Manager will be an ex-officio on each appraisal and will review all appraisals for conformity to policy, procedure, and instructions before it is filed in the employee's personnel folder. The General Manager will also advise and assist each supervisors as necessary.

EFFECTIVE DATE: January 1, 1977

REVISED EFFECTIVE DATE: April 20, 1999
January 15, 2019

POLICY NO. 111**EMPLOYMENT OF RELATIVES****I. OBJECTIVE**

To set forth the policy of the District with regard to employment of relatives of Board members and employees of the District.

II. POLICY CONTENT

Relatives of employees and Board members should generally not be employed by the District.

III. PROVISIONS

- A. No relative (spouse, child, brother, sister, parent, aunt, uncle, nephew, or niece,) of a Director or a Director's spouse may be hired by the District. However, this provisions of the policy shall not apply to an existing employee that comes in violation of the policy, by the change in membership of the Board of Directors.
- B. No relative (spouse, child, brother, sister, parent, aunt, uncle, nephew, or niece,) of an employee or an employee's spouse may be hired by the District.
- C. Should two current employees marry, one of them must terminate his/her employment. If the two employees cannot agree who will terminate their employment, the employee with the shortest tenure with the District will be terminated. Such termination must occur within 30 days of the marriage.
- D. The General Manager may use his/her discretion in employing temporary employees who are relatives of Board members or existing employees.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: January 1, 1977

REVISED EFFECTIVE DATE: February 27, 2001

POLICY NO. 112**HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT PRIVACY PRACTICES****I. OBJECTIVES**

To establish guidelines to ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA) privacy rule and the HIPAA security rule and all applicable state laws governing the privacy of health information.

II. POLICY CONTENT

This policy outlines the compliance plan the District has adopted for the 125 Plan, in order to ensure compliance with the HIPAA privacy rule and all applicable state laws governing the privacy of health information.

III. PROVISIONS

A. The Perennial Public Power District (“District”) will take every precaution necessary to ensure that health plan participants’ protected health information is kept confidential.

1. Protected health information (“PHI”), is defined as individually identifiable health information, such as name, social security number, address, type of coverage, and employee/employer contribution, received and held at the district or maintained by a health plan that is transmitted or maintained electronically or in any other form. PHI also includes section 125 information, including the election form, check register from CBA, and monthly activity reports from CBA.
2. EPHI (PHI held in electronic format) includes the following:
 - a. Information in HR system
 - b. Payroll documents, including deduction information in payroll system

B. The District shall appoint a privacy officer who is responsible for protecting individual rights of District employees.

1. Duties of the Privacy Officer may include but are not limited to the following:
 - a. Inventory the uses and disclosures of PHI.
 - b. Ensure legal documentation requirements are met.
 - c. Assist in developing policies and procedures to protect individual rights of District employees.
 - d. Assist in developing the District’s complaint procedures, sanctions and procedures to mitigate the effects of unintentional disclosure.

- e. Monitor developments in the privacy law and ensure ongoing compliance.
 - f. Coordinate HIPAA compliance with other federal laws that may affect the District such as the Family Medical Leave Act (FMLA) and other regulatory guidelines.
- C. The District shall appoint a Security Officer who is responsible for maintaining the security of EPHI.
- 1. The duties of the Security Officer include:
 - a. Serve as an internal information privacy/security consultant to the District
 - b. Document security policies and procedures created by the District
 - c. Provide direct training and oversight to all employees and other parties with information security clearance on the information security policies and procedures.
 - d. Perform information security risk assessments and act as an internal auditor.
 - e. Serve as the security liaison to administrative and behavioral systems as they integrate with their data users.
 - f. Implement information security policies and procedures.
 - g. Review all system-related security policies and procedures.
 - h. Review all system-related security planning throughout the network and act as a liaison to information systems.
 - i. Monitor compliance with information security policies and procedures, referring problems to the General Manager.
 - j. Monitor the access control systems to assure appropriate access levels are maintained.
 - k. Prepare the disaster recovery plan.

- D. The District will not use, disclose or request protected health information without a participants' valid authorization.
1. To be valid, an authorization must be in writing and complete, not be expired or known to have been revoked, not contain any material information known to be false, not impermissibly condition enrollment or eligibility for benefits on the authorization, and not be combined with any other document, except for disclosures of psychotherapy notes, which may be combined.
 2. The authorization must include what will be used or disclosed, who will receive this information, and why they need this information.
 3. An authorization may be sought solely for the purpose of creating PHI for disclosure of the PHI to a third party, i.e. pre-employment physical, drug and alcohol test, DOT physical. Employment may be conditioned on an employee providing an Authorization, which requires a covered health care provider to turn these records over to the District.
 4. Each signed Authorization must be given to the Privacy Officer or his designee who will retain the Authorization for a period of at least six years from the later of (a) the effective date or (b) expiration date, if any.
 5. An individual may revoke an Authorization in writing at any time except to the extent that the District has acted in reliance on the Authorization or, if the Authorization was a condition for enrollment under an insurance contract, where the insurer has the legal right to contest a claim. The individual must deliver the written Revocation Notice to the Privacy Officer or his designee who will notify the relevant Authorized Employee and retain the revocation for a period of at least six years from its effective date.
- E. All employees with access to protected health information will be trained on the HIPAA policies and procedures regarding protected health information that the District has adopted.

V. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 16, 2004

REVISED EFFECTIVE DATE: May 16, 2006
January 15, 2019

POLICY NO. 113**USE OF DISTRICT VEHICLES****I. OBJECTIVE**

To establish a written policy on employee use of District vehicles.

II. POLICY CONTENT

The business of the District requires reasonable diligence to provide consumers with adequate and dependable electric service. To that end, this policy establishes the District's requirements as to the care of and responsibility for assigned vehicles, record keeping requirements to be followed by employees using District vehicles, and income tax consequences, if any, to employees for their use of vehicles.

III. PROVISIONS

- A. Except for the required use of certain vehicles for commuting purposes, no District vehicle shall be used for personal purposes other than de minimis personal use, i.e., stopping on a personal errand while commuting to or from work, or stopping for a meal while engaged in regular business activities on behalf of the District.
- B. Assignment of Vehicle and Responsibility Therefor
 - 1. The General Manager or his/her designee shall be responsible for the assignment of all vehicles to specific employees.
 - 2. Each employee who has been assigned a vehicle shall be responsible for the maintenance and care of the vehicle (at the District's expense) and shall maintain maintenance and mileage logs as required by management.
- C. Use of Certain Vehicles for Commuting Purposes
 - 1. Management shall specify those vehicles that are required to be driven home by employees for bona fide, noncompensatory, business reasons.
- D. Use of Cell Phones or Other Mobile Devices While Operating District Vehicles

1. The use of hand-held cell phones or other hand-held mobile devices such as laptops, ipads, etc. while driving District-owned vehicles is prohibited.
2. Unless a hands-free option is available, employees shall pull the vehicle safely out of traffic and park it prior to initiating or receiving phone calls.

IV. RESPONSIBILITY

The General Manager or his/her designee shall be responsible for the administration of this policy.

EFFECTIVE DATE: January 1, 1977

LAST REVISED EFFECTIVE DATE: April 17, 2012

POLICY NO. 114**CONFIDENTIALITY OF PERSONNEL FILES AND EMPLOYEE PRIVACY RIGHTS****I. OBJECTIVES**

- A. To establish guidelines to govern the confidentiality of employee personnel files;
- B. To establish procedures for employees to review the contents of their personnel file; and
- C. To designate individuals who may access personnel files and to designate responsibility to those individuals for maintaining the confidentiality of those files.

II. POLICY CONTENT

Because employee personnel files are confidential in nature, access to such files is limited. However, employees shall have the right to inspect their personnel files and insert statements into the file concerning the information contained therein.

III. PROVISIONS

- A. Personnel files are the property of the District. They shall not be removed or copied by anyone without the written permission of the General Manager.
- B. Information contained in personnel files is confidential and shall be treated as such. Improper disclosure of confidential information will result in corrective action up to and including termination.
- C. Central personnel files are in the official custody of the General Manager. Access to central personnel files is restricted to the General Manager, his/her secretary, and department heads.
- D. Other personnel information, including medical information and information kept by supervisors, the payroll department, or the credit union, shall be subject to the terms and conditions of this policy.
- E. Employee Rights

1. Upon written request, employees shall be granted the opportunity to review their personnel files. Inspection shall occur during normal office hours and in the presence of the General Manager or his/her delegate. Such review shall take place at the location where the personnel files are maintained. The General Manager shall sign and date the log.
2. No employee may remove or alter any information contained in his/her personnel file.
3. An employee may insert a written statement concerning any information or matter contained in the employee's personnel file with which he/she disagrees or objects. The employee may also file a written protest to the General Manager requesting removal of such information. The General Manager shall determine whether contested information shall remain or be removed from the employee's personnel file.
4. Employees shall not have access to files relating to the investigation of a possible or alleged criminal offense by the employee.

F. Access to Personnel Files

1. No employee, including supervisors, may have access to the personnel file of any other employee unless they have a legitimate business necessity to have information contained in the file. Such access to personnel files shall be obtained through the General Manager or his/her delegate and not through direct access.
2. Personnel files are available to the Board as an entity but not to individual members of the Board unless the Board, by express resolution, authorizes an individual Board member to inspect personnel files.

3. Outside Inquiries

Inquiries from outside this organization concerning personnel file data (verification of employment, credit checks, etc.) shall be referred to the General Manager for reply. Responses to requests for information shall be limited to the release of the employee's dates of employment and positions held with the District, unless the employee has provided written authorization for the release of further information.

4. Litigation Inquiries

Requests by litigants (including administrative agencies) for information from personnel files or for copies of personnel files shall not be honored unless:

- a. the District's general counsel authorizes such release; or
 - b. the request for such copies is accompanied by a search warrant or a duly authorized subpoena, in which case the District's general counsel shall be consulted regarding whether the personnel files will be turned over or whether appropriate legal action will be instituted to quash such request.
- G. Medical information (including results from alcohol and controlled substance testing) shall be maintained in files separate from employee personnel files. Employees shall have unlimited access to their medical file. Medical information is to be treated as confidential information except that the information may be released in the following situations.
1. Supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.
 2. First aid and safety personnel may be informed of a disability that might require emergency treatment.
 3. Government officials investigating compliance with the Americans With Disabilities Act of 1990 or the Nebraska Fair Employment Practice Act shall be provided relevant information upon request.
 4. Information shall be made available in accordance with the Nebraska Workers Compensation Act.

IV. RESPONSIBILITY

A. General Manager

The General Manager shall be responsible for the administration of this policy.

B. Supervisors

Supervisors are responsible for communicating this policy to employees, reporting to them and for enforcing its provisions through the use of corrective action.

C. Employees

Employees gaining access to confidential information shall be held accountable for maintaining the confidentiality of such information.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 115**ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS****I. OBJECTIVES**

The purpose of this policy is to provide employees and their designated representatives a right of access to relevant exposure and medical records in conformance with 29 CFR Part 1910.1020.

II. POLICY CONTENT

This policy applies to all employee exposure and medical records, and analyses thereof, of such employees, whether such records are made or maintained by the system, or by the physician or other health care personnel in charge of employee medical records. Except as expressly provided, nothing in this policy is intended to affect existing legal and ethical obligations concerning the maintenance and confidentiality of employee medical information or the duty to disclose information to a patient/employee or any other aspect of the medical care relationship. The system shall ensure compliance with the preservation and access requirements of this policy. For purposes of this policy, medical and exposure records are those records defined in 29 CFR Part 1910.1020.

III. PROVISIONS**A. Preservation of Medical and Exposure Records**

1. Unless otherwise required by federal law, medical and exposure records for each employee shall be preserved and maintained for the duration of employment plus thirty (30) years except for the following records which need not be retained at all or for any specified period, except at the system's discretion:
 - a) Health insurance claims;
 - b) First aid records of one-time treatment for minor injuries not involving medical treatment, loss of consciousness, restriction of work or motion, or job transfer if made on-site by a non-physician and maintained separately from system medical records;
 - c) Medical records for employees who have been employed by the system for less than one (1) year and which are given to the employee upon termination or separation.

B. Access to Records

1. The system shall assure that access to medical or exposure records is provided in a reasonable time, place, and manner whenever requested by an employee or his/her designated representative. If the system cannot reasonably provide access within fifteen (15) working days, the system shall within the fifteen (15) working days apprise the employee or designated representative requesting the record of the reason for the delay and the earliest date when the record can be made available. The system may only require of the requester such information as should be readily known to the requester, and which may be necessary to locate or identify the records requested, such as work dates and locations.
2. Whenever an employee or designated representative requests a copy of a record, the system shall assure that either a copy of the record is provided without cost, copying facilities are made available without cost, or the record is loaned to the employee or his/her representative for a reasonable fees for additional copies, but only as provided under 29 CFR Part 1910.1020(e)(1)(v). Access to original X-rays may be restricted to on-site examination.
3. The system shall assure the access of each employee to employee exposure and medical records of which the employee is the subject upon the employee's request; however, specific written consent must first be given by the employee to any designated representative requesting the same.
4. The system shall, upon request, and without any derogation of any rights under the Constitution or the Occupational Safety and Health Act that the system chooses to exercise, assure the prompt access of OSHA representatives to employee exposure and medical records. Whenever OSHA seeks access to personally identifiable employee medical information by presenting to the system a written access order pursuant to 29 CFR Part 1913.10(d), the system shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen (15) working days.

C. Employee Information

A copy of 29 CFR Part 1910.1020 and its appendices shall be made available to any employee upon request. Any material concerning Part 1910.1020 sent by OSHA to the system shall also be distributed to all employees.

IV. RESPONSIBILITY

The Safety Coordinator shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 15, 1997
January 15, 2019

POLICY NO. 116**RIGHT-TO-KNOW (HAZARDOUS MATERIALS)****I. OBJECTIVES**

- A. To create a comprehensive system that provides employees and others with information about hazardous materials that are present in the workplace; and
- B. To comply with federal laws that regulate hazardous materials and the right to know about such materials.

II. POLICY CONTENT

The District shall provide training and information to all employees who may encounter hazardous materials in the course of their employment so they can protect and maintain their health and safety. Information shall be provided to emergency service personnel in accordance with local and federal law. The District shall comply with all applicable legal requirements regarding procurement, use, storage, transfer, and disposal of hazardous materials.

III. PROVISIONS

- A. The District recognizes that employees and others have a right to know the hazards presented by materials used or stored in the workplace. Information regarding hazardous materials at District facilities is provided to employees and others so that no individual needs to be exposed to conditions that may be hazardous to his/her health and safety.
- B. Workplaces are evaluated regularly for the presence of hazardous materials. This information is documented in an inventory listing.
- C. Employees will be trained about the hazardous materials used in their jobs prior to being assigned to work with the materials and whenever a new hazard is introduced into their workplace. In addition, employees will receive annual training concerning hazardous materials in the workplace.
- D. The District maintains the most current Material Safety Data Sheet received from manufacturers or distributors for each hazardous chemical purchased. Employees shall have access to information on hazardous materials, including the Material Safety Data Sheets. In addition, the District shall post a notice to

employees informing them of their rights regarding hazardous materials under federal law.

- E. Employees shall receive training that shall include methods and observations that may be used to detect the presence or release of a hazardous chemical in a work area, the health hazards of the chemicals in the workplace, and the measures that employees can take to protect themselves from such hazards. Employees shall also receive training explaining the details of the District's hazard communication program which includes explanations of labeling systems and Material Safety Data Sheets and any specific procedures the District has implemented to protect employees from exposure to hazardous chemicals.
- F. Employee training on hazardous materials is documented and a record of the training is maintained by the District's Safety Coordinator.
- G. The District shall release chemical information to outside sources in accordance with the requirements of state and federal law. Pursuant to the Superfund Amendments and Reauthorization Act of 1986, Title III (SARA), the District will take the following actions:
 - 1. The District will mail a written notice to the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) of any chemicals it stores or uses that are on the Environmental Protection Agency's (EPA) List of Extremely Hazardous Substances in excess of the Threshold Planning Quantity.
 - 2. If the District has any chemicals on the EPA's List of Extremely Hazardous Substances, the District will identify a company representative who will participate with the LEPC in emergency planning.
 - 3. The District will immediately notify both the LEPC and SERC (and later file a written report) if there is a hazardous substance release which exceeds the Reportable Quantity of chemicals on either of the following lists: EPA's List of Extremely Hazardous Substances; CERCLA List of Hazardous Substances.
 - 4. The District will file a Hazardous Chemical Report with the fire department, LEPC, and SERC. The report will include all chemicals at or above the threshold quantity that are listed on EPA's List of Extremely Hazardous Substances or OSHA's Hazardous Chemical List. The Hazardous Chemical Report will be refiled if chemicals are added to or deleted from the District's inventory.

5. Annually, on March 1, the District will submit an Emergency and Hazardous Chemical Inventory Form to the local fire department, LEPC, and SERC. The inventory form will include all chemicals at threshold quantities on OSHA's Hazardous Chemicals List.

- H. The District shall respond to a request for information relative to the work environment from an employee's treating physician.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 19, 1996
January 15, 2019

POLICY NO. 117**PUBLIC SAFETY****I. OBJECTIVE**

To establish procedures and conditions that safeguard the District's members and the general public from potentially dangerous electrical conditions.

II. POLICY CONTENT

District members and the general public should never come into contact with electrical power lines. When potentially hazardous conditions are observed, District members and the general public should alert the District to the condition.

III. PROVISIONS

- A. The District, in the construction, operation, and maintenance of its electrical system, will at all times adhere to the provisions outlined in the most current edition of the National Electrical Safety Code (NESC), unless specifically required by other authorities to do otherwise.
- B. It is the responsibility of each employee, contractor, District customer, and general public member to report to the District all unsafe conditions that any such person observes in the District's electrical system. Any employee, contractor, District customer, or member of the general public, upon finding a power line in an unsafe condition or a condition not in compliance with NESC clearances should immediately notify the District concerning the unsafe condition. District employees and contractors should stand by to guard against hazardous conditions until they are relieved or until the defect is corrected. District customers and members of the general public are not expected to stand by to guard against hazardous conditions but should notify, in addition to District personnel, law enforcement and emergency personnel respecting the unsafe conditions.
- C. Customers of the District and the general public should always assume that a downed power line or a sagging power line is unsafe. Contact should be strictly avoided, and the District and law enforcement authorities should be notified when such a condition is observed.

- D. Even a power line that appears to be in normal condition is dangerous. Therefore, customers of the District and the general public should always avoid contact with power lines.
- E. If any District customer or member of the general public inadvertently comes into contact with a power line, the incident should be reported immediately to the District. If there are injuries, emergency medical personnel should be contacted immediately. **FURTHER CONTACT WITH THE POWER LINE SHOULD BE STRICTLY AVOIDED, AND THE INCIDENT SHOULD BE REPORTED IMMEDIATELY TO THE DISTRICT. IF THE INCIDENT OCCURRED ON A PUBLIC RIGHT OF WAY, LAW ENFORCEMENT OFFICIALS SHOULD ALSO BE NOTIFIED.**
- F. All accidental contacts involving the District's electric lines, vehicles, or property shall be properly and promptly investigated, with complete accident reports prepared, including photographs and sketches to substantiate written reports.

IV. RESPONSIBILITY

- A. The General Manager will be responsible for the administration of this policy.
- B. Copies of this policy shall be posted in the District's reception area. The contents of this policy shall be provided to customers through the District's 'Perennial News' magazine and social media.

EFFECTIVE DATE: April 18, 1995
January 15, 2019

POLICY NO. 118**DRIVER QUALIFICATIONS****I. OBJECTIVE**

To set forth the requirements for District employees who are subjected to driving District vehicles.

II. POLICY CONTENT

Employees who are required to drive District vehicles must meet certain qualifications in order to be eligible to drive the vehicles.

III. PROVISIONS**A. Definitions**

1. "Class A Commercial Driver's License" shall mean a Nebraska driver's license for operating any combination of motor vehicles and towed vehicles with a Gross Vehicle Weight Rating (GVWR) of more than 26,000 lbs., if the GVWR of the vehicles being towed is in excess of 10,000 lbs.
2. "Class O driver's license" is defined as a Nebraska operator's license which authorizes the person to operate on highways and motor vehicle except a commercial motor vehicle or motorcycle.
3. A "commercial motor vehicle" is defined as any self-propelled or towed vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle: (1) has a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more; or (2) is designed to transport 16 or more passengers, including the driver; or (3) is used in transporting materials that are hazardous and require the motor vehicle to be placarded.
4. A "commercial driver's license" is defined as a driver's license required to operate commercial motor vehicles. For purposes of this policy, commercial driver's license shall be referred to as CDL.
5. "DMV" shall mean Nebraska Department of Motor Vehicle.

B. Application for Employment

1. An applicant for employment with the District for a position that will require driving a commercial motor vehicle shall complete a 'Driver's Supplemental Application for Employment' form.
2. During the application process the District shall inform the applicant that the information he/she provides pertaining to employment history may be used, and the applicant's previous employers may be contacted for the purpose of investigating the applicant's background and driving experience.
3. The Driver's Supplemental Application for Employment form shall contain the applicant's:
 - a. Employment history;
 - b. Accident and traffic conviction record for the past three years;
 - c. Driver licenses or permits held for the past three years;
 - d. Driving experience.

C. Driver Qualification File

1. The District shall maintain a driver qualification file for each driver it employs. The driver qualification file shall be kept separate from the employee's personnel file.
2. The driver qualification file shall contain the following:
 - a. The Driver's Supplemental Application for Employment;
 - b. The response of the Nebraska DMV to the annual driver record inquiry required by this policy, and a note that the District has reviewed the response;
 - c. The form provided by each driver that is required to operate a commercial motor vehicle, as is described in Section III.D. of this policy;
 - d. Any other matter that relates to the driver's qualifications or ability to drive a motor vehicle safely.
3. The driver qualification file shall be kept at the District's principle place of business for as long as the driver is employed by the District and for three years thereafter.

D. Record of Violations

At least once every 12 months, the District shall require each driver to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances (other than violations involving only parking) of which the driver has been convicted or on account of which he/she has forfeited bond or collateral during the preceding 12 months. If the driver has not been convicted of or forfeited bond or collateral on account of any violation which must be listed, he/she shall so certify. The District shall supply the drivers with a form for listing motor vehicle violations. The completed form shall be retained as part of the driver's qualification file.

E. Annual Inquiry into Driving Record

The District shall, at least once every 12 months, make an inquiry into the driving record of each driver it employs, covering at least the preceding 12 months, to the Nebraska DMV. A copy of the response from DMV shall be maintained in the driver's qualification file.

F. CDL Standards, Requirements and

Employees required to drive commercial motor vehicles as defined in 49 C.F.R. § 383.5 must have a Nebraska CDL. Drivers must obtain CDLs from the Nebraska Department of Motor Vehicles. A driver applying for a CDL may be required to take a road test in a vehicle that is representative of the type of vehicle the driver operates or expects to operate, and written knowledge tests. In addition, all drivers with CDLs must meet the following requirements:

1. No person who operates a commercial motor vehicle shall at any time have more than one driver's license.
2. Any driver holding a CDL who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control in this or any other state (other than a parking violation) must notify the District of the conviction, in writing, within 30 days after the date of the conviction. Such notifications shall contain the (a) driver's full name; (b) driver's license number; (c) date of conviction; (d) the specific criminal or other offense, serious traffic violations, and other violation of State or local law relating to motor vehicle traffic control, for which the person was convicted and any suspension, revocation, or cancellation of certain driving privileges which resulted from such conviction; (e) indication whether the violation was in a commercial motor vehicle; (f) location of offense; and (g) driver's signature.
3. Any driver who has a driver's license suspended, revoked, or canceled, or who loses the right to operate a commercial motor vehicle, or who is disqualified from operating a commercial motor vehicle for any period

shall notify the District of such suspension, revocation, cancellation, lost privilege, or disqualification before the end of the business day following the day the employee received notice of suspension, revocation, cancellation, lost privilege, or disqualification.

4. An employee driver shall not operate a District commercial motor vehicle during any period in which: (a) the employee has a commercial motor vehicle driver's license suspended, revoked, or canceled, or has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; (b) the employee has more than one commercial motor vehicle driver's license; or (c) the employee, the commercial motor vehicle he/she is driving, or the District is subject to an out-of-service order. No employee driver shall operate a commercial motor vehicle in violation of a Federal, State or local law or regulation pertaining to railroad-highway grade crossings.
5. Driver Disqualification

The offenses listed below can occur while operating a commercial motor vehicle or a non-commercial motor vehicle. A driver convicted of such offense while operating a commercial motor vehicle will be disqualified from driving a commercial motor vehicle. The period of disqualification may vary depending on the offense, the type of vehicle being operated at the time the offense occurred, and the number of prior convictions.

- (a) Operating a commercial motor vehicle while under the influence of alcohol. This shall include: (1) driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or greater; (2) driving under the influence of alcohol, as prescribed by State law; or (3) refusal to undergo such testing as required by any State or jurisdiction.
- (b) Being under the influence of a controlled substance;
- (c) Leaving the scene of an accident;
- (d) Driving a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle;
- (e) Violating State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident;

- (f) Driving a commercial motor vehicle without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.
 - (g) Any other violation that results in a loss of a driver's license.
- G. Employees, whose job duties require them to drive a commercial motor vehicle for the District, who become disqualified from driving a commercial motor vehicle will be subject to corrective action up to and including termination.
- H. Employees that are subjected to only driving lightweight vehicles (cars and pickups) must have and maintain a Class O drivers license.
- I. The District shall fund the amount of the Class A Commercial Drivers License fee that exceeds the cost of a Class O license.
- J. Employee traffic violation citations shall be the personal responsibility of the employee. Any fines or costs associated with these citations shall be paid for by the employee involved.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration and implementation of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 119**ANTIDISCRIMINATION AND CONFIDENTIALITY REGARDING HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)****I. OBJECTIVE**

- A. To ensure that all individuals who have tested HIV positive or who are suspected of having the HIV are not discriminated against with regard to any employment opportunities;
- B. To provide safe working conditions for all employees; and
- C. To assure HIV infected individuals that all information regarding their condition will remain strictly confidential.

II. POLICY CONTENT

The District shall comply with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Nebraska AIDS Discrimination Act which prohibit discrimination on the basis of HIV infection. Such laws are premised on the current consensus of the medical and scientific communities that HIV transmission does not occur through casual body contact typical of the workplace. Therefore, the District shall not discriminate against persons who are infected or are suspected of being infected with the HIV, who have taken or are going to take an HIV or antigen test, or who have or who are suspected of having AIDS. Any information supplied to the District regarding an employee's condition in regard to HIV infection or AIDS shall be strictly confidential. In addition, no employee shall be required to submit to HIV testing as a requirement of employment.

III. PROVISIONS

- A. The District will educate its employees concerning HIV infection and AIDS and their impact on the workplace. The District will continue to monitor the accepted medical and scientific opinions concerning the transmission of the HIV and shall revise this policy as necessary to maintain a safe workplace for all employees.
- B. The District shall not discriminate against employees or applicants who have been exposed to the HIV, are suspected of being infected with the HIV, have taken an HIV or antigen test, or are infected with the HIV. The District shall

hire and continue to employ such persons as long as they are qualified to perform the essential functions of their job in accordance with District standards.

- C. The District shall not require applicants or employees to submit to HIV testing.
- D. If an employee or applicant believes that he or she may have been exposed to the HIV, he/she is encouraged to submit to voluntary testing to determine whether the virus is present.
- E. As with any other disability, the District will make reasonable efforts to accommodate the needs of an employee afflicted with AIDS. The District will attempt also to preserve the safety and morale of all employees.
- F. The District will make every effort to assist HIV infected employees with any benefits to which they might be entitled under either group medical insurance or disability insurance.
- G. All medical information, including information concerning HIV infection, is confidential and shall only be release pursuant to Policy No. 114, Section III.G.
- H. Any unauthorized disclosure of information relating to an individual's condition shall be a violation of District policy.
- I. Any employee or applicant having questions about this policy or wishing to have further information about AIDs or the human immunodeficiency virus should contact the General Manager.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy and for delegating the establishment of an HIV and AIDS educational program to a ranking management official.

EFFECTIVE DATE: August 17, 2004

POLICY NO. 120**RESIDENCY REQUIREMENTS FOR EMPLOYEES SUBJECT TO ON-CALL DUTY****I. OBJECTIVE**

- A. To establish a residency area for certain trades and crafts employees so that each is able to respond quickly to power outage calls; and
- B. To require that newly-hired employees who are subject to this policy meet the residency requirement.

II. POLICY CONTENT

All employees who are subject to on-call duty must reside in a location that allows them to respond to the District headquarters within 20 minutes.

III. PROVISIONS

- A. Trades and crafts employees subject to on-call duty must reside within a 20 minute travel time, under normal conditions, to the District headquarters.
- B. Newly hired employees who may not initially be subject to on-call duty, but in which will assume such duty as their training and experience increases, shall be given up to six months to move to comply with this policy. Extended time for relocation may be granted at the discretion of management.
- C. This policy shall also apply to current employees who are subject to on-call duty and change the location of their residence due to personal choice.
- D. Compliance with this policy does not create, nor should it be construed to create, an express or implied agreement or promise of continued employment.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 19, 2019

POLICY NO. 121**COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE****I. OBJECTIVE**

To set forth procedures for compliance with the U.S. Department of Transportation's (DOT's) drug-and-alcohol Clearinghouse rule.

II. POLICY CONTENT

The District shall comply with the Clearinghouse rule and conduct pre-employment and annual queries of all employees who hold Commercial Driver's Licenses (CDLs) to collect information about violations of DOT's drug-and-alcohol testing program. The District shall report to the Clearinghouse all violations, refusals, return-to-duty processes, and protest of results of tests conducted through the clearinghouse database. All applicant drivers will be required to electronically consent to this query on the Clearinghouse website in order to receive a conditional offer of employment.

III. PROVISIONS**A. Drug and Alcohol Clearinghouse****1. Pre-employment Query Required**

- a. The District must conduct a pre-employment, full query of the Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has refused to submit to a test; or that an employer has reported actual knowledge that the driver used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance.

2. Annual Query Required

- a. The District must query the Clearinghouse at least once per year for all employees who hold a CDL as an essential job function.
- b. In lieu of a full query, the District may obtain the individual driver's consent to conduct a limited query to satisfy the annual query. The limited query will tell the District whether there is information about the individual driver in the Clearinghouse, but will not release that

information to the District. The individual driver is required as a condition of employment to give a general consent to conduct limited queries that is effective for more than one year.

- c. If the limited query shows that information exists in the Clearinghouse about the individual driver, the District must conduct a full query within 24 hours of conducting the limited query. The individual driver is required to provide an additional consent allowing the District to obtain a full report that specifies violations received. If the District fails to conduct a full query within 24 hours, the District must not allow the driver to continue to perform any safety-sensitive function until the District conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions or violations.

3. Prohibition

- a. The District shall not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test; or that an employer has reported actual knowledge, that the driver used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance, except where a query of the Clearinghouse demonstrates:
 - (i) That the driver has successfully completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O of § 382.701; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.
 - (ii) That, if the driver has not completed all follow-up tests as prescribed by the SAP, the driver has completed the SAP evaluation, referral, and education/treatment process set forth, and achieves a negative return-to-duty test result, and the District assumes the responsibility for managing the follow-up testing process associated with the testing violation.

4. Recordkeeping Required

- a. The District shall retain for at least 3 years a record of each query and all information received in response to each query made under this section.

B. Driver Consent to Permit Access to Information in the Clearinghouse

1. The District shall not query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent. The District shall retain the consent for 3 years from the date of the last query.
2. Before the District may access information contained in the driver's Clearinghouse, the driver must submit electronic consent through the Clearinghouse granting the District access to the following specific records:
 - a. A verified positive, adulterated, or substituted controlled substances test result;
 - b. An alcohol confirmation test with a concentration of 0.04 or higher;
 - c. A refusal to submit to a test;
 - d. An employer's report of actual knowledge of:
 - (i) On duty alcohol use;
 - (ii) Pre-duty alcohol use;
 - (iii) Alcohol use following an accident; and
 - (iv) Controlled substance use;
 - e. An SAP report of the successful and completion of the return-to-duty process;
 - f. A negative return-to-duty test; and
 - g. An employer's report completion of follow-up testing.
3. A driver granting consent must provide consent electronically to the Agency through the Clearinghouse prior to release of information to the District. If at any time an individual driver refuses to provide the District consent to obtain Clearinghouse information, the individual driver will be immediately removed from safety-sensitive functions (driving), and will

be subject to corrective action, including and up to, termination from employment.

C. Reporting to the Clearinghouse

1. The District.

a. The District shall report the following information about a driver to the Clearinghouse by the close of the third business day following the date on which they obtained that information:

- (i) An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- (ii) A negative return-to-duty test result;
- (iii) A refusal to test
- (iv) A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report.

b. The information required to be reported must include, as applicable:

- (i) Reason for the test;
- (ii) Driver's name, date of birth, and CDL number and State of issuance;
- (iii) The District's name, address, and USDOT number;
- (iv) Date of the test;
- (v) Date the result was reported; and
- (vi) Test result. The test result shall be one of the following:
 - (A) Negative (only required for return-to-duty tests administered in accordance with § 382.309)
 - (B) Positive; or
 - (C) Refusal to take a test.

c. For each report of a violation, the District must report the following information.

- (i) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
 - (ii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable).
- d. The District shall report the following violations by the close of the third business day following the date on which the District obtains actual knowledge of:
 - (i) On-duty alcohol use;
 - (ii) Pre-duty alcohol use;
 - (iii) Alcohol use following an accident; and
 - (iv) Controlled substance use.
- e. For each violation, the District shall report the following information:
 - (i) Driver's name, date of birth, CDL number and State of issuance;
 - (ii) The District's name, address and USDOT number, if applicable;
 - (iii) Date the the District obtained actual knowledge of the violation;
 - (iv) Witnesses to the violation, if any, including contact information;
 - (v) Description of the violation;
 - (vi) Evidence supporting each fact alleged in the description of the violation which may include, but is not limited to affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation.

2. C/TPAs

The District may, in its sole discretion, designate a C/TPA to perform the District's reporting requirement. The District shall enter into a contract with a designated C/TPA that expressly states C/TPA shall bear responsibility for reporting to the Clearinghouse on behalf of the District.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

SERIES 200

COMPENSATION AND BENEFITS

POLICY NO. 201**WORKWEEK, WORKDAY, ON-CALL, CALL-OUTS, AND OVERTIME
COMPENSATION****I. OBJECTIVE**

The Fair Labor Standards Act, as amended, and interpretive bulletins issued by the U.S. Department of Labor establish rules and regulations that are used by the Department of Labor to determine what constitutes working time. The purpose of this policy is to set forth the application of these rules and regulations to the District's employees.

II. POLICY CONTENT

The District shall comply fully with the Fair Labor Standards Act, as amended, and Department of Labor rules and regulations pertaining to payment for overtime worked. This policy shall apply only to employees covered by the overtime provisions of the Fair Labor Standards Act, as amended (nonexempt employees).

III. PROVISIONS

A. The normal work hours and workweek for all employees are as follows:

1. The District's normal office hours shall be 7:30 a.m. to 4:30 p.m., Monday through Friday.
2. Employees shall work a 9/80 compressed work schedule. The workweek for line technicians shall begin on Friday at 11:30 a.m. and end at 11:29 a.m. on the following Friday. The workweek for all other employees shall begin on Friday at 12:30 p.m. and end at 12:29 p.m. on the following Friday. The 9/80 compressed work schedule shall consist of one week with 9-hour days Monday through Thursday and an 8-hour day on Friday, alternated with a week of 9-hour days Monday through Thursday and Friday off work. The normal work hours for all employees shall be as follows.

Work Hours – Line Technicians

	Morning	Lunch*	Afternoon
Monday	7:00-11:30	11:30-12:00	12:00-4:30
Tuesday	7:00-11:30	11:30-12:00	12:00-4:30
Wednesday	7:00-11:30	11:30-12:00	12:00-4:30
Thursday	7:00-11:30	11:30-12:00	12:00-4:30
Friday	7:00-11:00	11:00-11:30	11:30-3:30

Work Hours – All Other Employees

	Morning	Lunch*	Afternoon
Monday	7:00-11:30	11:30-12:00	12:00-4:30
Tuesday	7:00-11:30	11:30-12:00	12:00-4:30
Wednesday	7:00-11:30	11:30-12:00	12:00-4:30
Thursday	7:00-11:30	11:30-12:00	12:00-4:30
Friday	7:30-11:30	11:30-12:30	12:30-4:30

* Deviation from the lunch schedule is at manager’s discretion.

3. The standard workweek normally consists of 40 hours worked; however, the District does not guarantee that 40 hours will always be scheduled. For all hours worked in excess of 40 in a workweek, nonexempt employees shall be paid at the rate of one and one-half times their regular rate of pay. Authorized sick leave, vacation leave, and holiday leave shall be counted as hours worked.

B. Call-Out

1. All employees are subject to call-out in the event of an emergency or other needed restoration of service. Employees called out to work after they have been released from their normal workday shall be credited with a minimum of two hours at their respective overtime rate. Should the actual time worked exceed two hours, the employee shall be credited for the actual time worked at his/her overtime rate.
2. If the employee completes the work required in the initial call-out and is subsequently called out within the same initial two-hour guarantee, he/she shall be paid for the actual time worked, at his/her applicable overtime rate, or the minimum two-hour guarantee, whichever is greater. A second call-out within the initial two-hour guarantee period does not commence a second two-hour guarantee.
3. If, after the expiration of an initial two-hour guarantee period, the employee receives another call-out, the other call-out shall commence an additional two-hour guarantee.

4. If an employee is called out before his/her normal work period begins and works up to and through his/her normal work period, then he/she shall receive overtime compensation only for the time actually worked up to the beginning of his/her normal work period.
5. A non-exempt employee who has worked sixteen (16) or more consecutive hours, or sixteen (16) or more hours in any twenty-four (24) hour period, which begins immediately after an off-duty period of eight (8) hours or more, shall be entitled to a minimum rest period of eight (8) hours before returning to work. In the event such rest period occurs during normal working hours, the employee shall continue to receive his/her regular pay for the portion of such rest period which is during normal working hours. If the rest period extends to within one hour or less of the end of a regular working day, the employee will not be required to report to work and will be paid for the additional hour or fraction thereof at the employee's regular rate of pay.

If in the opinion of the employee and management the work can be completed in a reasonable period of time by working more than 16 continuous hours, the employee shall be paid at the double time rate for the hours worked in excess of the 16 continuous hours. Likewise, if circumstances require that the employee be called back to work prior to the completion of the 8 hour rest period, the employee shall be paid at the double time rate for the hours remaining in the employee's rest period.

C. On-Call

1. Certain employees of the District shall be required to be on-call for various periods of time. Employees who are on-call are not required to restrict their movement during such time to their homes or any other location, but are required to respond to telephone and cell phone calls that will be provided by the District.
2. The General Foreman will assign a crew consisting of two employees, to be on call from Wednesday to the following Wednesday.
3. For each week an employee is on-call, he/she shall receive three hours pay at time and one-half his/her regular rate of pay.
4. In the event an employee desires to be relieved of his/her on-call responsibility, he/she shall secure a replacement and notify the responsible supervisor of the replacement. Employees on-call are expected to be ready and capable of responding to a call-out. Any employee who is impaired for any reason, including sickness, should notify his/her immediate supervisor and request to be relieved of on-call assignment.

- D. Attendance at meetings, seminars, or training programs shall be counted as working time unless the following four criteria are met:
1. attendance is outside the employee's regular working hours;
 2. attendance is in fact voluntary;
 3. the course, lecture, or meeting is not directly related to the employee's job; and
 4. the employee does not perform any productive work during such attendance.
- E. Time spent by an employee attending an independent school, college, or trade school after hours and on his/her own initiative is not included in the calculation of hours worked, even if courses are related to his/her job.
- F. Travel time
1. Ordinary Home to Work

Travel time from home to work before the regular workday and from work to home at the end of the workday is ordinary home to work travel and is not considered hours worked; therefore, no compensation, either straight time or overtime, is due.
 2. Travel That Is All In The Day's Work

Time spent by an employee in travel as a part of his/her job, such as travel from job site to job site during the workday, must be counted as hours worked. When an employee is required to report to a designated location to receive instructions, or to pick up tools, equipment or materials, the travel time from the designated location to the workplace is part of the day's work and must be counted as hours worked. Travel time to return to the District's office from a worksite at the end of the day must also be counted as hours worked. However, if an employee goes home from a worksite rather than returning to the District's office, the travel time is not counted as hours worked.
 3. Home To Work In Emergency Situations

When an employee who has gone home after completing his/her day's work is called out after hours, all travel time resulting from the call-out must be counted as hours worked, including any travel from home to the

District's office or to a worksite and any return travel from the worksite or the District's office.

4. Home to Work on Special One-Day Assignments to Another Town (Not Overnight)

Travel time from an employee's home on a special assignment to a location other than the employee's regular workplace (such as to another district or to attend a meeting or training program) that does not involve an overnight stay is considered time worked. Such travel cannot be regarded as ordinary home to work travel occasioned merely by the fact of employment. Such time is equivalent to travel involved in an emergency call or travel that is all in a day's work.

5. Travel Away From The Home Community (Overnight Only)

Travel that keeps an employee away from home overnight is working time during the time it cuts across the employee's normal workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours, but also during the corresponding hours on nonworking days as well. Thus, travel time between 7:00 a.m. and 4:30 p.m. (less the normal half an hour lunch break) is working time on Saturday and Sunday as well as on the other days. However, travel time outside normal working hours, where an overnight stay is involved, will not be counted as hours worked, unless approved by management.

G. Overtime Compensation

In addition to employees that are on-call and who must be ready to respond to a call-out if necessary, as is defined in section C. of this policy, other non-exempt employees may be required to work overtime during busy times in order to ensure that specific projects or assignments are completed on time. Employees must notify their supervisor when they anticipate that they will need to work overtime hours. All such overtime hours must be authorized by a supervisor or management in advance of overtime hours worked. Non-exempt employees will be paid overtime at one and one-half the employee's regular rate of pay for all hours worked in excess of 40 hours in a workweek.

H. Complaint Procedure

The District is committed to complying with all terms and requirements for Fair Labor Standards Act. Any employee that believes he or she has been denied legally required compensation should report the concerns to the General Manager. Employees will be reimbursed for any amounts improperly deducted from wages.

IV. RESPONSIBILITY

1. Each supervisor shall be responsible for seeing that the provisions of this policy are followed in carrying out day-to-day job activities, and in reporting time for payroll purposes.
2. The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 19, 1996

REVISED EFFECTIVE DATE: July 18, 2017
March 20, 2018
April 17, 2018
July 17, 2018
October 16, 2018
January 15, 2019
January 21, 2020
December 20, 2022

POLICY NO. 202**TRAVEL EXPENSES****I. OBJECTIVE**

- A. To inform employees that adequate supporting vouchers for reimbursement of travel expenses must be obtained,
- B. To provide a procedure for the substantiation of travel expenses, and
- C. To set forth the acceptable method of documenting travel expenses.

II. POLICY CONTENT

Reasonable travel expenses for travel benefiting the District are reimbursable. Approval is required prior to incurring travel expenses.

III. PROVISIONS**A. Reimbursable Travel Expenses****1. Transportation Expenses**

- a. When traveling by personal automobile, an employee shall be reimbursed at the prevailing mileage rate approved by the Internal Revenue Service for federal income tax purposes, plus any related charges, such as tolls, parking charges, etc.; provided, however that the amount to be reimbursed does not exceed the amount the employee would have been reimbursed had he/she traveled by air (coach fare).
- b. If an employee chooses to travel with the use of a rented vehicle, the District shall reimburse the cost of the rental fee, and the cost of the fuel that is only needed to travel to and from the event. However, the total reimbursement amount for a rented vehicle shall not exceed the amount the employee would have been reimbursed had he/she traveled by air (coach fare).
- c. When traveling by personal or rented automobile, the District shall not reimburse taxi, Uber, or other ridesharing service fees.

- d. When traveling by means other than automobile, an employee shall be reimbursed reasonable costs for all reasonable transportation expenses incurred.

2. Meal Expenses

Employees shall not be required to retain and submit receipts for reimbursement of meal expenditures. Reimbursement shall be in accordance with the Federal Government Standard Full Daily Rate Per Diem Meal amounts as shown on the U.S. General Services Administration website (link below). Any updates to this amount will be based on the Federal Government updates per this web page.

<http://www.gsa.gov/mie>

The following table shows the breakdown of breakfast, lunch, and dinner components, including taxes and tips, of the daily standard reimbursement per diems for meals that employees must provide for themselves while on travel in Nebraska (excluding Omaha).

Breakfast	\$13.00
Lunch	\$14.00
Dinner (evening meal)	\$23.00

- 3. Reasonable expenses for lodging, and parking shall be reimbursed. The reasonableness of such expenses shall be determined by management and is dependent on the site of the meeting or designated travel location.
- 4. Reimbursement of incidental expenses will be in accordance with the Federal Government Standard daily rate as shown on the U.S. General Services Administration website. Under Per Diem Allowance, the Federal Travel Regulation Chapter 300, Part 300-3, incidental expenses are described as: fees and tips given to porters, baggage carriers, hotel staff, etc.

B. Expense Reimbursement Procedure

- 1. Unless travel is preapproved, no reimbursement for expenses will be granted.
 - a. The Manager of Finance and Accounting, Manager of Engineering, Manager of Operations, Manager of Customer Services, and Manager of Purchasing and Warehousing shall obtain approval from the General Manager.

- b. All other employees shall obtain initial approval from their supervisor, with subsequent approval from the General Manager.
2. All reports of travel expenses shall be made on forms approved by the General Manager. All expense claims for a trip shall be reported on one form. Employees must provide receipts for airfare, lodging and parking, but receipts shall not be required for reimbursement of meal expenditures or incidental expenses.
3. When the employee is requesting a reimbursement of travel expenses the following must be reported and substantiated:
 - a. the amount of reimbursement requested for transportation, meals, lodging, incidental expenses, etc.;
 - b. the dates of when expenses were incurred;
 - c. the destination or locality of the travel, such as name of town or city; and
 - d. the business purpose of the trip or the business benefit derived or expected to be derived as a result of the travel.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995

REVISED EFFECTIVE DATE: February 20, 2018
January 15, 2019
November 19, 2019

POLICY NO. 204**MEALS****I. OBJECTIVE**

To establish conditions under which employees may be reimbursed by the District for meal expenses.

II. POLICY CONTENT

Employees who have been either called in prior to their regular schedule or required to continue working beyond their regular schedule may be reimbursed by the District for meal expenses.

III. PROVISIONS

- A. When an employee misses his/her normal breakfast meal as a result of working anytime during the period from two (2) hours before his/her normal workday, up to the starting time of the normal workday, he/she will be entitled to a District paid meal.
- B. An employee who misses his/her lunch on weekends or holidays as a result of working continuously between 11:30 a.m. and 1:00 p.m., or as a result of getting called out again after returning home from work during that period, shall be entitled to a District paid meal.
- C. Employees working extended overtime shall be entitled to a District paid meal every six (6) hours of continuous work without a meal.
- D. Only reasonable meal expenses will be reimbursed. Reasonableness shall be determined by management. Employees seeking reimbursement for meal expenses must turn in meal receipts, signed, with date and time noted, by the person providing the meal. The receipt must also clearly show the names for all individuals who receive a meal.
- E. When an employee is called out prior to the normal work day and continues to work at the start of the normal work day and does not have the opportunity to prepare and bring lunch, management is authorized to allow the employee to return home to prepare and/or eat that meal, or to reimburse the employee for a prepared meal.

- F. Reimbursement of meal expenses while on District business travel shall be made in accordance with Personnel Policy No. 202, Travel Expenses.

IV. RESPONSIBILITY

The General Manager, through the supervisors, shall be responsible for the administration of this policy.

EFFECTIVE DATE: May 19, 2009

POLICY NO. 205**INSURANCE, RETIREMENT, AND SAVINGS PLANS****I. OBJECTIVE**

To provide insurance, retirement, and savings plans that will provide assistance to employees in time of need.

II. POLICY CONTENT

Because employees are a valuable resource, the District has a substantial interest in their welfare. Therefore, the District has secured and carries insurance, savings, and retirement plans for the benefit of its employees. While the District intends that such benefit plans will remain in effect, the District reserves the right to amend or terminate any such plan.

Statements contained in this policy are solely for the purpose of identifying various insurance and retirement plans at the District. This policy does not attempt to summarize the benefits or rules of each benefit plan. Instead, a Summary Plan Description is available for this purpose. This policy does not represent a promise or agreement to provide benefits and does not create any independent rights to employee benefits. Instead, the rules regarding benefits, eligibility, and all other matters relating to the plans identified herein are governed exclusively by the terms of the formal plan documents. Any inconsistency between the language in this policy and the formal plan documents will be resolved based solely on the terms of the plan documents. Please refer to the applicable Summary Plan Description and/or plan documents if you need additional information about the plans.

III. PROVISIONS

- A. Group life insurance shall be carried on each regular employee; the amount of insurance will be determined, from time to time, by the Board. See the Employee Only section of the District's website for further information.
- B. Major medical insurance will be carried by the District on regular employees and their dependents. See the Employee Only section of the District's website for further information.
- C. An income protection plan or disability plan will be carried on all regular employees of the District. The nature of each plan will be specified by the District.

- D. The District will maintain a retirement program as specified by the Board.
- E. The District will maintain a business travel accident insurance policy on all regular employees.
- F. The District will also maintain a supplemental retirement 401(k) savings plan for participation by employees. If the District contributes to an employee's 401(k) savings plan, the District's contribution rate shall only apply to the employee's base salary.
- G. **THE DISTRICT, THROUGH ITS BOARD OF DIRECTORS, RESERVES THE RIGHT TO AMEND OR TERMINATE ANY OR ALL OF THESE BENEFITS AT ANY TIME. SUCH AMENDMENT OR TERMINATION WILL BE EFFECTIVE AS TO RETIRED OR DISABLED EMPLOYEES, TO THE EXTENT THAT THESE BENEFITS APPLY TO SUCH INDIVIDUALS, AS WELL AS TO CURRENT EMPLOYEES. BENEFITS UNDER THIS POLICY ARE NOT VESTED IN ANY EMPLOYEE AND DO NOT BECOME VESTED BY RETIREMENT, EXCEPT TO THE EXTENT PROVIDED BY ERISA.**

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995

REVISED: May 21, 2013
January 15, 2019

POLICY NO. 206**RETIREMENT PROGRAM****I. OBJECTIVE**

To provide all eligible employees with income upon retirement.

II. POLICY CONTENT

The District maintains a retirement program for all eligible employees.

III. PROVISIONS

- A. Subject to the conditions of eligibility as outlined in the retirement plan, the District shall maintain a retirement program for all employees who work at least 1000 hours within a calendar year.
- B. The present Retirement and Security program is subscribed to through the National Rural Electric Cooperative Association (NRECA). The specifics of the NRECA plan are contained in the Summary Plan Description on the Employee Only section of the District's website. Additional segments of the program offered by NRECA may be approved by the Board from time to time. The Board reserves the right to change the program carrier or to amend or terminate the plan per plan provisions.
- C. The District, in its retirement program, has established the normal retirement date to be age 62. No District employee, however, shall be compelled to retire at any age, except under circumstances permitted by the Age Discrimination in Employment Act of 1967, as amended, and by the state fair employment practice laws.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995
January 15, 2019

POLICY NO. 207**SICK LEAVE****I. OBJECTIVE**

To define conditions under which compensation will be paid to regular employees for absences due to personal illness, injury, disability, or need for medical or dental attention, or illness or injury to a member of the employee's immediate family, that protect both the employee's legitimate need for protection against loss of income and the District's need to control any abuse of this policy.

II. POLICY CONTENT

The District will award sick leave to regular employees at the rate of 8 hours per calendar month. Sick leave may not be accumulated in excess of nine hundred sixty (960) hours.

III. PROVISIONS

- A. Sick leave shall accumulate from the 'date of hire'. However, an employee starting to work for the District shall only earn a day of sick leave for the first month of employment if the employee's 'date of hire' falls during the first pay period of the month.
- B. A regular employee may utilize sick leave to cover absences from work for the following reasons:
 1. illness or injury sustained by the regular employee. Employees who have suffered injuries covered by workers' compensation may not take sick leave when drawing workers' compensation, except as provided in Section III.G. below;
 2. illness or injury in the immediate family of the employee (spouse, children, parents, grandparents, and grandchildren). Sick leave usage under this subparagraph is limited to forty-eight (48) hours per calendar year;
 3. outpatient treatment or examination by or under the supervision of a physician or dentist; or
 4. additional days of bereavement leave (See Policy No. 208).

- C. Sick leave may not be used for any purpose other than stated in this policy. An employee using sick leave for any purpose other than as stated in this policy shall be subject to corrective action.
- D. To be eligible for unforeseeable sick leave, regular employees must notify their supervisor as soon as possible on the day they intend to use sick leave. When an employee intends to use sick leave for a foreseeable purpose, the employee must notify the employee's supervisor as soon as the need for the leave is known.
- E. When an employee misses more than one day to illness or injury, the employee is required to notify his/her supervisor on each succeeding day off.
- F. Employees may be required to present a physician's certificate of illness or injury.
- G. Regular employees who have suffered injuries or illnesses covered by Disability have the option of being paid sick leave in an amount equal to the difference between the employee's regular wage for a 40-hour week and the amount of disability income received.
- H. Sick leave shall continue to accrue and may be used by employees who are on Short Term Disability. However, sick leave shall not be earned when an employee begins the Long Term Disability period.
- I. Accumulated sick leave shall not be paid upon separation from employment.
- J. The District reserves the right to terminate employees while on sick leave.
- K. The General Manager has the authority to approve an advance of sick leave to an employee who has exhausted his/her sick and annual leave. Future accumulations of leave shall be used to offset the leave advancement. Before leave is advanced to an employee, the employee shall sign a form acknowledging that the advanced leave is a legal debt due and owing from such employee to the District, and, should the employee's employment with the District terminate before the advanced leave is offset, the District may institute appropriate legal action to collect the debt.
- L. Leave taken under this policy by an FLSA-exempt employee will be administered pursuant to the provisions in Policy No. 223.
- M. After an employee has accumulated maximum sick leave of 960 hours, the District will continue to accumulate and credit the employee for earned sick leave above 960 hours each month through November of each year. On the first payroll check in December, the District will reduce the number of accumulated sick hours to 960 for employees who have accumulated more

than 960 hours, and pay the employees at their regular rate of pay for one-half (1/2) of the time accumulated above 960 hours. Payment will be made on the first payroll check in December.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995

REVISED EFFECTIVE DATE: March 21, 2022

POLICY NO. 208**ADMINISTRATIVE EXCUSAL FOR FUNERAL OR BEREAVEMENT****I. OBJECTIVE**

To provide paid absences for funeral and bereavement leave.

II. POLICY CONTENT

Regular employees will be granted a three-day leave of absence in the event of a death in the employee's immediate family. Regular employees will be granted a one-day leave of absence in the event of a death of a near relative.

III. PROVISIONS

- A. The District will grant a three-day leave of absence with pay to any regular employee in the event of death in the employee's immediate family. (Immediate family is defined as employee's spouse, child, father, mother, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-child, step-mother, and step-father of employee). The General Manager may approve leave in excess of three days if such additional leave is required by the employee. Leave in excess of three days shall be without pay or, at the employee's request, additional leave may be charged against accrued sick leave, if available.
- B. Regular employees will be granted a one-day leave of absence with pay in the event of a death of a near relative. (A near relative is defined as an employee's or spouse's grandparents, grandchildren, aunts, uncles, nieces and nephews). The General Manager may approve leave in excess of one day if such additional leave is required by the employee. Leave in excess of one day shall be without pay or, at the employee's request, additional leave may be charged against accrued sick leave, if available.
- C. An employee serving as a pall bearer for someone other than a near relative or member of his/her immediate family will be granted time off, not to exceed four hours, at his/her regular pay rate, to serve as a pallbearer.
- D. An employee will be granted time off, not to exceed four hours, at his/her regular pay rate to attend the funeral of a friend of the employee's immediate family.

- E. Leave taken under this policy by an FLSA-exempt employee will be administered pursuant to the provisions in Employee Policy No. 223.

IV. RESPONSIBILITY

The General Manager and department managers shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 19, 1996

REVISED DATE: April 17, 2007
January 15, 2019

POLICY NO. 209

VACATION LEAVE

I. OBJECTIVE

To provide vacation leave.

II. POLICY CONTENT

Regular employees of the District will earn annual leave as specified in this policy.

III. PROVISIONS

A. Although vacation hours shall accumulate from the Date of Hire, no vacation with pay shall be granted to an employee until he/she has completed six months of continuous employment with the District.

B. For the purpose of determining vacation earned, an employee must work the entire pay period to receive credit for the pay period.

C. An employee may be given credit for his/her longevity with another organization in the electric industry and will accrue vacation leave accordingly.

D. Vacation leave for regular employees will be earned and accumulated as follows:

<u>Length of Employment</u>	<u>Vacation Earned</u>
Up to 5 Years	3.62 hours per pay period
After 5 Years	4.00 hours per pay period
After 10 Years	4.77 hours per pay period
After 15 Years	5.54 hours per pay period
After 20 Years	6.47 hours per pay period
After 25 Years	6.93 hours per pay period
After 30 Years	7.85 hours per pay period

E. Vacation leave may be accumulated not to exceed a maximum of 228 hours at any time during the year.

F. Vacation leave shall continue to accrue for employees who are on Short Term Disability. However, vacation leave shall not be earned when an employee begins the Long Term Disability period.

- G. Annual vacation schedules will be arranged to comply with the wishes of the employee to the extent possible, but the interest of the District shall govern in all cases.
- H. Vacation requests should be made as early as possible, and schedules must be approved by the department head. The department head may turn down a vacation request if not made on a timely basis. Conflicts in vacation scheduling shall be resolved in favor of the employee with the greatest seniority.
- I. Accumulated vacation leave will be paid on the next regular pay day in a lump sum payment at the employee's regular rate, upon the employee's resignation, retirement, or layoff.
- J. Employees are encouraged to schedule vacations throughout the year to minimize problems of continuous service coverage during the busiest vacation seasons.
- K. The District permits any employee to donate accrued vacation to fellow employees who have severe medical needs, or have an immediate family member with severe medical needs, which would cause the employee to take leave without pay. Recipients of the donated vacation leave must exhaust their own eligible paid leave balances before receiving donations.

Donors must fill out a Vacation Donation Contribution form to specify the employee who should receive the donation, and to authorize and acknowledge that their accrued vacation balance may be decreased by the amount contributed. Donors' names and hours donated shall not be given to recipients. Donations shall be in whole hours, with no less than four hours being made per donation.

Vacation donations will be added to the recipient's accrued vacation on a first-come, as needed-basis. Transfers of donated vacation will be made by pay period. Unused donated hours will not be subtracted from the donor's vacation leave balance unless needed.

The receiving employee will be paid their regular rate of pay. The dollar value of the vacation leave shall be converted from the donor to the recipient; therefore, one hour of donated vacation leave may cover more or less than one hour of the recipient's salary. Donated hours at the donor's hourly rate divided by the recipient's hourly rate equals the actual hours the recipient shall receive.

IV. RESPONSIBILITY

The General Manager and department heads shall be responsible for the administration of this policy. The accounting department shall be responsible for maintaining payroll and accounting records necessary to implement this policy.

EFFECTIVE DATE: January 1, 1977

REVISED EFFECTIVE DATE: January 21, 2014
July 17, 2018

POLICY NO. 210**LEAVE OF ABSENCE WITHOUT PAY****I. OBJECTIVE**

The District recognizes that circumstances beyond the control of the employee may necessitate his/her being absent from duty. The purpose of this policy is to detail the conditions under which an employee may be granted leave without pay to be absent from job responsibilities.

II. POLICY CONTENT

The District may grant regular employees leaves of absence without pay under the conditions provided in this policy.

III. PROVISIONS

- A. On the basis of merit and the requirements of the District, requests for Leaves of Absence for personal reasons shall be considered for a period of up to one (1) week.
- B. An employee desiring a Leave of Absence extending beyond one week shall secure written permission from the District. No employee shall be allowed to return to work until the Leave of Absence time has expired, except by mutual agreement among all parties. An employee who cannot return by the expiration date of Leave must notify the District in writing at least twenty four (24) hours before the Leave expires. No employee shall be granted a Leave of Absence for more than one year, except in the event it becomes necessary for the employee to have an additional Leave for some unusual purpose, the granting of which shall be subject to the approval of District Management.
- C. No employee shall enter the employment of any other employer while on Leave of Absence.
- D. Failure on the part of an employee to comply with the provisions of the above paragraphs shall result in the complete loss of seniority rights of the employee involved. However, a Leave of Absence granted to an employee due to the inability to work, because of proved sickness or injury, shall not result in a loss of seniority rights.
- E. All Leaves of Absence shall be without pay.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: January 1, 1977

REVISED EFFECTIVE DATE: March 15, 1994

POLICY NO. 211**MILITARY LEAVE****I. OBJECTIVE**

- A. To inform employees of the conditions under which they may take military leave, and
- B. To comply with state and federal law pertaining to veteran's reemployment rights.

II. POLICY CONTENT

In compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 and related federal and state laws, eligible employees will be granted leave for military reserve training or active service call-up.

III. PROVISIONS

- A. Employees are eligible to request military leave only if they are employed in a regular full or part-time work status.
- B. An employee on military leave up to ten working days in a calendar year will be paid the difference between his/her military salary plus allowances, and his/her regular salary.
- C. An employee who is on military leave for more than ten working days will be placed on leave without pay unless the employee elects in writing to use available paid time off. When his/her paid time off balance is exhausted, the employee will be placed on leave without pay, and his/her pay will cease.
- D. Employees must request leave and submit military orders to their immediate supervisors as soon as possible after receiving notification. Employees will also forward a copy of their military pay stub(s) to the Manager of Finance and Accounting for calculating salary differentials. Employees are expected to keep their supervisors informed of expected duration of leave.
- E. Supervisors will approve employee requests for military leave. Supervisors will also consult with the General Manager with regard to any anticipated changes in position status while the employee is on long-term military leave.

- F. The Manager of Finance and Accounting will process military leave requests and interpret guiding provisions of state and federal laws on a case-by-case basis for re-employment and benefit entitlements for employees returning from extended absences due to military leave.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: January 1, 1977

REVISED EFFECTIVE DATE: February 21, 2012

POLICY NO. 212

ADMINISTRATIVE EXCUSAL FOR JURY DUTY

I. OBJECTIVE

To provide paid absences to employees called to serve on jury duty.

II. POLICY CONTENT

Employees will receive their normal wages or salaries when engaged in jury duty.

III. PROVISIONS

- A. The District will not terminate, intimidate, coerce, or otherwise corrective action or discriminate against any employee for responding to a summons to serve as a juror.
- B. The District will pay employees their regular base pay when the employee is engaged as a juror. However, money paid to the employee for serving as a juror shall be turned over to the District.
- C. Upon release from jury duty, the employee shall submit a statement from the clerk of the court stating the dates of jury duty and the amounts paid per day.
- D. Employees should notify their immediate supervisor of a summons for jury duty on the first workday following the receipt of such summons.
- E. Leave taken under this policy by an FLSA-exempt employee will be administered pursuant to the provisions in Policy No. 223.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 213**ADMINISTRATIVE EXCUSAL FOR COURT APPEARANCES****I. OBJECTIVE**

- A. To provide paid absences to regular employees who are called to serve as witness on behalf of the District in state or federal court or before administrative tribunals, and
- B. To allow regular employees subpoenaed for witness duty other than on behalf of the District in any state or federal court or administrative tribunal to take a vacation day for such duty.

II. POLICY CONTENT

Regular employees will receive their normal wages or salaries when engaged as a witness in court on behalf of the District. Regular employees subpoenaed for witness duty other than on behalf of the District will be granted unpaid time off or may use vacation leave for the time necessary to appear as a witness.

III. PROVISIONS

- A. The District will pay a regular employee his/her wages for hours served as a witness on behalf of the District. A regular employee may also be paid for hours served as a witness when the General Manager determines that the employee's appearance in court could indirectly benefit the District or rural electrification in general. For the purposes of this paragraph, "hours served" shall include the employee's time spent in traveling to and from the court or administrative tribunal as well as the actual time an employee is required to be present in the court or administrative tribunal.
- B. Employees will be granted unpaid time off when subpoenaed to appear in court as a witness when requested by a party other than the District. Employees may use any available vacation leave to receive compensation for the period of this absence.
- C. The District will not terminate, corrective action, intimidate, coerce or otherwise discriminate against an employee for responding to a subpoena to appear as a witness in court.
- D. Leave taken under this policy by an FLSA-exempt employee will be administered pursuant to the provisions in Policy No. 223.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 215**HOLIDAYS****I. OBJECTIVE**

- A. To list the holidays recognized by the District, and
- B. To define the District's practice concerning holiday pay.

II. POLICY CONTENT

Regular employees will receive the day off with pay on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day, or days observed as such.

III. PROVISIONS

- A. The District's office will be closed on the following holidays:

New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day, or days observed as such.

- B. On days the District observes as Holidays, all employees shall receive the number of hours per Holiday that coincides with the 9/80 compressed schedule as Holiday pay calculated at the regular rate of pay.
 - 1. When a Holiday falls upon a day an employee would normally work nine (9) hours, the employee shall receive nine (9) hours Holiday pay.
 - 2. When a Holiday falls upon a day an employee would normally work eight (8) hours, the employee shall receive eight (8) hours holiday pay.
- C. Regular full time employees who are required to work on the day observed as the Holiday shall receive one and one-half (1 1/2) times their regular rate of pay for all time worked on the Holiday.
- D. If the actual Holiday falls on a Saturday, the preceding Friday shall be observed as the Holiday. If the actual Holiday falls on a Sunday, the following Monday shall be observed as the Holiday.

- E. When a paid holiday falls on an employee's regularly scheduled day off, the employee's regularly scheduled day off shall be the work day immediately preceding the holiday.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: January 1, 1977

REVISED EFFECTIVE DATE: August 15, 2017
January 18, 2022

POLICY NO. 216

REIMBURSEMENT OF BUSINESS USE OF PERSONAL CELL PHONE

I. OBJECTIVITY

To provide a policy for partial reimbursement to those employees who use their personal cell phones for business matters.

II. POLICY CONTENT

Employees that are expected to use their personal cell phone on a regular basis for District business shall receive a monthly allowance of \$25.00.

III. PROVISIONS

- A. Management may require certain employees to use their cell phone to conduct District business, such as to communicate with customers, electricians, contractors, and other District employees regarding work projects or outage restoration activities.
- B. If the use of a personal cell phone is required by the District, an allowance of \$25.00 per month will be added to the employee's regular paycheck in accordance with IRS Publication 15-B and IRS Guidance IR-2011-93 as a nontaxable fringe benefit, and thus not reported on Form W-2. In addition, the allowance will be non-compensatory, and will not constitute an increase in base pay for the purpose of calculating percentage increases in wages and benefits.
- C. To be eligible for the cell phone reimbursement allowance, employees shall use a cellular carrier that has adequate coverage within the District's service area. Employees must also provide the District their cellular phone number.
- D. Employees shall be responsible for maintaining their personal service plan and equipment so as to provide uninterrupted phone service. If an employee's personal cell phone service becomes disconnected or otherwise incapable of providing communication, the employee is required to immediately notify his/her supervisor and the employee will not be eligible to receive the monthly allowance until the cell phone is fully operable.
- E. Nothing in this policy prevents the District from providing company-owned cell phones to certain employees based on job responsibilities.

IV. RESPONSIBILITY

- A. The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: June 18, 2019

POLICY NO. 217

ACTING LEAD LINE TECHNICIAN COMPENSATION

I. OBJECTIVE

To provide compensation to employees temporarily assigned the duties of a Lead Line Technician.

II. POLICY CONTENT

Employees assigned the Lead Line Technician duties as described in the Position Description manual, for a period of more than five consecutive working days, will receive Acting Lead Line Technician Compensation.

III. PROVISIONS

- A. Acting Lead Line Technicians may be designated to fill in for Lead Line Technicians who are sick or on vacation, or when special crews are formed, for a period of more than five consecutive working days.
- B. While fulfilling the duties of Lead Line Technician, the Acting Lead Line Technician shall receive an hourly rate of pay equivalent to \$1.00 higher than the employee's current hourly rate of pay.
- C. The employee assigned the responsibilities of the Lead Line Technician duties will be determined at the discretion of the Manager of Operations.

IV. RESPONSIBILITY

The General Manager, and Manager of Operations shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 16, 1993

REVISED EFFECTIVE DATE: May 21, 2013
December 16, 2014

POLICY NO. 218

LONGEVITY AWARDS

I. OBJECTIVITY

To define the amount of compensation employees shall receive for years of service.

II. POLICY CONTENT

Longevity Awards shall be given to employees for years of dedicated service.

III. PROVISIONS

A. In recognition of service to the District, the following Longevity Awards (gifts) shall be presented to employees:

5 Years of Service - Approximately \$75 Value
10 Years of Service - Approximately \$150 Value
15 Years of Service - Approximately \$200 Value
20 Years of Service - Approximately \$250 Value
25 Years of Service - Approximately \$300 Value
30 Years of Service - Approximately \$350 Value
35 Years of Service - Approximately \$400 Value
40 Years of Service - Approximately \$500 Value

B. The type and value of the gift to be given to an employee at retirement shall be determined by Management.

IV. RESPONSIBILITY

A. The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: November 1, 1977

REVISED EFFECTIVE DATE: March 15, 2005
January 15, 2019
September 21, 2021

POLICY NO. 219**EMPLOYEE TRAINING AND DEVELOPMENT****I. OBJECTIVE**

- A. To provide employees with the training and education necessary to fulfill the requirements of their positions and to ensure their understanding and acceptance of the District's policies, programs, and objectives;
- B. To encourage employees to take advantage of training and educational programs, both formal and informal, which will increase their knowledge and skills and stimulate superior performance and growth;
- C. To help employees achieve, through training and development, greater satisfaction and meaning from their work as well as to increase their appreciation and purpose in life; and
- D. To establish methods for the equitable application of this policy so that both the District and the employees shall receive maximum benefit.

II. POLICY CONTENT

Employees are encouraged to participate in on-the-job and off-premises training. The District will pay the cost of required training for employees. Employees may be reimbursed for certain expenses incurred for nonrequired but job-related educational expenses.

III. PROVISIONS

- A. Training and development under this policy will include the District's Apprenticeship Program, on-the-job training, workshops, institutes, seminars, adult education, college course work, and other programs that will increase the knowledge and improve the skills of the employee.
- B. Supervisors, at all levels, are urged to maintain a favorable climate for training. Supervisors shall encourage employee initiative, suggestions, and attitudes that will contribute to the growth and well-being of the employee and the District.

- C. On-the-job and in-service training will be the primary methods of employee development. The General Manager will see that all employees receive the training and education necessary to fulfill the requirements of their positions.
- D. The District will pay the entire cost of NRECA or Nebraska Rural Electric Association sponsored institutes and workshops or other institutes and workshops, courses, or seminars in which the employee is required to participate by the District.
- E. Education Assistance
 - 1. The District will reimburse the cost incurred by an employee for continuing education through an accredited program that either offers growth in an area related to the employee's current position, or might lead to promotional opportunities.
 - 2. The District has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position, and how much reimbursement is warranted.
 - 3. Courses include college credit courses, continuing education unit courses, seminars and certification tests.
 - 4. Employees must earn a passing grade of "B" or its equivalent, or obtain a certification, to receive any reimbursement.
 - 5. Prior to reimbursement, expenses must be validated by receipts and a copy of the final grade card, or certification must be presented to show the hours or certification received.
 - 6. The District invests in educational assistance to employees with the expectation that the investment be returned through enhance job performance. However, if an employee voluntarily separates from the District's employment within one year of the reimbursement payment, the employee will be required to repay fifty percent (50%) of the reimbursement payment.
 - 7. While educational assistance is expected to enhance an employee's performance and profession abilities, the District cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995
January 15, 2019

POLICY NO. 220**UNIFORMS****I. OBJECTIVE**

- A. To create a favorable public identity for the District,
- B. To aid customers and the general public in identifying District employees,
- C. To provide for the personal safety of employees,
- D. To provide employees with assistance in purchasing uniforms,
- E. To maintain a professional workplace environment, and
- F. To provide guidelines for appropriate business attire to be worn by District employees during business hours.

II. POLICY CONTENT

- A. All employees working on or near exposed energized parts and who are exposed to the hazards of flames or electric arcs must wear clothing that complies with OSHA Standard 29 C.F.R. Part 1910.269(1)(6)(iii).
- B. Line personnel, and other employees as determined by management that are regularly subject to possible arc or flash, shall be given a clothing allowance of \$1,920 for the initial set of FR clothing, and an annual clothing allowance of \$1,080 for replacement FR clothing.
- C. Appropriate attire must be worn during regular business hours by all District employees not required to wear uniforms. Business Casual dress is generally the appropriate level of attire at the District. Employees should always remember to consider the day's activities to dress appropriately. Employees are required to present a professional image to customers, the general public, visitors and other employees at all times. Accordingly, employees should dress tastefully and according to the requirements of the job position.

III. PROVISIONS

- A. All employees working on or near exposed energized parts and who are exposed to the hazards of flames or electric arcs must wear clothing that complies with OSHA Standard 29 C.F.R. Part 1910.269(1)(6)(iii).

1. Line personnel, and other employees as determined by management that are regularly exposed to the hazards of flames or electric arcs, shall be given a one-time clothing allowance of \$1,920 to purchase the initial set of FR clothing from the District's clothing catalog. At the beginning of the subsequent calendar years, said employees will be given an additional annual FR clothing allowance of \$1,080 to be used towards the purchase of FR clothing from the District's clothing catalog. Unused portions of the annual clothing allowance may be carried over into the next year; however, the clothing allowance may not accumulate in excess of \$1,920.
 2. When work is performed within reaching distance of exposed energized parts of equipment, the employee must remove or render nonconductive all exposed conductive articles, such as key or watch chains, rings, necklaces, or wrist watches or bands, unless such articles do not increase the hazards associated with contact with the energized parts.
- B. As determined by management, employees who have a need for storm gear, or on occasion a need for FR clothing, as determined by management, shall not be given the annual clothing allowance. However, they will be provided FR clothing when needed to safely perform their job. These employees will be responsible for staying clear of FR situations, or to wear the appropriate FR clothing.
- C. All line personnel, and other employees as determined by management that are regularly exposed to the hazards of flames or electric arcs, must wear the standard uniform whenever they are performing any work for the District. Employees shall not normally wear the uniform during off-duty time unless they prefer to do so when they are "on-call".
1. All clothing worn by line personnel, and other employees as determined by management that are regularly exposed to the hazards of flames or electric arcs, including shirts, jeans, T-shirts, rain gear, coveralls, overalls, sweatshirts, vests, jackets, coats, hoods, stocking hats, thermal tops, and thermal bottoms, shall be purchased from the District's clothing catalog.
 2. The only clothing (of the type listed in C.1. above) that shall be worn while working for the District is that which has been purchased from the District's clothing catalog. Clothing of this type that has not been furnished by the District shall not be worn.
 3. When in an FR situation, the sleeves of long-sleeved outer garments shall be rolled down and buttoned to protect the employee's arms from flame and electric arc hazards.

- D. Office employees and all other District employees who are not required to wear FR clothing shall follow the clothing guidelines below. It is recognized that there are times when deviations from these guidelines may occur, with supervisor approval. When representing the District at any scheduled meeting or special function, employees are encouraged to wear business casual attire.

Appropriate Work Attire

- Dress slacks, Dockers, or khakis
- Suits
- Dresses and skirts no shorter than 3 inches above the knee
- Dress jeans (not overly flashy, worn, faded, torn, stained, frayed, or distressed)
- Capris
- Leggings when worn with a top that is within 3 inches above the knee
- Polo, Oxford, button down or golf shirts
- District embroidered shirts (District will pay one-half the cost of up to five shirts per year)
- Blazers, sport coats, jackets, sweaters, or cardigans
- Boating or deck shoes
- Casual, open-back sandals (e.g., mules, sling backs, clogs)
- Appropriate open toe/thong sandals
- Heels or pumps
- Tall or short dress boots

Inappropriate Work Attire

- Sweatpants, athletic wear, yoga pants, or jeggings
- Shorts and cut-off shorts
- Any item of clothing made of spandex or lycra (i.e., biking shorts)
- Flip flops with rubber straps
- Wind pants and loungewear
- Provocative, revealing, sheer or see-through attire including but not limited to; braless, bare midriff tops, off-the-shoulder tops, tube tops, halter tops, attire with low necklines that expose cleavage
- Blouses or dresses with spaghetti straps
- Hoodies or sweatshirts
- Sneakers or tennis shoes
- Clothing that is dirty, ragged, torn, frayed, stained, or has profanity or advertising on it

This lists above are provided as guidelines only and should not be construed to be all-inclusive of what is appropriate or inappropriate attire for the workplace. When determining what appropriate business attire is, employees should use common sense and good judgment. An employee needing assistance in interpreting the appropriateness of certain attire should direct his/her questions to his/her immediate supervisor or the general manager.

When necessary, reasonable accommodations may be made to a person with a disability.

- E. The District will provide emblems or monograms on clothing, as per District standards. No other emblems, monograms, insignias, buttons, and the like, shall be added to clothing.
- F. Each employee and his/her supervisor are individually and jointly responsible for ensuring that clothing requirements are met. Clothing that is frayed, ripped, overly dirty, or otherwise unacceptable will not be allowed. Employees shall keep their clothing in a clean, neat and serviceable condition, so as to maintain an appearance that reflects favorably on the District. Laundering of the clothes will be the responsibility of the employee, and shall be in accordance with the clothing manufacturer, as provided in the clothing catalog.
- G. All employees are expected to maintain good personal hygiene and to be neatly groomed.
- H. Earrings or other jewelry should not be worn in visible pierced body parts, other than the earlobes, while wearing the District uniform or while on District time. Earrings are limited to two per earlobe and should not be worn in any part of the ear other than the earlobe.
- I. Employees violating this policy will be sent home immediately to change into appropriate attire before returning to work. Any employee who repeatedly violates this policy may be subject to corrective action up to and including termination.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: September 17, 1996

REVISED EFFECTIVE DATE: Jan 2, 2024

POLICY NO. 221**TOOLS AND SAFETY APPAREL****I. OBJECTIVE**

- A. To ensure that employees are provided with proper tools and equipment, work gloves, and safety glasses so that they may perform their job safely and efficiently; and
- B. To specify accountability for tools and other equipment.

II. POLICY CONTENT

This policy outlines procedures for the acquisition and replacement of tools, and other safety equipment.

III. PROVISIONS

- A. All trades and crafts employees of the District shall provide the first set of tools and equipment necessary for an employee to perform his/her job.
- B. The District will replace broken or worn tools that the employee's supervisor or the Safety Coordinator determine are dangerous or no longer serviceable. Broken or worn tools shall be turned in to the District at the time replacements are issued.
- C. Special tools will be provided by the District upon approval by the supervisor or General Manager.
- D. The employee will replace all tools that are lost, destroyed, or damaged due to the employee's negligence.
- E. Safety Glasses
 - 1. All employees shall be required to wear safety glasses when exposed to hazards, including but not limited to, flying particles, molten metal, liquid chemicals, and acids or caustic liquids.

a. Non-prescription Safety Glasses

The District shall provide safety glasses with non-prescription lenses for employees.

b. Prescription Safety Glasses

(i) For employees that require prescription safety glasses, the employee shall pay the cost of any examination necessary to obtain a prescription and the fitting fee charged by the dispensing facility.

(ii) The District shall reimburse employees up to \$150 for a pair of single vision glasses, \$200 for a pair of bifocal glasses, and \$250 for a pair of trifocal glasses.

(iii) Employees may purchase their safety glasses wherever they choose.

(iv) To receive reimbursement from the District, employees must submit a copy of the bill to their supervisor as verification of the purchase.

(v) If an employee's eye examination determines that a change in prescription is required, the District shall reimburse the employee for the cost of the new prescription glasses, under the provisions written above.

(vi) The District shall pay the entire cost of broken lenses and/or frames if the damage is the result of work-related activities. However, employees shall pay for the cost of safety glasses that have been lost, broken or damaged due to neglect.

2. All safety glasses must comply with ANSI 787.1 standard, "American National Standard Practice for Occupational and Educational Eye and Face Protection.

F. The District will pay for one pair of uninsulated work gloves and one pair of insulated work gloves for each trades and crafts employee. The District will pay for the replacement of work gloves subject to the same restrictions that apply to the replacement of tools.

G. Employees working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole and where such

employee's feet are exposed to electrical hazards, shall wear safety shoes. Safety shoes are defined as personal protective equipment (PPE) for protection of feet at workplaces. It prevents from getting foot injuries due to slippery surfaces, heavy falling or rolling objects, sharp piercing edges, pinch points, rotary machinery, hot objects, loops of ropes under tension, splinters, electricity, chemicals or even bad weather.

1. All safety shoes shall meet ANSI Z41 or ASTM F2413-11 specifications and must be clearly and legibly marked with either of these labels.
2. Employees that are affected by this Section III.G. of this policy shall be responsible for purchasing their own safety shoes. Line Technicians shall wear safety shoes that are suitable to be used as a climbing boot.
3. The District shall reimburse employees for the cost of the safety shoes as follows.
 - a. The District will create an account for each employee that is required to wear safety shoes and credit the account \$15.00 per month.
 - b. At such time employees request reimbursement for safety shoes, they shall submit a receipt for their purchase to the Safety Coordinator and furnish evidence that the safety shoes that were purchased meet required specifications and are acceptable to use in their job.
 - c. Employees shall be reimbursed for the amount of the purchase up to the credited amount available in their account. If sales tax was not included in the purchase of the protective footwear, the District will calculate and remit the proper sales tax to the State of Nebraska and deduct the amount of sales tax from the employee's account.
 - d. If the cost of the safety shoes purchased by an employee exceeds the available amount in the employee's account, the employee will be responsible for the excess cost, and no other reimbursement shall be made on this specific purchase.
 - e. Only one pair of safety shoes shall be reimbursed per calendar year.
 - f. This account shall be used solely for the purchase of safety shoes. Any credit remaining in the employee's account shall be forfeited upon termination of employment. Safety shoes purchased by an employee and reimbursed by the District within the employee's last 6 months of employment with the District may be deducted from the employee's last paycheck.

IV. RESPONSIBILITY

The department heads through the General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: January 1, 1977

REVISED EFFECTIVE DATE: March 15, 2011
 March 20, 2018
 November 17, 2020

POLICY NO. 222**COMPENSATION FOR INJURIES ON THE JOB****I. OBJECTIVE**

To set forth the policy of the District concerning compensation for injuries on the job.

II. POLICY CONTENT

Employees injured on the job may use accumulated sick leave and/or accrued vacation in an amount equal to the employee's regular take-home pay less any worker's compensation payment.

III. PROVISIONS

- A. When an employee is injured on the job, is unable to perform any work made available by the District, and commences to receive workers' compensation payments, the employee may supplement workers' compensation payments with his/her accumulated sick leave and/or accrued vacation if he/she so desires. The maximum amount of this supplement shall be an amount equal to the difference between 100 percent of the employees' base pay and the employee's workers' compensation payments.
- B. A physician's release is required for employees returning to work after a work related injury or illness.

IV. RESPONSIBILITY

- A. Employees who believe they have suffered a work-related injury must report the injury to their supervisor or the safety coordinator no later than the end of the business day on which the injury occurred. Failure to give such notice may result in denial of compensability of the claim under workers' compensation law.
- B. The General Manager will be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995

REVISED EFFECTIVE DATE: July 17, 2007

February 21, 2015

POLICY NO. 223**SAFE HARBOR****I. OBJECTIVE**

- A. To make sure that employees are accurately compensated and done so in compliance with all applicable state and federal labor laws.
- B. To provide a means for employees to report concerns when they believe their wages have been subject to improper deductions.

II. POLICY CONTENT

The District shall comply fully with the Fair Labor Standards Act, the Nebraska Department of Labor regulations, and federal laws governing deductions from the salaries of employees. Employees shall be responsible for verifying that they were paid correctly for all time during the pay period.

III. PROVISIONS

- A. Every effort will be made to ensure employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the attention of the District's Finance and Accounting Department, any correction that is necessary shall be promptly made.
- B. The employees shall review their pay stub when they receive it to make sure it is correct. If they believe a mistake has occurred or if they have any questions, they shall use the reporting procedure outlined below.

Non-exempt Employees

An employee eligible for overtime pay or extra pay must maintain a record of the total hours he or she works each day. These hours must be accurately recorded on a time sheet that will be provided. Each employee must sign his or her time sheet to verify that the reported hours worked are complete and accurate. The time sheet must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, and early or late departures. At the end of each day, the employee should submit his or her time sheet for verification and approval. When employees receive their pay checks, they need to verify immediately that they were paid correctly for all regular and overtime hours worked each pay period.

Exempt Employees

An employee classified as an exempt salaried employee will receive a salary intended to compensate the employee for all hours that he or she may work for the District. This salary will be established at the time of hire or when the employee becomes classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Exempt employees will receive their full salary for any workweek in which work is performed. However, under federal law, the salary is subject to certain deductions. For example, absent contrary state law requirements, an exempt employee's salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability, since the District has a sick day plan and short-term and long-term disability insurance plans.
- Full day corrective action suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- To offset amounts received as payment for jury and witness fees or military pay.
- Unpaid corrective action suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event the employee works less than a full week.

An employee's salary may also be reduced for certain types of deductions, such as: a portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or voluntary contributions to a 401(k) or pension plan. In any workweek in which an exempt employee performs any work, the employee's salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Absence because the facility is closed on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which the employee has performed any work.
- Any other deductions prohibited by state or federal law.

Please note: Exempt employees will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability. However, the salary will not be

reduced for partial day absences if the employee does not have accrued paid time off.

- C. It is a violation of the District's policy for any employee to falsify a time sheet, or to alter another employee's time sheet. It is also a serious violation of District policy for any employee or supervisor to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time sheet to under- or over-report hours worked. If any employee is instructed to (1) incorrectly or falsely under- or over-report hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, the employee shall report it immediately to the General Manager.
- D. If employees have payroll questions, or believe their wages have been subject to any improper deductions or that their pay does not accurately reflect all hours worked, they should report the concerns to their supervisor and/or the Manager of Finance and Accounting. If they have not received a satisfactory response within five business days after reporting their concern, the employee should report the concern to the General Manager to correct the problem.
- E. Every report will be fully investigated and corrective action will be taken, up to and including discharge of any employee who violates this policy.
- F. The District will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the District's investigation of such reports. Any form of retaliation in violation of this policy will result in corrective action, up to and including discharge.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

(Was previously Deductions From Salaries of FLSA-Exempt Employees policy, adopted April 18, 1995)

POLICY NO. 224**DISABILITY – SHORT TERM****I. OBJECTIVE**

To interpret the provisions of the District's short-term disability plan.

II. POLICY CONTENT

Regular employees who have met the required waiting period for participation in the Short-Term Disability (STD) program shall be eligible for disability benefits under this plan.

III. PROVISIONS**A. Benefits**

1. The District provides short-term disability benefits for periods of total disability, beginning on the 8th consecutive day in which an employee is unable to work due to an accident or sickness.
2. If an employee qualifies, insurance coverage will provide the employee a benefit equal to two-thirds of his/her base earnings, up to a maximum of \$800 per week for 13 weeks.

B. Continuing Benefits During Illness or Disability

1. Holidays – If an employee is on STD and a holiday occurs, the individual will receive holiday pay for that day.
2. Sick Leave and Vacation Leave - Sick leave and vacation leave shall continue to accrue and may be used by employees on STD.

C. Group Medical Insurance

The District will continue payment of the group medical premiums for an employee on STD.

D. NRECA 401(k) Pension Plan

For an employee on STD, the District will continue to make contributions to an employee's 401(k) account. The amount of the contribution shall be determined by the amount of pay the employee receives from the District.

E. Employee Group Term Life and Retirement Plans

The District will continue to pay the premium on the group term life plan and continue contributions to the Retirement Security plan for an employee on STD.

F. Restricted work duty may be available or considered for returning employees on STD. If restricted work duty is available, it shall be administered pursuant to Policy No. 227.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: February 21, 2012

REVISED EFFECTIVE DATE: June 17, 2014
September 18, 2018
January 15, 2019

POLICY NO. 225**DISABILITY – LONG TERM****I. OBJECTIVE**

To interpret the provisions of the District's long-term disability plan.

II. POLICY CONTENT

Regular employees who have met the required waiting period for participation in the Long-Term Disability (LTD) program shall be eligible for disability benefits under this plan.

III. PROVISIONS**A. Benefits**

1. The District provides long-term disability benefits for periods of total disability as a result of accidental injury and/or illness when the employee remains continuously disabled during a qualifying period of 13 weeks. This election applies only to off-the-job illnesses or injuries.
2. If an employee qualifies, insurance coverage will provide the employee a benefit equal to two-thirds of his/her base earnings following the waiting period.

B. Reinstatement

1. Restricted work duty may be available or considered for returning employees on LTD. If restricted work duty is available, it shall be administered pursuant to Policy No. 227.
2. An employee must return to work the next working day after which the attending physician certifies the end of disability. If the employee chooses not to return after obtaining medical release, his/her position may be filled and employment terminated after three (3) working days.
3. Once an employee has gone on LTD, the District will make every effort to reinstate the employee upon receiving a medical release, providing a position is available with duties the employee is qualified to perform.

C. Continuing Benefits During Illness or Disability

1. Holidays - An employee on LTD will not receive holiday pay.
2. Sick Leave and Vacation Leave - Sick leave and vacation leave shall stop accruing when an employee begins the LTD period. However, accrued sick leave and vacation leave may be used by the employee while on LTD.

D. Group Medical Insurance

The District will continue payment of the group medical premiums for an employee on LTD, as follows:

1. For an employee with less than five (5) years of service with the District at the time LTD benefits commence, premiums will be paid for a maximum of three (3) months; or
2. For an employee with five (5) or more years of service with the District at the time LTD benefits commence, premiums will be paid for a maximum of six (6) months.

E. NRECA 401(k) Pension Plan

The NRECA 401(k) Pension Plan becomes dormant if an employee goes on long-term disability. All contributions to the plan cease.

F. Employee Group Term Life and Retirement Plans

Unless the employee is terminated, retires, or dies, payments to the basic and supplemental life insurance and pension programs must be made for the first 26 weeks of LTD, at which time payments by the District for those benefit programs are waived by NRECA and the employee will continue participation in those plans as an active/disabled employee.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: February 21, 2012

REVISED EFFECTIVE DATE: June 17, 2014
January 15, 2019

POLICY NO. 226**EMPLOYEE ASSISTANCE PROGRAM****I. OBJECTIVE**

To assist employees who are voluntarily seeking treatment or assistance in dealing with various personal or emotional problems such as chemical dependency or co-dependency, substance abuse, domestic or marital conflicts, financial problems, legal problems, or any other problem the employee is facing in his/her personal life that may affect an employee's overall health and well being, and in turn affect his or her job performance.

II. POLICY CONTENT

- A. The District, through the General Manager, will assist employees who are voluntarily seeking treatment for a chemical dependency or substance abuse problem in locating a professional agency or individual qualified to evaluate the employee and provide the appropriate treatment.
- B. The District, through the General Manager, will also assist employees seeking help in dealing with other emotional or personal problems such as domestic or marital problems, chemical co-dependency, financial problems, legal problems, or any other problem an employee may face in his/her personal life that may adversely affect his/her overall health and well being before it becomes a problem in the workplace.

III. PROVISIONS

- A. Employees experiencing emotional or personal problems, who wish to seek treatment for such problems, should contact the General Manager who will provide the employee with names and phone numbers of medical facilities where the employee can obtain an evaluation of his/her condition and receive the appropriate treatment, or will assist the employee in locating a professional agency (such as the county mental health department) or individual qualified to give an evaluation and provide the necessary treatment. Any such consultation with the General Manager will remain strictly confidential.
- B. The General Manager will also advise employees as to which programs may be covered under the District's group major medical/hospitalization insurance policy.

- C. Employees may use sick leave or vacation leave, if available, while seeking treatment during the employees' normal hours of work.
- D. Employees undergoing treatment for any emotional or personal problems, such as those aforementioned, will be expected to maintain acceptable levels of job performance and will not be held to a lesser standard of performance simply because they are undergoing treatment for a personal or emotional problem. However, the District will consider reasonable accommodations for an employee seeking treatment for disability covered under the Americans with Disabilities Act.
- E. Nothing in this policy is intended to protect employees from corrective action due to work rule violations while seeking treatment under this policy.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy and for maintaining the confidentiality of individual employee problems brought to their attention under this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 227**RETURN TO WORK – TEMPORARY RESTRICTED/LIGHT DUTY****I. OBJECTIVE**

To set forth the procedure for the return to work of employees who have been injured or have had an illness.

II. POLICY CONTENT

In the event an employee is temporarily disabled due to either an on-the-job or off-the-job injury or illness, the District will make a reasonable effort within business needs, to provide available temporary restricted/light duty work to the employee. Temporary restricted/light duty work is provided by the District only as a means to transition an injured or ill employee back to the employee's regular full-time position.

III. PROVISIONS

- A. Temporary restricted/light duty work will only be considered when the temporarily disabled employee presents a physician's statement detailing the work restrictions the employee is under.
- B. Temporary restricted/light duty assignments will only be made when there is productive work which needs to be done. Work will not be created in order to provide an employee a temporary restricted/light duty assignment. The availability of temporary restricted/light duty work will be determined by the employee's supervisor and the general manager.
- C. Temporary restricted/light duty work may consist of modifying the employee's regular job to fit within the work restrictions; providing available alternative work within the employee's department; providing available alternative work elsewhere within the company; or providing a reduced hour work schedule.
- D. The specific terms and conditions of the temporary restricted/light duty work will be defined through a collaborative process between the District, the employee, and the employee's physician.
- E. While on temporary restricted/light duty an employee's rate of compensation may be adjusted to match the assigned duties. Any compensation adjustment will be determined prior to the temporary restricted/light duty assignment.

- F. At no time shall an employee be allowed to return to either temporary restricted/light duty or full duty work without the physicians approval of the duties offered.

IV. RESPONSIBILITY

- A. It shall be the responsibility of the employee to secure a physician's approval before returning to work. The employee shall be responsible to work within the established guidelines and agrees to any adjusted rate of compensation.
- B. The employee's supervisor and the general manager shall be responsible for determining if temporary restricted/light duty work is available, and to ensure that the employee only performs the tasks identified for the temporary assignment.

EFFECTIVE DATE: February 21, 2017

SERIES 300

WORK RULES

POLICY NO. 301**METHOD OF HANDLING PERSONNEL PROBLEMS****I. OBJECTIVE**

- A. To establish a system that employees can follow to ensure prompt hearing and resolution of grievances, and
- B. To ensure that problems relating to personnel practices and administration will be promptly resolved.

II. POLICY CONTENT

Employees may present grievances, questions, or problems in a step-like progression to their immediate supervisor, their department head, and ultimately to the General Manager.

III. PROVISIONS

- A. This policy shall apply to regular and part-time employees.
- B. Any difference between the District and an employee involving the meaning and/or application of the District's policies and/or procedures relating to personnel administration and/or work practices and rules shall constitute a problem, except that matters related to an employee's termination are not reviewable under this procedure.
- C. The following procedure may be used to resolve employee grievances or problems.
 - 1. The employee shall initially bring the grievance or problem to the attention of his/her immediate supervisor. The supervisor shall attempt to resolve the grievance or problem (if the proposed solution is within the authority of the immediate supervisor) to the satisfaction of the employee and the District, within five work days after submission of the problem to the supervisor.
 - 2. If the grievance or problem is not resolved to the employee's satisfaction by the immediate supervisor, the employee shall submit the grievance or problem in writing to the General Manager. The written statement should clearly indicate:

- a. the employee's question or complaint,
- b. the facts on which the complaint is based, and
- c. the policy provisions or procedures that are controlling in the situation.

After receiving the employee's written statement, the General Manager should arrange to meet with the employee to discuss the problem. The General Manager shall, within three work days after receiving the employee's written statement, attempt to resolve the grievance or complaint to the satisfaction of the employee and the District.

3. If the problem or grievance is not resolved to the employee's satisfaction by the General Manager within three work days, the General Manager shall forward copies of the written statement to each of the Executive Members of the Board, who shall discuss such differences with the District Board within a period of five working days, or within such additional period as may be mutually agreed upon. The decision of the Board of Directors shall be final.
4. **NOTHING IN THIS POLICY IS INTENDED TO CHANGE THE EMPLOYMENT-AT-WILL RELATIONSHIP EXISTING BETWEEN THE DISTRICT AND IT EMPLOYEES. (SEE POLICY NO. 101) THE PROCEDURES OUTLINED ABOVE ARE INTENDED AS GUIDELINES ONLY, AND THE DISTRICT EXPRESSLY RESERVES THE RIGHT TO HANDLE EMPLOYEE GRIEVANCES AND PROBLEMS DIFFERENTLY, DEPENDING ON THE FACTS AND CIRCUMSTANCES PRESENT IN INDIVIDUAL CASES.**

IV. RESPONSIBILITY

A. General Manager

1. Exceptions to this policy are the responsibility of the General Manager who will be guided by recommendations from the management staff.
2. The General Manager will review all problems presented to him/her and render decisions as required by the situation.

B. Supervisors and Department Heads

1. The immediate supervisor of each employee is responsible for hearing and resolving problems of employees under the procedures established in this policy, if the problem and the proposed solution are within the supervisor's authority.
2. Department heads are responsible for hearing problems and making every effort to resolve problems under the procedures established in this policy. If a solution cannot be reached at this level, department heads are responsible for arranging for a further discussion between the employee and the General Manager.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 302**CORRECTIVE ACTION, WORK RULES, AND TERMINATION OF PERSONNEL****I. OBJECTIVE**

- A. To define the District's work rules in writing;
- B. To establish clearly defined guidelines for corrective action, and terminations; and
- C. To reemphasize the District's at-will employment policy, i.e., the District retains the right to terminate employees at any time, for any reason.

NOTE: SEE POLICY NO. 101, WHICH DESCRIBES THE DISTRICT'S EMPLOYMENT-AT-WILL POLICY IN GREATER DETAIL.

II. POLICY CONTENT

This policy provides for corrective action and sets forth guidelines for termination of personnel.

III. PROVISIONS**A. Resignations**

- 1. Regular employees are expected to give the District a minimum of two weeks' advance notice in the event they decide to terminate their employment with the District. Resigning employees will receive cash payment for all accrued vacation time if such notice has been given.
- 2. The District shall request each resigning employee to participate in an exit interview with the employee's supervisor so that the District may ascertain the employee's reasons for resigning. If the supervisor determines that the reason(s) for the resignation involve conflict with established policies, the supervisory staff, or other management-related matters, he/she shall make appropriate recommendations to the General Manager regarding possible review or change in such matters.
- 3. The employee shall be counseled regarding his/her retirement benefits, accrued vacation, savings plan, and any other benefit or plan related to the employee's tenure of employment with the District. The employee's

'termination date' for benefit plans shall be the last day the employee performed services for the District.

4. Employees voluntarily leaving employment with the District shall be paid on their next regular payday.

B. Termination of Employees

If it becomes necessary for a department head or the General Manager to terminate an employee, the employee shall be informed in writing of the action and of his/her rights and privileges, subject to the following guidelines.

1. Any employee who is involuntarily terminated should receive an exit interview from the General Manager. The employee should be counseled regarding his/her retirement benefits, savings plan, credit union balances, and any other benefit or plan related to the employee's tenure of employment with the District.
2. Employees who are terminated will be paid their full wages and salaries due on the next regular payday. Any employee involuntarily terminated because of a violation of the District's policies or work rules will not be paid for accrued vacation leave.

C. Exit Interviews

The District shall request that all employees, upon termination, whether by resignation or involuntary termination, participate in an exit interview to be conducted by the General Manager. The purpose of this exit interview is so the District may ascertain the reason for the resignation/termination, to analyze factors contributing to employee turnover and to identify any areas of concern regarding employment conditions within the District. All information provided by the employee will be kept strictly confidential, and will not be used to retaliate against the employee in any way.

D. Corrective Action

Corrective action is designed to promote acceptable behavior and work practices of the District's employees.

The corrective action procedures are as follows: (one year rollover)

- Written Level I
- Written Level II
- Written Level III with possible suspension
- Termination

The degree of corrective action taken depends on the seriousness of the offense, the employee's prior corrective action record, the employee's prior work performance record, and the employee's length of service. The violation of some rules may result in termination for the first offense regardless of the employee's prior record or length of service.

E. Work Rules

In the interest of good employee/employer relations, the following "Rules of Conduct and Performance" are provided to employees to generally inform them of the District's requirements and expectations. These rules, which are illustrative only and are not intended to be all inclusive, contain examples of failures in conduct and/or job performance which may lead to corrective action or termination.

RULES OF CONDUCT AND PERFORMANCE

Improper conduct and/or inadequate performance includes:

1. misrepresentation or omission of facts in seeking employment;
2. fighting or causing bodily injury to another or disorderly conduct;
3. refusal to accept or follow orders or directions from proper authority or any other form of insubordination;
4. theft (including diversion of current), dishonesty, pilferage, or unauthorized removal of District property without appropriate management approval. Conviction of certain illegal acts, other than minor traffic offenses;
5. falsification of time sheets;
6. making or permitting a false or untrue record relating to any material or work;
7. disclosing confidential information;
8. engaging in dangerous or disruptive horseplay or scuffling;
9. violation of safety rules or of any safety procedure that is defined in the District's policies or in the "Safety Standards Manual";
10. failure to report injury;

11. defacing, damaging, or destroying District property deliberately or through negligence;
12. profane/abusive language toward or about supervisors, customers, or others;
13. originating or spreading false or malicious statements about employees or the District, including its management and members of its Board;
14. immoral or indecent conduct;
15. careless or inefficient performance of duties, including failure to maintain standards of workmanship and productivity;
16. excessive absenteeism, failure to report for work, failure to give proper notice to supervisor, or conducting unauthorized personal business during working hours;
17. excessive tardiness;
18. leaving job without authorization, wasting time, loitering, or sleeping during working hours;
19. transportation or possession of firearms while on District property or District business;
20. bypassing management with individual complaints and grievances;
21. failure or refusal to cooperate with fellow workers;
22. engaging in any act not compatible with the best interests of the District;
23. unauthorized use of District vehicles, tools, equipment, and the like;
24. smoking or vaping in facilities designated as non-smoking/vaping areas;
25. violation of the District's Sexual Harassment policy (See Policy No. 307);
26. violation of the District's Drug-Free Workplace policy and/or the District's Controlled Substances and Alcohol Testing policy (See Policy No. 305 and Policy No. 306); and
27. violation of any District policy or other reasonable standard of employee conduct; and

28. any attempt to bribe or coerce a Board member or manager in relation to the hiring or termination of any applicant for employment or employee.
- F. Suspension under this policy of an FLSA-exempt employee will be administered pursuant to the provisions in Policy No. 223, Deductions From Salaries of FLSA-Exempt Employees.

NOTE: NOTHING IN THIS POLICY IS INTENDED TO MODIFY THE DISTRICT'S EMPLOYMENT-AT-WILL POLICY. (SEE POLICY NO. 101.) THE DISTRICT RESERVES THE RIGHT TO TERMINATE AN EMPLOYEE AT ANY TIME, FOR ANY REASON. SIMILARLY, EMPLOYEES RETAIN THE CORRESPONDING RIGHT TO RESIGN AT ANY TIME. WHILE THE ABOVE RULES OF CONDUCT AND ARE PROVIDED AS A GUIDE FOR DISTRICT PRACTICES, THE DISTRICT MAY CORRECT EMPLOYEE CONDUCT AND/OR PERFORMANCE NOT SPECIFICALLY LISTED HEREIN. IN ADDITION, THE DISTRICT IS NOT OBLIGATED TO OBSERVE ANY PARTICULAR SEQUENCE OF CORRECTIVE ACTION EMPLOYEES MAY BE IMMEDIATELY TERMINATED AT THE OPTION OF THE DISTRICT.

IV. RESPONSIBILITY

- A. All District supervisors shall be responsible for enforcing this policy in a fair and even-handed manner.
- B. The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 18, 1995

REVISED EFFECTIVE DATE: May 21, 2013
January 15, 2019
January 18, 2022

POLICY NO. 304**DOCUMENTATION OF EMPLOYEE PERFORMANCE AND CONDUCT****I. OBJECTIVE**

To require management and supervisory personnel to document work rule violations and deficiencies in the conduct or performance of the employees under their supervision, as well as the achievements or exceptional performance of the employees under their supervision.

II. POLICY CONTENT

- A. Each manager and supervisor is responsible for administering the appropriate corrective action for all instances of work rule violations and deficiencies in the conduct or performance of the employees under his/her supervision.
- B. Each manager and supervisor is responsible for documenting all achievements and exceptional performance of the employees under his/her supervision.

III. PROVISIONS**A. Violations of Work Rules**

All management and all supervisory personnel are responsible for administering the appropriate corrective action for work rule violations committed by the employees under their supervision. Once a manager or supervisor learns that an employee under his/her supervision has violated a District work rule (see Policy No. 302), the manager or supervisor must document the violation on a Corrective Action Form, to be signed by the manager or supervisor and acknowledged by the employee. The employee, before signing the Corrective Action Form, shall be given the opportunity to record his/her comments of the form. The employee should be advised that his/her signature does not constitute his/her agreement with the facts contained in the report, but is merely an acknowledgment of receiving a copy of the report and being given the opportunity to include his/her comments. In the event the employee refuses to sign the Corrective Action Form, another manager or supervisor should act as a witness and sign the form in acknowledgment of the employee's refusal. The Corrective Action Form shall be retained in the employee's personnel file and taken into consideration when conducting the employee's performance evaluation.

B. Deficiencies in Employee Performance and/or Conduct

In all instances where an employee has exhibited a deficiency in his/her performance or conduct (i.e., quantity or quality of work, cooperation, dependability, ability to learn, knowledge of job, neatness, work habits, punctuality, etc.), the employee's supervisor or manager shall administer the appropriate corrective action and document the deficiency on a Corrective Action Form.

C. Achievements and Exceptional Employee Performance

Managers and supervisors should document occasions when an employee under his/her supervision has exhibited exceptional performance or has made a noteworthy achievement in the same manner that deficiencies in performance or conduct are documented in the employee's personnel file. Such achievements or exceptional performance should be taken into consideration when conducting the employee's performance appraisal.

D. Managers and supervisors failing to adhere to this policy will be subject to corrective action.

IV. RESPONSIBILITY

- A. Each manager and supervisor is responsible for adhering to this policy with regard to the employees under his/her supervision.
- B. The General Manager shall review the corrective action and Corrective Action Form before it is given to the employee for acknowledgement.
- C. The General Manager is responsible for the administration of this policy.

EFFECTIVE DATE: April 20, 1999

REVISED EFFECTIVE DATE: March 15, 2005
January 18, 2022

POLICY NO. 305

MAINTAINING A DRUG-FREE WORKPLACE

I. OBJECTIVE

- A. To provide District employees with a safe, drug-free workplace and to promote high standards of employee health;
- B. To carry out the District's basic responsibility to serve the public safely and without undue interruption; and
- C. To establish a drug-free awareness program for District employees.

II. POLICY CONTENT

The District is committed to maintaining a safe and healthy workplace free from the influence of alcohol and drugs, thereby reducing accidental injury to person or property, absenteeism, tardiness, and substandard job performance.

III. PROVISIONS

- A. It is a violation of District policy for any employee to:
 - 1. Unlawfully manufacture, distribute, dispense, sell, possess, or use any controlled substance at any time;
 - 2. Unlawfully manufacture, dispense, sell, possess, or use illegal drug paraphernalia at any time;
 - 3. Use, possess, or sell alcohol, without authorization, while on District premises, while on PPD business, while operating or riding as a passenger in any PPD-supplied vehicle, during work day rest and meal periods, or at any time while on-duty;
 - 4. Use alcohol, while off-duty or off District premises, in a manner that adversely affects an employee's ability to perform his/her job or his/her own or others' safety at work. In the case of an emergency call back, it shall be the responsibility of an employee to inform his/her supervisor if he/she has consumed alcohol and the amount of alcohol consumed. With that information, the supervisor shall have the discretion of determining what duties that employee is able to perform. By definition, "emergency call back" does not include employees who are on-call as

part of their routine schedule, and when necessary are expected to report for work fit for duty;

5. Store any illegal controlled substance or any illegal drug paraphernalia or unauthorized alcohol in a locker, desk, vehicle, or other repository on District premises; or,
6. Be under the influence of unauthorized alcohol or an illegal drug while on District premises, while on District business, while operating or riding as a passenger in District-supplied vehicles, while during a work day rest or meal period, or while on-duty. Being under the influence of alcohol is defined as a blood alcohol concentration (BAC) of 0.04 or greater. For the purposes of this Policy, "illegal drug" shall mean any controlled substance listed under Schedules I through V, Section 202, of the Controlled Substance Act, 21 U.S.C. Section 812, as amended.

B. Controlled Substances and Alcohol Testing

Controlled substances and alcohol testing conducted under this policy applies to all employees and applicants for employment, including drivers and driver applicants, as is defined in Policy No. 306. Testing may include collection and analysis of urine, breath, and/or blood samples to detect the presence of drugs and levels of concentration of alcohol. Testing under this policy may be conducted to determine the presence of alcohol, and any controlled substance listed under Schedules I through V of the Nebraska Uniform Controlled Substances Act, or any controlled substance prohibited by federal law. All testing under this policy is conducted on a nondiscriminatory basis so that no employee is harassed or treated differently from other employees in similar circumstances.

1. Pre-employment Post Job Offer Testing

All applicants must pass a drug test before beginning work. The District shall conduct pre-employment drug and alcohol testing of all applicants following a conditional offer of employment. All applicants will be notified that body fluid or breath tests will be used to detect the presence of controlled substances and alcohol. Any applicant who produces a confirmed positive test result shall be ineligible for employment with the District. Any applicant who refuses to submit to testing for controlled substances or alcohol, or who substitutes or tampers with a specimen shall be ineligible for employment with the District.

2. Random Testing

Employees who are required to have a Commercial Driver's License and may be required to drive a District vehicle that requires such license are subject to testing for controlled substances on a random basis. The random selection of employees

is made by a scientifically valid method. Each employee subject to random testing has an equal chance of being selected each time selections are made. Such procedure is applied in a uniform and nondiscriminatory manner. A random selection process means that the tests are unannounced and that each selection for random testing must include all employees subject to testing, regardless of whether or not they have been tested before.

3. Reasonable Suspicion Testing

An employee shall submit to a test for controlled substances and/or alcohol when the District has reasonable suspicion to suspect that the employee is under the influence of alcohol or a controlled substance while on-duty or otherwise performing District business. The District's determination that reasonable suspicion exists will be based upon a belief that the employee is using or has used controlled substances or alcohol in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts considering experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

- a. Observable phenomena while at work, such as direct observation of controlled substance or alcohol use or of the physical symptoms or manifestations of being impaired due to controlled substance or alcohol use;
- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- c. A report of substance abuse provided by a reliable and credible source;
- d. Evidence that an individual has tampered with any controlled substance or alcohol test during his/her employment with the District;
- e. Information that an employee has caused or contributed to an accident while on-duty; or
- f. Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on the District's premises, or while operating the District's vehicle, machinery or equipment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

4. Post Accident Testing

All employees, classified and unclassified, must submit to drug and alcohol testing any time he or she is involved in an accident where 1) a fatality is involved; or 2) the employee receives a citation for a moving violation arising from the accident within 8 hours of the occurrence, and any party involved requires immediate treatment for an injury away from the accident scene, or if any vehicle involved incurs "disabling damage" (i.e., must be towed away). Following any accident, the employee must contact the District as soon as possible. The employee has been presented with an information card setting forth certain instructions for post-accident drug and alcohol testing. The employee shall follow the instructions contained on the information card as well as any additional instructions from the District or its representatives.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as possible following the accident. In the event that federal, state, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, these tests may meet the requirements of this section, provided the tests conform to applicable federal, state, or local requirements. The District may request testing documentation from such agencies and may ask the employee to sign a release allowing the District to obtain such test results.

In the event the employee is so seriously injured that the employee cannot provide a sample of urine, breath, or saliva at the time of the accident, the employee shall provide necessary authorization for the District to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

5. Possession of Illegal Substances

An employee may be tested when the employee is in possession of illegal drugs or alcohol, or when suspected illegal drugs or alcohol are found in the proximity of the individual's workplace, or when reliable information is provided to the District that an individual is involved in the manufacture, distribution, dispensation, sale, possession, or use of illegal drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

6. Formal Charges/Criminal Convictions

An employee may be tested when the employee has been arrested and formally charged with violation of a criminal drug statute prohibiting the manufacture, distribution, dispensation, sale, possession, or use of illegal drugs.

All employees who are convicted of, plead guilty to, or are sentenced for a crime involving an illegal drug are required to report the conviction, plea, or sentence to the General Manager within five days. Failure to comply will result in corrective action measures pursuant to the District's Personnel Policy No. 302, Corrective Action, Work Rules and Termination of Personnel, up to and including termination.

C. Controlled Substances and Alcohol Testing Procedures

1. An employee shall report to the area of the District office where the specimen for substance abuse shall be collected.
2. An employee may immediately request further confirmation of any breath-testing results by a blood sample, if the employee voluntarily submits to give a blood sample taken by qualified medical personnel.
3. All confirmatory tests (except for a breath test) will be performed by a clinic, hospital, or laboratory certified pursuant to the federal Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263a.).
4. Except for breath test specimens, all specimens that test positive will be refrigerated and preserved in a sufficient quantity for retesting for at least 180 days.
5. Except for breath test specimens, a written record of the chain of custody of the specimen will be maintained from the time of collection of the specimen until the specimen is no longer required
6. Prior to collection, an employee shall be given the opportunity to inform the medical review officer ("MRO") that is collecting the specimen of any prescription or over-the-counter medication that the employee has been taking.
 - a. Employees testing positive will be given an opportunity to present a legitimate medical explanation for the positive test to the MRO, including evidence that medication prescribed by a licensed medical professional for use by the employee was the cause of the positive test result. In determining whether an employee's legally valid prescription consistent with the Controlled Substances Act constitutes a legitimate medical explanation, the MRO will not question whether the prescribing physician should have prescribed the substance.
 - b. The MRO will then determine whether or not the employee is capable of performing safety sensitive functions without posing a significant safety risk while on the prescribed medication. If the MRO determines there is a legitimate medical explanation and the employee is capable of performing

their work duties, they will report the test result as negative. If, on the other hand, the MRO finds no legitimate medical explanation for the drug use or the employee to be ineligible to perform their work duties without posing a significant safety risk, they will report the positive test to the employer.

7. Laboratory analysis will be performed on urine specimens or blood samples to determine the presence of, but not limited to the following substances: alcohol, amphetamines, marijuana, cocaine, opiates, and phencyclidine (PCP).
 8. In the event an employee has a confirmed positive result on a drug or alcohol test, the employee will be immediately removed from all DOT-regulated safety-sensitive functions. The degree of corrective action that will be taken as a result of a positive test will depend on the seriousness of the offense, the employee's prior corrective action record, the employee's prior work performance record, and the employee's length of service. An employee will not be permitted to return to performing DOT-regulated safety-sensitive duties until they have
 - Undergone an evaluation by a Substance Abuse Professional
 - Successfully completed an education, counseling or treatment prescribed by the SAP prior to returning to service; and
 - Provided a negative test results for drugs and/or a test result of less than .02 for alcohol.
- D. Any person who is retained in employment after testing positive may be retested at any time for a period of up to five years.
- E. An employee who refuses to consent to testing under this policy or who has a confirmed positive test result for alcohol or illegal controlled substances will be corrective action up to and including termination. (See Policy No. 302, Work Rules and Termination of Personnel.)
- F. Any employee who tampers with or aids another in tampering with a sample at any time during or after the collection or analysis of such sample for the purpose of altering the results of any test to determine the presence of drugs or alcohol shall be subject to corrective action up to and including termination.
- G. Any employee who provides, acquires, or uses body fluids for the purpose of altering the results of any test to determine the presence of drugs or alcohol shall be terminated.
- H. Employees must report to their supervisor concerning the use of any drug that alters the employee's ability to safely perform the essential functions of their position. Employees who are using legally purchased or over-the-counter drugs and who have knowledge that such use could affect their ability to perform their assigned duties in a

safe and efficient manner shall report the use of such drugs to their immediate supervisor. The department manager and/or the General Manager shall assist the immediate supervisor in evaluating the circumstances and determine whether such individuals are fit for normal duties or whether a temporary reassignment or other measure is necessary.

- I. Employees must satisfactorily participate in any drug or alcohol treatment or counseling program required by the District pursuant to the provisions of this policy or pursuant to the District's Federal Department of Transportation Controlled Substances and Alcohol Testing Policy, Policy No. 306.

J. Confidentiality

Test results are confidential and will not be released to the public, except that results shall be released as required by law or to the employee upon request. Results may be disclosed to the District's medical and legal advisors, and to those officials, agents, or employees at the District who have a need to know of such results.

K. Inspections

1. Whenever the District has reasonable grounds for suspecting that an employee's work performance or on-the-job behavior has been affected in any way by alcohol or a controlled substance, the District may search the employee, the employee's locker, desk, or other District property under the control of the employee, as well as the employee's personal effects or vehicle on District property.
2. Whenever the District has reasonable grounds for suspecting that an employee has sold, purchased, used, or possessed alcohol, a controlled substance, or illegal drug paraphernalia on District premises, the District may inspect the employee, the employee's locker, desk, or other District property under the control of the employee, as well as the employee's personal effects or vehicle on District property.
3. The District will prominently post on all employee bulletin boards the following notice:

RIGHT TO INSPECT

The District, or its duly authorized agents, reserves the right to inspect the property and person of any individual or vehicle on District property. This right includes, but is not limited to, the inspection of parcels, packages, purses, lunch boxes, briefcases, lockers, work stations, and desks.

4. All employees shall agree in writing to allow the inspections described above under the conditions described above as a condition of their employment.

5. All inspections under this subsection must be authorized by the General Manager and may only be conducted by persons authorized by the General Manager.
- L. The District shall take the following action for any violation of these provisions:
1. Corrective Action up to and including termination (See Policy No. 302, Corrective Action, Work Rules and Termination of Personnel); and/or
 2. Require satisfactory participation in a drug abuse assistance or rehabilitation program.
- M. Compliance with this drug-free workplace policy is a condition of employment. Employees shall be given a copy of this policy and shall be asked to sign a statement acknowledging receipt of it and evidencing their willingness to comply with it.

IV. RESPONSIBILITY

A. Employees

All District employees are responsible for abiding by this policy as a condition of their employment.

B. Management Officials and Supervisors

1. All supervisors are responsible for being alert to possible violations of this policy by employees under their supervision.
2. Any violation or suspected violation of this policy should be reported to the General Manager.
3. The General Manager will oversee the overall application of this policy.
4. The General Manager will notify federal agencies that contract with or grant to the District within ten (10) days after receiving notice of an employee's conviction under any criminal drug statute for a violation occurring in the workplace.

EFFECTIVE DATE: April 18, 1995

REVISED EFFECTIVE DATE: March 21, 2022

POLICY NO. 306**FEDERAL DEPARTMENT OF TRANSPORTATION CONTROLLED
SUBSTANCES AND ALCOHOL TESTING****I. OBJECTIVE**

- A. To maintain a safe, healthful, and efficient working environment for all District employees and to protect District property, equipment, and operations; and
- B. To reduce highway accidents that result from driver use of alcohol and/or controlled substances, thereby reducing fatalities, injuries, and property damage; and
- C. To comply with state and federal regulations requiring controlled substance testing.

II. POLICY CONTENT

This policy describes the District's requirements and procedures for alcohol and controlled substance testing.

III. PROVISIONS

- A. Federal Highway Administration (FHWA) Controlled Substances and Alcohol Testing for Employee Drivers, Leased Drivers, Contract Drivers, and Driver Applicants.

The provisions of Section III.A. apply to all employee drivers, leased drivers, contract drivers, and driver applicants who are subject to driving any vehicle in interstate or intrastate commerce that: (a) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (b) has a gross vehicle weight rating of 26,001 or more pounds; or (c) is designed to transport 16 or more passengers, including the driver; or (d) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

- 1. The use of alcohol, including any medication containing alcohol, is prohibited as follows:

- a. 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. In addition, no driver whom the District has actual knowledge that he/she has an alcohol concentration of 0.04 or greater shall be permitted to perform or continue to perform safety-sensitive functions. A driver is considered to be performing a safety-sensitive function from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions shall include:
 - i. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
 - ii. All time inspecting equipment or servicing or conditioning any commercial motor vehicle at any time;
 - iii. All time spent at the driving controls of a commercial motor vehicle in operation;
 - iv. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
 - v. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
 - vi. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.
- b. No driver shall use alcohol while performing safety-sensitive functions. Should the District have knowledge that a driver is using alcohol while performing safety-sensitive functions, it will not permit that driver to perform or continue to perform safety sensitive functions.
- c. No driver shall perform safety-sensitive functions within four hours after using alcohol. Nor, shall a driver perform or continue to perform safety-sensitive functions whom the District has actual knowledge that the driver has used alcohol within four hours.
- d. No driver required to take a post accident alcohol test shall use alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

2. The use of controlled substances is prohibited as follows:
 - a. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. No driver whom the District has actual knowledge that he/she has used a controlled substance shall be permitted to perform or continue to perform a safety-sensitive function. Drivers must inform the District of any therapeutic controlled substance use.
 - b. No driver shall report for duty, remain on duty or perform any safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No driver whom the District has actual knowledge that he/she has tested positive or has adulterated or substituted a test specimen for controlled substances shall be permitted to perform or continue to perform safety-sensitive functions.
3. No driver shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test. The District shall not permit a driver who refuses to submit to such test to perform or continue to perform safety-sensitive functions.

Refusal to submit to an alcohol or controlled substances test means that a driver:

- a. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the District, after being directed to do so by the District;
- b. Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- c. Fails to provide a urine specimen for any drug test required by 49 C.F.R. Part 382 or U.S. Department of Transportation agency regulations. Provided, that an employee who does not provide a urine specimen because he/she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

- d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of the specimen.
- e. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there is not adequate medical explanation for the failure;
- f. Fails or declines to take a second test the District or collector has directed the driver to take;
- g. Fails to undergo a medical examination or evaluation, as directed by the medical review officer, as part of the verification process, or as directed by the designated employer representative. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- h. Fails to cooperate with any part of the testing process; or
- i. Is reported by the medical review officer as having a verified adulterated or substituted test result.

4. Tests Required

a. Pre-employment Controlled Substances Testing

Prior to the first time a driver performs safety-sensitive functions for the District, the driver shall undergo testing for controlled substances. No driver shall be allowed to perform safety-sensitive functions unless he/she has received a controlled substances test result from the medical review officer indicating a verified negative test result.

b. Pre-employment Alcohol Testing

- i. A pre-employment alcohol test will be conducted before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions). All safety-sensitive employees performing safety-sensitive functions will be treated the same for the purpose of pre-employment alcohol testing.
- ii. Pre-employment alcohol tests will be conducted only after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

iii. The District will not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02.

iv. All pre-employment alcohol tests will be conducted using the alcohol testing process of 49 C.F.R. Part 40.

c. Post-Accident Testing

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the District will test for alcohol and controlled substances each surviving driver who was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life.

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the District will test for alcohol each driver of its surviving drivers who receives a citation within eight hours of the occurrence under state or local law for a moving traffic violation arising from the accident if the accident involved: (1) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (2) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the District will test for controlled substances each of its surviving drivers who receives a citation within 32 hours of the occurrence under state or local law for a moving traffic violation arising from the accident if the accident involved: (1) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (2) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

i. If a post-accident alcohol test is not administered within two hours following the accident, the District shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a post-accident alcohol test is not administered within eight hours following the accident, the District shall cease

attempts to administer an alcohol test and shall prepare and maintain the same record to be submitted to the Federal Motor Carrier Safety Administration (FMCSA) upon request.

- ii. If a post-accident controlled substances test is not administered within 32 hours following the accident, the District shall cease attempts to administer a controlled substances test and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records will be submitted to the FMCSA upon request.
- iii. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the District to have refused to submit to testing.
- iv. The District will provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of Section III.A.4.b.
- v. The results of a breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements of Section III.A.4.b. above, provided such tests conform to the applicable Federal, State or local alcohol and/or controlled substances testing requirements, and that the results of the tests are obtained by the District.
- vi. Post-accident testing under this section does not apply to: (a) an occurrence involving only boarding or alighting from a stationary motor vehicle; or (b) an occurrence involving only the loading or unloading of cargo; or (c) an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with the Hazardous Materials Regulations.

d. Random Testing

- i. The selection of drivers for random alcohol and controlled substances testing will be made by a scientifically valid method. Each driver shall have an equal chance of being tested each time selections are made.

- ii. Random alcohol and controlled substances tests are unannounced and dates for administering random alcohol and controlled substance tests are spread reasonably throughout the calendar year.
- iii. Each driver who is notified of selection for random alcohol and/or controlled substance testing is required to proceed to the test site immediately; provided, however, that if a driver is performing a safety-sensitive function at the time of notification, the District shall ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.
- iv. Random Alcohol Testing
 - (1) The District participates in the random alcohol testing program through the Nebraska Rural Electric Association, which pools drivers from member systems. The program selects a sufficient number of drivers for alcohol testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate of 10 percent of drivers.
 - (2) A driver shall be tested for alcohol only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
- v. Random Controlled Substances Testing
 - (1) The District participates in the random controlled substances testing program through the Nebraska Rural Electric Association, which pools drivers from member systems. The program shall randomly select a sufficient number of drivers for controlled substances testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate of 50 percent of drivers.
- e. Reasonable Suspicion Testing
 - i. The District shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under this section. The training will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

ii. Observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or District official who is trained in accordance with DOT agency regulations.

iii. Reasonable Suspicion Alcohol Testing

- (1) A driver will be required to submit to an alcohol test when the District has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning alcohol. The District's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
- (2) The individual who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.
- (3) Alcohol testing is authorized only if the observations above are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. A driver may be directed by the District to undergo reasonable suspicion testing only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions or just after the driver has ceased performing such functions.
- (4) If a reasonable suspicion alcohol test is not administered within two hours from the time the District has a reasonable suspicion, the District will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight hours from the time the District has a reasonable suspicion, the District will cease attempts to administer an alcohol test and will state in the record the reasons for not administering the test.
- (5) Notwithstanding the absence of a reasonable suspicion alcohol test, no driver shall report for duty or remain on duty requiring the performance of a safety-sensitive function while the driver is under the influence or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse, nor shall the District permit the driver to perform or continue to perform safety-sensitive functions, until (i) an

alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or (ii) 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated prohibitions concerning alcohol use.

- (6) Except as provided in paragraph (5) above, the District will not take any action against a driver based solely on a driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test.
- (7) A written record will be made of the observations leading to an alcohol reasonable suspicion test and signed by the supervisor or District official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol test are released, whichever is earlier.

iv. Reasonable Suspicion Controlled Substance Testing

- (1) A driver will be required to submit to a controlled substances test when the District has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning use of controlled substances. The District's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. Observations may include indications of the chronic and withdrawal effects of controlled substances.
- (2) The required observations for controlled substances reasonable suspicion testing shall be made by a supervisor or District official who is trained in accordance with Section III.A.4.d. above.
- (3) A written record shall be made of observations leading to a controlled substances reasonable suspicion test and signed by the supervisor or District official who made the observations, within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

f. Return-to-Duty Testing

- i. When an employee has violated DOT drug and alcohol regulations, he/she can not perform or continue to perform any safety-sensitive

duties for the District until and unless the employee completed the evaluation, referral, and education/treatment process conducted by a substance abuse professional.

- ii. Before a driver returns to duty requiring the performance of safety-sensitive functions after engaging in prohibited conduct regarding the use of alcohol, the driver shall undergo a return-to-duty alcohol test with a result indicating alcohol concentration less than 0.02. However, the test can not occur until after the substance abuse professional has determined that the driver has successfully complied with prescribed education and/or treatment.
- iii. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in prohibited conduct regarding the use of controlled substances, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use. However, this test can not occur until after the substance abuse professional has determined that the driver has successfully complied with prescribed education and/or treatment.

g. Follow-Up Testing

- i. Following determination that a driver is in need of assistance in resolving problems with alcohol misuse and/or use of controlled substances, the District shall ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional.
- ii. Follow-up alcohol testing will be conducted only when a driver is performing safety-sensitive functions, or just before or just after performing safety-sensitive functions.
- iii. Follow-up testing will include at a minimum, six unannounced follow-up tests in the first 12 months of safety-sensitive duty following the driver's return to safety sensitive functions, but will not continue for more than 60 months.

5. Access/Confidentiality of Records

Records pertaining to controlled substances and alcohol use and testing shall be maintained in a secure location with controlled access. The District will not release driver information contained in records it is required to maintain under FHWA regulations except as authorized or required by law.

- a. A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substances tests. The District shall promptly provide records requested by the driver. Access to the driver's records shall not be contingent upon payment for records other than those specifically requested.
 - b. Records shall be made available to a subsequent employer upon receipt of a written request from the driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.
 - c. The District may disclose information required to be maintained under this policy, pertaining to a driver, to the decision maker in a lawsuit, grievance, or other administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including but not limited to, adulterated or substituted test results) administered under this policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver). Additionally, the District may disclose information in criminal or civil actions in accordance with 49 C.F.R. § 40.323(a)(2).
 - d. The District shall release information regarding a driver's records as directed by specific, written consent of the driver authorizing release of information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent.
6. Employer Notifications
- a. The District shall notify a driver of results of a pre-employment controlled substance test if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application.
 - b. The District shall notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this part if the test results are verified positive. The District shall also inform the driver which controlled substance(s) was verified as positive.
 - c. The designated District official shall make reasonable efforts to contact and request each driver who submitted a specimen under the District's program, regardless of the driver's employment status, to contact and discuss results of the controlled substances test with the medical review officer if the medical review officer has been unable to contact the driver.

The designated District official shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within 72 hours.

7. Procedures for Testing Program

The District will ensure that all alcohol and controlled substances testing conducted under this policy complies with the procedures set forth in 49 C.F.R. Part 40.

a. Controlled Substance Testing

The District will test for marijuana, cocaine, opiates, amphetamines, and phencyclidine. The split sample method of testing will be used. Testing will be performed by a laboratory certified by the Department of Health and Human Services.

If the test result of primary specimen is verified positive or a refusal to test because of adulteration or substitution, the employee may request that the medical review officer direct that the split specimen be tested in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The medical review officer shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result or refusal to test because of adulteration or substitution.

b. Alcohol Testing

Alcohol tests will be conducted by a trained breath alcohol technician or screening test technician (screening tests using non-evidential screening device only). Screening tests may be done using an evidential breath testing device or an alcohol screening device on the National Highway Traffic Safety Administration's (NHTSA) conforming products list for evidential and non-evidential devices. Confirmatory tests will be done by a trained breath alcohol technician using an evidential breath testing device on the NHTSA's conforming products list..

If the result of the screening test is a breath alcohol concentration of less than 0.02, no further testing is authorized.

If the result of the screening test is a breath alcohol concentration of 0.02 or greater, a confirmation test will be performed.

8. Information to be Obtained from Previous Employers

- a. The District will request the following information, after obtaining written consent from the driver, from DOT-regulated employers who have employed the driver during any period during the two years before the date of the driver's application or transfer:
 - i. Alcohol tests with a result of 0.04 or higher alcohol concentration;
 - ii. Verified positive drug tests;
 - iii. Refusals to be tested (including verified adulterated or substituted drug test results);
 - iv. Other violations of DOT agency drug and alcohol testing regulations; and
 - v. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements. If the previous employer does not have information about the return-to-duty process, the District will seek to obtain this information from the employee.
- b. The driver's specific, written consent to release this information is a condition of employment with the District. The District will provide the driver's consent form for release of this information to each of the driver's previous employers within the two preceding years.
- c. The District will maintain a written, confidential record with respect to each previous employer contacted.
- d. This information will be obtained and reviewed by the District prior to the driver performing safety-sensitive functions, but if this is not feasible, then no later than 30 calendar days after the first time a driver performs safety-sensitive functions. The District may not permit a driver to perform safety-sensitive functions after 30 days without obtaining the information.
- e. The District must still obtain this information even if the driver stops performing the safety-sensitive function before the District obtains the information.
- f. The District will not use a driver to perform safety-sensitive functions if the District obtains information that the driver has violated a DOT agency drug and alcohol regulation, without obtaining information that the driver has subsequently complied with the return-to-duty requirements of 49 C.F.R. Part 40.

- g. The District may also obtain, pursuant to the driver's written consent, any of the information concerning the driver which is maintained under FHWA regulations by the driver's previous employers.
 - h. The District will ask the employee whether he/she has tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol rules during the past two years. If the employee admits that he/she had a positive test or a refusal to test, the District will not use the employee to perform safety-sensitive functions until the employee documents successful completion of the return-to-duty process.
9. Consequences of Positive Alcohol or Controlled Substances Test
- a. In addition to, and independent of, any consequences for testing positive to alcohol or controlled substances set forth in 49 C.F.R. Part 382, any driver who tests positive for alcohol or controlled substances, adulterates or substitutes a specimen, or refuses to submit to testing shall be subject to corrective action, up to and including termination, as set out in the District's established corrective action procedures. (See Policy No. 302.)
 - b. No driver will be allowed to perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by this policy, unless the driver has met the requirements of Section III.A.10.
 - c. No driver tested under this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 will be allowed to perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
10. Referral, Evaluation and Treatment
- a. A driver who has engaged in conduct prohibited by this policy will be advised by the District of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.
 - b. Before a driver returns to duty requiring the performance of a safety-sensitive function after violating a DOT agency drug and alcohol

regulation, the driver shall undergo a return-to-duty alcohol or controlled substances test as set forth in Section III.A.4.e. In addition, each driver who has violated a DOT drug and alcohol regulation shall complete the evaluation, referral, and education/treatment process conducted by a substance abuse professional, and shall be subject to unannounced follow-up alcohol and controlled substances tests as set forth in Section III.A.4.f.

- c. The requirements of Sections III.A.10.a. and b. do not apply to applicants.
11. Any employee inquiries about this policy should be directed to the General Manager.
12. Each driver is required to sign a statement certifying that he or she has received a copy of this policy, the DOT regulations setting forth the procedures used in connection with this policy, and educational materials on the subject of drug and alcohol abuse.

IV. RESPONSIBILITY

A. Employees

All District employees subject to testing are responsible for abiding by this policy as a condition of their employment.

B. Management Officials and Supervisors

1. All supervisors and District officials are responsible for being alert to employee conduct that raises a reasonable suspicion that an employee is using or is under the influence of alcohol or controlled substances while on duty or otherwise performing District business.
2. The Safety Coordinator with the oversight of the General Manager, shall be responsible for the implementation of this policy and for scheduling drug testing as required by this policy.

EFFECTIVE DATE: April 18, 1995

REVISED EFFECTIVE DATE: March 21, 2021

POLICY NO. 307**SEXUAL HARASSMENT****I. OBJECTIVE**

- A. To clearly state the policy of the District's prohibition of sexual harassment;
- B. To clearly state the District's prohibition of conduct that unreasonably interferes with another employee's ability to perform his or her job;
- C. To provide District employees with mandatory avenues for making complaints of sexual harassment in the workplace;
- D. To protect employees who make complaints of sexual harassment and/or who participate in investigations of sexual harassment from retaliation; and
- E. To inform employees and Board members that violations of this policy may result in corrective action up to and including termination.

II. POLICY CONTENT

- A. The District prohibits sexual harassment.
- B. Employees must report all incidents of sexual harassment to the General Manager before the harassment becomes severe or pervasive.
- C. All employees must avoid offensive or inappropriate conduct behavior at work.
- D. The District will investigate all allegations of sexual harassment in a prompt, thorough, and impartial manner, and protect the confidentiality of such investigations to the extent possible.
- E. Any employee or Board member violating this policy may be subject to corrective action up to and including termination.

III. PROVISIONS

- A. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other unwelcome conduct directed at an individual because of his or her sex. Conduct may be considered sexual harassment when:

1. submission to or rejection of such conduct explicitly or implicitly affects an individual's employment;
 2. such conduct unreasonably interferes with an individual's work performance; or
 3. such conduct creates an intimidating, hostile or offensive work environment.
- B. The following are examples of conduct that may constitute sexual harassment prohibited by this policy:
1. unsolicited verbal sexual remarks (i.e., off-color jokes or stories);
 2. sexist remarks about a person's body or about sexual activities;
 3. pressure for sexual activity;
 4. physical assault or any unnecessary unwelcome touching; or
 5. disparate terms of employment based on the employee's sex.
- C. The activities described in Sections III.A. and III.B. above are prohibited and will not be tolerated. However, the conduct described in these Sections are examples only and are not intended to be an all-inclusive list of what the District may determine to be sexual harassment. Therefore, employees are required to report all unwelcome conduct that unreasonably interferes with their ability to do their jobs.
- D. Sexual harassment can occur in a variety of circumstances including, but not limited to, the following:
1. The victim, as well as the harasser, may be a woman or a man.
 2. The victim, does not have to be of the opposite sex from the harasser.
 3. The harasser can be the victim's supervisor, a supervisor in another area or department, a co-worker, a Board member, an agent of the District, or a non-employee.
 4. Under certain circumstances, the victim does not have to be the person harassed, but could be someone affected by the offensive conduct.
- E. Any employee who feels that he/she is a victim of sexual harassment must report offending conduct to the General Manager. However, if the complaint

involves the General Manager, then the employee must report the harassment to the Board President.

Any person who observes or otherwise has reason to believe that sexual harassment is occurring in the District's workplace is required to report the conduct to management before the harassment becomes severe or pervasive.

No employee will face retaliation for filing a report under this policy.

All reports of sexual harassment will be handled in a confidential manner to the extent possible.

- F. Upon receipt of a report of sexual harassment, the District shall conduct a prompt, thorough and impartial investigation. Before completing the investigation, the District shall take appropriate measures to ensure that the alleged harassment does not continue.

As part of the investigation, the District will interview the employee who complained of harassment, the alleged harasser, and others who could reasonably be expected to have relevant information. The alleged harasser shall in no way have any direct or indirect control over the investigation. The District shall protect the confidentiality of complaints of sexual harassment to the extent possible.

- G. Any employee who makes a complaint of sexual harassment or who participates in an investigation of sexual harassment will be protected from retaliation.
- H. Should the District, upon completion of the investigation, find that sexual harassment has occurred in violation of this policy, it will take immediate and appropriate corrective action.
- I. Any employee who has questions regarding sexual harassment, who does not understand this policy, and/or who needs further explanation of this policy would contact the General Manager.
- J. Any employee violating this policy may be subject to corrective action up to an including termination.

IV. RESPONSIBILITY

- A. All employees shall be responsible for avoiding offensive or inappropriate conduct at work and for reporting incidents of sexual harassment to management.
- B. Supervisors shall be responsible for educating employees under their supervision on the District's policy regarding sexual harassment.
- C. The Board of Directors and the General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 19, 1986

REVISED EFFECTIVE DATE: March 21, 2022

POLICY NO. 308**AFTER HOURS WORK FOR ANOTHER EMPLOYER****I. OBJECTIVE**

- A. To discourage regular employees from working second jobs, and
- B. To specifically designate certain after hours work that conflicts with employment with the District.

II. POLICY CONTENT

Regular employees are discouraged from moonlighting and are prohibited from performing after hours work which conflicts with their employment with the District.

III. PROVISIONS

- A. Regular employees are discouraged from working second jobs. Studies by industrial psychologists and other experts indicate that after hours work often interferes with productivity, efficiency, and job satisfaction with the principal job.
- B. After hours work with any construction contractor, electrical contractor, and so forth, or any other company with which the District does business is strictly forbidden.
- C. Performing after hours work while in District uniform is strictly forbidden.
- D. Any employee who decides to take an extra job shall consult with his/her immediate supervisor to explore the possibility of a conflict before accepting such position.
- E. Any employee violating this policy shall be given the opportunity to cease the prohibited conduct before corrective action is imposed.

IV. RESPONSIBILITY

The General Manager, through his/her department heads, shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 309**PROCUREMENT CONFLICT OF INTEREST****I. OBJECTIVE**

The purpose of this Policy is to provide guidance to Employees in identifying and handling potential and actual conflicts of interest that may arise in doing their job, including procurement and contract administration. This Policy specifically addresses those duties related to procurement by the District.

The general rule is that Employees of the District are obligated to avoid and disclose ethical, legal, financial, or other conflicts of interest involving the District, and remove themselves from a position of decision-making authority with respect to any conflict situation. This Policy places special emphasis on protecting against those conflicts that may arise when conducting business with outside vendors and contractors on behalf of the District.

This Policy establishes the procedure the District will use to govern conflicts of interest. The Policy further establishes the procedure for the disclosure and monitoring of family and business relationships among Employees that could give rise to financial conflicts of interest with the District.

II. POLICY CONTENT

Perennial Public Power District (“Perennial” or “District”) Employee’s shall not participate in the selection, award, or administration of a contract if he or she has a real or apparent Conflict of Interest. In furtherance of this policy, all Employees of the District shall perform their duties in accord with this Policy.

III. PROVISIONS**A. Definitions**

1. An “Employee” is any officer or employee of the District.
2. A “Conflict of Interest” is a situation that may exist if an activity, gift or trip influences or has the appearance of influencing the ability of an Employee to exercise objectivity or affects that person's ability to perform his or her employment responsibilities in the best interests of the District. It includes actions, gifts, trips, etc. that do or might lead the Employee to select or favor selection of a particular contractor in procurement or contract administration.

3. “General Manager” is the person so designated to be in charge of ensuring proper compliance with this Policy.
4. “Family Member” means any spouse, domestic partner, parent, grandparent, sibling, and child, and any other relative who resides in the same household.

B. Identification of Conflict of Interest Situations

An Employee should be particularly careful of a real or apparent Conflict of Interest when the business matter at hand involves:

1. Family Members
2. Personal Gain
3. Outside Business of Employee or Family Member’s Gain.

Where any of these factors are involved with regard to a business decision, disclosure should occur in accordance with this policy.

C. Procurement Disclosures

Particularly where procurement may be funded by the federal government, Employees should immediately disclose any Conflict of Interest or perceived Conflict of Interest to the General manager and refrain from participating in the selection, award or administration of that contract until a determination has been made by the General Manager as to whether the Employee has a Conflict of Interest that prevents him or her from further participation.

D. Gifts and Entertainment

No Employee may solicit or receive gifts, gratuities, entertainment or anything else of significant value (e.g. financial payments, awards, loans, services, fees, etc.) given for the purpose of influencing the action of the District or of the recipient. Gifts and entertainment received from vendors, suppliers and consultants may only be accepted consistent with the terms of this Policy.

This guideline is not intended to prohibit normal business practices, such as meetings over meals, recreational activities, corporate items given to participants in meetings and conferences, or token hosting gifts, as long as they are of nominal and reasonable value and promote the District's legitimate business interests.

Examples of situations which would not create a Conflict of Interest include:

1. business-related meals, refreshments, and recreational activities such as golf or picnics not exceeding a total of \$250 in value from any one individual or organization for any given year;
2. gifts from Family Members or close friends that are not intended to influence a business relationship and are not given to influence the recipient's duties or responsibilities as per the the District;
3. promotional items such as caps, mugs, pens, t-shirts, etc. as long as generally given out freely, and not provided to influence the recipient's duties or responsibilities as per the District.

Anyone offered any item of value (except for the above-mentioned items) should immediately report the offer. If an Employee believes there is an appropriate reason to make an exception to this policy for an individual situation, he or she should contact the General Manager prior to accepting the gift.

E. Decisions Which Pose a Conflict of Interest

If an Employee determines that a decision may create a real or apparent Conflict of Interest, the Employee shall make full disclosure to the General Manager of any facts which may indicate a conflict. The Employee in question shall disqualify himself/herself from the decision-making process regarding any business decision, including procurement and contract administration decisions, which could pose a real or perceived Conflict of Interest. The Employee may request an opinion of the General Manager or Counsel for the District before such action is taken if the facts are in dispute or the situation is one that presents novel issues.

F. Disclosure and Management of Conflicts of Interest

All potential Conflicts of Interest must be disclosed to the General Manager. The Employee involved in the conflict situation must work with his/her manager and the General Manager, to achieve a resolution of the conflict issue in the best interests of the District. Depending upon the nature of the conflict, this may include the Employee being removed from a position of decision-making authority with respect to the specific situation or other actions the District deems necessary to prevent or address the conflict.

G. Disclosure of Contracts with Employees

The District may enter into contracts with one or more Employees, or entities in which they or a Family Member may have a material financial interest, for the provision of goods or services if the same opportunity is made available to other members of the District who are similarly situated. These contracts are to be procured in accordance with the District's standard procedures for the type of contract at issue. However, any such contract shall be submitted to and approved by the Board

of Directors and the General Manager for approval. If an Employee has any duties or responsibilities related to procurement of such contract, he or she shall immediately recuse from those actions, and not be involved in any part of the contract selection or award.

H. Financial Interest

If an Employee has a financial interest in any outside entity that conducts business with the District, then that Employee must disclose and avoid participating in decisions related to business with that entity.

I. Family Interests

If a Family Member of an Employee has a financial interest, this interest shall be fully disclosed to the District, and the General Manager shall decide if such interest should prevent the District from entering into a particular transaction, purchase or employment of services. The Employee with the interested Family Member shall not participate in any way in the decision to do business with such Family Member or entity.

J. Disqualification

If an Employee is determined to have a real or apparent Conflict of Interest the District will disqualify the Employee from acting on any matter or participating in any decision(s) that could be impacted by the conflict. If an Employee fails to comply with this Policy, the selection and award of the contract is not automatically invalidated. At the point the conflict is made known, the General Manager will immediately review all pertinent facts and make a determination as to the best course of action. If it is determined that the action will stand, such determination will be documented in writing and maintained in the files of the General Manager.

K. Consequences for Failure to Comply with Policy

Any Employee that does not comply with this policy shall be subject to corrective action, including termination, if so warranted by the offense.

IV. RESPONSIBILITY

A. The General Manager shall annually review all Conflict of Interest Certification and Disclosure Forms and generally monitor compliance with this Policy.

B. This Policy cannot describe all conflict of interest situations that may arise involving the District. Therefore, Employees must use good judgment to avoid any appearance of impropriety. Appropriate circumstances may also justify exceptions to the application of this Policy. If you have any questions about this Policy or its

application, please err on the side of caution and transparency, and seek advice from the General Manager.

ADOPTED: March 21, 2017

REVISED: March 21, 2022

EXAMPLES OF CONFLICTS OF INTEREST ACTIVITIES AND RELATIONSHIPS

The following activities illustrate types of potential or actual conflicts of interest that should be avoided and disclosed, as applicable, in accordance with this Policy. The list is not all inclusive and is intended only to provide guidance.

1. **Self-benefit:** Using your position or relationship within the District to promote your own interests or those of your family, including use of confidential or privileged information acquired in the course of employment at the District for benefit or gain of yourself or a Family Member.

2. **Influence peddling:** Soliciting benefits for yourself or a Family Member from outside organizations in exchange for using your influence to advance the interests of that organization within the District.

3. **Other business relationships and dealings:** Approving contracts with organizations in which you or a Family Member have a significant financial or other interest or relationship, particularly if you are in a position to influence major decisions, are responsible for review, negotiation and approval of the contracts, or otherwise direct the District's business dealings with that business or entity.

4. **Outside commitments:** Participating in social or political activities is not restricted as long as you participate as an individual and not as a representative of the District.

5. **Property transactions:** Directly or indirectly leasing, renting, trading, or selling real or personal property to or from the District.

6. **Use of the District property for personal advantage:** Using or taking District resources, including facilities, equipment, personnel, and supplies, for private use or other unauthorized non-district activities.

7. **Recording or reporting false information:** Misrepresenting, withholding, or falsifying relevant information required to be reported to external parties or used internally for decision-making purposes, in order to derive personal benefits.

8. **Dealings with Vendors or Contractors:** Personally accepting anything of value from organizations or individuals that have or will have proposals pending before the District or do business with the District.

CONFLICT OF INTEREST CERTIFICATION AND DISCLOSURE FORM

- 1. As described by the District’s Procurement Conflict of Interest Policy, the undersigned Employee states:
- 2. I affirm that I have received or have access to, have read, and understand the Procurement Conflict of Interest Policy.
- 3. I agree to comply with the Procurement Conflict of Interest Policy.
- 4. Based upon my good faith belief, to the best of my knowledge, and except as disclosed below, I certify that I currently comply with the Policy.
- 5. I disclose the following information or facts regarding any potential Conflict of Interest or any actual Conflict of Interest that could impact my compliance with the Procurement Conflict of Interest Policy:

- 6. Upon discovering any information or fact regarding any potential or actual Conflict of Interest that could impact my compliance with the Procurement Conflict of Interest Policy, I agree to disclose this information or fact to the General Manager.
- 7. If I do not comply with the Procurement Conflict of Interest Policy, I agree to any sanction, disqualification, removal or other action taken under the Policy, consistent with law and the District By-laws.

By: _____
 Print: _____
 Title: _____

Date: _____

POLICY NO. 310**ETHICS CODE****I. OBJECTIVE**

To purpose of this policy is to reaffirm the District's commitment to the highest standards of legal and ethical conduct in its business practices and to ensure that all employees adhere to those standards.

II. POLICY CONTENT

It has been the longstanding policy of the District to maintain the highest ethical standards in the conduct of District affairs and in its relationships with consumers, suppliers, employees, advisors, and the communities that we serve.

III. PROVISIONS

- A. As integral members of the District's team, employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that in both your business and personal life, you refrain from any behavior that might be harmful to you, your co-workers, or the District, or that might be viewed unfavorably by current or potential consumers or by the public at large. Whether you are on duty or off, your conduct reflects on the District. You are consequently, encouraged to observe the highest standards of professionalism at all times.
- B. It would be virtually impossible to cite examples of every type of activity which might give rise to a question of unethical conduct. Therefore, it is important that each of us rely on our own good judgement in the performance of our duties and responsibilities. When those situations occur where the proper course of action is unclear, request advice and counsel from your department head. The reputation and good name of the District depends entirely upon the honesty and integrity of each one of us.
- C. All employees must conform to ethical and legal standards to abide by the law and to preserve the District's integrity and reputation. Failure to adhere to this policy may result in corrective action, up to and including discharge from employment.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 311**ANTI-HARASSMENT****I. OBJECTIVE**

- A. To clearly state the District's prohibition of harassment on the basis of race, color, religion, sex, national origin, age, marital status, disability;
- B. To provide specific grievance and investigatory procedures to be followed when an employee feels he/she has been harassed; and
- C. To inform employees that violations of this policy may result in corrective action up to and including termination.

II. POLICY CONTENT

The District prohibits harassment on the basis of race, color, religion, sex, national origin, age, marital status or disability and will provide all District employees and applicants with protection against harassment in the workplace. All employees must avoid offensive or inappropriate behavior at work.

III. PROVISIONS

- A. "Harassment" is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, national origin, age, marital status or disability or that of his/her relatives, friends or associates and that:
 1. has the purpose or effect of unreasonably interfering with an individual's work performance;
 2. has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
 3. otherwise adversely affects an individual's employment opportunities.
- B. "Harassing conduct" includes but is not limited to the following:
 1. epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, sex, national origin, age, marital status or disability; and

2. written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, sex, national origin, age, marital status or disability or other protected status and that is placed on walls, bulletin boards, or elsewhere on the District's premises or circulated in the workplace; and
 3. through the use of social media (both during work and on personal time, and regardless of whose equipment or system is used), the posting of pictures, comments or other content about co-workers, or their relatives, friends or associates, that is covered under the definition of "Harassment", as is provided under section III.A. of this policy.
- C. Any and all activities described in Sections III.A. and III.B. above are prohibited. However, the behavior and conduct described in these Sections are examples only and are not intended to be an all-inclusive list of what the District may determine to be harassment under this policy.
- D. Any employee who feels that he/she is a victim of harassment or who observes or otherwise has reason to believe that harassment is occurring in the District's workplace is encouraged to immediately report the matter to any appropriate management official with whom they feel comfortable talking. The following reporting procedures are suggestions only. In the event that an allegation of harassment is made against the employee's supervisor, the employee should report the matter directly to the General Manager. Any allegation of harassment against a Board member should also be reported directly to the General Manager. If an allegation of harassment is made against the General Manager, a report should be made directly to the President of the Board and/or the District's attorney.
- E. Harassing conduct may occur between an employee and a nonemployee, as well as between coworkers. If an allegation of harassment is made against a nonemployee (such as a vendor, subcontractor, supplier, consultant, or consumer), the General Manager will take immediate action to remove the alleged harasser from the presence of the complaining employee. The General Manager will also address the nonemployee directly concerning the District's intolerance of such conduct. The General Manager shall take other actions as necessary to guarantee that the employee is protected from any further harassment by the nonemployee.
- F. Harassment complaints, reports and grievances will be immediately investigated. The investigation will be conducted on a confidential basis to the extent possible. The District's attorney may be consulted for advice, and all personnel are expected to cooperate fully in investigations. When appropriate, the results of the District's investigation and its recommendation will be discussed with the complainant before any action is taken.

- G. Upon the completion of the District's investigation, the following procedure will be used:
1. Except as otherwise provided below, the results and recommendations of the District's investigation will be forwarded to the General Manager for a final decision. After reviewing the investigation's results and recommendations, the General Manager will make a final decision as to the appropriate resolution of the harassment allegation.
 2. If an allegation of harassment is made against the General Manager, a report of the District's investigation will be submitted directly to the President of the Board and/or the District's attorney. The President of the Board shall then attempt to resolve the matter with the General Manager. If an allegation of harassment is made against a Board member, a report of the District's investigation shall be submitted to the General Manager, and the General Manager shall bring the investigation's results and recommendations to the attention of the entire Board. The Board as a whole shall then attempt to resolve the matter with the Board member.
- H. Any employee violating this policy may be subject to corrective action ranging from a written warning to termination, depending on the severity of the violation. Any further incident of harassment will result in more severe corrective action.
- I. No employee will be retaliated against for filing a grievance or complaint alleging harassment or for participating in an investigation.

IV. RESPONSIBILITY

The Board, General Manager, department managers, and supervisory personnel are responsible for the administration of this policy.

EFFECTIVE DATE: February 27, 2001

REVISED EFFECTIVE DATE: March 21, 2022

POLICY NO. 312**SAFETY AND LOSS CONTROL****I. OBJECTIVE**

- A. To promote safe working practices for employees of the District.
- B. To inform employees how to report an injury or illness.

II. POLICY CONTENT

- A. The District is committed to the safety of its employees and customers. This commitment is supported by the Board of Directors and management, and is the collective responsibility of all District employees.
- B. The District shall provide a safe and healthful working environment for its employees. Furthermore, the District shall promote practices that will eliminate personal injury and occupational disease. The District shall also make reasonable accommodations in the design of the workplace that take into consideration individual employee's capabilities and limitations.
- C. Employees are required to report all work-related injuries and illnesses immediately.

III. PROVISIONS

- A. To provide a safe working environment, the District shall:
 - 1. Maintain memberships in the safety and job training program sponsored by the Nebraska Rural Electric Association,
 - 2. Accept and endorse the Rural Electric Safety Achievement Program (RESAP) sponsored by the National Rural Electric Cooperative Association,
 - 3. Adopt the "Recommended Safe Work Practices Manual" as published by the Nebraska Rural Electric Association's Job Training & Safety Advisory Committee,
 - 4. Provide education and training to institutionalize safety values throughout the District, including at least one safety meeting each month, and other related instructional and training meetings as necessary,

5. Provide for attendance at various training schools when such are considered to be beneficial to the employees and the District,
 6. Provide for employment entrance physical examinations to ensure that employees are physically capable of performing their duties, and
 7. Make reasonable accommodations in the design of the workplace that take into consideration individual employee's capabilities and limitations,
 8. Set and monitor safety goals and objectives to safeguard the well-being of our employees, customers and the general public,
 9. Raise safety awareness of all employees and stress personal accountability.
- B. The General Manager shall appoint an employee of the District as the designated Safety Coordinator to administer the District's safety program.
- C. Reporting Work-Related Injuries and Illnesses
1. Under 29 CFR Part 1904, the District is required to maintain and record work-related injuries and illnesses; therefore, each employee is required to notify the Safety Coordinator or his/her designee immediately in person, or by phone, of any work-related injury or illness suffered by the employee.
 2. The District will not discriminate against an employee for reporting work-related fatality, injury or illness, filing a safety and health complaint, asking for access to the Part 1904 records, or otherwise exercising any rights afforded by the Occupational Safety and Health Act.
- D. The General Manager shall provide the Board of Directors with a monthly Safety & Loss Control report, and the minutes of the Board Meeting shall reflect that such report was discussed.
- E. A safety committee shall be formed by the Safety Coordinator. This committee shall meet on a regular basis to discuss safety related items, accidents, safety equipment, safety meeting content, and other District activities. Duties of the committee generally will be as follows:
1. Review and investigate all accidents involving company personal injury or death to employees, and damage or destruction of property of District.
 2. Make proposals to the General Manager regarding safety, policies, and corrective measures for hazards inherent to the District operations.

3. Provide written reports/minutes on all committee activities to the General Manager and Board of Directors.
- F. Rubber gloves shall be exchanged at least once each month, with other rubber goods tested in accordance with the NREA "Recommended Safe Work Practices Manual". All employees will wear class II (20,000 volt) rubber gloves as required, and those employees performing energized line work will additionally wear Class II (20,000 volt) sleeves.
- G. Trucks and tools shall be kept in top repair at all times, and it shall be the responsibility of the user, or driver to report faulty equipment. The District shall provide it's employees with proper tools and safety equipment.
- H. Employees are expected to abide by the safety rules and regulations published, copies of which shall be given to employees.
- I. Any employee violating an established safety practice shall be subject to the following corrective action:

1. First Violation

The employee's supervisor and the Safety Coordinator shall counsel the employee and discuss the violation. The employee may be required to complete additional training. The degree of corrective action taken depends on the seriousness of the violation and other relevant factors and may result in termination for the first offense regardless of the employee's prior record or length of service. At a minimum, a written corrective action will be placed in the employee's personnel file, and the employee will be advised in writing that any further safety violations will result in further corrective action up to and including termination.

2. Second Violation Within any Consecutive 12-Month Period

The employee's supervisor and the Safety Coordinator shall discuss the violation with the employee. The degree of corrective action taken depends on the seriousness of the violation and other relevant factors and may result in termination regardless of the employee's prior record or length of service. The employee shall receive written notification of the corrective action taken, a copy of which will be retained in the employee's personnel file. If suspended, the employee will be advised in writing that any further violations will result in termination.

3. Third Violation Within any Consecutive 12-Month Period

The employee will be subject to possible suspension. The degree of corrective action taken depends on the seriousness of the violation and other relevant factors and may result in termination regardless of the employee's prior record or length of service. The employee shall receive written notification of the corrective action taken, a copy of which will be retained in the employee's personnel file. If suspended, the employee will be advised in writing that any further violations will result in termination.

4. Fourth Violation Within any Consecutive 24-Month Period

The employee shall be terminated from employment with the District.

- J. Any employee who recklessly disregards his/her safety or the safety of others may be immediately subject to termination regardless of whether the employee has previously violated any safety practice.

NOTE: NOTHING CONTAINED IN THIS POLICY SHALL CONSTITUTE A WAIVER OF ANY RIGHTS OR REMEDIES OF THE DISTRICT, ITS OFFICERS, OR AGENTS TO CORRECTIVE ACTION, DEMOTE, OR DISMISS ANY OFFICER, AGENT, OR EMPLOYEE FOR WILLFUL OR NEGLIGENT VIOLATION OF ANY DISTRICT SAFETY PRACTICES. NOTHING IN THIS POLICY IS INTENDED TO MODIFY THE DISTRICT'S EMPLOYMENT-AT-WILL POLICY. (SEE POLICY NO. 101) THE PROGRESSIVE CORRECTIVE ACTION PROCEDURES OUTLINED IN THIS POLICY ARE INTENDED AS GUIDELINES ONLY. THE DISTRICT IS NOT OBLIGATED TO OBSERVE ANY PARTICULAR SEQUENCE OF CORRECTIVE ACTIONS, AND AN EMPLOYEE VIOLATING A SAFETY PRACTICE MAY BE IMMEDIATELY TERMINATED AT THE OPTION OF THE DISTRICT.

IV. RESPONSIBILITY

- A. The General Manager shall be responsible for administering this policy and shall report all accidents or related activity to the Board.
- B. All employees shall be required to familiarize themselves with this policy and to observe the applicable rules outlined in the safety manual, in addition to other specific safety requirements and procedures as management may from time to time establish.

EFFECTIVE DATE: May 24, 1988

LAST REVISED EFFECTIVE DATE: March 21, 2022

POLICY NO. 313**HEARING CONSERVATION****I. OBJECTIVE**

To assure the protection of employees from the potential effects of harmful noise exposure. This written program is required for workers whose noise exposures equal or exceed an action level of 85 decibels for an 8-hour day or a noise dose ratio of 50%, as defined by OSHA. This program has therefore been developed in accordance with the OSHA regulations under 29 CFR 1910.95.

II. POLICY CONTENT

It is the desire and responsibility of the District to provide a safe place of employment which includes protecting employees from harmful noise by monitoring noise exposure, instituting control measures, and implementing a hearing conservation program where occupational noise exposure exceeds an 8-hour time-weighted average (TWA) of 85 decibels. The following program, procedures and instructions are adopted for the benefit of both management and employees, and include monitoring, audiometric testing, hearing protectors, training and recordkeeping.

III. PROVISIONS**A. Monitoring**

1. A noise survey will be conducted to identify those areas where employee noise exposure may exceed an 85 decibel 8-hour time-weighted average (TWA).
2. Monitoring of the noise levels throughout the facility(ies) shall be accomplished using a calibrated audio dosimeter that will measure all continuous, intermittent and impulsive sound levels between 80 to 130 decibels.
3. Additional monitoring will be conducted if changes in production, equipment, processes or controls suggest that noise exposures may have increased.
4. Each employee will be notified of the monitoring results if exposed at or above the 85 decibel TWA.

B. Audiometric Testing

1. A baseline audiogram will be obtained for all employees with noise exposures equal to or greater than 85 decibel TWA. The baseline audiogram will be obtained within one year of the employee's first exposure. Employees shall wear appropriate hearing protectors until their baseline audiogram is taken.
2. Baseline audiometric testing must be preceded by at least 14 hours without exposure to workplace noise. Employees may use hearing protection as a substitute for this requirement.
3. Annual audiograms are required for all employees with noise exposures equal or greater than an 85 decibel TWA. The employee's annual audiogram shall be compared to that of their baseline audiogram to determine if a Standard Threshold Shift (STS) has occurred. If so, a re-test may be performed within 30 days and the second test results considered the annual audiogram. (A STS is defined as an average hearing shift in either ear of 10 decibels or more at the test frequencies of 2,000, 3,000, and 4,000 Hertz.)
4. Audiometric tests will be performed by a licensed or certified audiologist, otolaryngologist, qualified physician or qualified technician responsible to the audiologist or physician. If a STS is confirmed, the employee will be informed of this fact in writing within 21 days of the determination, and referred to an audiologist, otolaryngologist, or qualified physician for further evaluation.
5. Unless the audiologist or physician determines that the STS is not work-related or aggravated by noise exposures in the workplace, the employee will be required to use suitable hearing protection.
6. An annual audiogram may be substituted for the baseline audiogram when, in the judgment of the professional who is evaluating the audiogram, the STS revealed by the audiogram is persistent, or the hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.
7. All audiometric testing, evaluation, and personal protective equipment will be provided free of charge to all employees.

C. Hearing Protection

1. Hearing protection is required and will be provided at no charge to all employees with noise exposure at or above the action level.
2. Hearing protection will be evaluated as per Appendix B of 29 CFR 1910.95 to determine its ability to adequately reduce noise exposures in the workplace.
3. A variety of suitable types of hearing protection will be available for the employees' selection, and employees will be trained in the use and care of the provided hearing protectors.

D. Training

1. Annual training is required for employees who are exposed to noise at or above an 8-hour time-weighted average of 85 decibels, and will cover the following topics:
 - (a) The effects of noise on hearing.
 - (b) The purpose of hearing protectors.
 - (c) The advantages, disadvantages and noise reduction capabilities of the various types of hearing protectors.
 - (d) Instructions on the selection, fitting, use, and care of hearing protectors.
 - (e) The purpose of audiometric testing and an explanation of the test procedures.

G. Recordkeeping

1. Employee audiometric test records by maintained by the District and are available for review upon request by an employee, former employee, designated employee representative, and federal or state labor inspector. Such records shall include:
 - (a) Name and job classification of employee.
 - (b) Date of audiogram.
 - (c) Name of the examiner.
 - (d) Date of last acoustic or exhaustive calibration of the audiometer, and
 - (e) Employee's most recent noise exposure assessment.
2. Noise exposure records shall be retained for a minimum of two years. Audiometric test records shall be retained for the duration of the affected employee's employment.

IV. RESPONSIBILITY

- A. The General Manager and Safety Coordinator shall be responsible for administering this policy.

EFFECTIVE DATE: September 15, 1998

POLICY NO. 314**SMOKING AND OR VAPING****I. OBJECTIVE**

- A. To promote and maintain a productive and favorable working environment in District buildings at all times; and
- B. To clearly indicate the limitations on smoking and or vaping in District facilities and the accommodations to be made for smokers and or vapers where limitations apply.

II. POLICY CONTENT

- A. The District does not discriminate against any employee, employee group, guests, or visitors nor are any special rights afforded to either smokers, vapors, nonsmokers or nonvapors by this policy.
- B. The efficient and effective performance of services for customers and the maintenance of a favorable working environment require the District to prohibit smoking and or vaping in the District's facilities.
- C. This policy should be implemented in a spirit of cooperation, courtesy, and mutual respect. The harassment of either smokers, vapors, nonsmokers or nonvapors will not be tolerated.

III. PROVISIONS

- A. Smoking and or vaping is prohibited in all District buildings, facilities, and vehicles.
- B. Smoking and or vaping is permitted on District property out-of-doors. Management has the authority to designate areas for smoking and or vaping out-of-doors.
- C. Employees who violate this policy are subject to corrective action. The District offers employees assistance in smoking and or vaping cessation on a voluntary basis through the Employee Assistance Program.

IV. RESPONSIBILITY

- A. The District's employees, supervisors, and the General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 20, 1999
January 15, 2019
February 15, 2022

POLICY NO. 315**WHISTLEBLOWER PROTECTION****I. OBJECTIVE**

- A. To provide a specific procedure for employees to file complaints or concerns regarding accounting, internal accounting controls, or auditing matters; and
- B. To protect employees engaged in whistleblower activities from retaliation and/or discrimination.

II. POLICY CONTENT

- A. Employees shall submit genuine concerns regarding accounting, internal auditing controls, or auditing matters to the Audit Committee of the District's Board of Directors utilizing the procedures set out in this policy.
- B. The District prohibits retaliation and discrimination against employees who file complaints in good faith as set out in this policy.

III. PROVISIONS

- A. The District's Board of Directors has formed an Audit Committee which has established and will maintain procedures for:
 - 1. the receipt, retention, and treatment of complaints received by the District regarding accounting, internal accounting controls, or auditing matters; and
 - 2. the confidential, anonymous submission by District employees of concerns regarding questionable accounting or auditing matters.
- B. The District shall promptly forward all complaints and concerns regarding accounting, internal accounting controls, or auditing matters it receives to the Audit Committee for investigation.
- C. Complaints or concerns must be submitted using one of the procedures set out below and may be submitted anonymously. The confidentiality and anonymity of the complainant will be maintained to the extent possible.
 - 1. Employees shall submit their concerns in writing to the General Manager, who will then forward the complaint to the Chair of the Audit Committee. Complaints filed in this manner should be submitted to the General

Manager in a sealed envelope labeled, "To be opened by the Audit Committee only."

2. Alternatively, employees shall submit complaints or concerns to the District's General Counsel, Dave Jarecke, by telephone at 402-475-7080, or in writing to Blankenau Wilmoth Jarecke LLP, 1023 Lincoln Mall, Suite 201, Lincoln, NE 68508-2817. The District's General Counsel will report the complaint to the Chair of the Audit Committee.
- D. Upon receipt of a complaint made in good faith, the Audit Committee shall investigate the matter and take appropriate corrective action, if necessary. The Audit Committee shall make reasonable efforts to protect the confidentiality and anonymity of the complainant. The Audit Committee shall retain all such complaints and concerns for a minimum of seven (7) years.
 - E. The District prohibits retaliation and discrimination against any employee who provides information he/she reasonably believes constitutes mail fraud, fraud by wire, radio or television, bank fraud, or securities fraud, or who files a complaint or concern in good faith pursuant to this policy. Furthermore, no employee shall be adversely affected because he/she refuses or fails to carry out a directive that constitutes corporate fraud or is a violation of state or federal law.

IV. RESPONSIBILITY

- A. All employees are responsible for reporting any conduct they in good faith believe violates this policy.
- B. The Audit Committee and the General Manager are responsible for the administration of this policy.

EFFECTIVE DATE: March 15, 2005
January 15, 2019

POLICY NO. 316**BLOODBORNE PATHOGEN PROGRAM****I. OBJECTIVE**

To minimize or eliminate the health risk to employees from occupational exposure to blood and other potentially infectious materials.

II. POLICY CONTENT

The District will comply with occupational safety and health regulations as set forth in Section 1910.1030 regarding occupational exposure to bloodborne pathogens and will take all necessary precautions to protect employees from exposure to blood and other potentially infectious materials.

III. PROVISIONS**A. Definitions:**

1. Bloodborne Pathogen – Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
2. Exposure Incident – Specific eye, mouth, other mucous membranes, non-intact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of an employee’s duties.
3. Occupational Exposure – Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.

B. The District has made an exposure determination that it has no employees with duties that are reasonably anticipated to expose any personnel to blood or potentially infectious materials.

C. In an effort to provide protection to employees, the District has made personal protective equipment available to all employees to safeguard employees against an exposure incident. Personal protective equipment (“PPE”) including rubber gloves and CPR mouthpiece are available to all employees. This personal protective equipment is located in the first aid kits or the bloodborne pathogen kit. The management shall make the PPE available to employees; however, it is the responsibility of all employees to inform the District when replacement of any PPE is necessary.

- D. Any employee that believes that they have been exposed to a bloodborne pathogen must immediately report the incident to their supervisor or the management of the District.

IV. RESPONSIBILITY

- A. All employees and supervisors are responsible for the administration of this policy.

EFFECTIVE DATE: June 19, 2007

POLICY NO. 317**USE OF DISTRICT COMMUNICATIONS SYSTEMS AND EQUIPMENT
(LIMITATIONS ON E-MAIL AND INTERNET USE)****I. OBJECTIVE**

- A. To ensure that the District's business equipment and electronic communications systems, including voice mail, e-mail, intranet and Internet are used only for job-related purposes, with only minimal personal use during non-working time.
- B. To ensure the persons utilizing the District's business equipment and electronic communications systems understand that confidentiality and privacy are not available to individual users of the District's communications systems, including voice-mail, e-mail, etc.

II. POLICY CONTENT

All business equipment and electronic and telephone communications systems are District property and are to be used for conducting District business with minimal personal use permitted during non-working time, provided such use does not violate the provisions of this policy.

III. PROVISIONS

- A. The District maintains electronic communications systems including voice-mail, e-mail, intranet and Internet access for use in conducting District business. The voice-mail, e-mail, intranet and Internet systems and equipment are District property and are not the private property of any employee.
- B. All communications and information (including voice-mail, e-mail, computer files, etc.) transmitted, stored or received over or in the District's business equipment and electronic communications systems are District property. As policy, the District will not routinely read electronic message content; however, the District reserves the right to do so at any time without any prior notification. Consistent with other District policies and applicable law, the District additionally reserves the right to monitor any voice-mail, e-mail, intranet or Internet communications passing through District facilities. The District may electronically scan e-mail messages for the presence of specific content such as viruses or passwords. The District will also respond to legal process and fulfill its obligations to third parties. Unauthorized monitoring of District e-mail or its contents is a violation of District policy. The District

will take such steps as are necessary to guard against viruses that may arrive through attachments to e-mail.

- C. By accepting employment, or continued employment, with the District, employees consent to (1) the monitoring, printing, copying, and/or deleting of any voice-mail, e-mail message or other electronic data prepared by the employee, and (2) the District's use of such voice-mail, or other electronic data as the District deems appropriate. Employees acknowledge that the District's ability and freedom to monitor, delete, and otherwise take action with respect to employee voice-mails, e-mails, Internet usage, and other electronic data stored on District systems and equipment is necessary in order for the District to protect itself, its business, and its employees.
- D. All employees will acknowledge that the District permits *de minimis* personal use of its communications systems and equipment but that such uses and equipment are not private. Passwords do not guarantee privacy. Passwords are designed to maintain the confidentiality of the District's business-related information and to give employees access to all or part of the District's electronic communications systems as part of their work functions. Passwords are not designed to provide confidentiality with the respect to personal messages and documents stored on, or the employees use of, the District's electronic communications systems. No employee should have any expectation of privacy with respect to the electronic communications systems.

In addition, passwords are made by the employee, but they are not private. System Administrators must be notified of the existence of the passwords and of any change. The employee should not disclose his/her password, or if the password is inadvertently disclosed, it should be changed immediately with appropriate notification to the System Administrator. The employee must exercise all caution in protecting the password and the employee is responsible for its safe-keeping. Finally, the employee should exercise extreme care in making certain that his/her terminal is not accessible for unauthorized use.

E. Internet and E-Mail Use

1. **Employee use of the District's electronic communications systems is a privilege, not a right**, and places responsibility on all users of the systems. Minimal personal use of the Internet, e-mail and voice mail systems is permitted during non-working time at the discretion of the District. However, the District may revoke the privilege, with or without cause or reason, either temporarily or permanently.
2. Internet use must be consistent with District policies, ethics and values. In that respect, certain Internet websites are off-limits. Access to pornographic, "hate", and other sites that are simply inappropriate in a

work or any other setting is strictly prohibited. If a supervisor believes that an employee is accessing inappropriate websites, the supervisor may request monitoring assistance from the General Manager. The District will maintain software programs that enable it to isolate and determine the Internet usage of its business equipment.

3. Listed below are prohibited activities in which voice-mail, e-mail, intranet and Internet users may not engage. The specific activities listed herein are not intended to be an all inclusive list of all possible activities that would be prohibited by the District. When considering the propriety of engaging in a particular act, the employee should be guided by both the specific prohibitions provided below and the general objectives and guidelines expressed in this Policy. Prohibited activities include, but are not limited to:
 - a. Using any words, images, or references that could be viewed as obscene, derogatory, discriminatory, defamatory, or racially, sexually, ethnically, or otherwise offensive to the District, colleagues, customers, members, suppliers, or competitors;
 - b. Creating, accessing, downloading, or transmitting message or images that might be considered inappropriate in the workplace, including, but not limited to, messages or images that are rude, obscene or pornographic, and messages or images that might be considered offensive or harassing due to their reference to race, color, religion, sex, national origin, age, physical or mental disability, or any other protected status recognized under federal or state law;
 - c. Using voice-mail, e-mail, intranet or the Internet to harass, intimidate, or annoy other persons including co-workers;
 - d. Using voice-mail, e-mail, intranet or the Internet to make defamatory statements directed towards the District;
 - e. Spreading “chain mail” and other frivolous communications;
 - f. Making authorized communications to co-workers that disrupt the system;
 - g. Using the Internet for “day trading” (i.e. buying, selling, or otherwise trading stocks or making other investments over the Internet);
 - h. Downloading, copying, or transmitting software and/or documents protected by copyrights, or infringing on intellectual property rights.

- i. Downloading any other software or materials (such as on-line publications) unless the District's General Manager has approved such download and has taken appropriate anti-virus measures;
 - j. Using encryption devices and software that have not been expressly authorized by the District; or
 - k. Opening e-mail messages from unknown or unidentified external sources. Such messages may contain viruses capable of causing substantial damage to the District's systems.
4. "Confidential" information must be appropriately encrypted before being transmitted using the Internet.
5. Employees should avoid entering into any contractual agreements or making statements that might be interpreted as contractual unless they are authorized to do so and such practices are validated under applicable law. Providing access to a "Web page" on the District network by the outside world is strictly prohibited.
- F. The License (or Usage) Agreement for all software obtained from the Internet and used on District resources will be strictly followed. Software, data, and information integrity should be considered questionable when obtained from the Internet.
- G. Employees utilizing the District's communications systems and equipment as authorized under this policy must exercise restraint and avoid abuse. Any use of the District's communications systems and equipment for the purpose of moonlighting is strictly prohibited. Furthermore, any use of the District's communications systems and equipment to make tortuous or unlawful statements or to engage in tortuous or unlawful activity is strictly prohibited.
- H. Employees should keep in mind that voice-mail and e-mail messages are permanent. They are often more permanent than written communications on paper. "Deleted" files can be retrieved, read, printed, and forwarded. It is extremely important that employees not create documents that they would be embarrassed to leave in printed form on their desks. The "erase" or "delete" keys simply move the file material into another cyber storage space. If you are embarrassed or concerned about a document that exists and you would not want it in printed form, then you should not have it in electronic form either. Consult with the General Manager.

I. Non-Working Time Defined

For the purpose of this policy, non-working time is defined as follows:

1. Before and after the scheduled work day,
 2. During the standard lunch hour; and
 3. During authorized break periods.
- J. This policy applies to all employees and contractors using the District's electronic communications systems, irrespective of the time of day or location of the employee. Employees violating the letter or spirit of this policy are subject to losing their electronic communications privileges and may also be subject to corrective action, up to and including termination. Contractors violating the letter or spirit of this policy may jeopardize the status of their contract(s) with the District.

IV. RESPONSIBILITY

- A. The General Manager, immediate supervisors and all employees shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 318**WEAPONS-FREE WORKPLACE****I. OBJECTIVE**

To provide employees, customers and the public with a safe environment within the buildings and on the property of the District.

II. POLICY CONTENT

Ensuring a safe work environment and the prevention of workplace violence is of paramount importance to the District. The intent of this policy is to clarify the District's position regarding the presence of weapons, including handguns, in the workplace, including in District vehicles and on District property.

III. PROVISIONS

- A. Except as provided herein, District employees and contractors are strictly prohibited from possessing, transporting, storing, carrying or using handguns, knives, explosive devices, or weapons of any kind inside District owned or leased buildings and vehicles, or while conducting company business, on or offsite.
- B. Weapons include, but are not limited to, firearms of any type, instruments designed for and presently capable of causing death or serious physical injury, explosive devices, and knives (other than kitchen knives, pocketknives, and knives used for work).
- C. Law enforcement officers or any other first emergency responder carrying weapons in the performance of their duties are exempt from this policy.
- D. Employees may store firearms or ammunition in a personal vehicle that is parked in a District parking lot or other parking area provided by the District for employees if:
 - 1. The employee holds a concealed handgun license pursuant to the Nebraska Concealed Handgun Permit Act, or otherwise lawfully possesses the firearm or ammunition;
 - 2. The firearm or ammunition is stored out of sight in the employee's personal vehicle;
 - 3. The vehicle is locked.

- E. The District does not have any duty to inspect, patrol, or secure parking lots or any personal vehicles parked in a parking lot. In addition, the District has no duty to confirm, determine, or investigate an employee's compliance with laws relating to firearm ownership or possession.
- F. Violations of this policy may result in corrective action up to and including termination of employment.
- G. The District may post all necessary signage and notices to enforce this policy.
- H. Employees may not store firearms, ammunition, or any other type of weapon in a District owned vehicle under any circumstances.

IV. RESPONSIBILITY

- A. Employees are responsible for being aware of and complying with this policy.
- B. The General Manager shall be responsible for administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 319**MOBILE DEVICE ACCEPTABLE USE****I. OBJECTIVE**

To establish the criteria governing the authorized use of District owned smartphone and tablet (mobile) devices.

II. POLICY CONTENT

Employees may use District owned mobile devices to access the District's systems to enable them to transmit and receive work related information and to conduct other company business.

III. PROVISIONS

- A. Mobile devices issued by the District to employees shall remain the property of the District and are subject to the same usage guidelines as outlined in Personnel Policy No. 317, Use of District Communications Systems and Equipment. Additional provisions with specific application to mobile devices are outlined herein.
- B. Employees shall adhere to a general code of conduct that recognizes the need to protect confidential data that is stored on, or accessed using, a mobile device. This code of conduct includes but is not limited to:
 1. Doing what is necessary to ensure the adequate physical security of the device.
 2. Preventing the storage of company data in unapproved applications on the device.
 3. Ensuring the device's security controls are not weakened via security software changes and/or security setting changes. Users must not remove, alter, or share with other users or devices these district-issued applications. Also, passcodes shall be activated on tablets at all times.
 4. Report a lost or stolen device immediately to the Information Technology Administrator. Tablets issued to employees shall be equipped with location tracking capabilities to allow the device to be remotely located and reset (wiped clean) should they be lost or stolen.
 5. Using caution when connecting to public or other untrusted networks such as airports, restaurants, and hotels. If the subject of communication is of a truly sensitive nature, it would be best to utilize a more secure means of communication or wait until connected to a trusted network.

- C. Activities that are strictly prohibited on mobile devices include:
 - 1. Any action that violates district policies.
 - 2. Deletion of the district loaded profile, including authentication schemes and/or software used to connect to the network remotely.
 - 3. Access to the district network by devices with applications that have been manipulated or tampered with. Only devices with standard configured and signed applications will be allowed to connect to the district network.
- D. Employees that are authorized to connect personally owned devices to the district's network to access E-mail, Calendar, Contacts and other network resources must abide by this policy.

IV. RESPONSIBILITY

The General Manager and Information Technology Administrator shall be responsible for the administration of this policy.

EFFECTIVE DATE: February 12, 2013

POLICY NO. 320**USE OF SOCIAL MEDIA****I. OBJECTIVE**

To ensure accuracy, consistency, integrity and the protection of the identity and image of Perennial Public Power District and its customers by providing a set of required standards for social media use by employees of the District.

II. POLICY CONTENT

Social media allows simultaneous electronic communications with and among large numbers of people. It is a valuable tool for sharing information about the District. While social media may be used for these communication purposes by designated District staff, it is primarily a personal use typically performed during non-work time.

Social media for purposes of this policy includes all types of postings on the Internet, including, but not limited to, social networking sites, such as Facebook, MySpace or LinkedIn; blogs and other on-line journals and diaries; bulletin boards and chat rooms; micro blogging, such as Twitter; and the posting of video on YouTube and similar media.

III. PROVISIONS

- A. The District has spent substantial time and resources building its reputation and good will. These are valuable and important assets. Before engaging in any social media that identifies an employee as being employed by the District, the employee shall consider whether participation in the social media may damage the District's reputation.
- B. The following requirements apply to both work and non-work use of social media, regardless of whose equipment or system is used:
 - 1. Avoid personal attacks, on-line fights, and hostile personalities. Do not post anything that is false, misleading, obscene, defamatory, profane, discriminatory, threatening, harassing, abusive, hateful, or embarrassing to you, another person or the District. Make sure to respect others' privacy.
 - 2. Make it clear to your readers that the views expressed in personal blogs or other non-work venues are yours alone and do not reflect the views of the District. If you discover content online that disparages or reflects poorly on the District, please report this to the District's Marketing and Communication Coordinator so that it can be responded to by the organization in the most appropriate way.

3. Do not defame or otherwise discredit the District's products or services, or the products or services of the District's vendors.
 4. Do not use the District's name on personal photos or videos unless consistent with the District's brand. Even in a non-work environment, when your association with the District is apparent, you represent the utility and are subject to the District's Ethics Policies.
 5. Do not disclose personal or contact information, or post photographs, of coworkers or directors without their prior permission.
 6. Understand and comply with the District's position concerning topics that should not be discussed for confidentiality, legal compliance, or other business reasons.
 7. Be respectful of copyright and fair use laws. If you are unsure as to whether a particular piece of news needs approval from another party, check with the District's Marketing and Communications Coordinator before posting about it online. When posting or linking to other people's work, be sure to attribute it correctly.
- C. The use of social media is subject to all policies in the Personnel Policy Manual, including but not limited to, Policy No. 310 Ethics Code; Policy No. 311 Anti-Harassment; Policy No. 317 Use of District Communications Systems and Equipment; and Policy No. 319 Mobile Device Acceptable Use.
- D. Failure to comply with any provision of this policy may lead to corrective action up to and including termination.

IV. RESPONSIBILITY

The General Manager shall be responsible for the administration of this policy.

EFFECTIVE DATE: March 21, 2022

POLICY NO. 321**CYBER SECURITY POLICY****I. OBJECTIVE**

The purpose of this policy is to ensure that technology assets are protected against all internal, external, deliberate and accidental threats. Information, in all its forms, written, spoken, recorded electronically or printed, shall be protected from accidental or intentional unauthorized modification, or destruction throughout its life cycle. Policies and procedures are established and shall be administered to protect District technology systems and data, customer financial and protected information, and District data acquisition and control systems across the enterprise.

II. POLICY CONTENT

All employees, contractors, consultants, temporary and other workers must adhere to all policies and procedures authorized and approved under this program. This applies to District data sets and technology equipment that is owned, operated, or leased by the District. This policy describes the technology and information assets that must be protected and identifies many of the threats to those assets. The equipment, software, and storage medium used to process, store, and transmit information will be protected by appropriate controls.

III. DEFINITIONS

A. The term technology is intended to be defined broadly and includes all:

1. Electronic hardware, software, and services, including but not limited to desktop and laptop computers, tablets, workstations, monitors, printers, plotters, faxes, scanners, multifunction print devices, PDAs, smartphones, cellular phones, satellite phones, wireless broadband cards, pagers, servers, PBX equipment, telecommunications equipment, circuits, switches, routers, storage devices, networks, servers, recording devices, digital cameras, email, text messaging, instant messaging, Internet, firmware, operation systems, software, business applications, peripherals used in conjunction with the devices and software listed above, and all other electronic devices or software used to run software or

create, record, store, transmit and/or received video, voice or data;
and

2. Electronic information, including but not limited to email addresses, phone numbers, IP addresses, email messages, text messages, instant messages, word processor documents, spreadsheets, presentations, drawings, images, photos, videos, music, voice, databases, application data, and all other electronic data; and
3. Electronic communications, including but not limited to voice, email, text messages, instant messages, voice messages, internet postings, facsimiles, and all other forms of electronic communications.

IV. PROVISIONS

A. Risk Management

1. Risk assessments (“RAs”) may be conducted on any internal technology as well as any outside entity that has signed a Third-Party Agreement authorizing the District to conduct such assessments. RAs can be conducted on any information system, to include applications, servers, and networks, and any process or procedure by which these systems are administered and/or maintained. The execution, development and implementation of remediation programs is the responsibility of the District and the department responsible for the system area being assessed. Employees are expected to cooperate fully with any RA being conducted on systems for which they are held accountable.

B. Third Party Access

1. It is the responsibility of contractors, vendors and agents with remote access privileges to the District’s technology to ensure that their remote access connection is given the same consideration as the user’s on- site connection to the District. General access to the Internet via the District’s technology for recreational use, or unrelated outside business interests, is not permitted. The contractor, vendor and/or agent individually bears responsibility (as does the individual’s employer) for the consequences should the access be misused. The following requirements for remote access by third parties shall be included, wherever possible, in third party contracts, and a copy of this policy shall be given to all third-party contractors to ensure compliance with the following:

- a. Secure remote access must be strictly controlled. Control will be enforced via one- time password authentication or public/private keys with strong pass- phrases.
- b. At no time should any District employee provide their login or email password to anyone, except the District's Network Administrator.
- c. Contractors, vendors, or agents with remote access privileges to the District's network must not use non- district email accounts (i.e., Hotmail, Yahoo, Gmail), or other external resources to conduct business, thereby ensuring that official business is never confused with personal business.
- d. Personal equipment that is used to connect to the District's networks must meet the requirements of District- owned equipment for remote access.
- e. Organizations or individuals who wish to implement non- standard remote access solutions to the network must obtain prior approval from the District's Network Administrator.

C. Physical and Environmental Security

The District is committed to protecting its employees, customers and the company from illegal or damaging actions by individuals, either knowingly or unknowingly. This policy details the requirements and guideline for the physical protection of District technology, information, assets, and personnel through Facility Security, and Device and Server Security.

Facility Security

1. Sensitive exterior areas will be illuminated by security lighting from dusk to dawn. Lighting faults or failures should be reported to the Manager of Purchasing and Warehousing in a timely manner.
2. The headquarters will be protected by an intrusion alarm system. The alarm system will be tested on a recurring basis.
3. Public areas will be accessible during normal business hours. Non- public areas of all buildings will be designated as sensitive areas. Only authorized personnel are allowed in sensitive areas.

4. Access to sensitive areas will be controlled by an access control system, and will be recorded by video surveillance system.
5. Lost access cards/keys must be reported to the General Manager immediately.
6. Visitors will be escorted at all times in sensitive areas.
7. Areas that contain vital IT infrastructure, systems, or confidential data will follow the principal of least privileged access. Employees, contractors, and vendor staff will be granted access only to facilities and equipment necessary to fulfill their job function.
8. All employees are responsible for checking to ensure that doors, windows, and other access ways in their area of responsibility are locked and secure at close of business. Employees should report open or unlocked access ways immediately to Management.

Device and Server Security

1. All servers that host sensitive data and all critical IT resources will be placed in access-controlled, sensitive areas.
2. Backups, portable hard drives, and other removable media will be kept in a secure area such as a locked drawer or locked office when not in use.
3. Employees shall consider the sensitivity of the information to which they have access, such as personally identifiable information (PII) and protected health information (PHI), and shall take appropriate steps to prevent unauthorized access.
4. The District shall implement physical and technical safeguards for all devices that access sensitive information to restrict access to authorized users. Appropriate measures include:
 - a. Restricting physical access to devices to only authorized personnel.
 - b. Enabling a password-protected screen saver with a short timeout period to ensure that workstations that were left unsecured will be protected.

- c. Ensuring devices are used for authorized purposes only.
- d. Never installing unauthorized software on devices.
- e. Storing all sensitive information, including personally identifiable information (PII) and protected health information (PHI) on appropriately secured systems.
- f. Keeping food and drink away from servers and network equipment.
- g. Securing laptops that contain sensitive information.
- h. Arrange screens to limit visibility of sensitive data.

D. System Configuration

1. Technology, where applicable, shall have a standard configuration baseline maintained by the Manager of Finance and Accounting. The baseline configuration should be reviewed and updated when required due to a significant configuration change, such as an operating system upgrade or hardware change, or a demonstrated vulnerability; as part of a system component installation or upgrade; or at least on a yearly basis.

At minimum, the baseline configuration for each category of technology shall include:

- a. Standard operating system/installed applications with current version numbers.
- b. Standard software loaded on workstations, servers, network components, and mobile devices and laptops.
- c. Security configuration including disabled services, ports, etc. The configuration baseline may be less formal for devices or systems of limited size and scope, such as cell phones and tablets.

E. Malware Prevention

1. All computing systems, both physical and virtual, connected to the District network shall have an anti-virus and anti-malware application installed, configured, activated and updated with the latest threat definitions. This software application must be capable

of real- time scanning protection to files and applications running on the target system.

2. The Manager of Finance and Accounting shall ensure anti- virus software is run at regular intervals, and computers are verified as threat free, as follows.
 - a. Employees shall be instructed NOT to trust any other source for virus protection patches.
 - b. Ensure that the current version is installed with anti- virus updates as they become available.
 - c. Whenever new threats are identified and determined to be of sufficient concern to District business, all employees and contractors will be notified about the new threat and appropriate measures to take, if any.
3. Any activities with the intention to create and/or distribute malicious programs into the District's networks (e.g., viruses, worms, Trojan horses, e- mail bombs, etc.) are prohibited, in accordance the Acceptable Use section of this policy.
4. Virus or malware infected files must be isolated from the District's network until they are verified as virus- free.
5. Employees will be educated about safe anti- malware practices such as, but not limited to;
 - Opening unexpected attachments
 - Downloading files from unknown sources
 - Deleting spam, chain mails, junk emails
6. To expedite the recovery from any virus/malware threats the Network Administrator shall ensure that all critical network data and system configurations are backed up in accordance with the Backup and Recovery section of this policy.

F. Backup and Recovery

1. The District requires that computer systems be backed up on a regular basis and that the backup media is located/stored in secure locations. The purpose of the systems backup is to provide a means to restore the integrity of the computer systems in the event of a hardware/software failure or physical disaster and provide a measure of protection against human error or the inadvertent

deletion of important files. Systems backups are not intended to serve as an archival copy or to meet records retention requirements, but rather are for system restoration.

- a. The frequency and extent of backups must be in accordance with the importance of the information and acceptable risk as determined by the District.
 - b. Backup procedures shall be periodically tested to ensure that the IT resource is recoverable.
 - c. Procedures for the offsite backup storage shall be reviewed periodically.
2. To be able to recover lost data, management and staff should store essential data files requiring backup in a network folder. Data files on the user's local workstation may not be recoverable if the drive fails. Appropriate use of network storage will ensure ample capacity for archival storage of user data files. Employees should store and maintain data files (or current copies), which are important to the company and which would be costly or impossible to recreate, in a network folder. Employees should not store non-business or non-essential data files on the network drives.
 3. The system backups will consist of regular full and incremental backups in accordance with the District's "Backup Schedule by System".
 4. The District's IT backup and recovery processes for each system and service shall be documented by the Manager of Finance and Accounting with assistance from the primary users of the system.
 - a. Backup documentation includes identification of all critical data, programs, documentation and support items that would be necessary to perform essential tasks during a recovery period.
 - b. Documentation of the restoration process must include procedures for the recovery from single- system or application failures as well as a total data center disaster scenario.
 - c. Backup and recovery documentation will be reviewed and updated periodically to account for new technology, business changes, and migration of application to alternative platforms. Recovery procedures will be tested on an annual basis where feasible.

5. Test restores from backup archives must be performed at least annually where feasible. This ensures that both the archive media and backup procedures work properly. It must at least once be proven that complete data restoration is possible. This ensures reliable testing as to whether:
 - Data restoration is possible
 - The data backup procedure is practical
 - There is sufficient documentation of the data backup process, thus allowing a substitute to carry out a data restoration if necessary
 - The time required for the data restoration meets the availability requirements
6. To provide disaster recovery capability, backup media are rotated to an offsite storage location from the backup source. Backup media are maintained in offsite storage according to the schedule outlined in the District's "Backup Schedule by System".

G. Network Management

1. All devices connected to the District's network (wired or wireless) must be associated with, and in support of, the mission of the District. The integrity, security, and proper operation of the District's network require an orderly assignment of network addresses and the correct configuration of devices attached to the network. Network access, performance, and security are put at risk when devices are introduced into the network environment without appropriate coordination. To mitigate this risk, all connections to the District's Network must be managed with due consideration for accessibility, performance, privacy, and security.
2. The Network Administrator shall coordinate the connection and network address assignment of any and all devices on the network. Other contractors and employees may not install, alter, extend or re-transmit network services in any way. Contractors and employees are prohibited from attaching or contracting with a vendor to attach equipment such as routers, switches, hubs, firewall appliances, wireless access points, virtual private network (VPN) servers, network address translators, proxy servers, and dial-up servers to the District's network without prior authorization from the Network Administrator.
3. The District reserves the right to monitor and audit devices, systems, and general network traffic to ensure compliance with this and other policies.

A. Passwords

1. Passwords are an important aspect of computer security. A poorly chosen password may result in unauthorized access and/or exploitation of the District's resources. All users, including contractors and vendors with access to systems, are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.
2. All system- level passwords (for example, NT admin, application administration accounts, and so on) and all user- level passwords (for example, email, web, desktop computer, and so on) should be changed on a reasonable periodic basis.
3. Passwords should not be:
 - Shared with anyone except the District's Network Administrator.
 - Inserted into email messages or other forms of electronic communication.
 - Revealed over the phone to anyone.
 - Reveal a password on questionnaires or security forms.
4. Any contractor or employee suspecting that his/her password may have been compromised must report the incident to the Network Administrator and change all passwords.

B. Wireless Access

1. All wireless infrastructure devices that reside at a District site and connect to a District network, or provide access to information classified as confidential, must:
 - Be installed, supported, and maintained by the District's Network Administrator.
 - Use approved authentication protocols and infrastructure.
 - Use approved encryption protocols.
 - Maintain a hardware address (MAC address) that can be registered and tracked.
 - Not interfere with wireless access deployments maintained by other support organizations.

C. Acceptable Use

1. While the District's Network Administrator desires to provide a reasonable level of privacy, contractors and employees should be aware that data they create on the District systems remains the property of the District. Because of the need to continually monitor the internal network (Intranet) in order to protect the District's IT resources and information, management cannot guarantee the confidentiality of information stored on any network device belonging to the District or in files on the District's Intranet.
2. Since internet activities may be monitored, all personnel accessing the internet shall have no expectation of privacy.
3. Contractors and employees may not encrypt any emails without obtaining written permission from their supervisor and the District's Network Administrator. If approved, the encryption key(s) must be made known to the District's Network Administrator.
4. For security and network maintenance purposes, authorized individuals may monitor equipment, systems and network traffic at any time.
5. The District reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.
6. Employees must use extreme caution when opening email attachments received from unknown senders which may contain viruses, email bombs, or Trojan horse code. The District utilizes Anti- Virus software on each workstation and server as well as filtering all inbound email through an outside security firm, but some unsafe attachments may still find their way through the defenses. If there are ever any questions or if an individual is unsure, please contact the Network Administrator prior to opening the attachment.
7. Because information contained on portable and laptop computers is especially vulnerable, special care should be exercised to protect both the computer and its information.
8. Employees shall not use District email, or other facilities to post to news groups, message boards, or websites unless the posting is in the course of business duties.

9. The following activities are strictly prohibited, with no exceptions:

a. System and Network Activities

- Under no circumstances is an employee of the District authorized to engage in any activity that is illegal under local, state, federal or international law, while utilizing District owned resources.
- Violation of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including but not limited to, the installation or distribution of “pirated” or other software products that are not appropriately licensed for use by the District.
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
- Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e- mail bombs, etc.)
- Using the District computing assets to actively engage in procuring or transmitting material that is in violation of federal and state sexual harassment or hostile workplace laws.
- Making fraudulent offers of products, items or services originating from any District account.
- Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, “disruption” includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service (DOS), and forged routing information for malicious purposes.
- Port scanning or security scanning is expressly prohibited unless prior notification to the Network Administrator is made.
- Executing any form of network monitoring which will intercept data not intended for the intercepting employee,

unless the activity is a part of the employee's normal job/duty.

- Circumventing user authentication or security of any computer, network or account.
- Using any program/script/command or sending messages of any kind with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
- Providing information about, or lists of, District employees to parties outside the District Management's approval.

b. Email and Communication Activities - The email system is the property of the District and as such shall be used for District business only and shall not be misused in any of the following manner:

- Any form of harassment via email, telephone, or paging, whether through language, frequency, or size of messages
- Send or forward emails including any of the following: disruptive or offensive messages, still images, audio, or video images, including but not limited to offensive comments about race, gender, disabilities, age, sexual orientation, pornography, religious beliefs and practice, political beliefs, or national origin. If you receive an email of this nature, promptly notify your immediate supervisor or manager.
- Forge or attempt to forge email messages.
- Disguise or attempt to disguise your identity when sending email.
- Send email messages using another person's email account unless authorized to do so.
- Copy a message or attachment belonging to another user without permission of the originator.
- Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
- Posting the same or similar non-business-related messages to large numbers of Usenet Newsgroups, or message boards.
 - Accessing copyrighted information in a way that violates the copyright.
 - Breaking into the company's or another organization's system or unauthorized use of a password/mailbox.

1. District email services may be used for incidental personal purposes, provided that:
 - Usage is reasonable and does not interfere with work productivity.
 - Does not directly or indirectly interfere with District business operations, IT facilities or electronic mail services.
 - Anyone using email for personal reasons have and use a separate internet email account such as Google Gmail, Yahoo Mail, or Hotmail.
2. The computers and computer accounts given to District users are to assist them in the performance of their jobs. Users should not have expectation of privacy while using the District's email system.
 - c. Internet Access Activities - The following uses of the Internet, either during working hours or personal time, using District equipment or facilities, are strictly prohibited:
 - Access, retrieve, or print text and graphics information, which exceeds the bounds of generally accepted standards of good taste and ethics.
 - The internet may not be used to access other systems for which the user has no authorization.
 - The internet or internet connections shall not be used to access or transfer information that is in violation of Local, State, Federal, or copyright laws, or that contradicts the intent or spirit of these policies and procedures.
 - Engage in personal commercial activities on the internet, including offering services or merchandise for sale.
 - Engage in any activity which would compromise the security of any District computer or system.
 - Endorse any product or services, participate in any lobbying activity, or engage in any active political activity. The prohibition against engaging in any political activity or fundraising activity does not apply to employees that participate in NRECA's ACRE program.
 - Employees and contractors, working for the District, are prohibited from initiating non-work-related internet sessions using district information resources from remote locations. That is, employees shall not connect into the District's resources from home or other non-district locations for the purpose of participating in non-job-related internet activities.

- Employees and contractors working for the District shall not engage in the transmittal of District information or data for non- business purposes and/or personal gain or benefit.

V. RESPONSIBILITY

The General Manager and Network Administrator shall be responsible for the administration of this policy.

EFFECTIVE DATE: April 17, 2018

POLICY NO. 322**PHYSICAL SECURITY****I. OBJECTIVE**

- A. To detail the requirements and guidelines for the physical protection of District assets and personnel.
- B. To establish appropriate entry and exit requirements for persons entering and leaving District facilities.
- C. To establish the notification procedure when District assets are lost or stolen.

II. POLICY CONTENT

The District is committed to protecting its employees, customers, and the company. In conjunction with Personnel Policy No. 321, Cyber Security, this policy details the requirements and guidelines for the physical protection of District assets and personnel,

This policy applies to all District facilities, assets, and all personnel who are conducting work while on District premises up to and including: employees, contractors, vendors, and agents with a computer/device connected to the District network.

III. PROVISIONS

- A. Public areas will be accessible during normal business hours. All visitors and vendors should enter and exit the front office main entry (designated as the public area) and should be escorted at all times by a District employee. The public area will be accessible during normal business hours.
- B. Non-public areas of all buildings will be designated as sensitive areas. All areas containing sensitive information, such as may be found on the District's network servers, shall be physically restricted. Only authorized personnel are allowed in sensitive areas.
- C. The District shall deploy an intrusion detection and alarm security system, including door sensors and motion detectors, to detect break-ins to the District headquarter facilities. The security system shall be monitored 24/7 by a professional business security provider, who shall notify the York Police

Department and key staff when walk-in and overhead doors have been opened without authorization.

- D. The intrusion alarm system will automatically reset after normal business hours, and it will remain on until it is disarmed through an employee's authorized entry into the building with a door access card. The intrusion detection and alarm system may be armed remotely, after all employees and visitors are out of the building, through mobile application software installed on key staff smartphones or other mobile devices.
- E. All employees will be assigned a door access card by management for entry into the District office and to sensitive areas inside the office. Examples of sensitive areas includes rooms with IT file servers, cash storage, and sensitive documents.
- F. Assigned door access cards shall never be loaned out, left in a public area, used for multiple person entry, and/or misused. It is also the responsibility of the access card assignee to ensure that it does not get damaged due to misuse and carelessness.
- G. Lost door access key cards, or keys must be reported to the General Manager immediately.
- H. Unless an employee is working in the area where the District office or warehouse may be accessed, all doors shall be kept closed and secured so that entry is only in public areas or through a door access card.
- I. Security perimeters (such as fencing) shall be installed to deter access to the District's office and material storage areas by persons other than employees.
- J. Exterior sensitive exterior areas will be illuminated by security lighting from dusk to dawn. Lighting faults or failures should be reported to the Manager of Purchasing and Warehousing in a timely manner.
- K. The District shall deploy cameras in various strategic points around the office and outside property to monitor entry/exit points and sensitive areas.

IV. RESPONSIBILITY

- A. The General Manager shall be responsible for administering this policy.
- B. All employees are responsible for following guidelines and procedures in this policy.

EFFECTIVE DATE: October 16, 2018

POLICY NO. 323

ENERGY CONTROL (Lockout/Tagout)

I. OBJECTIVE

The purpose of this policy is to provide a procedure that establishes requirements for the lockout and/or tagout of machinery, lines and equipment to protect employees from the hazards and subsequent injuries that occur when repairing, maintaining, constructing, cleaning, or performing any other task which may cause an unexpected release of stored energy. This policy shall apply to all system personnel and contractors.

II. POLICY CONTENT

Scope

Any time an employee is required to remove or bypass a safety device, or required to place him or herself or any part of his or her body into an area where the unexpected release of a hazardous energy source may occur, the applicable provisions of this policy shall be followed.

Part A of this policy covers de-energizing lines and equipment for employee protection pursuant to 29 CFR Part 1910.269(d) and (m).

This policy provides procedures that establish requirements for the control (lockout/tagout) of hazardous energy associated with lines and equipment at the system. Procedures shall be followed by all employees to protect themselves from the hazards and subsequent injuries which may occur as the result of the unexpected release of a hazardous energy source during servicing, maintenance, or construction operations. This policy establishes procedures for affixing appropriate lockout devices or tagout devices, or both, to energy isolating devices, and means to prevent unexpected energization, in order to prevent injury to employees.

III. PROVISIONS

A. Definitions

1. Affected Employee – An employee whose job requires him/her to operate equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him/her to work in an area in which such servicing or maintenance is being performed. (The same person can simultaneously be both an affected and an authorized employee. See definition of “Authorized Employee.”)
2. Authorized Employee – Authorized employee means a person who locks out or tags out equipment in order to perform the servicing or maintenance on that equipment. (An authorized employee and an affected employee may be the same

person when the affected employee's duties also include performing maintenance or service on equipment which must first be locked out or tagged out.)

3. Energized – Energized means connected to an energy source or containing residual or stored energy.

Energy-Isolating Device – Energy-isolating device means a mechanical device that physically prevents the transmission or release of energy. For example, manually-operated electrical circuit breaker, locks, or similar devices with visible indication of the position of a circuit can be disconnected from all ungrounded supply conductors and, in addition, no pole can be operated independently.)

4. Energy Source – Energy source means any source of electrical, mechanical, hydraulic, pneumatic, chemical, nuclear, thermal, or other energy.
5. Lockout – Lockout means placement of a lockout device on an energy-isolating device, in accordance with an established procedure, insuring that the energy-isolating device and the equipment being controlled cannot be operated until the lockout device is removed.
6. Lockout Device – Lockout device means a device that utilizes a positive means such as a lock and key (or a combination-type lock) to hold an energy-isolating device in a safe position and prevents the energizing of the equipment in order to protect the personnel from injury.
7. Lockout/Tagout – Lockout/tagout means the placement of a lock/tag on an energy-isolating device in accordance with established procedure to assure that the energy-isolating device will not be operated until removal of the lock/tag.
8. Other Employee – Other employee means an employee who does not work on the equipment that is locked out or tagged out, but whose work operations are or may be in the area where there are servicing or maintenance operations subject to the lockout/tagout requirements and procedures.
9. Setting Up – Setting up means any work performed to prepare equipment to perform its normal operation.
10. Tagout – Tagout means the placement of a tagout device on an energy-isolating device, in accordance with an established procedure, to indicate that the energy-isolating device and the equipment being controlled may not be operated until the tagout device is removed.
11. Tagout Device – Tagout device means a prominent warning device, such as a tag and a means of attachment, which can be securely fastened to an energy-isolating device in accordance with an established procedure, to indicate that the energy-isolating device and the equipment being controlled may not be operated until the tagout device is removed.

B. APPLICATION

Perennial Public Power District follows NPPD's switching procedures. The locking and tagout procedures embodied in 29 CFR 1910.269(m) apply to the de-energizing of transmission and distribution lines and equipment for the purpose of protecting employees. Conductors and parts of electrical equipment that have been de-energized under procedures other than those required by paragraphs (d) or (m) of Section 1910.269, as applicable, shall be treated as energized.

If a system operator is in charge of the line or equipment and their means of disconnection, all of the requirements of paragraphs 1 through 13 shall be observed, in the order given. If not system operator is in charge of the lines or equipment and their means of disconnection, one employee in the crew shall be designated as being in charge of the clearance. The employee in charge of the clearance shall take the place of the system operator as necessary. All of the requirements of paragraphs 1 through 13 shall apply, in the order given, except as follows: If only one crew will be working on the lines or equipment and if the means of disconnection is accessible and visible to and under the sole control of the employee in charge of the clearance, paragraphs 1,3,4,8, and 12 do not apply. Additionally, tags required by the remaining provisions hereunder need not be used.

The word "clearance" as used in the discussion of this section means the procedure used to de-energize lines and equipment (and hold them "clear") for the protection of employees.

C. DE-ENERGIZING LINES AND EQUIPMENT

1. A designated employee shall make a request of the system operator to have the particular section of line or equipment de-energized.
2. All switches, disconnects, jumpers, taps, and other means through which know sources of electric energy may be supplied to the particular lines and equipment to be de-energized shall be opened. Such means shall be rendered inoperable, unless its design does not so permit, and tagged to indicate that employees are at work.
3. Automatically and remotely controlled switches that could cause the open disconnecting means to close shall also be tagged at the point of control. The automatic or remote control feature shall be rendered inoperable, unless its design does not so permit.
4. Tags shall prohibit operation of the disconnecting means and shall indicate that employees are at work.
5. After the applicable requirements in paragraphs 1 through 4 above have been followed and the employee in charge of the work has been given a clearance by the system operator, the lines and equipment to be worked shall be tested to ensure that they are de-energized.

6. Protective grounds shall be installed as required by 29 CFR 1910.269(n) and in accordance with the Nebraska Rural Electric Association Safe Work Procedures Manual.
7. After the applicable requirements of paragraphs 1 through 6 above have been followed, the lines and equipment involved may be worked as de-energized.
8. If two or more independent crews will be working on the same lines or equipment, each crew shall independently comply with the requirements in paragraphs 1 through 13.
9. To transfer the clearance, the employee in charge (or, if the employee in charge is forced to leave the worksite due to illness or other emergency, the employee's supervisor) shall inform the system operator. The employees in the crew shall be informed of the transfer, and the new employee in charge shall be responsible for the clearance.
10. To release a clearance, the employee in charge shall:
 - a) notify employees under his/her direction that the clearance is to be release,
 - b) determine that all employees in the crew are clear of the lines and equipment,
 - c) determine that all protective grounds installed by the crew have been removed, and
 - d) report this information to the system operator and release the clearance.
11. The person releasing a clearance shall be the same person that requested the clearance unless responsibility has been transferred as under paragraph 9.
12. Tags may not be removed unless the associated clearance has been released as under paragraph 10.
13. Only after all protective grounds have been removed, after all crews working on the lines or equipment have released their clearances, after all employees are clear of the lines and equipment, and after all protective tags have been removed from a given point of disconnection, may action be initiated to reenergize the lines or equipment at that point of disconnection.

D. TRAINING

Perennial Public Power District participates in NPPD's training program. An employee must successfully complete the training program before he/she will be permitted to perform any switching within an NPPD substation. Employees are trained in switching procedures prior to performing any other switching/lockout/tagout procedures.

1. The training program has been designed to educate employees about their respective roles in the control of energy, to give them knowledge that they must possess to accomplish their tasks safely, and to ensure the safety of fellow workers as related to lockout/tagout procedures.
2. Each employee who goes through the training program will be trained in the following: a) the purpose and function of the company's energy control (lockout/tagout) program; b) the elements of the energy control procedures that are relevant to the employees duties; c) the pertinent requirements of the OSHA lockout/tagout standard (29 CFR 1910.147) and 29 CFR 1910.269(m)) with respect to de-energizing lines and equipment for the protection of employees.
3. Where tagout is used, employees shall also be trained in the following limitations of tags:
 - a) Tags are essentially warning devices affixed to energy-isolating devices, and do not provide the same physical restraint on those devices that is provide by a lock.
 - b) When a tag is attached to an energy-isolating means, it is not to be removed without authorization of the authorized person responsible for it, and it is never to be bypassed, ignored, or otherwise defeated.
 - c) In order to be effective, tags must be legible and understandable by all authorized employees, all affected employees, and all other employees whose work operations are or may be in the area.
 - d) Tags and their means of attachment must be made of materials which will withstand the conditions encountered in the workplace.
 - e) Tags may evoke a false sense of security, and their meaning needs to be understood as part of the overall energy control (lockout/tagout) program.
 - f) Tags must be securely attached to energy-isolating devices so that they cannot be inadvertently or accidentally detached during use.
4. Training shall be conducted at a frequency and in a manner that ensures that the purpose and function of the lockout/tagout program are understood by employees and that they have the knowledge and skills required for the safe application, usage and removal of required energy controls.
5. The company maintains a roster (or certification of training) that lists the name of each employee who has completed the switchman training together with the calendar dates of his/her training. This document serves as a certification that the employee training has been accomplished and is being kept up to date.
6. The employees affected by lockout/tagout will be provided with retraining as needed and:

- a) whenever there is a change in employee job assignments that involves different lockout/tagout equipment or procedures,
- b) whenever a new hazard is introduced due to a change in equipment or process,
- c) whenever there is a change in the lockout/tagout procedures, and
- d) whenever the company learns of inadequacies in the company procedures; for example, when poor performance by an employee as the result of an inspection shows failure to observe required procedures or non-compliance with any rule included in this program, or when inadequacies are brought to the company's attention in any other way. Retraining will maintain and re-establish employee proficiency and introduce new or revised control methods and procedures, as necessary.

E. INSPECTIONS

The Manager of Operations or other person with responsibility for work performed on energized lines will conduct a periodic review to verify the effectiveness of the lockout/tagout procedures and observance of OSHA rules for work on energized lines and equipment. These inspections will include:

- 1) demonstration of the required procedures by authorized and affected employees;
- 2) visual observation of the way lockout/tagout is being used on relevant machinery, lines and equipment;
- 3) individual review or group meetings of the responsibilities of each authorized employee or group of employees implementing the procedure;
- 4) when tagout is used, an individual review of each employee's lockout/tagout responsibilities shall be conducted with the affected and authorized employee;
- 5) whenever the inspection discloses lockout/tagout deficiencies, the person conducting the inspection must take whatever action necessary to correct such deficiencies and insure the effective implementation of lockout/tagout requirements.

V. RESPONSIBILITY

- A. All District employees subject to working on energized lines shall be responsible for this policy.
- B. The Safety Coordinator with the oversight of the General Manager shall be responsible for the implementation of this policy.

EFFECTIVE DATE: October 21, 2008