

## CLAYTON COUNTY WATER AUTHORITY

1600 Battle Creek Road  
Morrow, Georgia 30260

Regular Board Meeting, May 3, 2007

Chairman, Pete McQueen, called the meeting to order at 1:30 p.m.

Present at the meeting were: Chairman, Pete McQueen, Vice Chairman, Lloyd Joiner, Secretary/Treasurer, Marie Barber, Board Members, Wes Greene, John Westervelt, John Chafin and Doug Bonner. General Manager, P. Michael Thomas, Deputy Manager, Mike Bennett, Department Managers, Guy Pihera, Herbert Etheridge, Jim Poff, Teresa Adams and Bruce Taylor, Project Engineer, Mike Buffington, Finance Director, Emory McHugh, Contract & Procurement Administrator, Karen Riser, Human Resources Director, Ed Durham, Stormwater Program Manager, Kevin Osbey, Public Information Officer, Suzanne Brown, and Executive Secretary, Janet Matthews. Also present were: Steve Fincher of Fincher, Denmark & Williams, and Steve Lavinder from CH2M Hill. Joshua Boykins from Oliver Elementary School and his parents, Ron and Jennifer Boykins, Abria Allen and her mother, Rhea Allen from New Creation Center, and Bob Deluca and Sonia Whitaker with the Clayton County Public Schools. CCWA employees present were: Chris Hamilton, Brian Caron, Mike Gresham, Marshall Maddox, Chris Sims, Gabi LaFleur, Terry Hicks, Kristy McLemore, Bruce Wilson, Mike Crabtree, Gary Curtis, Carol Lambert, Brenda Plunkett, Andrea Stallworth, Mandy Lindow, Sarah Beth Shelton, Connie Bowen, Leeanne Sumner, and Amanda LaPierre.

Chairman McQueen called on Eddie Lane to give the invocation.

Approval of Minutes: Chairman McQueen called for any omissions or additions to the Regular and Executive Session Board Meeting minutes of Thursday, April 5, 2007, and the Called Budget Board Meeting held on Monday, April 9, 2007. Hearing none, the minutes were approved as presented.

Chairman McQueen stated that today we have several recognitions and asked that Emory give his financial report after the recognitions.

Clayton County Regional Science Fair Awards: Chairman McQueen called on Suzanne Brown, Public Information Officer, who stated that the Authority would like to recognize two outstanding science fair projects in the water field. Ms. Brown stated that the Regional Science Fair was held in February at Jackson Elementary. The Authority had five (5) employees serve as judges: Jim Poff, Bruce Taylor, Azarina Carmical, Melissa Hammond and Suzanne Brown. After finishing their judging duties, the CCWA staff reviewed the water related projects to determine if any were worthy of recognition. One elementary school project and one high school project were chosen again this year.

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Mr. Bob Deluca, Coordinator of Elementary Social Studies represented the school system.

Ms. Brown asked the Authority's first recipient, Joshua Boykins, along with his parents, Ron and Jennifer Boykins, to come forward. Joshua is a fourth grade student at Oliver Elementary and his project is titled "Can Water Be Purified Using Electrical Current?" Joshua gave a brief explanation of his project.

Ms. Brown next introduced Abria Allen, who is a seventh (7<sup>th</sup>) grade student at New Creation Center. The title of Abria's project is "After the Storm: How does Stormwater Runoff Affect Our Drinking Water?" Abria gave a brief explanation of her project.

Board member, Wes Greene, requested that Dr. Boykins share his job title and what his school has accomplished.

Dr. Boykins, principal of Oliver Elementary, stated that Clayton County students have gotten away from math and science, and his school is trying to make it more exciting for students to focus on these subjects. Dr. Boykins stated that there were four thousand (4,000) teams in the state of Georgia competition and Oliver Elementary came in fifty-third (53<sup>rd</sup>). The students were honored at the Train Depot in Atlanta and the Atlanta Journal Constitution newspaper had an article on their accomplishment. Dr. Boykins added that Oliver Elementary was also Region Champs for the Stock Market competition.

Government Finance Officers Association (GFOA) Award: Chairman McQueen called on Mike Thomas, General Manager, who asked Emory McHugh, Finance Director, and his staff to come up. Mr. Thomas stated that this is the twentieth (20<sup>th</sup>) year in a row that the Water Authority has received this recognition from the Government Finance Officers Association (GFOA). This certificate of achievement is the highest form of recognition in governmental accounting and financial reporting. Mr. Thomas stated that some of these employees have been here the entire twenty (20) years and that the Authority appreciates all the employees in the finance department. Mr. Thomas presented this award to Emory and the entire team for another great year of financial reporting.

Plants of the Year & Top Op Awards from GAWP: Chairman McQueen called on Jim Poff, Manager of Water Reclamation, who introduced employees who were recognized by the Georgia Association of Water Professionals. Mr. Poff stated that these awards were presented at the Spring Conference held in Macon on April 10<sup>th</sup>.

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Mr. Poff stated that he would like to give recognition to Mike Crabtree, Class I Operator at the W.B. Casey WRF, for receiving the Top Operator Award for District 3. Mr. Poff stated that district 3 is the metropolitan Atlanta area with approximately twenty-five hundred (2,500) operators. Mike received the Top Operator award for his outstanding performance as a WRF operator. Mr. Poff congratulated Mike for receiving this award.

Mr. Poff next called Bruce Wilson, Supervisor at the Northeast WRF, to come forward. Mr. Poff stated that the Northeast Plant has been undergoing a major renovation which causes the plant to be either muddy or dusty. It is quite an accomplishment just to keep the plant running while this huge construction process is going on. Mr. Poff stated that the Northeast WRF was awarded the Gold Award for 100% NPDES State Permit Compliance for 2006. Bruce stated that he has a great team at the Northeast WRF that made receiving this award possible. Mr. Poff congratulated Bruce and all of the employees at the Northeast WRF.

Mr. Poff called Chris Hamilton, Supervisor at the Shoal Creek WRF to come forward. Mr. Poff stated that the Shoal Creek WRF received two (2) awards; one being the 10 Year Platinum Award which is maintaining 100% NPDES State Permit Compliance for ten (10) years. There are only nine (9) other utilities in Georgia that have received this award. Mr. Poff stated that the second award is a Plant of the Year Award for outstanding Operation & Maintenance (O&M) of a Water Reclamation Facility. Part of the qualifying process is an eight (8) hour audit with two (2) auditors touring your facilities and reviewing all your records. They looked at each individual unit process and graded the plant in all areas, including training. Mr. Poff thanked Chris and all of the employees at the Shoal Creek WRF for receiving these awards.

Mr. Poff asked Gary Curtis, Supervisor at the W.B. Casey WRF, to come forward. Mr. Poff stated that the W.B. Casey WRF also received two (2) awards; the first being the Gold Award for 100% NPDES State Permit Compliance for 2006. Mr. Poff stated that the second award received is a Plant of the Year Award in the large non-discharging category which is greater than 10 (MGD) a day. The Casey WRF went through the same eight (8) hour audit. Mr. Poff thanked Gary and all of the employees at the W.B Casey WRF for receiving these awards.

Wetland Center Visitor Landmark: Chairman McQueen called on Guy Pihera, Manager of Water Production, who introduced Carol Lambert, Senior Conservation Specialist. With some slides, Mr. Pihera showed J.W. Arnold Elementary School's 3<sup>rd</sup> Grade students marking a milestone at the Clayton County Water Authority's Melvin L. Newman Wetlands Center as the 700<sup>th</sup> school group to visit the center on April 24<sup>th</sup> and 25<sup>th</sup> of this year. Carol added that the Wetlands Center continues to be a great place that

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changes constantly and stated that she would like to see an increase in environmental education for all students.

Mr. Pihera updated the Board with the Water Report for this month. The reservoirs were full up to about a month ago. They are now 97% which equals 137 days of stored water in our reservoirs. The Atlanta area has a nine and one half inch (9 1/2") rainfall deficit. Georgia EPD implemented stage 2 watering restrictions and we have advertised this to our customers. The Authority has two (2) wells that are available and we will be starting to use them in the next few days.

Employee Service Recognition: Chairman McQueen called on Herbert Etheridge, Manager of Maintenance & Construction, who introduced Jeff Pearson, an equipment operator in the Wastewater Maintenance section. Mr. Etheridge gave some background information on Jeff and congratulated him for his fifteen (15) years of service.

Mr. Thomas introduced Brenda Plunkett, Deposit Reconciliation Specialist, in the Accounts Receivables section. Brenda has been with the Authority for twenty (20) years. Mr. Thomas mentioned that Brenda has been in Clayton County since she was two (2) years old and graduated from North Clayton High School. Mr. Thomas congratulated Brenda and presented her with her twenty (20) year pin.

Teresa Adams, Manager of General Services, asked Mike Gresham to come up. Ms. Adams introduced Mike and added that he has been with the Authority for thirty (30) years. Ms. Adams stated that Mike started as a mechanic's helper and is currently a Senior Lead Mechanic. Ms. Adams thanked Mike for his dedication and for his thirty (30) years of service.

Ms. Adams recognized Brian Caron, Lift Station Technician, who has recently passed his Wastewater Collection System Operator Licensing exam. This is a very challenging test to prepare for, as well as pass. Ms. Adams congratulated Brian.

Chairman McQueen congratulated these employees on their accomplishments and thanked them for what they do for the Water Authority.

Financial and Statistical Report: Chairman McQueen called on Emory McHugh, Finance Director, to give our financial report. Mr. McHugh reviewed the financial information that was given to the Board for the eleven-month period ending March 31, 2007.

Georgia Water/Wastewater Agency Response Network: Chairman McQueen called on Mike Bennett, Deputy Manager, who explained Georgia WARN, which is "utilities helping utilities" at times of disaster whether they be natural disasters or man-

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made disasters. Georgia Water Utilities have been working on this for about a year. Mr. Bennett stated that 9/11 and hurricane Katrina really identified a need for water and wastewater utilities to develop an intrastate mutual aid agreement program whereby we can assist each other during times of emergencies.

The water sector is committed to a "Utilities Helping Utilities" concept and is taking steps to encourage utilities and local/state governments to establish intrastate mutual aid and assistance networks. The purpose of these networks is to provide a method whereby water/wastewater utilities that have sustained damages from natural or man-made events could obtain emergency assistance in the form of personnel, equipment, materials and other associated services as necessary from other water/wastewater utilities. The objective is to provide rapid, short-term deployment of emergency services to restore the critical operations of the affected water/wastewater utility.

A pre-established agreement among a network of utilities can complement and enhance local capabilities to prepare for and respond to a broad range of threats, both natural and man-made. The establishment of such intrastate mutual aid and assistance networks is a core principle of the National Preparedness Goal developed by the Department of Homeland Security. States that have formally adopted Water & Wastewater Agency Response Network (WARN) mutual aid agreements to date include California, Florida, Texas, Louisiana and Washington.

Mr. Bennett commented that Georgia Environmental Protection Division (EPD) is heavily involved in the Georgia WARN program. The current status is that the Mutual Aid Agreement has been finalized. Six or seven (6 or 7) utilities in the metro area and Columbus are currently in the process of executing the agreement. The Georgia EPD is actually going to fund, develop, and coordinate the program and the website. There would be no cost to the Authority.

Mr. Thomas stated that Steve Fincher, our legal counsel, has not had time to thoroughly review the agreement. The agreement has several municipalities involved and the Authority will have the decision to either participate or not. We do not have the opportunity to modify the agreement. Mr. Thomas added that we will give Mr. Fincher time to review the agreement and bring this back before the Board.

Shoal Creek WRF Generator Tie Breaker Bid Recommendation: Chairman McQueen called on Jim Poff, Manager of Water Reclamation, who explained the need for the "Tie Breaker" equipment for the Shoal Creek Water Reclamation Facility. Mr. Poff stated that the State requires that we have backup power at each of our Water Reclamation Facilities. We have accomplished this by installing generators at each site;

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these generators protect our plants from failing during power outages so that overflows of raw sewage do not result. The generators can also reduce power cost by utilizing them to run the plant during peak power periods.

Mr. Poff stated that the "Tie Breaker" is a piece of equipment needed to gain true redundancy for the two generators that are currently located at the Shoal Creek WRF. In the past, one unit has been down for weeks awaiting major repair, which could have resulted in overflows and fines. This equipment is also needed to do peak shaving at this location. Under the current set up we will not be able to peak shave until this equipment is installed. The installation of this equipment will help put more load on one oversized generator to achieve the needed 20% load. Mr. Poff stated that Water Reclamation budgeted \$130,000 in FY 2006 to cover the cost of this project.

Clayton County Water Authority  
 Shoal Creek Generator Tie Breaker RFP  
 May 2007

<b>Vendor</b>	<b>Base Bid</b>	<b>Alternates</b>
<b>Player &amp; Company Atlanta, GA</b>	\$49,690	
<b>Crowder Construction Conyers, GA</b>	\$450,000	#1: \$165,000 #2: \$270,000
<b>D&amp;N Electric Company Hapeville, GA</b>	\$387,500	
<b>Miller Electrical Services, Inc. Sunny Side, GA</b>	No bid	

Staff recommends awarding the contract to Player & Company for their proposal at \$49,690. This proposal scored the highest and meets all of CCWA's specifications for this project. Budgeted amount \$130,000 produces a Cost Savings of \$80,310.

UPON Motion by Marie Barber and seconded by Lloyd Joiner it was unanimously

**RESOLVED:** to award the Shoal Creek WRF Generator Tie Breaker contract to Player & Company in the amount of forty-nine thousand six hundred ninety dollars (\$49,690), contingent upon approval of bonds and insurance as required by the specifications and to authorize the general manager to sign the contract documents.

Stormwater Update: Chairman McQueen called on Kevin Osbey, Stormwater Program Manager, for a Stormwater update. Mr. Osbey stated that in January 2007, the

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Authority took responsibility of the administrative programs and permits which included: Floodplain Management activities, addressing any flooding complaints, and determining if any properties are within a floodplain boundary. In the future, the Authority will look at updating floodplain maps including any future floodplain boundaries. Currently, staff is reviewing and approving construction and hydraulic plans for any new developments throughout the county. Our onsite staff is also doing site inspections on stormwater infrastructure or installation for any new development. The Stormwater Program is also administering the (NPDES) National Pollutant Discharge Elimination System Stormwater Permit Program. Part of this program addresses any water quality complaints and tries to identify and eliminate any illicit discharges or any illegal connections to our Stormwater system. We are also doing inspections of industrial facilities and performing public education.

Mr. Osbey stated that the Authority began communication with our large customers, those with a monthly Stormwater bill of one hundred dollars (\$100) or greater. In those letters, we provided the opportunity for customers to attend one of four information sessions held at Clayton State University. Of the seven hundred (700) letters that were sent, about forty (40) customers attended those sessions, and we received about thirty (30) calls. Our staff was able to re-assess the property for some of these calls and was able to lower their monthly fee. There were some customers that indicated that additional property should have been evaluated as well, which increased their Stormwater costs. Mr. Osbey stated that in March 2007, we sent out roughly five hundred (500) letters to those that had bills between fifty and one hundred dollars (\$50-\$100) a month. Another information session was held at the college in March. About ten (10) attended that session and another twenty (20) customers called.

Mr. Osbey stated that in April the Authority began taken drainage complaint calls. Clayton County Transportation & Development was able to take care of the calls concerning issues in the right-of-way. Other issues that the County could not take care of at this time, we documented so we can take care of these issues when we bring our staff on later this month. Actual maintenance of the existing system began in July. The first bills for the Stormwater Utility went out today. Board member, Wes Greene, asked to see a bill which included the Stormwater fee.

Mr. Osbey added that in July, the Authority will take complete responsibility of the Stormwater program, which will include all the maintenance activity, as well as, any capital improvement projects that have already been identified and projects that have been put on backlog by the County.

Mr. Osbey reviewed the Stormwater staff that is already in place and stated that two positions, Maintenance Crew Leader and Engineering Technician, will be filled

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within the next couple of weeks. The remainder of the staff, all the operators and the mechanics, will be hired in May and June so that the entire Stormwater staff will be in place by July 1<sup>st</sup>. To get the Stormwater Utility started, we have put some items out for annual bid; the HDPE plastic pipe, RCP concrete pipe, pre-cast manholes and accessories and for any capital projects or any repairs to the current system. Staff has also put a bid out for a flat-bed dump truck and body and the combination of a vacuum and jet truck that will be used to clean out catch basins, clogged lines, and driveway pipes. We also have a bid out for two rubber tire backhoes and trailers.

Mr. Greene asked if staff could periodically update our customers in a newsletter form showing the improvements that have been made with the Stormwater Utility. Mr. Osbey stated that staff has planned on keeping the public aware of the improvements that will be made with the Stormwater Utility.

Stormwater Equipment Purchase: Mr. Osbey stated that one of the first pieces of equipment that will be needed for Stormwater is a Gradall Hydraulic Excavator. The Gradall is a versatile excavator that has become a standard piece of equipment for any stormwater maintenance program. The Gradall has a unique bucket extension and swivel mechanism that makes it ideal for cleaning and shaping roadside ditches. The other unique feature of the Gradall is that it can be driven on the road like a large truck so that it can be moved from site to site much easier than a typical excavator or backhoe.

The Gradall is only sold by one company, so competitive bids could not be obtained. We have received a negotiated price and verified that this price was the same as that paid by many other local governments in recent months. Therefore, CCWA staff recommends the purchase of one Gradall XL 3100 for \$257,000. The quote is attached.





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Tractor & Equipment Company  
5732 Frontage Road  
Forest Park, Ga30297

Tractor & Equipment Company is pleased to quote one Gradall Model XL 3100 II (4x2) Hydraulic Excavator equipped as follows:

- Detroit OM906 Diesel Turbocharged Engine at 190 H.P.
- 385/65 R22 (Front) 11R22 5 (rear) radial tires
- Upper A/C & Radio
- Ditching Bucket
- Work Lights
- All other standard equipment

Budget Purchase Price..... \$ 235,000.00  
 Option: 4X4                              Add...\$ 22,000.00

- In stock subject to prior sale



April 17, 2007

Clayton County Water  
Morrow, Ga

Dear Sirs:

Tractor & Equipment Company is pleased to quote one Gradall Model **XL 3100 II (4X2)** Hydraulic Excavator equipped as follows:

- Detroit OM906 Diesel Turbocharged Engine at 190 H.P.
- 385/65 R22 (Front) 11R22 5 (Rear) radial tires
- **Upper A/C & Radio**
- Ditching Bucket
- Work Lights
- All other standard equipment

**Budget Purchase Price ..... \$ 235,000.00**  
**Option: 4X4                              Add..... \$22,000.00**

- In stock subject to prior sale

Sincerely,

Tractor & Equipment Company

Jeff Duncan  
Sales Representative

fcp  
Clayton County Gradall XL3100

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Jeff Duncan

From: Mark Alison ([mdallison@gradall.com](mailto:mdallison@gradall.com))  
Sent: Tuesday, April 17, 2007 6:47 PM  
To: Jeff Duncan  
Subject: XL3100 customers

Jeff,

Here is a list of 3100 customers for T&E. Some of these may be in Alabama but I believe most are in GA.

Douglas County  
Marshall County  
Henry County  
Cobb County  
Gwinette County  
Colbert County  
Walton County  
Athens-Clarke County  
City of Cartersville  
Butts County  
Bartow County

Thank you,

Mark D. Allison  
Southeast District Sales Manager  
Gradall Industries, Inc.  
177 East Arrowhead Court  
Troutville, VA 24175  
e-mail: [mdallison@gradall.com](mailto:mdallison@gradall.com)  
Cell: 540-819-6638  
Fax: 540-966-1854

4/18/2007

UPON Motion by Lloyd Joiner and seconded by Wes Greene it was unanimously

RESOLVED: to approve the purchase of one Gradall XL3100 Hydraulic Excavator, equipped as stated, for the amount of two hundred fifty-seven thousand dollars (\$257,000) for the Stormwater Utility.

Revised Disciplinary Action & Administrative Review Policies: Chairman McQueen called on Ed Durham, Human Resources Director, who stated that the Authority has been working with our attorneys on key issues. As part of that process, we have determined that some revisions were needed to our Administrative Review and Disciplinary Action Personnel Policies. Two revisions that we are proposing are an adjusted or shortened timeline for appeal and language as to action taken by the General Manager or his designee which will give more flexibility to this process. Mr. Durham

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stated that CCWA staff and legal advisors are proposing revisions to our Administrative Review and Disciplinary Action policies to clarify and streamline these policies. The current policies allow for significant time lags before a disciplinary action can be finalized.

## **XV. DISCIPLINARY ACTION**

### **SECTION 1 PROGRESSIVE DISCIPLINE**

Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The Authority advocates progressive discipline when applicable. The action taken will depend upon the degree and circumstances of the violation. An employee who fails to adequately perform assigned duties or who violates established policies will be disciplined. If the conduct is sufficiently serious, it may result in dismissal for the first offense.

As an at-will employer, the Authority is not required to give cause of disciplinary action neither in these policies nor at the time of the adverse personnel action, nor is the Authority required to dismiss for "just cause." On the other hand, the Authority feels that effective communication can enhance the efficiency and morale of the organization. The Authority strongly encourages employees and members of management to communicate prior to a situation arising to the level of disciplinary action.

### **SECTION 2 CAUSES OF ACTION**

Some of the causes of disciplinary actions are listed below. However, because conditions of human contact are unpredictable, no attempt has been made to establish a complete list. Should there arise instances of unacceptable conduct not included in the following list, the Authority may likewise find it necessary and appropriate to initiate disciplinary action in accordance with these policies and procedures. The General Manager or designee may discipline for any combination of reasons, for reasons not listed below, or for uncommunicated reasons at any time. No employee has a right to progressive discipline. The Authority reserves the right to use its discretion in the implementation of or decision not to implement any or none of the steps in its Progressive Discipline policy.

#### 1) Attendance

- a) Improper or unauthorized use or abuse of paid or unpaid FMLA leave.
- b) Excessive absenteeism, the effect of which disrupts or diminishes operational effectiveness.
- c) Being absent without authorization, or repeated unauthorized late arrival or early departure from work.

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2) Behavior

- a) Willful or negligent violation of the Personnel Policies and Procedures, unit operating rules, or related directives.
- b) Failure to carry out a direct order from a superior, except where the employee's safety may reasonably be jeopardized by the order.
- c) Engaging in a conflict of interest activity.
- d) Conduct that discredits the employee of the Authority, or willful misrepresentation of the Authority.
- e) Commission of or conviction of a felony or misdemeanor involving moral turpitude, including convictions based on a plea of nolo contendere, first offender, or Alford.
- f) Knowingly falsifying, removing, or destroying information related to employment payroll or work-related records or reports.
- g) Discourteous treatment of the public or other employees, including harassing, coercing, threatening, or intimidating others.
- h) Conduct that interferes with the management of the Authority operations.
- i) Violation or neglect of safety rules, or contributing to hazardous conditions.
- j) Misuse or misappropriation of Authority property.
- k) Misconduct/physical altercations.
- l) Failure to report to work without justifiable cause.

3) Performance

- a) Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned task or training, or failure to discharge duties in a prompt, competent and reasonable manner.
- b) Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable time period.

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- c) Refusal to accept reasonable and proper assignments from an authorized supervisor.
- d) Intoxication or incapacity while on duty due to the use of alcohol or drugs. Reporting to work intoxicated.
- e) Driving under the influence of alcohol or drugs while on duty; suspension of driver's license where job duties require driving.
- f) Careless, negligent, or improper use of Authority property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property.
- g) Drinking alcoholic beverages while on duty or possessing alcohol or drugs.

#### 4) Drugs and Controlled Substances

The following shall constitute prohibited conduct:

The sale, manufacture, distribution, purchase, trafficking, transfer, transportation, presence in the body, offer to sell or buy, use or possession of any amount of alcohol or non-prescribed drugs (meaning non-prescribed narcotics, hallucinogenic drugs, marijuana, or other non-prescribed controlled substances) or equipment, products and materials which are used, intended for use, or designed for use with such drugs is prohibited while on company property, during working hours, or while on duty. The sale, manufacture, distribution, purchase, trafficking, transfer, transportation, presence in the body, offer to sell or buy, use or possession of illegal drugs is prohibited at all times on or off duty. Reporting to or being at work with a measurable quantity of non-prescribed drugs in the blood or urine is prohibited. Reporting to or being at work while using prescribed narcotics may also be prohibited when, in the opinion of the Authority, such use prevents the employee from performing the duties of his or her job or poses a risk to the safety of the employee or other persons or property.

Note: The term "controlled substance" refers to any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, hashish, PCP, LSD, "designer drugs" and "crack." They also include legal drugs which are not prescribed by a licensed physician.

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### SECTION 3 DEFINITIONS

- 1) Delinquency - violation of duty to the job requirements and Authority regulations.
- 2) Excessive Absenteeism - the habitual or patterned use of sick leave, or leave without pay, unsupported by competent medical evidence or other proof of necessity. On a national average employees experience two (2) to three (3) incidents of sick leave a year. Unsustained absences in excess of the following rule of thumb may be an indication of excessive absenteeism:
  - a) Two (2) incidents in three (3) months
  - b) Four (4) incidents in six (6) months
  - c) Six (6) incidents in one (1) year
  - d) An incident is a single day or consecutive series of absences.
- 3) Incompetence - the lack of qualities or the incapability of doing the job. Skills, knowledge and abilities are inadequate, unsuitable, or obsolete to perform at minimally acceptable standards of performance.
- 4) Inefficiency - non-productive, wasteful use of time, energy or material; or repeated errors or mistakes.
- 5) Insubordination - the unwillingness or refusal to perform assigned work, or deliberate failure to comply with written or verbal instructions from a proper supervisory authority.
- 6) Misconduct - mismanagement of job responsibilities and Authority property, intentional improper behavior on the job or deliberate violation of Authority regulations.
- 7) Negligence - careless disregard for or lack of attention to job-related matters.

### SECTION 4 TYPES OF ACTIONS

Disciplinary actions fall into two (2) general categories-- reprimands and adverse actions.

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- 1) Reprimands - A reprimand is a formal means of communicating to the employee a warning that a problem exists and that it must be corrected. There are two (2) degrees of formality - management discussion (no adverse effect) and progressive counseling (adverse effect).
  - a) Management Discussion - a progressive disciplinary measure which may be issued for an incident, action or behavior which does not warrant more severe disciplinary action.
    1. The Department Manager or supervisor, should ensure that, in a private meeting, the following is communicated:
      - i. Explanation of the reason for the reprimand;
      - ii. Specific recommendations for correcting the problem; and
      - iii. Specific time table on showing improvement.
    2. The Department Manager or supervisor shall document the discussion on a Record of Management Discussion Form. If the situation does not improve within a reasonable period (usually 1 to 6 months, depending on the seriousness of the issue), the supervisor may, at his or her discretion, repeat the management discussion or use a more severe step of progressive discipline. The Record of Management Discussion will become part of the employee's personnel file.
  - b) Progressive Counseling - a progressive disciplinary measure which may be issued for an incident, action, or behavior which does not warrant initially a more severe type of disciplinary action but may be issued for first or second offenses including but not limited to unauthorized absence from duty (for less than three (3) days), abuse of sick leave privileges, frequent unexcused tardiness, inattention to duty, improper conduct or loss or destruction of Authority property and which results in an adverse effect on the employee, including ineligibility for promotions and no pay increases during a specified period following progressive counseling.
    1. A member of management (supervisor, Department Head or the Human Resources Director) shall communicate, in a private meeting, the same information as provided above.
    2. A member of management shall document the discussion on a Record of Progressive Counseling Form. If the situation does not improve within a reasonable time (one (1) to six (6) months, depending on the seriousness of the issue), the supervisor may repeat the measure or take steps for stronger disciplinary actions. The Record of Progressive Counseling Form shall become part of the employee's personnel file.

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2) Adverse Actions - An adverse action is an action taken for any reason by the General Manager or his/her designee that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal, as described below. However, it is the policy of the Authority to comply with the salary basis requirements of the Fair Labor Standards Act. Therefore, we prohibit improper deductions from the salary of exempt employees or any improper deduction that violates the Fair Labor Standards Act. If an exempt employee believes that his or her salary has been improperly deducted in violation of the Fair Labor Standards Act, please submit a written complaint to the Human Resources Director, within thirty (30) days of the improper deduction. If the Authority finds that an improper deduction has been made, the Authority will remedy the problem.

- a) Suspension Without Pay - An employee may be suspended without pay by the General Manager or his/her designee. In no event will the use of annual or sick leave be allowed during a period of suspension without pay.
- b) Disciplinary Salary Reduction - An employee's salary may be reduced for disciplinary purposes. The salary reduction does not constitute a demotion in pay grade. Exempt employees' salaries may be deducted for disciplinary actions on a day-by-day basis. However, an exempt employee's salary will only be reduced due to a violation of a safety rule of major significance or serious workplace misconduct such as sexual harassment, violence, drug and alcohol violations, or violations of state or federal laws.
- c) Disciplinary Demotion - An employee may be demoted from one (1) pay grade to a lower grade for disciplinary reasons if a lower position is open and if the employee is qualified to perform the work at the lower position. A disciplinary demotion shall include a decrease in salary.
- d) Dismissal - An employee may be dismissed for disciplinary reasons when all other alternatives have failed to solve the problem, or when the particular conduct of the employee warrants dismissal for the first instance of such conduct.

## SECTION 5   **PROCEDURE**

The failure to follow the below procedure or any procedures in these policies by any supervisor shall not invalidate the disciplinary action against the employee subject to discipline. In addition, these procedures are not applicable to the discipline of probationary employees. No appeal, notification and response rights are allowed for probationary, part-time and temporary employees.

- 1) Emergencies and Disruptions in the Workplace - If an employee presents an imminent danger, offers violence, degrades other employees, contributes to or causes an



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- 2) emergency, or contributes to or causes extreme workforce disruption resulting from the employee's continued presence at the workplace or as a result of the employee's previous or continuing conduct, the Department Manager should immediately notify Human Resources of the situation or circumstance.
- 3) Notification of Adverse Action – Unless the circumstances do not allow, for all adverse actions, including where an emergency situation or disruption to the work place has occurred, the Department Manager, along with the Human Resources Director should:
  - a) Notify the employee of any issues to be investigated.
  - b) Allow the employee an opportunity to explain the employee's conduct. The employee has no right to an attorney being present. The employee must cooperate with the Department Manager and the Human Resources Director but may waive his/her right to respond verbally.
  - c) Based upon the conduct and the response provided, the Department Manager may allow the employee to return to work; be suspended with pay pending further investigation; or be suspended without pay pending further investigation. If the circumstances or the adverse action warrants removal of the employee from the work site, the Department Manager should provide for the removal of the employee from the work site in a manner that, to the extent possible, does not cause a disturbance to the work place.
  - d) Conduct any investigation needed to determine a recommended response to the conduct of the employee. If a dismissal is recommended, the General Manager should be notified. The General Manager must approve any actions for dismissal.
  - e) Notify the employee of the adverse action. Such notification shall include:
    1. The adverse action taken;
    2. The charges or reasons for the adverse action;
    3. The proposed effective date of the adverse action; and
    4. The right of appeal under the policies of the Authority.

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- f) Notify the employee, in writing, of the adverse action. The written notification shall be sent, within three (3) business days of the adverse action, by hand delivery or by certified mail to the employee's last known address. The failure to send the written notice within three (3) business days shall not effect the verbal notification of adverse action and shall not provide any additional rights to the employee.
  - g) Place a copy of the written notification and all other related documents in the employee's personnel folder.
- 4) Employee Notification of Appeal - Only suspensions, demotions, and terminations may be appealed. The employee has three (3) business days to respond in writing to the Human Resources Director regarding the adverse action. The employee must state the reasons for the employee conduct and his/her desire to appeal if a right to appeal is to be preserved. The employee must state his/her expected result of the appeal.
  - 5) Employee Waiver of Appeal - The failure of the employee to submit a written appeal to the Human Resources Director within three (3) business days of the employee's first receipt of the notice of adverse action shall result in the waiver of appeal rights for the employee.
  - 6) Timely Appeal - The Human Resources Director will notify the General Manager of timely filed appeals to an adverse action.
  - 7) General Manager Determination – After considering the facts and circumstances surrounding the adverse action, the General Manager, or designee, shall provide a written notification to the employee of the decision to dismiss, modify, or affirm the adverse action. If the employee is dissatisfied with the determination of the General Manager, the employee has the burden to properly appeal the decision of the General Manager to a Hearing Officer, as provided in Chapter XVI of this Manual.
  - 8) Postponement of Deadlines - The General Manager shall determine if any deadlines in this procedure should be postponed or extended, based upon all the circumstances of each situation.

## SECTION 6 CONSISTENCY OF APPLICATION

Supervisory and management personnel shall be guided in their consideration of disciplinary matters by the following considerations:

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- 1) The degree of severity of the offense;
- 2) The number, nature, and circumstances of similar past offenses;
- 3) Employee's length of service;
- 4) Provocation, if any, contributing to the offense;
- 5) Previous warnings related to the offense;
- 6) Consistency of penalty application; and/or
- 7) Equity and relationship of penalty to offense.

#### **SECTION 7 EMPLOYEES CHARGED WITH CRIMES NOT CONNECTED WITH WORK**

- 1) Employee Released on Bail: Employees released on bail, or on their own recognizance after being arrested or charged with a crime, may continue in their jobs until the outcome of their trial or court appearance is known except:
  - a) Employees charged with a felony;
  - b) Employees charged with crimes involving conduct similar to the work done by the employee; or
  - c) Crimes involving serious moral turpitude.

The employee may be reassigned, or suspended from duty, depending on individual circumstances

- 2) Absences: Absences from work due to incarceration and/or court appearances may be charged against any available annual leave balances. Any absence not so charged may be considered unexcused.
- 3) Conviction: Employees convicted of pleading nolo contendere, pleading alford, or pleading first offender to a felony or a misdemeanor involving serious moral turpitude may be dismissed from the Authority without the privilege of appeal.

#### **SECTION 8 CLEARANCE PROCEDURES FOR TERMINATING EMPLOYEE**

After receiving notification of the termination of an employee, the Human Resources Director or designee should notify the employee in writing of the following:

- 1) All property of the Authority, including documentation, cell phones, computers, equipment, gear, and any other item shall be returned to the Authority, through Human Resources, prior to receipt of the last paycheck;

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- 2) Disbursement of employee's last paycheck, showing any and all deductions that may be required;
- 3) The employee's insurance options, their choice to continue, drop or convert their insurance plan, and associated costs;
- 4) Any funds due to the Water Authority from the employee shall be withheld from the employee's final compensation or collected through other appropriate action;
- 5) Failure to return property, records, equipment, and other items belonging to the Authority may result in the initiation of criminal and civil legal actions against the employee.

## **SECTION 9 EMERGENCY ACTIONS**

Department Managers may take immediate action against an employee under emergency situations. The immediate action may be to suspend the employee with pay or without pay until an investigation can be conducted by the General Manager or his/her designee. If discipline is appropriate, the notification procedures described in this chapter will be followed. The employee will be placed on leave with or without pay until the employee can respond verbally or in writing. Examples of emergency situations are when crimes of moral turpitude or drug related offenses are committed; when an employee may be injurious to himself/herself, fellow workers or to the general public; or when an employee may damage public property.

## **XVI.**

### **ADMINISTRATIVE REVIEW OF COMPLAINTS, PROBLEMS AND DISPUTES**

#### **SECTION 1 ADMINISTRATIVE REVIEW PROCEDURE**

The Authority is firmly committed to the belief that undisclosed problems will remain unresolved, and eventually lead to the decay of work relationships, dissatisfaction in working conditions, and a decline in operational efficiency. Thus, the Authority has established the administrative review procedure to solve problems as quickly, fairly and informally as possible. This policy will be applicable only to regular employees and to all qualified disabled employees. Employees who seek resolution of employment situations by using established procedures are assured that they will not be subjected to discrimination or retaliation, or be penalized in any way for their use of these procedures.

#### **SECTION 2 MATTERS COVERED BY ADMINISTRATIVE REVIEW PROCEDURE**

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An administrative review may be initiated by an employee alleging that his/her employment or productivity has been adversely affected by:

- 1) Unfair treatment;
- 2) Unsafe or unhealthy working conditions;
- 3) Arbitrary and capricious application of departmental or Authority policies and procedures;
- 4) Alleged unlawful discrimination, intimidation or retaliation;
- 5) Alleged unlawful practices.

All matters involving unlawful discrimination, intimidation or retaliation shall be reported to the Human Resources Director or the General Manager, unless such persons are involved. The matter should then be reported as provided in this Chapter at Section 5 Appeal.

### **SECTION 3 NON-REVIEW AREAS**

The General Manager, or designee, shall determine whether an employee's problem, complaint or dispute is a matter covered by the Administrative Review Procedure. The following areas cannot be subjected to administrative review procedures:

- 1) Issues which have been concluded by other administrative or judicial procedures.
- 2) Budget allocations and expectations, and organizational structure, including the persons or number of persons assigned to particular jobs or units.
- 3) Disciplinary actions other than reprimands. Suspensions, demotions and terminations may be appealed pursuant to Section 5 of Disciplinary Action in Chapter XV.
- 4) Any matter which is not within the jurisdiction or control of the General Manager.
- 5) Internal security practices established by the General Manager or Board of Directors.
- 6) Decisions, policies, practices or resolutions made or passed by the Board of Directors or the General Manager which are not job- or work-related and which do not contradict these policies.

### **SECTION 4 PROCEDURE**

- 1) Informal Discussion – Supervisors and employees are expected to make every effort to resolve problems as they arise and address complaints and disputes informally and encourage discussion between employees and supervisors and Department Managers.

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2) Administrative Review Request to the Department Manager

- a. An employee who feels he or she has a problem, complaint or dispute may file a written Administrative Review Request with their Department Manager within three (3) business days of the occurrence of the problem, complaint or dispute. The employee shall include in the Administrative Review Request a description that specifies the problem, complaint or dispute complained of, the date the action occurred and all persons involved in the problem, complaint or dispute, as well as the remedy sought by the employee.
- b. The Department Manager will conduct any necessary investigation or evaluation of the facts related to the situation.
- c. The Department Manager shall meet with the employee to discuss the problem, complaint or dispute and submit a written decision within five (5) business days. Such decision shall be submitted to the employee, any other employee or supervisor involved and the Director of Human Resources. If additional time is needed by the Department Manager to discuss the problem or to provide a written decision, such time shall be reasonable and shall not provide any additional rights to the employee.

3) Administrative Review Request to the Human Resources Director

- a. If the issue is not resolved by the Department Manager, or if the Department Manager is involved in the problem, complaint or dispute, or the employee is not comfortable reporting the initial matter to the Department Manager, the employee may file a copy of the initial Administrative Review Request, along with the last written decision or response, to the Human Resources Director, within three (3) business days of receipt of the last written response, or where the Department Manager is involved, within three (3) business days of the occurrence of the problem, complaint or dispute.
- b. The Human Resources Director shall review and analyze the facts and/or conduct an investigation or evaluation.
- c. The Human Resources Director shall meet with the employee to discuss the problem, complaint or dispute and submit a written decision within five (5) business days. Such decision shall be submitted to the employee, any other employee or supervisor involved and included in the employee's personnel file. If additional time is needed by the Human Resources Director to discuss the problem or to provide a written decision, such time shall be reasonable and shall not provide any additional rights to the employee.

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4) Administrative Review Request to the General Manager

- a. If the issue is not resolved by the Human Resources Director, or if the Human Resources Director is involved in the problem, complaint or dispute, or if the employee is not comfortable reporting the initial matter to any other managerial employee, the employee may file a copy of the initial Administrative Review Request, along with all previous written decisions, if applicable, to the General Manager.
- b. The General Manager will discuss the matter with the employee and investigate the basis of the problem within twenty (20) business days after receipt of the request. The General Manager may involve additional members of management to assist in the investigation as long as such persons are not otherwise involved in the problem, complaint or dispute.
- c. The General Manager will provide the employee with a written response. The failure of the General Manager to respond within twenty (20) business days does not confer any additional rights upon the employee with the problem, complaint, or dispute.
- d. The decision of the General Manager shall be final, subject only to an appeal to a Hearing Officer as provided in Section 5 Appeal in this Chapter.
- e. Copies of the decision of the General Manager shall be transmitted to the employee, any other party involved and the Director of Human Resources.

**SECTION 5 APPEAL**

1) Matters Covered by Appeals – An employee may file an appeal based on:

- a. Dissatisfaction with a decision of the General Manager made through the Administrative Review Procedure;
- b. Dissatisfaction with a disciplinary action of the General Manager involving suspension, demotion or termination;
- c. Unlawful discrimination, intimidation or retaliation involving the Human Resource Director; or
- d. Unlawful, discrimination, intimidation or retaliation involving the General Manager.

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2) Appointment of Hearing Officer

- a. The CCWA Board of Directors shall appoint a hearing officer for the purpose of hearing appropriate appeals. The hearing office shall make findings of facts, based upon the evidence presented by both sides. Based upon such findings of facts, the hearing office shall make a recommendation to the Board of Directors. The Board of Directors shall then make a final determination, taking the recommendations presented by the hearing officer into account.
- b. The Board may make a standing appointment of a hearing officer or officers or may make an appointment of a hearing officer at the time of receipt of an appeal. The Board may appoint different hearing officers to different matters. If the Board has not appointed a hearing officer when the appeal is filed, the Board shall appoint the hearing officer after the filing at the next properly scheduled meeting of the Board.

3) Appeal Procedure

- a. An employee should file with the Human Resource Director, General Manager or directly to the Board, an appeal within five (5) days of occurrence of the action that may be appealed or of receipt of the final decision by the General Manager on an adverse action or in the administrative review procedure.
- b. The Board, or appropriate designee, shall determine if the matter is covered by the Appeal process.
- c. The hearing officer should hold a hearing within thirty (30) days from the date of his/her receipt of the appeal. The hearing officer shall notify the employee and the General Manager and the Human Resource Director of the date, time and place of the appeal.
- d. Both sides may be represented by legal counsel, present and cross examine witnesses and make opening and closing statements. The appeal will be recorded. The employee will present his/her case and the General Manager, or Human Resources Director, as appropriate, will then present his/her case. The hearing officer will listen to the testimony of the witnesses and evidence presented by both sides. The hearing officer has the discretion to limit testimony and the time for the hearing. The hearing officer shall rule on objections to evidence and testimony. The hearing is a less formal proceeding than a court proceeding and the hearing officer has discretion to determine whether evidence is relevant to the hearing.



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- e. After the hearing, the hearing officer should, within ten (10) working days after the appeal is heard, make written findings of fact and a recommendation to the Board to uphold, modify, or rescind the action. The hearing officer may make any further recommendation to the Board as the hearing officer deems appropriate. The failure of the hearing officer to strictly comply with the time schedule named herein shall not confer additional rights to an employee. The findings of fact and recommendations of the hearing officer shall be made to the Board at its next regularly scheduled meeting or the meeting thereafter.
- f. The Board may make inquiry to the hearing officer regarding the hearing, however, further evidence and testimony shall not be presented to the Board. The Board shall make a decision whether to accept, modify, or rescind the recommendation of the hearing officer. The inquiry regarding the hearing officer's findings and recommendations and discussion thereof may be made in executive session, however the decision on whether to accept, modify or rescind the hearing officer's decision shall be made in open meeting.

#### **SECTION 6 RECORDKEEPING**

Human Resources will be responsible for maintaining official files of all appeals, hearings and decisions relating to the appeal process.

#### **SECTION 7 NO VESTING OF RIGHTS**

The failure to hold a hearing, abide by the above mentioned guidelines, or render decisions in accordance with the above guidelines vests no rights or claim to any employees. All of the above sections are guidelines only and not mandatory requirements.

UPON Motion by John Chafin and seconded by Marie Barber it was unanimously

**RESOLVED:** to approve the revisions to the Administrative Review and Disciplinary Action Personnel Policies as recommended.

UPON Motion by Marie Barber and seconded by John Chafin it was unanimously

**RESOLVED:** that the Board adjourn into executive session for land, legal, and personnel issues. The Board reserves the right to return to open session.

The Board returned to open session. Board member, John Westervelt, excused himself from the meeting at that time.

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Chairman McQueen stated that the Authority has experienced an increase in calls concerning Stormwater now that the customers are seeing the Stormwater fee on their water bills. The Board recommends that the customer write a letter addressing their concerns, and then they can appear before the entire Board, if they so desire. The Board agreed.

CCWA staff proposed an alternative billing procedure for mobile home parks in regard to Stormwater because of the portable nature of homes in these parks. CCWA staff has met with Terry Baskin, Tax Commissioner, who said that he could bill the mobile home parks the same time as their tax bill. The county could then forward the funds to the Authority. There was discussion concerning this information with the decision that mobile home park billing procedures be reviewed in order for the Authority to have a uniform billing for all mobile home parks.

Mike Thomas, General Manager, gave the board information concerning property purchased by Southern Regional Hospital Authority located on Highway 138. Mr. Thomas stated that there is a lake located on this property which was drained because of damage to the dam. Mr. Thomas stated that the Hospital Authority decided to make all repairs, as required by Georgia EPD, to the dam and restore the lake. Mr. Thomas stated that the Hospital Authority asked if the Water Authority would take over ownership of the dam and lake after repairs are complete and the lake has been restored. Mr. Thomas stated that as a condition for taking the dam the Authority would have to be given sole ownership of the dam, lake and adjoining property. Mr. Thomas gave information concerning the Hospital Authority's negotiations with property owners in Runnymede Subdivision, whose property adjoins the lake, for the purchase of this property. Mr. Thomas stated that because of problems associated with these negotiations the Hospital Authority has asked that the Water Authority do a friendly condemnation of this adjoining lake property. Mr. Thomas stated that these property owners would be paid the same amount of money previously agreed on between property owners and the Hospital Authority. There was discussion concerning this information.

UPON Motion by Lloyd Joiner and seconded by Marie Barber it was unanimously

**RESOLVED:** that the Water Authority proceed with a friendly condemnation of property adjoining a lake located on property purchased by Southern Regional Hospital Authority, each property owner will receive the amount previously agreed upon between themselves and Southern Regional Hospital Authority, Southern Regional Hospital Authority agrees to pay all cost to property owners and any other cost associated with this friendly condemnation. Steve Fincher, Attorney for the Authority, will prepare all legal documents and proceed with this friendly condemnation.

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Mr. Thomas stated that the July board meeting would fall on the 5<sup>th</sup> of July. There was discussion concerning this, with a board decision that the July board meeting be changed to Thursday, July 12, 2007.

Mr. Thomas gave the board information concerning the AWWA Conference.

Mr. Thomas stated that the City of Riverdale asked that the Authority include the City of Riverdale logo when contracting to have the King Road water tank painted. The City of Riverdale has agreed to pay any additional contract cost involved in the painting of their logo on the King Road water tank. There was discussion concerning this information and what else the Authority should paint on the King Road water tank.

UPON Motion by John Chafin and seconded by Wes Greene it was unanimously

RESOLVED: to approve the request that the City of Riverdale's logo be included when the Authority contracts to have the King Road water tank painted, with the stipulation that the City of Riverdale pay any cost difference involved in the painting of their logo on the King Road water tank, and that the King Road water tank will have the City of Riverdale logo on one side and the Clayton County Water Authority on the other side.

Mr. Thomas showed the Board a video that was shown on WSBTV news concerning fire hydrant safety. Mr. Thomas stated that he had the opportunity to be part of this story but declined this request and stated that he had asked that this story not be videoed and shown to the public. Mr. Thomas gave the Board information concerning fire hydrant safety and what the Authority is currently doing in order to prevent backflow problems and what the Authority plans to do in the future.

Upon Motion by Lloyd Joiner and seconded by Wes Greene it was

RESOLVED: that the regular session board meeting be adjourned.

There being no further business to come before the open meeting, the meeting was adjourned.

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Pete McQueen, Chairman

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Walter Marie Barber, Secretary/Treasurer