

AGENDA

Tim Rood, **WMA President**
City of Piedmont, WMA, EC
Deborah Cox, **WMA 1st Vice President, EC President**
City of San Leandro, WMA, EC
Shelia Young, **WMA 2nd Vice President**
Oro Loma Sanitary District, WMA
Melissa Hernandez, **EC 1st Vice President**
City of Dublin, WMA, EC
Dan Kalb, **EC 2nd Vice President**
City of Oakland, WMA, EC
Jim Oddie, City of Alameda, WMA, EC
Keith Carson, County of Alameda, WMA, EC
Rochelle Nason, City of Albany, WMA, EC
Susan Wengraf, City of Berkeley, WMA, EC
Dave Sadoff, Castro Valley Sanitary District, WMA
Dianne Martinez, City of Emeryville, WMA, EC
Jenny Kassan, City of Fremont, WMA, EC
Francisco Zermeño, City of Hayward, WMA, EC
Bob Carling, City of Livermore, WMA, EC
Michael Hannon, City of Newark, WMA, EC
Jerry Pentin, City of Pleasanton, WMA, EC
Emily Duncan, City of Union City, WMA, EC
Wendy Sommer, Executive Director

MEETING OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA) BOARD AND THE ENERGY COUNCIL (EC)

Wednesday, July 24, 2019

3:00 P.M.

**StopWaste Offices
1537 Webster Street
Oakland, CA 94612
510-891-6500**

Meeting is wheelchair accessible. Sign language interpreter may be available upon five (5) days notice by calling 510-891-6500. Members of the public wanting to add an item to a future agenda may contact 510-891-6500.

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENTS - (*Members are asked to please advise the board or the council if you might need to leave before action items are completed*)

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the boards or council, but not listed on the agenda. Total time limit of 30 minutes with each speaker limited to three minutes unless a shorter period of time is set by the President.

Page V. CONSENT CALENDAR

1 1. Approval of the Draft Minutes of June 26, 2019 (Wendy Sommer)

7 2. Revised Human Resources (HR) Manual (Pat Cabrera & Justin Lehrer)

That the WMA Board approve the attached HR manual and authorize the Executive Director to make minor changes to the manual as needed and incorporate any additions resulting from new or amended federal, state or local labor laws.

VI. REGULAR CALENDAR

- 63 1. Executive Director Contract Amendment (Dave Sadoff)**
That the Waste Management Authority Board amend the Executive Director Employment Agreement.
- 67 2. Countywide Integrated Waste Management Plan (CIWMP) Update (Anu Natarajan)**
That the WMA Board direct staff to update the CIWMP.
- 71 3. Vacancy on the Recycling Board (Arliss Dunn)**
Staff recommends that the WMA Board fill the vacancy on the Recycling Board.
- 4. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)**
(Planning Committee and Recycling Board meeting, August 8, 2019 at 7:00 pm, Fremont City Hall, Council Chambers, 3300 Capitol Ave, Fremont, CA 94538 and September 12, 2019 at 7:00 pm, Dublin Civic Center, 100 Civic Plaza, Dublin, CA 94568)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT

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**MINUTES OF THE MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA) BOARD,
THE ENERGY COUNCIL (EC)**

Wednesday, June 24, 2019

3:00 P.M.

**StopWaste Offices
1537 Webster Street
Oakland, CA 94612
510-891-6500**

I. CALL TO ORDER

President Dave Sadoff, WMA, called the meeting to order at 3:04 p.m.

II. ROLL CALL OF ATTENDANCE

City of Alameda	Jim Oddie, WMA, EC
County of Alameda	Keith Carson, WMA, EC
City of Albany	Rochelle Nason, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Emily Duncan, WMA, EC

ABSENT:

City of Dublin	Melissa Hernandez, WMA, EC
City of Fremont	Jenny Kassan, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Piedmont	Tim Rood, WMA, EC

Staff Participating:

Wendy Sommer, Executive Director
Pat Cabrera, Administrative Services Director
Anu Natarajan, Legislative and Regulatory Affairs Manager
Richard Taylor, WMA Legal Counsel
Arliss Dunn, Clerk of the Board

Others Participating:

Bill Pollock and Bruce Fritz, Environmental Services, Alameda County HHW
Ken Pianin, Solid Waste Manager, City of Fremont HHW
Peter Deibler, HF&H Consultants
Jason Schmelzer and Priscilla Quiros, Shaw Yoder Antwih
Arthur Boone
Antoinette Stein

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

Antoinette Stein provided public comment regarding the lawsuit against the OMRF at the Davis Street Transfer station and her concerns that the project changed after CEQA. Arthur Boone provided public comment regarding the most recent data collected on the performance of the county relative to recycling activities, saying it did not break down the data relative to the cities as mandated by Measure D and how this action limits the Recycling Board in its role to exercise oversight regarding this issue.

V. CONSENT CALENDAR

1. Approval of the Draft Minutes of May 22, 2019 (Wendy Sommer)

There were no public comments for the Consent Calendar. Board member Young made the motion to approve the Consent Calendar. Board member Wengraf seconded and the motion carried 16-0: (Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

VI. REGULAR CALENDAR

1. Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee (Pat Cabrera)

Staff recommends that the WMA Board hold a public hearing on the Fee Collection Report and approve by resolution, the Fee Collection Report for FY 2019-20, which includes adjusting the annual fee downward from \$7.40 per unit in FY 2018-19 to \$6.64 per unit for FY 2019-20.

Pat Cabrera provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [2019-2020-HHW-Fee-Report-Presentation.pdf](#)

Ms. Cabrera introduced Bill Pollock and Bruce Fritz, Alameda County Environmental Services, and Ken Pianin, Solid Waste Services Manager, City of Fremont.

Board member Hannon commented that we have data that shows the increase in participation and inquired if there is data that shows the decrease in hazardous waste that is illegally dumped. Mr. Pollock stated no. Board member Kalb inquired about the locations that we send the materials for incineration. Mr. Pollock stated the materials are sent to commercial facilities in Utah, Nebraska, and Arkansas as there are fewer regulations. Board member Young commented that most public agencies are increasing fees and noted that the fee is being lowered and applauded staff for their efforts.

There were no public comments on this item and the public hearing was closed. Board member Wengraf made the motion to approve by resolution the Fee Collection Report for FY 2019-20, which includes adjusting the annual fee downward from \$7.40 per unit in FY 2018-19 to \$6.64 per unit for FY 2019-20. Board member Zermeño seconded and the motion carried 16-0:

(Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

2. Household Hazardous Waste (HHW) Fee Change and Ordinance Amendment (Pat Cabrera)

Staff recommends that the WMA Board:

1. Introduce and waive the first reading of the attached ordinance to be considered for adoption following a public hearing and protest process in accordance with Proposition 218. The ordinance resets the annual HHW Collection and Disposal fee to \$6.64 per year per residential unit through June 30, 2024. The ordinance requires that a financial analysis be conducted by March 31, 2024 to determine what the fee should be for the following five fiscal years and to conduct similar analysis in five-year intervals to

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determine what the fee should be at that time. While the fee can be lowered or raised during those periods, it will be capped at \$9.55 per year per residential unit per the original ordinance. The amended ordinance removes the previous sunset provision; however, the Board may repeal this fee at any time.

2. Approve the attached resolution regarding the protest proceedings required under Proposition 218.
3. Direct staff to prepare amendments to the HHW program Memoranda of Understandings (MOUs) with the County of Alameda and the City of Fremont reflecting the new ordinance to be considered following adoption of the ordinance.

Pat Cabrera provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [HHW-Fee-Amendment-Presentation.pdf](#)

Ms. Cabrera introduced Peter Deibler, HF&H Consultants. Mr. Deibler was available to answer any questions. Ken Pianin commented that the City of Fremont supports the staff proposal as it will bring security and provide a stable funding source for a very popular and essential service for the entire county.

Board member Oddie requested an overview of the Prop 218 process. Authority Counsel Taylor stated that the Board would introduce the ordinance and the agency would send notification to all properties that are subject to the fee. The property owner would have the opportunity to protest the fee by mail or by attending a public hearing that the Board would hold at the September 25 WMA meeting. If we receive a majority of protests we would be unable to adopt the fee and if we receive less than a majority of protests, the Board may choose to not adopt the fee but Prop 218 does allow the adoption of the fee. The fee affects all residential properties in Alameda County and the unincorporated areas. President Sadoff inquired if it is possible to highlight the reduction of the fee in the Prop 218 notice. Mr. Taylor stated that the notice will inform the public that the fee was originally set at \$9.55 per year and will now be at \$6.64 per year. Board member Kalb inquired if the fee is per residential unit or per parcel. Ms. Cabrera stated that the fee is per residential unit.

Board member Hannon stated that it is good to see that the funding is doing well and inquired if staff has looked at components of the program to see if there are other materials that we would want to include as household hazardous waste or that the environmental community would consider household hazardous waste. Mr. Pollock stated that we collect all materials that are legally classified as hazardous waste and we include mattresses at our one-day events. Mr. Pollock added the program is not allowed to collect controlled substances and added there are not any other hazardous materials that are missing. Board member Hannon inquired about the destination of materials for commercial businesses. Mr. Pollock stated that the program accepts materials from small quantity generators (less than 220 pounds per month), but larger businesses cannot utilize the program. However, the tipping fee is charged on all waste going to the landfill.

Board member Wengraf inquired about any plans to do outreach to inform the public regarding this measure. Ms. Cabrera stated that staff has spoken with TAC and has also informed the city managers and the general managers of the jurisdictions and staff is also planning to contact the rental housing associations. Ms. Sommer added because the fee does not apply to commercial businesses we were not planning to reach out to local chambers of commerce. Board member Wengraf most residents feel as though it is not a democratic process because if they reply it is considered a yes vote and added we should do some sort of public outreach to at least notify the public prior to sending out the ballot. Mr. Taylor added it is not legally required since it is not an election and this is not something that he has seen done at other agencies. Board member Young suggested that staff send a notice to Board members "tooting our horn" that we are reducing the fee and they can send to their contacts and constituents. Board member Oddie inquired about how many protests we received during the last

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process. Mr. Taylor replied that there were hundreds and not thousands but there were a few vocal protests at the public hearing and the agency was sued but prevailed in the lawsuit.

There were no public comments on this item. Board member Pentin made the motion to approve the staff recommendation. Board member Carson seconded and the motion carried 16-0:

(Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

3. 2019 Legislative Update (Anu Natarajan)

This item is for information only.

Anu Natarajan provided an overview of the staff report and introduced the agency's lobbyist, Jason Schmelzer and Priscilla Quiros of Shaw Yoder Antwih. The lobbyist provided a legislative update on the status of bills. A link to the staff report is available here: [2019-Legislative-Update-pdf](#)

Board member Hannon stated that when providing a status update to the Board he would like to also include an estimate of any anticipated costs to local governments for implementation of any legislation from the State for either funding or staffing. Ms. Natarajan stated that when staff provides the October update to the Board we will attempt to get any information that would apply to any anticipated costs to local governments. Board member Young stated with respect to AB 1672 (Bloom) Product Labeling: Flushable Products, that she was shocked that anyone would be opposed to a bill for disposable wipes considering the damage to sanitary districts wastewater systems. Ms. Natarajan stated that based on input received from the Board we moved the legislation to a priority bill. Board member Hannon inquired if there is a current standard for disposable wipes. Mr. Schmelzer stated no, not in California. Board member Kalb inquired regarding AB 619 (Chiu): Retail Food; Reusable Containers; Multiuse Utensils, if the bill would make a significant impact or is it considered "baby steps." Mr. Schmelzer replied it is considered "baby steps." Board member Kalb inquired regarding AB 1216 (Bauer-Kahan): Solid Waste Illegal Dumping, if the bill simply authorizes the counties to employ a law enforcement officer to focus on illegal dumping. Board member Carson replied that the legislation also includes a funding mechanism. Board member Hannon added the bill should look at giving the funding to the cities to tackle the issue. Ms. Natarajan stated that the bill is modeled after looking at a successful project in Vallejo. Board member Young requested an update on the rulemaking for SB 1383. Ms. Natarajan stated that staff met earlier in the day regarding SB 1383 and comments are due July 5. Staff is working with the cities to make sure that they are sending comments as well, and staff will work with Mr. Schmelzer to make sure that the League of Cities will be carrying the high level concerns from the cities. Ms. Natarajan added another draft will be coming out with an additional 15-day comment period and then the adoption of the formal rules will be in January 2020. Board member Young recommended reaching out to CASA (California Association of Sanitary Agencies). Ms. Natarajan stated that she would. There were no public comments on this item. President Sadoff thanked staff and the lobbyist for their presentation.

4. Election of WMA Officers for Fiscal Year 2019-20 (Arliss Dunn)

Staff recommends that the WMA Board elect officers for Fiscal Year 2019-20.

There were no public comments on this item. Ms. Sommer thanked President Sadoff for his guidance and leadership during his tenure as President of the WMA Board. Board member Pentin inquired that if the Board nominated Board member Rood as President (in absentia) and he is unable to serve what is the remedy. Mr. Taylor stated that the item would be placed on the July agenda to elect another President. Board member Pentin made the motion to advance Board member Rood to the office of President and Board member Cox to the office of First Vice President and nominated Board member Young as Second Vice President. There were no other nominations.

Board member Sadoff seconded and the motion carried 16-0:

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(Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

5. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)

(Planning Committee and Recycling Board meeting, July 11, 2019 at 4:00 pm, StopWaste Offices, 1537 Webster Street, Oakland, CA)

Board member Zermeño stated that he would be unable to attend the July 24 WMA meeting and that he would consult with his alternate, Sara Lamnin, about the attending the meeting.

Board member Cox required an interim appointment for the July 11 meeting. Board member Young stated that she would attend as the interim appointment. Board member Oddie made the motion to approve the interim appointment. Board member Hannon seconded and the motion carried 16-0: (Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Sadoff, Wengraf, Young, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

6. Election of Energy Council Officers for Fiscal Year 2019-20 (Arliss Dunn)

Staff recommends that the Energy Council elect officers for Fiscal Year 2019-20.

There were no public comments on this item. Board member Pentin made the motion to advance Board member Cox to the office of President and Board member Hernandez to the office of First Vice President and nominated Board member Kalb as Second Vice President. There were no other nominations. Board member Martinez seconded and the motion carried 15-0:

(Ayes: Carson, Cox, Duncan, Hannon, Kalb, Martinez, Nason, Oddie, Pentin, Wengraf, Zermeño; Nays: None. Abstained: None. Absent: Carling, Hernandez, Kassan, Rood.

The Board adjourned to closed session at 4:10 p.m. and returned to open session at 4:20 p.m.

7. CLOSED SESSION (WMA only)

Pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director
(Confidential materials mailed separately)

8. CLOSED SESSION (WMA only)

Pursuant to Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: Board Members Sadoff, Rood, Cox, and Hannon
Unrepresented Employee: Executive Director

The Board provided the recommendation to the negotiating team.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Board member Martinez announced that the City of Emeryville is renegotiating their contract with Waste Management, Inc. and they are no longer accepting gable top packaging, i.e. milk cartons in the recycling or compost and they are looking for solutions. Board member Martinez added, in Napa, people are collecting milk cartons separately to be shipped for processing. They are looking for other agencies in which to partner to get enough tonnage to the correct party and she will provide additional information as it becomes available. Ms. Sommer distributed the most recent topic brief on "StopWaste Environmental Educator Training (SWEET)," available here: [Environmental-Educator-Training.pdf](#) and the June calendar of events, available here: [June-2019-Events.pdf](#)

VIII. ADJOURNMENT

The meeting was adjourned at 4:23 p.m.

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DATE: July 24, 2019

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

BY: Pat Cabrera, Administrative Services Director
Justin Lehrer, Senior Management Analyst

SUBJECT: Revised Human Resources (HR) Manual

SUMMARY

On July 11, 2019 the Programs and Administration Committee reviewed revisions to the Agency's HR manual, provided input and recommended that the Waste Management Authority (WMA) Board adopt the revised manual.

DISCUSSION

Staff presented an overview of the HR manual and discussed notable changes in the revised manual. The report submitted to the P&A Committee can be found at: [HR-Manual-Memo-07-11-19.pdf](#). The power point presentation can be found at [HR-Manual-Presentation-07-11-19.pdf](#).

The revised HR manual was well received by the committee. In response to suggestions made by committee members, the following changes have been made or considered for the final document:

- Added language to the Confirmation of Receipt explicitly stating that the signing employee has read the manual.
- Members of key internal teams mentioned in the manual (e.g. Review Panel, Workforce Committee) are identified via link to a separate 'living' document called "Agency Groups and Roles."
- Defined the specific limit for gratuities and gifts that employees may receive (\$50, must be available for general office consumption or use).
- No change was made in regards to giving feedback to probationary employees after 6 months of the probation period. The recently adopted employee feedback process requires frequent, ongoing feedback, which should address this concern.
- Changed the time period in which employees are expected to report conduct in violation of the harassment policy from "as soon as possible" to "within 72 hours of becoming aware" of the situation.

- A suggestion to consider indicating a timeframe in which a resignation may be rescinded by the employee was considered, with no change made.

Committee Action

By a vote of 10-0 (Absent: Duncan, Hernandez), the P&A Committee recommended that the WMA Board adopt the revised HR manual and authorize the Executive Director to make minor changes to the manual as needed and incorporate any additions resulting from new or amended federal, state or local labor laws.

RECOMMENDATION

That the WMA Board approve the attached HR manual and authorize the Executive Director to make minor changes to the manual as needed and incorporate any additions resulting from new or amended federal, state or local labor laws.

Attachments:

Attachment 1: Outline of Notable Changes to the HR Manual

Attachment 2: HR Manual

ATTACHMENT 1

2019 HR Manual Update – Notable Changes

Global/General Changes

1. Organization and Layout – reorganized so related topics are together, added links between sections and external policy documents, eliminated redundancy.
2. Eliminated use of he/she/him/hers pronouns.
3. New Introduction section, brief information on agency background and organizational structure, groups and roles (Section 1).
4. Definition of terms and related documents directory.

Policy Related

5. Added anti-bullying definition, policy and procedures to Non-Discrimination in Employment section (Section 3.7).
6. Clarified promotional process and updated sections on recruitment (2.2.3, 3.4.2).
7. Updated employee feedback process per recent changes (5.2).
8. Added social media policy and guidelines (4.7.1).
9. Clarified that employees should not use private email address to communicate Agency business (4.7).
10. Added workplace violence policy (4.11).

Classification and Compensation

11. Clarified pay differential for temporary assignments, must serve in role for 20 days and does not apply if part of employee development or succession plan (2.2.4).
12. Clarified that for new employees the first salary step increase happens at the start of the next FY after completion of probation period (2.3.2).
13. Stated that probationary period can be extended beyond 1 year when necessary (3.6).

Workforce

14. Clarified that the Agency cannot guarantee approval of employee requests to change from full-time to part-time (or vice versa) (4.1.3).
15. Reductions in Force: added new procedure for recalling employees after a force reduction, extended employee notification time from 30-60 days, outlined criteria considered for force reduction decisions (6.5).
16. Added language that employees cannot engage in outside employment that conflicts with their Agency duties, and to discuss outside employment with ASD or ED to avoid perceived or real conflicts of interest (4.4).
17. Deleted Special Service Employees (has not been used in years).

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Alameda County Waste Management Authority

Human Resources Manual

Adopted <Day, Month Year>

Confirmation of Receipt

I have received my copy of the Alameda County Waste Management Authority (Agency) HR Manual. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Manual and any amendments thereto.

I understand that any and all policies or practices can be changed at any time by the Agency. I understand and agree that only the Executive Director (ED) of the Agency or a designee of the ED has authority to enter into any agreement, expressed or implied, for employment for any specific period of time, or to make any agreement for employment and then only in writing, signed by the Executive Director or designee. The Manual does not create a contract or provide any rights in the nature of a contract.

I understand and agree that nothing in the HR Manual creates or is intended to create a promise or representation of continued employment at the Agency. My signature certifies that I understand the foregoing. I have read the HR Manual and agree to perform the duties, roles and responsibilities of my position in compliance with these policies and procedures.

Employee Name _____

Employee Signature _____

Date _____

Return to Administrative Services Director

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1 Introduction

1.1 Purpose of this Manual

The purpose of this Manual is to describe our employment guidelines and establish fair and uniform procedures for dealing with Alameda County Waste Management Authority personnel matters including appointments, promotions, transfers, discipline, discharge, classification, wages and other terms and conditions of employment. You will find information about our policies and procedures and expectations of employees.

Benefits are outlined in the Employee Benefits Guide.

This Manual has been developed as a resource and reference for staff. It is updated as the organization and/or labor laws change. Employees are notified of changes as they occur. If you have any questions about the content please contact the Administrative Services Director (ASD).

1.2 Agency Background

StopWaste is a public agency that helps Alameda County's businesses, residents and schools waste less, recycle properly, and use water, energy and other resources efficiently. Our work helps people make better decisions every day about the products they buy, the resources they use, and the stuff they no longer use.

StopWaste is governed by three Boards: the Alameda County Waste Management Authority (WMA, formed in 1976), the Alameda County Source Reduction and Recycling Board (formed in 1991), and the Energy Council (formed in 2013). The Boards share an MOU that makes the WMA the legal entity responsible for administration and staffing; therefore, all staff are employees of the WMA.

For the purposes of this manual, "Agency" refers to the WMA, a joint powers authority whose members include all of the fourteen cities within Alameda County, the County of Alameda and two sanitary districts. We've been around since 1976. Since 1990, we've helped cut the amount of garbage going to landfill nearly in half in Alameda County, even with a population increase of 25 percent during that time.

For more details, visit www.StopWaste.org/about.

1.3 Organizational Structure

The Agency has a distributed organizational structure, rather than a traditional departmental/hierarchical structure. Our work is carried out in and organized by projects, which are grouped into Topic Areas for coordination and budget development. Each employee has specific assigned roles within one or more projects. Project Leads are responsible for allocating staffing and resources within their projects, subject to agency priorities and constraints as communicated by the Review Panel. The Review Panel interprets strategic guidance from the Board and serves as a sounding board for the Executive Director on issues of cross-agency importance. Project Leads may exercise management responsibilities within their project teams. However, most employees work on multiple projects or teams, and therefore do not report to a single individual. The Workforce Committee (WC) assigns Project Leads based on performance feedback, workload balancing, and professional development. More information on groups and their roles within the organization is available in Group Roles and Accountabilities.

1.4 General Provisions

All decisions dealing with Agency employees shall be based on merit and performance without regard to age, race, color, religion, marital status, sex, gender, gender identity, gender expression, sexual orientation, military and veteran status, disability, medical condition, genetic information, national origin, political affiliation, or any other basis protected by law.

The provisions contained in this Manual apply to all Agency employees, unless otherwise indicated in the Manual or in a written employment contract between the Agency and the individual. In case of conflict between a written employment contract and this Manual, the contract supersedes.

This Manual and the policies contained in it do not create any contract of employment, expressed or implied, nor any rights in the nature of a contract. Nothing in this Manual or any other personnel-related document, including benefit plan descriptions, creates a promise or representation of continued employment for any Agency employee. The circumstances and conditions under which an employee may continue or may be terminated from Agency employment are contained in this Manual.

As a condition of employment, all employees are required to read and request necessary clarification of the policies in this Manual. Each employee is required to sign a statement of receipt acknowledging that the employee: a) received a copy, or has been provided access to this Manual; and b) understands the responsibility to read and become familiar with the contents and any revisions to the Manual.

1.5 Integration Clause/Right to Revise

This Manual, and any amendments to it, summarizes the policies and practices of the Alameda County Waste Management Authority in effect at the time of publication. This Manual supersedes all previously issued Manuals and any policy, benefit statements or memoranda that are inconsistent with the policies described here. Internal clarifications or interpretations of policies contained in this Manual may be developed over time and will be issued in the form of Administrative Policies as needed. This Manual shall be maintained by the Administrative Services Director or designee.

The Agency reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this Manual or in any other document at any time. The Administrative Services Director (ASD), in concert with the Executive Director (ED), shall periodically recommend additions, deletions, or amendments to these policies. The ED shall recommend these changes for adoption by the WMA Board through Board resolution. Board approval is not required for changes made in response to applicable laws and regulations.

Severability: If any court finds any section, subsection, sentence, clause or phrase of these rules to be inconsistent with the law, such finding(s) shall not affect the validity of the remaining portion.

Any written changes to this Manual will be distributed to all employees so that employees will be aware of the new policies or procedures and their responsibilities with regard to them. No oral statements or representations can in any way alter the provisions of this Manual. The following identifies specific responsibilities in administering the policies set forth:

Executive Director (ED) - As the appointing authority, the ED shall be the final authority on questions of interpretation and application of these policies except as laid out in the Appeals Procedure. The ED is a standing member of the Workforce Committee.

Administrative Services Director (ASD) - As the custodian of these policies and procedures, the ASD will provide interpretation and professional advice to the ED, the Organizational Improvement Team and all other staff as appropriate. The ASD is a standing member of the Workforce Committee

Agency General Counsel - Legal counsel shall provide professional legal advice to the ED and ASD on matters related to these policies. As determined by the ED and/or ASD, the use of legal counsel other than Agency General Counsel may be obtained for purposes such as specialized representation.

Review Panel (RP) – As the body responsible for policy input, the RP serves as a sounding board for issues of agency wide relevance, including financial, administrative and strategic matters. The ED retains final decision-making authority.

Workforce Committee (WC) – As the body responsible for optimizing staffing allocation and monitoring professional development, the Workforce Committee will provide recommendations to the ED regarding extended leave requests and changes to role assignments and work schedules.

Organizational Improvement Team – The Org Team is responsible for recommending processes to develop organizational effectiveness, and may offer input to the ED or ASD on policy changes, including changes to this Manual.

2 Employee Classification and Compensation Plan

The purpose of the Classification Plan is to ensure that all positions are classified appropriately based on current duties, roles and responsibilities so that the resulting compensation is equitable relative to other positions within the Agency and the labor market. The Plan is an appraisal and inventory of each classification in the Agency. Each position within the Agency is allocated to an appropriate classification, grade and steps within a pay range. All positions that are substantially similar in duties, responsibilities, and character of work are included within the same classification in order to ensure the work is evaluated and compensated in an equitable manner. The ED, in concert with the ASD, will make the final determination as to the appropriateness of a classification and the findings are not subject to the Appeals Procedure. The salary schedule is adopted every year as part of the budget resolution and published in the annual budget.

2.1 Class Specifications

A class specification (or job description) is a description of a group of similar jobs. Class specifications are descriptive only and not restrictive. They serve as a general guide as to what type of work is performed by a particular set of jobs and the associated knowledge and abilities required. They are not designed nor do they limit any appointing authority to assign, direct and control the work of employees. In determining the class of a particular position, the class specification in total serves as a guide. A change in job duties or roles does not necessarily lead to a change in classification, compensation or a promotion. The ED or ASD may make changes or corrections to job descriptions as needed which do not substantially alter the basic job requirements for the position. Impacted employees will be advised of any changes to their job descriptions. The ED or ASD may also develop new job descriptions as needed consistent with [Section 3.5](#). More information: Classification Grade Descriptions.

2.2 Implementation of the Classification Plan

Based on studies performed by the ASD, new classes may be created, classes revised, combined or abolished, and pay ranges established. A change in classification grade can occur by either promotion or reclassification.

2.2.1 New Positions

Proposed new positions shall be reported to the ASD. The ASD shall study and evaluate the new position to provide a basis for determining its proper classification, pay range and exempt or non-exempt status. All new positions shall be approved by the WMA Board.

2.2.2 Reclassifications/Reorganizations

Reclassifications typically occur during a reorganization or after an internal or external classification review, and shall not be used as a reward or punishment for performance levels, or in place of promotion or demotion procedures. When the duties of a position change substantially (level and responsibility increased or decreased) due to a reorganization or reassignment of tasks, and these changes will be permanent in nature, a request to analyze (study) and evaluate the position shall be submitted to the ASD by the employee or relevant Project Lead. The ASD or ED may also initiate a study. The ASD will determine the scope of the study. Upon completion of a study, a determination will be made whether or not the position should be reclassified. If so, the position will be allocated to its appropriate classification, grade and step within the pay range and exempt or non-exempt status. If, in the course of the study,

inequities in other positions are discovered, those positions may also be studied. Reclassified employees will maintain their original anniversary date for benefits that are tied to length of service; future salary increases will be tied to the annual salary adjustment plan.

When an employee's position is reclassified to a higher level classification, or when a classification is assigned to a higher salary range, the employee will be placed in the salary step that aligns closest to a 5% increase (not to exceed the maximum of the new salary range) or the bottom of the new salary range, whichever is greater. If the employee moves from a non-exempt to an exempt position, the rules regarding overtime compensation and administrative leave for the new position will apply. When an employee's position is reclassified to a lower paid classification and/or a lower paid salary range (generally due to a classification study), the employee shall retain the present salary but will not receive any general wage (CPI) increases until the employee's new salary range exceeds the employee's current salary.

If an employee's duties or roles change to the extent that the nature of the work belongs in a different classification but within the same grade (e.g., Senior Administrative Assistant working as a Senior Program Services Specialist), the employee's title will be changed as appropriate but there will be no corresponding change in salary. The employee will remain in the current salary step under the normal salary adjustment plan.

The ASD shall be notified of any reorganization that will impact position classifications and be available to advise on reorganization issues. Studies of affected positions will be conducted and appropriate adjustments made to the positions' classifications, pay ranges and exempt or non-exempt status.

2.2.3 Promotional Requests

A promotion is the standard process by which an increase in grade level should occur.

Promotions can occur by appointment to an open position when a vacancy occurs or a need is identified by a Project Lead, the Workforce Committee, or the ED. Promotions also occur within a classification series when specific criteria are met.

Employees may initiate a request for promotion through the Individual Development Plan (IDP), or a Project Lead may initiate a request for one of their team members to the ASD. The criteria and process for initiating a promotional request are set forth in the Promotional Process Summary. Prior to a promotional request being considered, the ASD will review the job responsibilities of the existing and requested position to determine whether the duties, roles, responsibilities and qualifications fit the classification being requested. Limited term and intermittent employees are not eligible for promotion.

Promoted employees are placed in the new salary range at the salary step that aligns closest to a 5% increase (but not to exceed the maximum of the new range) or the bottom of the new salary range, whichever is greater. If the employee moves from a non-exempt to an exempt position, the rules regarding overtime compensation and administrative leave for the new position will apply.

Promoted employees will maintain their original anniversary date for benefits that are tied to length of service; future salary increases will be tied to the annual salary adjustment plan.

For more information on the promotion process, see the requirements set forth in the Promotional Process Summary and Promotional Process FAQs.

2.2.4 Temporary Reassignments

Pay Differential - Exempt and non-exempt employees temporarily assigned out of their classification by their Project Lead, with the approval of the ASD and ED, for 20 working days or more, will be placed in the salary step that most closely aligns to a 5% temporary pay differential or receive the bottom of the out-of-class salary range (if it exists), whichever is greater. In extraordinary situations an employee may receive more than 5% with the approval of the ED in consultation with the ASD. Exceptions to the required number of days before the differential is granted can be made at the discretion of the ED.

Pay differentials will not be paid if an employee is in a voluntary professional development or succession plan where they are actively learning a new role.

2.2.5 Periodic Review

At the discretion of the Agency, a maintenance review of all classification series may be conducted periodically but no sooner than every three years. Appropriate adjustments will be recommended and may be made with approval of the WMA Board based on recommendations from the ED.

2.2.6 Establishment/Abolishment of Positions

The ED has authority to determine the number and type of positions within the Agency, provided that the total number does not exceed the amount set in the list of authorized positions approved by the Board in the annual budget. Board approval is required for any position(s) or funding that exceeds what has been authorized in the budget or by budget amendment (for example, when the Agency receives external funds that may require additional staffing). Also see [Section 3.5 Appointments](#).

2.3 Salary Administration

The Agency's policy is to recognize and compensate employees for the work they perform within and beyond the normal work period. The Agency aims to pay fair and reasonable wages that will attract, retain and motivate qualified personnel to meet organizational goals and objectives.

2.3.1 Salary Adjustment Plan

Structure - The salary plan includes all classifications in the Agency. The Agency's job classification structure is divided into multiple grades and steps within salary ranges, as outlined in Classification Grade Descriptions. Job classifications are assigned a grade depending on the required skills, expertise, and experience, and the complexity and scope of impact of the work. Except for the ED, whose salary is set by the Board, each grade has an eight-step salary range. Each range is established using salary control points that will be set to the appropriate labor market. In order to properly compensate employees, adjustments in salary shall be made as described below. Adjustments shall not be automatic, but require at least satisfactory performance. A table of all salary ranges is updated annually and available in the Agency Budget.

In addition, the Agency will conduct a total compensation survey periodically but no sooner than every three years to enable the Board to assess whether compensation is consistent with the market. The Programs and Administration Committee of the WMA Board will be consulted in

the survey development process to help determine salary range placements and other pertinent criteria. In the years between the surveys, salary ranges will be adjusted by the most currently available Consumer Price Index (CPI) - All Urban Consumers (San Francisco – Oakland- San Jose Area) as determined by the US Bureau of Labor Statistics (BLS), or a lesser amount if necessary to conform to the findings of the most recent total compensation survey. The Board will be asked to approve the salary ranges every year as part of the budget process.

Adjustments – Regular employees are eligible for an annual salary adjustment, which may consist of a step increase and/or cost of living adjustment. An employee is eligible for a 3% “step” increase once a year or as indicated in the employee’s hiring letter, until they reach the top of the respective salary range. For meritorious performance, the ED in consultation with the ASD, may award an employee a step increase sooner than the normal adjustment date or award a 6% increase (equivalent to two steps within the salary range) provided that the increase does not exceed the top of range. Cost of living adjustments are determined by the Board in the annual budget.

Probationary employees are not eligible for a step increase until completion of the probationary period, however they are eligible for cost of living adjustments.

Depending on the funding source for their position, limited term employees may be eligible for step increases and/or cost of living adjustments as outlined for regular employees. The terms of their employment contract will stipulate if and when the employee is eligible to receive salary adjustments. For more information, see [Section 3.6 Probationary Period](#).

Any employee who is placed on a Performance Improvement Plan (PIP) as a result of unsatisfactory team performance feedback or any other reason will not be eligible for a general wage increase (cost of living adjustment) or a “step” increase. This may result in the employee’s salary becoming out of sync with the salary schedule steps, but still within the salary range. For example, an employee on salary step 2 is placed on a PIP. The next cost-of-living increase would increase the step 2 salary, though the employee’s salary would not change. Once the PIP is removed, the employee’s salary would be adjusted to the updated step 2 salary that includes the cost-of-living increase.

The employee will not be eligible for any retroactive adjustments once the PIP is removed, but will be eligible for a salary increase the following salary adjustment cycle assuming one is approved by the Board and the employee is not at the top of the salary range.

2.3.2 Changes in Status

Completion of Probationary Period - Probationary employees are eligible for annual step increases after the probation period has ended, at the start of the next fiscal year, unless otherwise indicated in the employee’s offer of employment. See [Section 3.6 – Probationary Period](#).

Promotions – See [Section 2.2.3 – Promotional Requests](#).

Compensation When Reclassified – See [Section 2.2.2 – Reclassifications/Reorganizations](#).

Voluntary Demotion - Employees who are voluntarily demoted shall be placed in the new classification's salary range, at the employee's current salary if it is within the range for the new position. Salary will be adjusted if it is outside the new range. The new salary shall not exceed the maximum rate for the new, lower salary range, without approval of the ASD and ED.

Involuntary Demotion - Employees who are involuntarily demoted as a result of disciplinary action shall be placed in the new classification range and the salary may be reduced by placing them in the step which aligns closest to a five percent (5%) reduction from the present salary. However, the salary shall not exceed the maximum rate for the new lower salary range, without approval of the ASD and ED.

Transfers - Employees who laterally transfer to a classification with the same pay range shall retain the present salary.

2.3.3 Wage Payment

The Agency operates on a biweekly pay period that shall commence on Sunday and continue through the following second Saturday (two weeks). Pay dates will be every other Friday and cover the period ending two weeks before (e.g., pay period ends on a Saturday the 15th, payday will be Friday the 28th). The manner of distributing the paychecks will be determined by the ASD. Should the Agency determine a need to change the pay cycle, employees will be given at least 3 months' advance notice.

2.4 Overtime Compensation

Employees may be required to work beyond the normal workday or workweek in order to meet operational needs; however, the ED or designee will attempt to distribute these additional hours evenly and accommodate individual schedules. Positions are designated as exempt or non-exempt from overtime compensation, based on the [Fair Labor Standards Act \(FLSA\)](#), according to the nature of the duties and responsibilities assumed.

2.4.1 Non-Exempt Employees

The Agency provides compensation for all overtime hours worked by non-exempt employees in accordance with federal law as follows:

- All hours paid in excess of 40 hours in one workweek will be treated as overtime. Workweeks begin each Sunday at 12:01 a.m. and end the following Saturday at midnight.
- Compensation for hours in excess of 40 for the workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay or equivalent compensatory hours may be requested in lieu of cash.

Hours paid in a given workweek are applied in calculating overtime. All overtime worked by non-exempt employees must be previously authorized by the ASD or relevant Project Lead. Non-exempt employees who work overtime without prior authorization, except in emergency situations as determined by the ASD, may be subject to discipline, up to and including termination.

Non-exempt employees may accrue a maximum of 96 hours of compensatory time (64 hours of overtime worked), which may be accumulated for a maximum of twelve (12) months. Once a year, at the employee's option, compensatory time earned may be converted to pay or be

extended upon approval of the ASD. Once 96 hours have been reached, the employee will be compensated in cash unless an increase in the compensatory hours has been authorized by the ASD. The use of compensatory time shall be scheduled in accordance with the Agency's Leave Request Policy.

2.4.2 Exempt Employees

Exempt employees are not entitled to overtime pay or compensatory time off. Regular, part-time employees serving in an exempt position will be paid a pro-rated salary based on the employee's budgeted work hours per year. This amount can be adjusted within the range during the annual and/or midyear budget processes, when budgeted hours are changed.

2.5 Personnel Records

The Agency maintains a personnel file for each employee. Personnel files contain documents relating to employee performance, documents related to decisions made about the employee, and other documents related to the administration of Agency personnel. It is the responsibility of each employee to promptly notify the ASD of any changes in the employee's personal information, such as address, telephone number, emergency contacts and number/names of dependents. Employee medical information is maintained in separate confidential files.

Employees have the right to inspect their personnel files in the presence of an Agency representative at a mutually convenient time. An employee is entitled to receive a copy of any employment-related document that they have signed. Employees are not entitled access to documents in their personnel file that pertain to a pending investigation regarding the employee's conduct or references and related information about the employee given in confidence as part of the hiring or promotional process.

Personnel file documents and employee medical information is not disclosed to anyone (other than Agency management with a legitimate personnel need for access) without prior written authorization from the employee or as required by law. All requests for access to employee personnel files must be made to the ASD. Only the ASD is authorized to grant access to a personnel file or medical information file.

Destruction of personnel files, including employment applications, shall be made only in accordance with the Agency's retention schedule and state and federal law.

3 Employment Process

It is the Agency's policy to staff all positions in an equitable and consistent manner and to create an environment that will contribute to successful ongoing employment. This section includes information about the recruitment and selection process and various types of appointments.

3.1 Equal Employment Opportunity

The Agency is an equal opportunity employer and makes employment decisions on the basis of merit and the service needs of the Agency. The Agency wants to have the best available person in every job and does not make any employment-related decisions on the basis of race, color, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender (including gender identity or expression), national origin or ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by federal, state, or local law, ordinance, or regulation. The Agency also prohibits discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful and considered a violation of Agency policy.

The Agency is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Agency and prohibits discrimination by or against any employee of the Agency. Employees, volunteers, or applicants who believe they have experienced any form of employment discrimination or abusive conduct are encouraged to report the conduct immediately by using the complaint procedures provided in this Manual, or by contacting the U.S. Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing.

3.2 Anti-Nepotism Policy

Relatives may be eligible for hire only with the authorization of the ED. The Agency may refuse to hire relatives of present employees if doing so could result in actual or potential problems in management, security, safety, or morale, or if doing so could create potential conflicts of interest. The Agency defines "relatives" as spouse, children, siblings, parents, grandparents, aunts, uncles, nieces, nephews, cousins, in-laws, step-relatives and domestic partners. Current employees who marry will be permitted to continue working in the job position held only if they do not work with one another in roles that present a conflict of interest.

3.3 Reasonable Accommodation

The Agency provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

An employee or applicant who desires a reasonable accommodation in either the employment selection process or in order to perform essential job functions should make such a request in writing

to the ASD. The request must identify: a) the portion(s) of the selection process or the job-related functions at issue; and b) the desired accommodation.

Following receipt of the request, the ASD or designee may require additional information. For example, the ASD may require reasonable information to confirm the existence of a disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the ASD will: 1) explain the insufficiency; 2) allow the employee or applicant to supplement the documentation; and 3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

The ASD may also require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without accommodation. The ASD may also require that an Agency-approved physician conduct the examination.

The Agency will arrange to meet with the applicant or employee and designated representatives to work in good faith to fully consider all feasible potential reasonable accommodations. Whether a reasonable accommodation can be made and the type of reasonable accommodation that will be provided shall be determined by the ASD on a case-by-case basis. The ASD will not provide accommodations that pose an undue hardship upon Agency finances or operations.

The ASD will inform the applicant or employee of its decision as to reasonable accommodation(s) in writing. The ASD will use discretion based upon the particular circumstances of each case.

An employee or applicant who alleges an unlawful denial of a reasonable accommodation may file a complaint with the ED. As described in the Agency's Policy Against Retaliation, the Agency does not permit or tolerate retaliation against any employee or applicant requesting a reasonable accommodation or making a complaint of an alleged unlawful denial of such a request.

3.4 Recruitment and Selection Procedures

The ASD or other designee of the ED is responsible for recruiting, screening, testing, and referring all eligible applicants for regular employment in accordance with established state and federal legal guidelines and adopted policy.

The recruitment and selection process includes the following elements:

3.4.1 Vacancies

A request to fill the vacant position along with all other pertinent data shall be prepared by the ASD in conjunction with the appropriate staff. A review as to the availability of in-house candidates for a vacancy may also be conducted. The ED may make internal interim appointments subject to the needs of the Agency. In addition, subject to the needs of the Agency the ED may offer a regular position to a limited term, intermittent employee or a contracted temporary position if: 1) a previously open recruitment has been conducted and the limited term, intermittent employee, or contracted temporary position is currently serving in the role that is being converted to regular status; or 2) the incumbent has been serving in the position that is being converted to regular status for two years or longer and has acquired

specialized knowledge and skills that would make an open recruitment process an inefficient use of Agency resources.

3.4.2 Recruitment Process

A recruitment will be conducted as an “open competitive” or a “closed promotional” opportunity. Once the ED has approved filling a position one of the following processes will be followed:

Open Competitive - These recruitments shall be open to the public. Employees are encouraged to apply. Such recruitments may be used to fill vacancies at any level, assuming sufficiently qualified applicants for promotion are not available.

Closed Promotional - These recruitments shall be open to employees of the Agency who meet the requirements set forth in the promotional process.

Recruiting sources to be used and the recruitment time period will be determined by the Agency’s recruitment strategy, labor market conditions and/or by any special requirements of the position.

Open positions (including ones newly created) below the Senior Program Manager/Senior Management Analyst level may be filled through an open or closed recruitment or appointment, based on the specific needs of the Agency and conditions described in [Section 3.5 – Appointments](#).

Senior Program Manager or Senior Management Analyst positions may be filled when there is a vacancy. An open position can be filled as either a Senior Management Analyst or a Senior Program Manager. Applicants will be expected to demonstrate a broad understanding of Agency functions and represent the interests of the agency as a whole, rather than being focused on specific programmatic or administrative functions. Candidates for these positions will be selected by the Workforce Committee.

The ED determines the Agency's need for positions at grade classifications above Senior Program Manager/Senior Management Analyst. These positions may be filled by promotion of existing staff or an open recruitment on a case-by-case basis.

3.4.3 Notice of Recruitment

Notice of all Agency open competitive recruitments shall be posted on the Agency website or other designated locations for at least one week, including the last date for filing applications. Recruitment notices will also be shared with all staff. The notice shall specify the title and pay range for the classification; the nature of the work to be performed; minimum qualifications; time, place and manner of making application, the type of recruitment; and any other pertinent information.

3.4.4 Application Process

All applications for employment shall be made on official forms supplied by the Agency. The forms require information covering education, training, experience, and other information deemed pertinent and allowable by law. When the position to be filled requires specific or

exceptional qualifications of professional, or other unique expertise, supplemental documents may be required. Resumes will be accepted only as a supplement to the application.

3.4.5 Selection Methods

Applicants for positions shall meet the minimum qualifications of the position for which they have applied. Qualifications shall be evaluated solely on the basis of information provided on the application form, resume and supplemental documents required by the Agency. The selection process for open recruitments will include an interview of final candidate(s).

3.4.6 Eligibility Lists

All candidates who are qualified in the evaluation process are eligible for appointment. Eligible candidates who are not hired remain eligible for employment consideration for similar positions up to one year. The Agency may forego an open recruitment process and hire candidates from this list if a candidate from a previous recruitment is found capable. The ED, in consultation with the ASD, will assess the validity of any list and may shorten or extend its validity depending on the number and availability of qualified eligible candidates. The Agency may re-recruit and supplement a current eligibility list with additional candidates when the position requires additional or exceptional qualifications, or when the list contains an insufficient number or quality of candidates.

3.4.7 Transfers

Agency employees may be transferred from a position in one program area to a position in the same class in another program area of the Agency or to another vacant position so long as the qualification requirements and pay range do not exceed those of their present position. The Agency reserves the right to transfer any employee in support of Agency needs; the employee's rate of pay shall remain the same as it was in the prior position. All transfers shall be approved by the Workforce Committee.

No employee shall be transferred to a position for which they do not possess the minimum requirements.

3.4.8 Reinstatement

Those employees who leave Agency service in good standing may request reinstatement, in writing, within four (4) years of separation. The person's name will be placed on an eligibility list for the same or lower class than was held at the time of separation. If a list does not exist, the request will be considered for any eligibility list created for that class, within one year from the date received. Placement on an eligibility list does not guarantee future employment.

If reinstated, such persons shall begin as new employees. As such, the reinstated employee will be subject to original probationary periods and will not immediately recover benefits (with the exception of sick leave as shown below) or credits from prior Agency service.

After a period of three (3) continuous years of satisfactory service, the reinstated employee shall be eligible to receive full service credit with respect to benefits tied to length of service, e.g. increased vacation.

Reinstated California Public Employees Retirement System (“PERS”)-covered employees will continue to accrue service credit consistent with PERS rules and vesting rights. Reinstatement does not apply to retired employees.

Sick Leave Reinstatement - If an employee separates from Agency employment and is re-hired by the Agency within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law (not to exceed 48 hours).

3.5 Appointments

The ED is the appointing authority, having the power to appoint and remove employees, subject to the provisions of the HR Manual. The ED may hire (as well as reclassify or promote) any position within the Agency’s classification structure provided that they do not exceed the total authorized positions for that fiscal year and that funding is within the authorized appropriation, as described in [Section 2.2.6 - Establishment/Abolishment of Positions](#). Board approval is required for any position(s) or funding that exceeds what has been authorized in the budget or by budget amendment (for example, when the Agency receives external funds that may require additional staffing). The power to appoint and dismiss may be delegated by the ED; any person delegated authority to appoint and dismiss employees shall be known as an appointing officer for the purpose of such appointment and removal.

The appointing officer or designee shall interview those applicants on the list determined to be best qualified based on all the pertinent information. The appointing officer shall send written confirmation to the person or persons appointed. The Agency may require that the applicant submit to a job-related physical examination and/or drug/alcohol test, as permissible by law. Such examination shall only be required after a conditional offer of employment has been made.

Employees are defined in various ways, as set forth below. One or more definitions may apply to a particular employee.

Tenure of employees is conditioned on necessity for the performance of work, the availability of funds and satisfactory performance of work as determined by the ED or designee.

3.5.1 Regular Employees

Regular employees are those who have passed probation. Regular employees may be classified as Full time or Part time.

Full time employees are scheduled and work 40 hours per week or 80 hours per pay period. They are entitled to all health benefits and paid time off as outlined in the Employee Benefits Guide.

Part time employees are scheduled and work at least 20 hours but less than 40 hours per week, or work at least 40 hours but less than 80 hours per pay period. They are entitled to all health benefits. Part time employees receive paid time off and accumulate CalPERS service credit on a pro-rated basis. All regular and limited term (if in the position longer than one year) employees must participate in the Agency’s performance feedback process. See [Section 5.2 – Performance Feedback](#).

3.5.2 Exempt/Non-Exempt Employees

Exempt and non-exempt are terms that are used to define whether the [Fair Labor Standards Act \(FLSA\)](#) applies. FLSA establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers. Positions are categorized as exempt or non-exempt according to the nature of the duties and responsibilities assumed and must meet all the tests included in FLSA. Exempt employees are those employees serving in executive, managerial/administrative, or professional positions. The following are key distinctions that differentiate exempt positions:

- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work that is primary intellectual in character and which includes work requiring the consistent exercise of discretion and judgment

Unless a position meets all the standards outlined in FLSA to qualify as exempt, it will be defined as non-exempt and therefore subject to the FLSA rules.

3.5.3 Intermittent Employees

The Agency may require the services of temporary employees to be hired for a period of time not exceeding 1,000 hours per fiscal year (July 1 through June 30.) The ED may only appoint an intermittent employee within available funding. Intermittent employees are not regular employees and can be dismissed from Agency service at any time without the right of appeal. The hourly rate of pay shall be determined by the ED, within ranges established by the WMA Board, consistent with the established job classifications and pay structure. Intermittent employees receive the legally mandated benefits, e.g. Social Security/Medicare, State Disability Insurance and Worker's Compensation Insurance. If the employee is vested in PERS, PERS contributions will be made in lieu of Social Security. Intermittent employees do not accrue or have the right to use paid leave with the exception of sick leave, as outlined in the Employee Benefits Guide. Intermittent employees do not participate in the performance feedback process; feedback should be discussed directly with relevant Project Leads.

3.5.4 Limited Term Employees

A limited term employee is an employee hired for any position for a specific period of time. Once the term is reached, the employee is released from service. They are eligible for health benefits, provided they work at least 20 hours per week, paid time off on a pro-rated basis and other benefits as required by PERS. Limited term employees participate in the performance feedback process. Limited term employees are not regular employees and can be dismissed from Agency service at any time. Limited term employees may be offered a regular position at the discretion of the ED, subject to Agency need. Depending on the funding source for their position, limited term employees may be eligible for step increases and/or cost of living adjustments as outlined for regular employees. The terms of their employment contract will stipulate if and when the employee is eligible to receive salary adjustments.

3.5.5 Retired Annuitants

A retired annuitant is a CalPERS retiree who returns to work with a CalPERS employer in a designated retired annuitant position. Appointment of a retired annuitant is determined based on Agency need in conjunction with the ED and ASD. Retired annuitants may not work more than 960 hours per fiscal year and are subject to all requirements outlined on the [CalPERS website](#).

3.5.6 Volunteers

The number of volunteers within the organization may vary based on programmatic need. Volunteers shall sign a volunteer waiver form and submit a log of hours volunteered monthly.

3.6 Probationary Period

The first 12 months of continuous employment at the Agency is considered a probation period. During the initial probationary period, an employee serves at the pleasure of the ED, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. A probationary employee serving in the initial probationary period is an at-will employee. Employees are eligible for an annual Cost of Living adjustment during the probationary period, if an adjustment is approved by the Board, but are not eligible for annual step increases until after the probation period has ended, at the start of the next fiscal year, unless otherwise indicated in the employee's offer of employment.

During this time it is hoped that each new employee will learn the responsibilities and demonstrate satisfactory competence in the new position. It is also an opportunity to get acquainted with coworkers and determine whether or not the position meets the employee's needs and expectations. Probationary program staff will participate in the performance feedback process and should be advised of any problem areas with proposed corrective measures in order to maximize the success of the probationary period.

Approximately one month prior to the end of the probation period, the employee's feedback team will evaluate the employee's progress, taking into consideration any comments and/or corrective action resulting from earlier feedback cycles. The employee's Project Lead will prepare a final evaluation and make a recommendation to the ED as to whether or not the probationary employee should be granted regular employee status or released from service. If the employee has more than one Project Lead, one of the leads will prepare the evaluation and will get feedback and comments from the others as appropriate. The Agency reserves the right, and has the sole and absolute discretion, to extend the duration of the probationary period when such an extension is determined to be appropriate and necessary. No more than one probation extension will be provided for any probationary period, and a probation extension will not exceed six (6) months in duration. A probation extension does not affect the Agency's ability to end probation at any time with or without cause.

The Agency will count a limited term employee's tenure as part of the employee's probationary period if the employee is converted to regular status and the employee has worked for the Agency for at least eighteen months.

The ED has the authority to end probationary periods prior to the completion of one year, as allowed by law.

Upon completion of the probation period, if the employee's performance is satisfactory and a recommendation is made to end probationary status, the employee will be granted regular status.

	Regular Employees	Limited Term Employees
Probation Period	1 year; may be extended by 6 months if necessary. Employee receives cost-of-living adjustments, no salary step increase.	No formal probation period; Limited Term employees are at-will and may be dismissed from service anytime. Probation period may be waived for Limited Term employees who are converted to regular status, provided that the Limited Term employee has worked for the Agency at least 18 months.
Salary Adjustments	All salary adjustments are effective annually on July 1, beginning AFTER completion of probation period (e.g., if hired July 2, 2020, probation ends July 2, 2021 and employee is eligible for salary adjustments on July 1, 2022).	Salary and timeline for any salary adjustments determined in employment agreement. Employment agreement will stipulate salary and whether salary adjustments will include cost-of-living adjustment and/or salary step increases.

3.7 Policy Against Discrimination, Harassment, Bullying, and Retaliation

The Agency is committed to providing a work environment free of discrimination, harassment, bullying, and retaliation. The Agency has zero tolerance for any conduct that violates this policy. Conduct need not arise to the level of a violation of state or federal law to violate this policy. Instead, a single act can violate this policy and provide grounds for discipline or other sanctions. This policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The Agency encourages all covered individuals to report any conduct they believe violates this Policy within 72 hours of becoming aware of it. Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited.

The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors.

The Agency prohibits discrimination, harassment, and bullying on the basis of race, color, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender (including gender identity or expression), national origin or ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or

medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by federal, state, or local law, ordinance, or regulation. *All such harassment is unlawful.*

The Agency's policy against discrimination, harassment, and bullying applies to all persons involved in the operation of the Agency and prohibits discrimination, harassment, and bullying by or against any employee of the Agency or anyone doing business with the Agency. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Any applicant, official, officer or employee who violates this policy will be subject to disciplinary action, up to and including termination. Any contractor who violates this policy will be subject to appropriate sanctions.

Mandatory sexual harassment training will be provided to employees when required by California law.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, employee conduct, and compensation.

3.7.1 Definition

Depending upon the circumstances, a single act of harassment, discrimination, or bullying, as defined below, can violate this policy:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments, including comments about dress or physical features, or stories that tend to disparage those of a protected classification
- Visual displays such as derogatory and/or sexually-oriented posters, notices, photography, cartoons, drawings, or gestures that depict inappropriate content or tend to disparage those of a protected classification
- Physical conduct taken because of an individual's protected classification, including assault, pinching, grabbing, patting, propositioning, leering, mimicking, stalking, taunting, or making job threats or promises in return for submission to physical acts, intentionally blocking normal movement or interfering with work
- Sexual harassment, including unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is an expressed or implied condition of continued employment or other term or condition of employment, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment
- Workplace bullying, repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms: verbal abuse, offensive conducts/behaviors (including nonverbal) which are threatening, humiliating, or intimidating; or work interference (sabotage) which prevents work from getting done

3.7.2 Retaliation

The Agency maintains a strong commitment to prohibit retaliation against those who report, oppose, or participate in the investigation of alleged wrongdoing in the workplace.

It is the Agency's policy to prohibit retaliation against those who report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged wrongdoing. To that end, this policy establishes a complaint procedure that applicants, officials, officers, employees or contractors can use to report potential violations. Disciplinary action, up to and including termination, may be taken against an employee or officer who is found to have violated this policy. Elected officials, employees or contractors who violate this policy will be subject to appropriate sanctions.

This policy protects those who engage in a protected activity from being retaliated against because of that protected activity. "Protected activity" includes but is not limited to any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the Agency regarding alleged unlawful activity
- Testifying as a party, witness, or accused regarding alleged unlawful activity
- Associating with another employee who is engaged in any of the protected activities enumerated here
- Making or filing an internal complaint with the Agency regarding alleged unlawful activity or an alleged violation of this policy
- Participating in an investigation pursuant to this policy.

Except as otherwise provided, this policy prohibits any adverse action taken because an applicant, employee, or contractor has engaged in any of the forms of protected activity as defined herein. Adverse action includes any of the following:

- Taking sides because an individual has reported alleged wrongdoing
- Spreading rumors about a complaint of alleged wrongdoing
- Shunning or avoiding an individual who has engaged in any of the forms of protected activity described above
- Real or implied threats of intimidation to attempt to prevent an individual from reporting alleged wrongdoing or because of protected activity
- Refusing to hire an individual because of protected activity
- Denying promotion to an individual because of protected activity
- Taking any form of disciplinary action because of protected activity
- Issuing a poor evaluation because of protected activity
- Extending a probationary period because of protected activity
- Altering work schedules or work assignments because of protected activity.

This policy does not prohibit adverse action that is taken for legitimate or non-discriminatory reasons, such as: discipline for legal cause, rejection from probation because of failure to meet standards of probation, or refusing to hire because of inadequate qualifications. As a result, adverse action is only prohibited if it is causally connected to, or taken because of, the alleged protected activity.

An applicant, employee, officer, official, volunteer or contractor who feels they have been retaliated against in violation of this policy should immediately report the conduct according to the complaint procedure found below so that the complaint can be resolved fairly and quickly.

This policy against retaliation provides an administrative remedy that individuals are encouraged to use prior to resorting to administrative and judicial remedies to address the conduct described herein.

3.7.3 Complaint Procedure

An employee, applicant, contractor, volunteer or official who believes that they have been discriminated against, bullied, harassed, or retaliated against may file a complaint with any one of the following:

- Project Lead (if complaint pertains to a specific project)
- Administrative Services Director
- Executive Director
- President of the WMA Board, if the complaint is against the Executive Director

The Agency encourages anyone who believes they have been discriminated against, bullied, harassed, or retaliated against by an Agency applicant, employee, official, volunteer or contractor to immediately notify the offending individual of the unacceptable behavior and that it is unwelcome.

If a person who has alleged harassment, bullying, discrimination, or retaliation prefers not to confront the offending individual, they need not do so. If the individual is not confronted by the complainant, or if the complainant is not satisfied with their response, the complainant must then immediately notify the ASD or ED as soon as possible after the incident. The complaint must include details of the incident or incidents, names of the individuals involved, and names of any witnesses. A written account is preferred but is not required.

The Agency also requires that employees, officials, volunteers, or contractors report any act that is observed and believed, in good faith, to constitute discrimination, bullying, harassment or retaliation.

3.7.4 Reporting Options to Outside Administrative Agencies

Applicants, employees, officials, volunteers, and contractors should be aware that the U.S. Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited discrimination, harassment, and retaliation in employment. If you think you have been harassed, bullied, discriminated against or retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest offices are listed on the Internet, in the government section of the

telephone book or employees can check the posters that are located on Agency bulletin boards for office locations and telephone numbers.

3.7.5 Investigation Procedure

The ED or designee will immediately undertake an effective, thorough, and objective investigation of the discrimination, bullying, harassment, or retaliation allegations. The President of the WMA Board or designee shall investigate if the complaint is against the ED. An investigation will typically include interviews of the complainant and accused, as well as any known witnesses. Although the Agency will strive to protect the confidentiality of all parties involved, complete confidentiality is not possible due to the Agency's duty to investigate and take corrective action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss the interview with a designated representative. The Agency will not disclose a completed investigation report except as it deems necessary to support disciplinary action, to take remedial action, to defend itself in an adversarial proceeding, or to comply with the law or a court order.

In the event of a harassment, bullying, discrimination, or retaliation complaint against the ED, the President of the WMA Board shall consult with Agency Counsel who will be instructed to investigate the complaint, or who shall advise the President as to the selection of an independent third party investigator, whose duty it will be to investigate the complaint. The results of this investigation will be transmitted to the President. Upon receipt of the investigator's report, the President shall call a closed-session meeting of the WMA Board who shall interview the complainant, review the investigative report, and clarify the complainant's desired solution. The board may call witnesses and interview other employees, as deemed necessary. Following this review, the WMA Board shall make a finding and notify the parties of its decision. This finding is the final level of resolution for the Agency; neither party may appeal. As these are personnel related matters, all such Board discussions will be in closed session.

3.7.6 Disciplinary Action

If the ED determines that discrimination, bullying, harassment, or retaliation has occurred, effective remedial action will be taken in accordance with the circumstances involved. Employees or officials (e.g. Board Members) found to have engaged in harassment, bullying, or discrimination will be disciplined up to and including termination. Disciplinary action may also be taken against any official or manager who condones, ignores or otherwise fails to take appropriate action to enforce this Policy. The Agency will not tolerate retaliation against the complainant, accused or witnesses.

4 Employee Conduct and Responsibilities

4.1 Work Schedules

4.1.1 Work Period and Work Week

The work week is defined as starting at 12:01 a.m. Sunday and ending at midnight Saturday. A normal work period will generally be 40 hours of work within seven consecutive days for non-exempt employees and 80 hours bi-weekly for exempt employees. Normal work hours are 8 a.m.-5 p.m., Monday through Friday.

4.1.2 Flex-Time

Understanding that effective and efficient public service is paramount, flexible work hours may be established for the employee's benefit and based on the following guidelines: A flexible work schedule shall not interfere with service to the public, shall meet the needs of the Agency and, when feasible, be complementary to the schedule of other Agency employees and/or the public.

A flexible work schedule may be authorized for an individual employee. The employee must accurately account for the total number of hours each working day, work week, and work period. All existing HR policies and regulations shall continue to apply, including those dealing with overtime compensation. Conflict or problems resulting from an individual flexible schedule can be addressed through the Workforce Committee and Performance Feedback System. The ED or designee can, with notification, alter the schedule of the employee or discontinue a flexible work schedule.

While work schedules should stay within a consistent range, minor modifications may be made providing the employee works the approved numbers of hours during the fiscal year. Employees should inform the front office if they are sick, late, or absent for other unforeseen reasons. Employees should inform Project Leads, team members, or other affected parties of major changes in schedule, and consider the impact of the change upon work load, other staff, and deliverables.

Exempt employees - Exempt employees may work a flexible schedule as long as it meets the needs of the Agency. Flexible schedules may be set by the exempt employee, in consultation with affected Project Leads and in consideration of workload, other staff, and deliverables. Any impacts of individual schedules should be reviewed by the Workforce Committee

Non-exempt employees - Non-exempt program employees may work a flexible schedule with the approval of the Workforce Committee and in consultation with their Project Lead(s), consistent with appropriate state and federal law. Non-exempt administrative employees may work a flexible schedule with the approval of the ASD, consistent with appropriate state and federal laws.

4.1.3 Work Hours – Request to Change

Employees may request an increase or decrease in total work hours as part of the budget process. The change in hours will be considered as part of the budget review and approved by the Workforce Committee for program staff, and by the ASD for administrative staff, based on the needs of the Agency. The change in hours, once approved, is expected to stay in effect throughout that fiscal year. The Agency cannot guarantee approval of employee requests to change from full-time to part-time (or vice versa). If hours are changed, the Agency cannot

guarantee employees will be allowed to change them again or revert back to the original schedule at a later date.

In extraordinary circumstances, when a request is made after the budget is adopted to either significantly reduce hours or increase work hours beyond 30 hours/week, the following steps should be taken:

- The employee determines when this proposed change will become effective; e.g. beginning of the fiscal year, beginning of the calendar year, etc.
- The employee discusses this change with relevant Project Leads and the ASD to determine what impact the change would have on the budget, their projects/work and alternatives developed for addressing any workload concerns
- Assuming Project Lead and ASD approval, a recommendation is made to the Workforce Committee for final approval for programmatic staff
- The ASD will approve/deny requests from the Administrative Services staff

Regardless of when the change in hours becomes effective, the term is for the remainder of the fiscal year, although it can be subject to change based on the needs of the Agency.

4.1.4 Leave Requests

Details on the various leave types are outlined in the Employee Benefits Guide. All leave requests are handled in accordance with the Agency's Leave Request Policy.

4.1.5 Meal and Rest Periods (Non-Exempt Employees)

Non-exempt employees are provided with an unpaid one hour meal period, to be taken approximately in the middle of the workday. If an employee is periodically required to work during the designated lunch period, either the employee's daily work schedule may be temporarily changed, or the additional time worked compensated. Employees are encouraged to take the appointed lunch break whenever possible, rather than working through the entire day. Employees must obtain authorization from a Project Lead prior to working during a meal period.

Non-exempt employees may use one morning and one afternoon rest period of 15 minutes each. Rest periods should be scheduled in such a way that disruption to the day to day work flow is minimized.

4.1.6 Punctuality and Attendance

Employees shall comply with Agency policies and procedures regarding hours of work. While exempt employees have flexibility in their work hours, regular attendance is expected and employees are required to notify the office if they are unable to work on a scheduled work day. Because the Agency is accountable to the public in the expenditure of public funds, exempt employees are expected to work the total number of approved budgeted hours, whether part-time or full-time, and report hours accurately.

Employees assigned to the Administrative Services Department, and/or other non-exempt employees, are required to notify their Project Lead or designee by telephone within one hour of the start of the employee's normal work day if unable to report to work. In the event of an

emergency, the employee should make arrangements to contact the relevant Project Lead or designee as soon as is reasonably possible and in no event later than the beginning of the next working day. Non-exempt employees who fail to timely notify their Project Lead of any absences as required by this policy, or who are not present and ready to work during all scheduled work times will be deemed to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

Exempt employees should inform Project Leads, project team members, and other affected parties of any changes to work hours or significant absences. Scheduling of these absences or changes should consider the impact on workloads, staff, and deliverables and be done with a minimum of interruption to the work. Employees should allow adequate notice and make arrangements for coverage of responsibilities.

If an employee fails to report for work without ensuring that the office is appropriately notified, and the absence continues for a period of three days, the Agency will consider that the employee has abandoned employment with the Agency.

The ASD may require documentation of illness in the event of excessive use of sick leave.

4.1.7 Telecommuting / Working Remotely

Telecommuting/remote working privileges are granted on a case-by-case basis depending on the employee's particular duties and the nature of the request. Employees must get permission from the ED, ASD, and project lead(s) prior to telecommuting.

4.2 Dress Code and Other Personal Standards

Because each employee is a representative of the Agency in the eyes of the public, each employee must report to work wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed. Employees who report to work inappropriately attired may be asked to leave and return in acceptable attire.

4.3 Confidentiality, Proprietary Rights, and Incompatible Activities

4.3.1 Confidentiality

Each employee is responsible for safeguarding confidential information obtained during employment. In the course of work, the employee may have access to confidential information regarding the Agency, its vendors or consultants, its customers, or fellow employees. The employee has responsibility to prevent revealing or divulging any such information unless it is necessary to do so in the performance of the job. Access to confidential information is on a "need-to-know" basis and must be authorized by the ASD or ED. Any breach of this policy will not be tolerated and legal action may be taken by the Agency.

4.3.2 Proprietary Rights

Any and all work products including software design, reports and research analysis completed by Agency employees, while in the employ of the Agency, is deemed to be Agency property.

No employee may sell, copy, or otherwise use proprietary information for outside economic gain without the explicit written consent of the Agency. Employees leaving the employment of the Agency are subject to the same prohibitions relative to selling or otherwise using any work product produced while employed by the Agency for economic gain without the explicit written

consent of the Agency. Any reports, analysis or other products produced specifically for unlimited public use are exempt from this policy

4.3.3 Conflict of Interest and Incompatible Activities

No officer or employee of the Agency shall have a financial interest, of any kind, as defined by the laws of this state in any contract, business entity, stock, land or other economic interest such as employment or a consultant contract which is related in any manner to the Agency, such as by being a business entity regulated by the Agency or a vendor providing services, goods or land to the Agency. Exceptions to the policy for de minimis economic interests may be made to the ASD (such as ownership of 100 shares of a stock in a listed company which provides services to the Agency).

No employee of the Agency shall serve on the Board of Directors or an advisory committee of any organization which regularly takes positions on Agency issues or seeks or obtains contracts with the Agency, unless criteria are met as outlined in the [Policy for Serving on Nonprofit Boards](#). Nor shall any employee have any employment or consultant relationship with such an organization. If an organization which an employee has a relationship or obtains contracts with the Agency, the employee must request to be recused from involvement in the matter both in that person's role as an employee of the Agency and in that person's capacity as associated with such organization. Employees may consult the ASD or ED for further guidance. Requests for exceptions to possible incompatible activities may be made to the ASD or ED for good cause and upon showing that the exception would not interfere with the employee's duties to the Agency; any approved exception shall be issued in writing.

Any employee willfully violating this section shall be subject to the disciplinary process, with consequences up to and including termination of employment. In addition to any provisions of state law which may void such contracts, any violation of this section with the express or implied knowledge of the involved employee or the business entity or the organization contracting with the Agency shall constitute a material break and be the basis for terminating the contract

4.3.4 Disclosure Statements

Certain employees may be required by state law and the Agency's Conflict Code to file annual disclosure statements.

4.3.5 Public Record Requests

The Agency is committed to transparency and open government. The California Public Records Act requires inspection or disclosure of governmental records to the public upon request, unless the records are protected from disclosure under specific exemptions in the Law.

All public information requests under the California Public Records Act or Freedom of Information Act are to be directed to the Clerk of the Board, who shall inform the ED and coordinate a response.

4.4 Outside Employment

An employee shall not engage in any paid or self-employment, activity, or enterprise which is inconsistent, incompatible or in conflict with their Agency duties, functions, responsibilities, or those of any team in which they are involved with at the Agency. In order to avoid perceived or actual

conflicts of interest that may arise from outside employment, all employees must obtain written approval from the ASD or ED prior to undertaking any outside employment as described in this policy.

4.5 Additional Compensation

No employee shall receive or agree to receive direct or indirect non-Agency compensation (consulting or any other fee-for-service) for providing any Agency service.

4.5.1 Gratuities

Employees must follow all applicable state and federal laws regarding the acceptance as an individual any fee, gift, or other valuable item (including the maximum value of the gift and reporting requirements) in the course of performing the duties of their position from vendors, grant applicants, or persons doing business with the Agency. Employees and officers may accept such items as candy, cake, cookies, or other items of nominal value (currently under \$50.00 per vendor consistent with state reporting laws) that are intended to be complimentary or appreciative in nature and that would be made available for general office consumption or use. Meals and miscellaneous travel expenses related to the conduct of Agency business are exempt from this policy, but may be covered under State Economic Interest laws, which establish reporting requirements and gift limitations.

4.6 Agency and Employee Property

4.6.1 Agency Property

Desks, computers, and other office equipment are Agency property and must be maintained according to Agency rules and regulations. They must be used primarily for work-related purposes. The Agency reserves the right to inspect all Agency property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

Occasional, infrequent use of equipment for personal use is allowed during breaks or after hours. If personal use of electronic messaging or other equipment interferes with the discharge of an employee's duties the right to use for personal use may be revoked.

Employees must reimburse the Agency for personal photocopies, postage, or other incidental costs incurred by the Agency on the employee's behalf. Reimbursements can be paid to the Clerk of the Board.

Prior authorization from the ASD or a designee must be obtained before any Agency property may be removed from any Agency worksite.

Separated employees should remove any personal items at the time they leave the Agency. Personal items left in the workplace are subject to reuse, recycling or disposal if not claimed at the time of an employee's separation.

4.6.2 Employee Property

As a general policy, if a reasonable suspicion exists that the employee is in unauthorized possession of Agency property, the Agency will contact the appropriate law enforcement agency to conduct a criminal investigation. This investigation may include search of an employee's personal property at the worksite.

For security reasons, employees should not leave personal belongings of value in the workplace. The Agency is not liable for any loss of personal property.

4.7 Use of Electronic Media

The Agency uses various forms of electronic communication including, but not limited to computers, email and other forms of electronic messaging, telephones, and internet. All electronic communications and information created by any employee, including all voicemail, email, software, databases, hardware, and digital files, remain the sole property of the Agency and are to be used primarily for Agency business.

The Agency establishes and assigns official email addresses to each employee as the Agency deems necessary. Employees must send all Agency communications that are sent via email to and from the address assigned to them. Employees are prohibited from using their private email address (such as Gmail, Yahoo, etc.) when communicating Agency business via email. Should an email related to Agency business be sent to an employee's personal email account, the email should be forwarded to the employee's Agency email account and responded to accordingly.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against Agency policy, or not in the best interest of the Agency. Under no circumstances will the Agency knowingly tolerate the use of electronic communication and media to receive or forward offensive email or visit pornographic, hate, or other offensive websites.

Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions, will be subject to discipline, up to immediate termination.

Personal passwords may be used for purposes of security, but the use of a personal password does not affect the Agency's ownership of the electronic information. The Agency may periodically need to assign and/or change passwords and personal codes for voicemail, email, or other computer access. The Agency reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system if necessary for any reason.

The Agency reserves the right to access and review electronic files, messages, email, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of Agency policy or any law occurs. As a result, Agency employees have no expectation of privacy in their use of any Agency equipment or resources.

Employees may not install personal software, use anonymous email transmission programs or encrypt email communications on Agency computer systems.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by the ASD or ED.

Employees who leave Agency employment shall provide the Agency with all Agency records stored in their personal devices or demonstrate that the information has been deleted.

Questions about access to electronic communications or issues relating to security should be addressed to the ASD.

4.7.1 Social Media Policy

The Agency supports the use of social media to further its organizational and project goals. In this policy, social media includes all means of communicating or posting information or content of any sort on the Internet. This includes posting on social networks (Facebook, Twitter, Instagram, NextDoor, etc.) or affinity websites; blogs and personal websites; web bulletin boards or chat rooms – whether or not these channels are associated or affiliated with StopWaste – as well as any other form of electronic communication.

The Social Media Use Policy is a guiding document for using social media sites in an official capacity. It applies to all Agency employees and volunteers and can be accessed at <http://www.stopwaste.org/resource/stopwaste-social-media-policy>.

Agency Social Media Channels:

- All posts to Agency official channels must be approved by the Communications Manager
- Do not post confidential information, including nonpublic organizational information or the personal information of others
- Posts should be project or topic specific
- Avoid posting materials or comments that may be seen as offensive, demeaning, inappropriate, threatening, libelous, or abusive
- Respect the First Amendment rights of the public
- Respectfully withdraw from discussions that go off topic or become profane
- Refer any questions to the Communications Manager

To the extent your social media use impacts Agency employees and clients, follow Agency policies and regulations as applicable, including but not limited to those that protect individual privacy rights, anti-discrimination and harassment policies, and the anti-workplace violence policy. Keep in mind that if your conduct adversely affects your job performance, the performance of your co-workers, or adversely affects members of the public served by the Agency, the Agency may take disciplinary action against you up to and including termination.

Guidelines for Use of Personal Social Media: Employees and volunteers may associate themselves with the Agency on personal social media channels, so long as they adhere to the following guidelines. Employees may not post as an individual on behalf of the Agency. Individuals are solely responsible for what they post online and should be mindful of posting anything not intended for public viewing.

- Clearly state that your profiles are personal and posts are your own
- Do not use Agency logos and/or branding on your personal channels
- Do not post Agency confidential information on your personal social media profiles
- Do not use social media for employee-employer communications
- Only post factual information
- Protect your own privacy

Posts and other electronic communications regarding Agency matters may be considered public records even if made on personal social media accounts. Employees may be required to provide copies of such records in the event the Agency receives a request.

4.8 Health and Safety

All employees are responsible for their own safety, as well as that of others in the workplace. To help the Agency maintain a safe workplace, all employees must be safety-conscious at all times.

Employees must report all work-related injuries or illnesses immediately to the ASD. In compliance with California law, and to promote the concept of a safe workplace, the Agency maintains an Injury and Illness Prevention Program.

In compliance with Proposition 65, the Agency will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

4.8.1 Office Safety and Disaster Plan

The Agency maintains a written safety and disaster plan including key safety staff, emergency and evacuation procedures, and additional resources for staff. For more information, see the Agency Safety and Disaster Plan.

4.8.2 Ergonomics

The Agency is subject to Cal/OSHA ergonomics standards for minimizing workplace repetitive motion injuries. The Agency **will** make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and employee training. The Agency encourages safe and proper work procedures and requires all employees to follow safety instructions and guidelines.

The Agency believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being, and is essential to our business. The Agency intends to provide appropriate resources to create a risk-free environment.

Employees may contact the ASD with questions.

4.8.3 Smoking / Vaping

The entire Agency workspace is designated no-smoking. Employees desiring to smoke may do so in off-site locations during their normal work break period. For purposes of this policy, “smoking” refers to any and all substitute smoking materials and unregulated nicotine products (e.g., e-cigarettes).

4.9 Drug and Alcohol Free Workplace Policy

The Agency is concerned about the use of alcohol, illegal drugs, or controlled substances (whether or not legal) as it affects the workplace. Use of these substances, whether on or off the job, can detract from an employee’s work performance, efficiency, safety, and health, and therefore seriously impair the employee’s value to the Agency. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the Agency to the risks of property loss or damage, or injury to other persons. Compliance with this policy is a condition of Agency employment. Disciplinary action will be taken for policy violations and law enforcement authorities may be notified of potentially illegal acts.

The following rules and standards of conduct apply to all employees either on Agency property or during the workday (including meals and rest periods). Behavior that violates Agency policy includes:

- Unlawful possession, manufacture, distribution, dispensation or use of alcohol or any controlled substance in Agency workplaces and wherever Agency business is performed
- Reporting to work while under the influence of alcohol, or any controlled substance or drug, that may impair the employee's ability to perform their job
- Driving or operating machinery during work hours while under the influence of alcohol, or any controlled substance or drug that may impair the employee's ability to operate a vehicle or other machinery
- Failure to inform the employee's Project Lead, ASD, or ED before beginning or resuming work that the employee is taking drugs or medication that could interfere with the safe and effective performance of Agency duties or operation of Agency equipment.

The Agency encourages employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request it by contacting their Project Lead or the ASD. The Agency is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of current drug or alcohol use. This policy on treatment and rehabilitation is not intended to affect the Agency's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

4.9.1 Searches

In order to promote a safe, productive and efficient workplace, the Agency has the right to search and inspect all Agency property, including but not limited to lockers, storage areas, furniture, Agency vehicles, and other places under the common control of the Agency and employees. No employee has any expectation of privacy in any Agency building, property, or communications system.

4.9.2 Drug and Alcohol Testing

Except as to safety-sensitive employees subject to Department of Transportation (DOT) requirements, the Agency has discretion to test a current employee for alcohol or drugs in the following instances:

Reasonable Suspicion Testing - The Agency may require a blood test, urinalysis, or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. The ASD or a designee must approve testing. "Reasonable suspicion" is based on objective factors, such as behavior, speech, body odor, appearance, or other evidence of recent drug or alcohol use which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol. In order to receive authority to test, the employee's Project Lead or other management employee observing the behavior must record the factors that support reasonable suspicion and discuss the matter with the ASD. If there is a reasonable suspicion of drug or alcohol abuse, the employee will be relieved from duty and placed on sick leave until the test results are received. If the test results are negative, the sick leave used will be returned to the employee.

Post-Accident Testing - The Agency may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the “reasonable suspicion” factors described above are met.

4.10 Employees Required to Drive

Employees whose duties require them to drive on Agency business will be required to show proof of current valid driving licenses and current effective insurance coverage before the first day of employment and any time it is requested, [unless covered under an Agency rental agreement where insurance is provided](#).

The Agency retains the right to transfer to an alternative position, suspend, or terminate an employee whose job duties require driving whose license is revoked, who fails to maintain personal automobile insurance coverage, or who is uninsurable under the Agency’s policy.

Employees who drive their own vehicles on Agency business will be reimbursed at the IRS rate.

4.10.1 Mileage Reimbursement

Employees will be reimbursed for non-commute work-related mileage at the IRS allowable rate, adjusted at least annually. The work site for all employees (regardless of whether they spend most of their work time in the office or the field) is the Agency office. Consistent with IRS regulations, employees shall not charge mileage for commuting from home to the work site and from the work site to home. The Agency may adjust the rate more frequently than annually, in the event that the IRS adjusts the allowable rate more frequently.

4.10.2 Car Sharing

The Agency maintains a car sharing account that employees may join and use for short-distance travel on Agency business.

4.11 Workplace Violence Policy

The Agency is committed to providing a safe and secure workplace and will not tolerate acts or threats of violence in the workplace. The workplace includes any location where Agency business is conducted, including vehicles and parking lots. Any violation of this Policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of Agency employment. The Agency has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

“Workplace violence” is defined as any conduct that causes an individual to reasonably fear for their personal safety or the safety of their family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:

- Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property
- The destruction of, or threat of destruction of Agency property or another employee’s property

- Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay
- Striking, punching, slapping, or assaulting another person
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise
- Harassing or threatening phone calls
- Surveillance
- Stalking
- Possessing a weapon(s) during work hours. "Weapon" is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or implement that can cause bodily harm if used or displayed in such a manner to cause harm or threaten a person with harm.

Any employee who is a victim of, witnesses or learns of workplace violence has the authority and obligation to immediately report this information to the ASD.

The ASD or designee will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.

The ASD or designee will take appropriate steps to provide security, and enforce this policy, including:

- Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation
- Asking any threatening or potentially violent person to leave the site
- Immediately contacting an appropriate law enforcement agency
- Training Project Leads and all staff about their responsibilities under this Policy
- Assuring that reports of workplace violence are accurately and timely documented and addressed
- Making all reasonable efforts to maintain a safe and secure workplace
- Maintaining records and follow up actions as to reports of workplace violence.

4.12 Administrative Policies

Administrative policies are guidelines established with the approval of the ED, ASD, and when appropriate the Review Panel. The implementation of administrative policies is to provide guidance on procedures, operational considerations, and interpretation of HR policies and procedures. Examples include policies on travel, cell phones, contracts, etc. All Administrative policies and guidelines can be found at <http://staff.stopwaste.org/resources>. Any such guidelines may be revised periodically with approval of the RP and/or ED/ASD.

4.13 Bulletin Boards

The Agency maintains bulletin boards located in the downstairs copy room.

Bulletin boards are used to provide information to employees concerning occupational health, benefits, safety information, PERS, and other materials required by law and/or relevant to Agency employees.

4.14 Prohibited Conduct

Misuse, abuse, or violation of any safety, health, security, or other Agency policy, rule, or procedure outlined in this manual constitutes grounds for discipline, up to and including termination. Employees who suspect wrong doing of any nature (harassment, discrimination, fraud, or any prohibited conduct) are encouraged to report it to the ASD or ED. Employees are responsible for understanding and adhering to policies described in [Section 3 – Employment Process](#), [Section 4 – Employee Conduct](#), [Section 6 – Discipline Guidelines](#) and elsewhere in this manual that identify inappropriate conduct. Other types of conduct that threaten security, personal safety, employee welfare and the Agency's operations may also be prohibited.

Additional examples of prohibited conduct that may not be explicitly listed in this manual include:

- Falsifying employment records, employment information, or other Agency records
- Falsifying any time card, either one's own or another employee's
- Committing a fraudulent act or a breach of trust
- Unauthorized use of Agency equipment, time, materials, or facilities
- Engaging in unsafe practices during working hours or on Agency property
- Engaging in criminal conduct on duty, or off duty if the off duty conduct has a nexus to the employee's job
- Causing, creating, or participating in a serious disruption of Agency operations during working hours on Agency premises
- Using abusive language, threatening physical harm or bullying behavior at any time on Agency premises against any person
- Unauthorized absence of three consecutive scheduled workdays or more
- Violation of the Agency's confidentiality policies, or disclosure of confidential Agency information to any unauthorized person or entity
- Committing of or involvement in any act of harassment discrimination, or retaliation.

5 Employee Development

Professional Development is supported for all levels of Agency employees and may include internal education and cross-training opportunities, attendance at project-related seminars and conferences, skill-specific training, coaching, and an educational tuition reimbursement program, detailed in the Employee Benefits Guide. The Agency organizes periodic 'Brown Bag' sessions and All-Staff training on a range of topics based on employee interest.

Each employee of the Agency is responsible for self-development and improvement. Employees are encouraged to take advantage of career training opportunities and other related programs. See the Employee Benefits Guide for more information.

5.1 Professional Development

5.1.1 Individual Development Plan

On an annual basis, all regular and limited term employees are required to submit an Individual Development Plan (IDP). The IDP will include current interests, skills, roles, professional development requests for the next budget year, and longer-term career goals. The IDP is also where an employee can express their interest in a specific promotional opportunity. The IDP is intended to support multiple pathways for professional growth and opportunity beyond the traditional hierarchical career ladder. Even if an employee's career goal points to a position outside the agency, they can still be supported in gaining new skills. The Workforce Committee (WC) is responsible for aligning individual employee skills and career goals with team feedback and agency priorities.

5.1.2 Coaching

In lieu of a traditional supervisory structure and professional development pathway, employees are encouraged to use a coach to support their professional development. Coaches are intended to serve as a sounding board for staff, and not provide advice (mentoring), instead asking questions to facilitate conversations. Employees can choose a coach from among Agency staff who have expressed interest in being a coach, or externally through organizations such as the International City Managers Association. Coaches can help employees create an individual development plan (IDP), review progress towards their personal goals, and discuss feedback that they have received. The Agency will periodically provide training for internal staff interested in developing coaching skills. See the Employee Benefits Guide for more information.

5.1.3 Training

An internally staffed Training Committee is responsible for developing and disseminating training resources and opportunities on topics that have relevance for multiple staff. This team selects topics and organizes on-site trainings based on staff input and referrals that the Workforce Committee gathers from annual IDP requests, and also makes recommendations for Agency training resources and maintains a clearinghouse of training opportunities.

Training and professional development activities associated with a specific project are generally prioritized and approved by the relevant Project Lead. General professional development and skills training is funded from Agency general overhead.

5.2 Performance Feedback

In lieu of the traditional annual performance evaluation, project teams are the central element for performance management, accountability and ongoing feedback at the Agency. A team may consist of a Project Lead plus team members for one larger project, or could include a grouping of related projects. Team members are responsible for both the overall effectiveness of team functioning as well as their individual roles and accountabilities.

To supplement the team-based accountability, the Agency facilitates periodic (at least annual) written feedback across the organization, and encourages all employees to share constructive verbal feedback as appropriate in real time throughout the year. The purpose of feedback is to encourage staff development throughout the organization, and provide individuals with insight on their strengths and weaknesses. Comments are intended to communicate successes and opportunities for growth. The periodic written feedback is made available to the individual employee, their internal coach (if applicable) and the Workforce Committee. Feedback is given based on an employee's major roles and overall teamwork, and is provided by other staff that work with the employee in a specific role. The feedback process applies to regular and limited term employees. For more details on the feedback process see Employee Development and Feedback Overview.

5.2.1 Performance Improvement

If team feedback fails to result in performance improvement for a specific team member, the Project Lead has two options. First, the Project Lead can either refer the employee to the Workforce Committee for reassignment or redefine their role for a better fit. Second, the Project Lead can consult with the ASD on whether to initiate a Performance Improvement Plan (PIP). The formal PIP process can be initiated by the ASD directly for issues not directly tied to project performance. Any employee who is placed on a PIP as a result of unsatisfactory team performance feedback or any other reason will not be eligible for a general wage increase (cost of living adjustment) or a "step" increase, as outlined in [Section 2.3.1 Salary Adjustment Plan](#). For more information on the PIP and other disciplinary processes, see [Section 6.1 Disciplinary System](#).

6 Disciplinary and Separation Actions

6.1 Disciplinary System

It is the policy of the Agency to use a progressive disciplinary process. The disciplinary action will be related to the severity of the performance or behavioral deficiency, its frequency and its consequences. A serious or major performance or behavioral deficiency may result in more severe disciplinary action and may not necessarily be preceded by less severe forms of disciplinary action. This policy emphasizes the prevention, identification and resolution of employee performance or behavioral deficiencies, before instituting progressive discipline.

Employees receive team feedback periodically and at least annually, as outlined in [Section 5.2 Performance Feedback](#). If an employee is placed on a performance improvement plan (PIP) as a result of unsatisfactory performance feedback, the ASD, in concert with the ED, will assign that employee a performance supervisor. This supervisor will oversee the employee's performance until the performance deficiencies are resolved. The ASD will assist with developing the performance improvement plan, including any necessary corrective action. The PIP will have specific requirements for performance and/or behavior over a period of time. If performance and/or behavior do not improve within the performance improvement plan timeframe, the supervisor, in concert with the ASD, may choose to initiate disciplinary action up to and including termination.

The performance supervisor will use the following strategies:

- Communicate and explain the Agency's expected performance and behavioral standards
- Communicate and explain the Agency's Disciplinary System and Procedures
- Recommend specific training
- Conduct periodic performance reviews and appraisals
- Apply positive reinforcement measures
- Apply progressive disciplinary measures

The performance supervisor will report to the ASD on the individual's progress at regular intervals. If punitive measures are proposed, the ASD will make recommendations on the punitive measures to the ED. The ASD has sole discretion in handling disciplinary matters for administrative staff.

This disciplinary system shall apply to all regular full-time and part-time employees (i.e., "for cause" employees). All employees other than for-cause employee, namely limited term employees, intermittent employees, WMA Board appointees including the ED, probationary employees, or employees who have written contracts of employment may be disciplined or separated at will, with or without cause, and without the disciplinary procedures listed below.

6.2 Discipline Guidelines

6.2.1 Employee Standards

Every employee shall maintain high standards of performance and acceptable behavior, including cooperation, efficiency and economy in work for the Agency. Each employee is responsible for correcting any deficiencies in performance.

6.2.2 Grounds for Discipline

Regular and limited term employees may be disciplined as defined herein for any of the following causes described in this Manual, including, but not limited to unauthorized absence, tardiness, abuse of sick leave privileges, fraud in securing appointment, incompetence, inefficiency, insubordination, dishonesty, mishandling of public funds, falsifying Agency records, conviction of a criminal offense, prohibited political activity, negligence in the use of or unauthorized use of Agency equipment, willful disobedience of these rules and regulations, or of any rules and regulations which have been formally approved by the ED, all items listed in [Section 4.14 Prohibited Conduct](#), or any other act or acts which are incompatible with or inimical to the public service.

In identifying and analyzing a deficiency, the severity of the deficiency will be determined by the ASD and supervisor in order to administer the appropriate disciplinary action. When determining the appropriate disciplinary action, the following factors, not limited to, may be considered:

- a) Seriousness and consequences of the deficiency
- b) Employee's previous work record
- c) Previous disciplinary actions for similar deficiencies
- d) The disciplinary action that would be most effective in correcting the employee's deficiency

6.2.3 Seriousness and Consequences of the Deficiency

Disciplinary deficiencies fall into three categories. The disciplinary action taken should be appropriate to the deficiency and its consequences. However, nothing herein precludes the Agency from taking more serious disciplinary action for any deficiency or a repeated pattern of deficiencies as part of the progressive discipline process.

Minor Deficiencies - These are acts not involving any question of trust or honesty; they do not pose a threat to orderly Agency operations; they do not endanger the health, welfare, or safety of employees or other individuals. These deficiencies should normally be handled through positive and preventive measures. Examples are:

- a) Isolated instances of tardiness or absenteeism
- b) Abuse of meal or rest periods
- c) Minor job performance deficiencies addressed in the [Performance Feedback process](#)

Serious Deficiencies - These acts constitute a threat to orderly Agency operations or pose a threat to the health, welfare or safety of employees or other individuals. These deficiencies normally should be handled through corrective actions. Examples are:

- a) Insubordination:
 - i. Disrespect toward supervisory or other authority
 - ii. Disorderly conduct causing disruption of work unit or task
 - iii. Disregard, omission or neglect of duties

- b) Conduct Unbecoming of an Agency Employee:
 - i. Abusive attitude, language or conduct, toward employees or the public, including threatening or intimidating language or actions
 - ii. Abuse of authority over employees or the public
 - iii. On or off duty conduct that may bring discredit to employees or the Agency
- c) Violation of safety laws, regulations, or guidelines
- d) Negligence or careless job performance
- e) Negligence of Agency property or equipment
- f) Unexcused or excessive absenteeism
- g) Violation of equal employment opportunity laws, policies and regulations
- h) Repeated delays in meeting professional obligations

Major Deficiencies - These are acts that seriously threaten the operation of the Agency or pose a grave threat to the health, welfare or safety of employees or other individuals. These deficiencies should normally be handled through punitive actions up to and including dismissal. Examples are:

- a) Major Insubordination:
 - i. Disobedience or refusal to obey a reasonable order from the ED, ASD, their designee(s), or Project Lead
 - ii. Neglect or carelessness resulting in injury or damage
 - iii. Promoting work unit insubordination
- b) Repeated negligence of Agency property or equipment
- c) Willful and unauthorized removal and control of Agency or employee property
- d) Misappropriation or conversion of Agency, employee or general public's property
- e) Unauthorized possession of, transfer of, consumption of, or being under the influence of alcohol, intoxicants, or controlled substances (illegal drugs), or misuse of prescription drugs while on duty. The employee shall be considered "under the influence" if the employee's ability to perform required duties is to the slightest degree affected by the consumption of alcohol, intoxicants, controlled substances or prescription drugs
- f) Unauthorized physical restraint, contact or attack upon any employee or other person while on duty
- g) Willful falsification or omission of Agency documents, records, forms or information required by the Agency
- h) Conduct that is a violation of public policy or trust, or is corrupt
- i) Criminal activity that jeopardizes effective or efficient business practices, or poses a threat to the safety or security of persons or property
- j) Disclosure of confidential information that is defined by law
- k) Improper use of position, character or confidential information for personal benefit (financial or other interests) or for the benefit of others

- l) Conduct that is a conflict of interest or a conflict in the performance of duties
- m) Preferential treatment of individuals or firms
- n) Continued performance deficiencies after corrective disciplinary action
- o) Intentional abandonment of one's position for three (3) or more work days

6.3 Discipline Administration

The type of disciplinary action taken is determined by the seriousness and consequences of the performance deficiency or non-performance violations. Actions do not need to be followed in a specific order, e.g., a major deficiency may be addressed by corrective or punitive action without first instituting positive disciplinary action. The following three categories of disciplinary action may be used:

6.3.1 Positive Disciplinary Action

These actions are intended to prevent and document minor deficiencies. The type and sequence of action shall be discretionary.

Types of Positive Disciplinary Action

- a) **Counseling** - A discussion to explain an actual performance deficiency and emphasizing expected standards.
- b) **Memo of Expectations** - A written notice emphasizing past counseling and current deficiencies with a stronger emphasis on expected standards.
- c) **Memo of Correction** - A written notice requiring the need for immediate and sustained improvement in performance to expected standards.

Authority to Take Positive Disciplinary Action - These actions may be taken by the performance supervisor, ASD or the ED in consultation with the ASD.

Written Report - A written report shall be kept of these actions. Written notice shall be placed in the employee's personnel file and copies of written notice shall be provided to the employee. The employee may request in writing the removal of these records after one (1) year from the date of the notice. The Agency reserves the right to retain these records in the employee's file. The supervisor or ASD may request removal of these records from the employee's file if there is sustained performance meeting expected standards. The ED, in consultation with the ASD, will make the final determination as to whether they are removed.

Appeal Rights - Positive disciplinary actions do not require a notice of intent and may not be appealed. However, the employee may respond in writing and that record may be put into their Personnel file at their request.

6.3.2 Corrective Disciplinary Action

These actions are intended to correct and record serious performance deficiencies or instances where positive disciplinary actions have not resulted in performance meeting expected standards. The type and sequence of disciplinary action shall be discretionary. A more serious action need not necessarily be preceded by a lesser action.

Types of Corrective Disciplinary Action -

- a) **Admonishments** - An oral notice to an employee explaining the actual serious performance deficiency and requiring immediate and sustained improvement to expected standards.
- b) **Written Reprimand** - A written notice informing an employee that a serious performance deficiency exists or that a violation of work rules has taken place. The contents of the notice must be explained to the employee in a meeting. The notice shall include the standards of performance immediately expected and shall advise the employee that more serious disciplinary actions will be taken if the employee does not achieve immediate and sustained performance meeting these expected standards.
 - i. The written reprimand shall be placed in the employee's official personnel file. A copy shall be given to the employee.
 - ii. The notice of written reprimand shall include:
 - Reason for the reprimand reflecting each performance deficiency and its impact upon the Agency, its employees or the public
 - Reference to prior disciplinary actions if any
 - The expected performance standard and a time frame for achieving the standard
 - A general indication of the consequences if there is not immediate and sustained improvement

Authority to Take Corrective Disciplinary Action - These actions may be taken by the performance supervisor, ASD, or ED in consultation with the ASD.

Appeal Rights – Corrective disciplinary actions do not require a notice of intent and may not be appealed. However, the employee may respond in writing and that record may be put into their Personnel file at their request.

6.3.3 Punitive Disciplinary Action

These actions are intended to record, discipline and/or correct major deficiencies. The sequence of disciplinary action shall be discretionary. A more serious action need not necessarily be preceded by a lesser action.

Types of Punitive Disciplinary Action

- a) **Suspension With or Without Pay** - This action may be taken to stress the seriousness of a performance deficiency or alleged deficiency to an employee.
- b) **Involuntary Demotions** - This action may be taken for major deficiencies when it is determined that the employee is unwilling or unable to perform their assigned duties at expected performance standards; but should be able to perform the assigned duties of a lower classified job at expected performance standards.
- c) **Termination** - This action may be taken for major deficiencies. Termination is the involuntary permanent removal of an employee from employment.

Authority to Take Punitive Disciplinary Action - A Notice of Intent to take disciplinary action shall be signed and approved by the ASD, ED, or ED's designee (see 5.a. below). ED approval of the Notice of Intent does not circumvent the employee's right to appeal any final decision to the ED.

Recordkeeping - Recordkeeping for punitive disciplinary action must comply with all employee due process rights, including a Notice of Intent to take disciplinary action and a right to appeal.

Appeal Rights – See [Section 6.4.1 – Appeals of Discipline](#).

Employee Due Process Rights -

- a) **Notice of Intent** - All intended punitive disciplinary action shall be written and presented to the employee. The notice shall include:
 - i. Notice of intended disciplinary action and date of implementation.
 - ii. Reasons for the action, including identification of each performance deficiency and a statement of the particular facts which evidence each performance deficiency.
 - iii. A copy of all materials upon which the intended discipline is based.
 - iv. A notice to the employee of the option to respond, orally or in writing, to the reasons for action or to challenge the intended action, within ten (10) working days of the notice.
- b) **Notice of Disciplinary Action** - After consideration of any employee response to a Notice of Intent, if a decision is made to take disciplinary action, a Notice of Disciplinary Action shall be written and presented to the employee. The notice shall include:
 - i. Notice of the effective date of the action.
 - ii. Reasons for the action, including a statement of the particular facts that evidence each performance deficiency and identification of each performance deficiency.
 - iii. A copy of all materials upon which the intended discipline is based.
 - iv. A notice to the employee of the right to appeal the action to the ED, by submitting a written letter to the ASD within ten (10) working days of the notice.
- c) **Distribution of Notices** - The ASD or designee shall be responsible for placing all notices in the employee's personnel file and shall present a copy of all notices of punitive disciplinary action to the employee, and forward a copy to the ASD. Records of punitive disciplinary action shall remain in the employee's file. Employee may request removal of these records to the ASD. At the ASD's discretion, the record may be removed or a statement that performance was corrected may be placed in file.

6.4 Appeals and Disputes

It is the policy of the Agency to provide for an orderly, informed and confidential process for employees to have their problems and/or concerns considered in a fair and expedient manner without fear of reprisal. Dependent upon the situation, prior to filing an appeal, a one-on-one meeting should take place to see if the situation can be resolved.

Any regular full-time or part-time employee may appeal punitive disciplinary actions, applications and intent of the HR policies and procedures, and interpretation of benefits and rights. An appeal shall not include, and the appeal policy shall not apply, to any of the following:

- The content or structure of the Classification Plan
- The content or structure of the Salary Plan
- Performance reviews
- Positive and Corrective Disciplinary Actions

For the purposes of this policy, an “Appeal” means any claim by a regular, limited term, or intermittent employee that such claimant’s rights, benefits, privileges or interests, provided for in these policies and procedures, have been violated, misapplied or misinterpreted.

6.4.1 Appeals of Discipline

This subsection applies to appeals of final notices of disciplinary action only. A full-time or part-time regular, for-cause, employee may appeal a final notice of discipline in the form of a suspension, demotion, or termination by filing a written request for an appeal, which must be received by the ASD no later than ten (10) working days from the date of the notice of final discipline. The request shall set forth their intention to appeal and the reasons for the appeal. Failure on the part of a disciplined employee to file a written notice of appeal within the allotted time terminates the right to an appeal and the punitive action shall be final. The ASD will communicate the receipt of a request for an appeal to the ED. For information on appeals related to violations related to investigations of discrimination, harassment, bullying, and retaliation, see [Section 3.7 – Policy Against Discrimination, Harassment, Bullying, and Retaliation](#).

The ED will conduct an evidentiary hearing and issue written findings and a decision. Either the ED or the appealing employee may request that an independent hearing officer conduct the evidentiary hearing and render a written recommended decision to the ED. If the ED conducts the hearing, their written decision shall be a final administrative action. There is no process for reconsideration.

If a hearing officer is requested, the ED shall request a list of five (5) names of potential hearing officers be provided by the State Mediation and Conciliation Service or some similarly appropriate body. The services of the hearing officer shall be at Agency expense. Both parties will agree on the selection of the hearing officer. If there is no mutual agreement on a hearing officer, the parties will take turns striking names from the list of hearing officers. The hearing officer shall be a neutral professional with fact-finding experience. The function of the hearing officer shall be to conduct an evidentiary hearing and examine all the facts and available evidence, to question witnesses under oath, and to make a written recommendation. Evidence taken at the hearing by the hearing officer shall conform to the provisions of the California Administrative Procedure Act, Government Code Section 11513. The written findings and recommendation of the hearing officer shall be submitted to the appellant, the ED and the ASD.

If the ED was not the appeal hearing officer, the ED shall review the findings and recommendation of the hearing officer and make a final decision in writing. The ED may affirm,

revoke, or modify the findings, recommendations, or disciplinary action taken. The ED may not deviate from the hearing officer's findings and recommendation without reviewing the entire record of the proceedings. The decision of the ED is final administrative action. There is no process for reconsideration.

When the appeal pertains to charges of illegal conduct, malfeasance or fiscal misconduct by the ED, the same process outlined in [Section 3.7.5 – Investigation Procedure](#) shall be followed. The Agency will mail a copy of the final written findings and decision, along with a proof of service of mailing that confirms that each of the parties and each of the parties' representatives were mailed the final written findings and decision. This includes mailing a copy directly to the employee. It shall be the responsibility of the employee to provide the Agency with a mailing address. Pursuant to Code of Civil Procedure section 1094.6, the parties have 90 days from the date of the proof of service of mailing of the written findings and decision to appeal the decision to the Superior Court in and for the County of Alameda.

6.4.2 Appeals of Non-Disciplinary Matters

Regular, limited term and intermittent employee may appeal non-disciplinary matters. The ASD or designee will act as the facilitator for all disputes and appeals. The employee shall file a written notice of appeal with the ASD within ten (10) working days after application of policy in dispute. This shall set forth the employee's intention to appeal and the reasons for the appeal. Failure on the part of an employee to file a written notice of appeal within the allotted time terminates the right to an appeal and the application of policy shall be final. Employees may also use this procedure to resolve a dispute with another employee that is not solved by ordinary means.

A statement of appeal must include the following:

- a) Employee name and title
- b) Statement of appeal describing:
 - i. Date and time of action being appealed
 - ii. Circumstances of appeal. The employee should set forth the act or omission that they believe unjustly denied their rights, benefits, privileges or interests
- c) Specific Agency policy the employee alleges was violated
- d) Statement of the relief sought, which must be within the authority of the ED to grant in whole or in part
- e) Signature of employee and date.

The Agency has an obligation to respond to appeals in a timely manner. The ASD shall respond to the employee within ten (10) working days of receipt of the written notice of appeal with a timeline to resolve the dispute and/or resolution. If the employee feels they have not been given full and impartial consideration by the ASD, they may appeal the decision in writing to the ED for additional consideration within ten (10) working days of the prior action. The ED will meet with the employee(s), review the case, make a decision, and notify the employee and ASD in writing of the binding decision.

6.4.3 Conduct of Appeals and Dispute Resolution Procedure

In conducting the Appeals Procedure set forth above in [Sections 6.4.1](#) and [6.4.2](#), the following shall be applied as appropriate:

- a) The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.
- b) The employee may request the assistance of another person, including legal counsel, at the employee's own expense and choosing, in preparing and presenting the appeal at any level of review for both disciplinary and non-disciplinary appeals.
- c) The employee and representative may be permitted to use a reasonable amount of work time as determined by the ASD in conferring about and presenting the appeal.
- d) Consultation with the ASD may be done as it relates to clarification and interpretation of these rules.
- e) Employees shall be assured freedom from reprisal for using the Appeals Procedures.

6.5 Force Reductions

Under some circumstances, the Agency may need to restructure or reduce its workforce due to budgetary needs, program reductions, program content or priority changes, reorganization, or other Agency needs.

6.5.1 Assessment and position selection

The following steps are used to identify the positions that will be eliminated by a reduction in force:

- a) Conduct an analysis of the job functions that are needed going forward and positions that will be retained, eliminated or reduced in hours.
- b) If there are unfilled vacant positions, they will be reviewed first and considered for elimination.
- c) If there are multiple incumbents in a position that has been selected for elimination, evaluate the skills and qualifications of the individual employees. The following factors may be considered in this assessment:
 - i. Skills and qualifications. Special skills may be considered, as well as education, licensure, and certification.
 - ii. Performance. Past performance reviews may be considered, including recognized exceptional performance, performance improvement plans, discipline and attendance.
 - iii. Employee type. Regular employees will not be laid off if there are intermittent, limited term, or probationary employees in the same job classification and/or grade for which the regular employee is qualified, eligible, and available. In such a case, the probationary, intermittent, or limited term employees will be laid off first.
 - iv. Length of employment will only be a factor when all other variables are equal.

- d) Incumbents in positions that are reduced in hours or eliminated may apply for other vacancies within the Agency for which they possess the minimum qualifications.

6.5.2 Employee Notification

If restructuring operations or reducing the number of employees becomes necessary, at the sole discretion of the WMA Board, the ED or designee will provide at least 60 calendar days advance notice to help prepare affected individuals. The ED and ASD may determine it is in the best interest of the employee or the Authority that the notice period is a non-working notice period. The employee should be informed, during notification, whether the notice period will be working or non-working (or some of both). For a non-working notice period, the employee shall be placed on a paid leave.

The employee must be provided with written notification regarding the position elimination. The notice period begins the first day following the notification. If possible, affected employees will be informed of the nature of the reduction and the foreseeable duration of the reduction, whether short-term or indefinite.

6.5.3 Pre-Layoff Review

An employee who has been noticed for layoff, and who has any questions or concerns about the layoff decision or process may make an appointment to be heard by the ED for an informal pre-layoff review. The employee must request this appeal in writing within five work days from the date of the notice of layoff. The ED's decision is final.

6.5.4 Recall Procedure

Employees impacted by position elimination will have the option of being reinstated into their former position if the position is restored within twelve months. Individuals recalled under this provision will not be required to serve a new initial probation period. An employee who rejects an offer of recall will forfeit any future recall opportunity. An employee will not be eligible for recall if there is a documented performance plan or disciplinary action in the previous twelve month period.

6.6 Voluntary Termination and Resignation

Voluntary termination results when an employee voluntarily resigns, or fails to report to work for three (3) consecutively scheduled workdays without notice. Employees need to directly notify their Project Leads, and/or the ED and ASD of their resignation in writing. All Agency -owned property, including keys/fobs, and credit cards, must be returned immediately upon termination of employment.

Employees wishing to resign from Agency employment in good standing are requested to give a minimum of two (2) weeks advance notice in writing stating the date of resignation, their last day of work and forwarding address. Failure to comply with this section may impose a hardship on the Agency and consequently will be taken into consideration, should that individual again seek employment with the Agency.

6.7 Departure Procedures

The Agency will endeavor to process an employee's final paycheck as quickly as possible, and no later than the next scheduled payday. An employee who is involuntarily terminated will receive their check within three (3) working days of the effective date of the discharge, or a mutually agreed upon date.

At the time of the exit interview the ASD will request the return of any keys and other property that belongs to the Agency, if this has not already been done.

6.7.1 Exit Interview

The purpose of the exit interview is to provide an opportunity for departing employees to express their views regarding their employment and to provide a means for communicating these views to the Agency. Its intent is to provide for the uniform treatment of departing employees, to obtain and compile data on separations as a basis for analyzing employee turnover, to advise employees of their separation rights to benefits, and to process the required documentation.

The ASD shall be responsible for the coordination of the exit interview. The ASD shall contact the employee to schedule the exit interview, which will generally be held on the last day of employment. The ASD shall conduct the interview. In the absence of the ASD, the ED shall conduct the exit interview. If for any reason an exit interview cannot be conducted, the ASD shall notify the employee in writing of their rights and benefits. The ASD shall provide a copy of the completed exit interview to the ED and a copy for the employee's personnel file.

6.7.2 Benefits at End of Employment

Departing employees are compensated for some benefits, such as vacation leave, and may elect to continue other benefits (e.g. healthcare, life insurance) at the employee's own expense. Agency contributions to PERS retirement plan cease at the time of termination. For more information on how employee benefits are handled at the end of employment, refer to the Employee Benefits Guide.

6.8 Employee References

Only the ED, ASD or designee is authorized to provide official employee references for current or former employees. Unless the ED or ASD receives a written waiver signed by the employee, the Agency will release only the employee's dates of employment, last position held, and final salary rate. Project Leads and other employees should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the ED or ASD on a case-by-case basis.

Appendix A

Definition of Terms and Abbreviations

ASD - Administrative Services Director. When used in this manual, includes ASD or designee.

ED – Executive Director

Class Specification - A class specification (or job description) is a description of a group of similar jobs. Class specifications are descriptive only and not restrictive. They serve as a general guide as to what type of work is performed by a particular set of jobs and the associated knowledge and abilities required.

FLSA – Fair Labor Standards Act. FLSA contains federal overtime provisions. Unless exempt, employees covered by the Act must receive overtime pay for hours worked over 40 in a work week at a rate not less than time and one-half their regular rates of pay.

IDP - Individual Development Plan

PIP – Performance Improvement Plan

RP – Review Panel

WC – Workforce Committee

WMA Board – Alameda County Waste Management Authority Board

Org Team – Organizational Improvement Committee

Appendix B: Related Documents

The following list includes Agency policies and other documents referenced in this Manual. All the following documents may be found at <http://staff.stopwaste.org/resources>

- Employee Benefits Guide
- Promotional Process Summary
- Classification Grade Descriptions
- Performance Feedback Process
- Policy Against Retaliation
- Leave Request Policy
- Office Safety and Disaster Plan Information Manual
- Agency Policy on Participation on Nonprofit Boards

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DATE: July 24, 2019
TO: Waste Management Authority Board
FROM: Dave Sadoff, WMA Past President
SUBJECT: Executive Director Contract Amendment

SUMMARY

In June, the Board approved the annual review for Executive Director Wendy Sommer conducted by myself, Mike Hannon, Tim Rood and Deborah Cox.

Based on her outstanding performance, we recommend a 5% salary increase (\$12,581), retroactive to the pay period starting July 1, 2019.

RECOMMENDATION

That the Waste Management Authority Board amend the Executive Director Employment Agreement.

Attachment:

Amendment to Agreement for Employment as Executive Director of the Alameda County Waste Management Authority

**AMENDMENT TO
AGREEMENT FOR EMPLOYMENT AS EXECUTIVE DIRECTOR
OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

This agreement is between the ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (“Authority”) and Wendy Sommer (“Employee”) and provides:

WHEREAS, Authority hired Employee as Executive Director of the Authority beginning on January 1, 2016 pursuant to an agreement dated September 16, 2015 which was revised and restated effective July 1, 2018 (“Employment Agreement”); and

WHEREAS, Authority desires to continue to employ Employee as Executive Director and amend the Employment Agreement based on Employee’s positive annual review for 2019 by increasing Employee’s salary by 5% to \$264,194 per year effective July 1, 2019.

NOW THEREFORE, in consideration of the mutual covenants contained herein the parties agree as follows:

1. Section 5 of the Employment Agreement is amended as shown below:

5. SALARY.

Effective July 1, 2019 Authority agrees to pay Employee ~~\$251,613 (Two hundred fifty one thousand and six hundred thirteen dollars)~~ **\$264,194 (Two hundred sixty four thousand and one hundred ninety-four dollars)** per annum (“salary”) for her services, payable in installments at the same time as other employees of the Authority are paid. Authority may increase this base salary annually based on the results of performance evaluation as described in Section 7. In the event the Board does not hold such evaluation prior to the end of the calendar year, the base salary shall be increased on the next anniversary of the Effective Date by the California CPI for Urban Wage Earners and Clerical Workers for the most recent 12 months between June and June as calculated by the Department of Industrial Relations as authorized by Government Code §§ 3511.1 and 3511.2. Payment will be retroactive to the pay period closest to July 1, which is consistent with the time that other employees receive salary increases.

2. All other terms of the Employment Agreement remain in full force and effect.

- Continued on next page -

3. This Agreement shall be executed simultaneously in three counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

WASTE MANAGEMENT AUTHORITY:

By: _____ Date: _____
Tim Rood, President
Alameda County Waste Management Authority

APPROVED AS TO FORM:

By: _____ Date: _____
Richard S. Taylor
Authority Counsel

EMPLOYEE:

By: _____ Date: _____
Wendy Sommer

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Date: July 24, 2019

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

BY: Anu Natarajan, Legislative & Regulatory Affairs Manager

SUBJECT: Countywide Integrated Waste Management Plan (CiWMP) Update

SUMMARY

The CiWMP is the guiding document for solid waste infrastructure and countywide programs and policies. Our CiWMP was first adopted in 1997 and the field of waste management has changed significantly since then. While several updates and amendments have been made over the years to specific sections and to update or add facilities, it is time to review the document as a whole to ensure relevancy and consistency.

At the July 25 WMA meeting, staff will summarize the changing landscape of the field and current priorities of the agency, and recommend that the Board authorize staff to conduct an update and reorganization of the CiWMP.

DISCUSSION

When the elements of the CiWMP were first mandated by State law in 1989 (AB939), the focus was to describe local waste management conditions and lay out policies and implementation plans to achieve waste diversion goals (50% by year 2000). In the past 30 years, the State has introduced new laws, the WMA has adopted key ordinances, local jurisdictions have exceeded diversion goals, markets have changed, technology has advanced, and we have improved our understanding of how people form good waste reduction habits. While subsequent CiWMP amendments have captured some of these changes, it is useful to look holistically at evolving conditions that warrant a systemic update of perspective and approach to materials management.

The section below presents a summary of significant changes in 30 years through a “then and now” framework to capture the shifts in the material and waste sector that have occurred over a generation. “Then” refers generally to the time between 1990 to 1995 and “now” generally refers to the years since 2010.

	Then	Now
Waste Facilities	Prior to and around 1989, small landfills lined the San Francisco Bay, with each city operating a local landfill. There was a high degree of local control, along with increased potential for leakage into the Bay and surrounding areas. There was no industrial-scale compost facility in Alameda County.	The smaller facilities close to the Bay have closed, and two large privately-owned regional landfills have replaced them. There are now two compost facilities, one of which accepts commercial and residential food scraps. The local jurisdictions continue to be responsible for franchise agreements and contracts individually and there is no regional control over them.
Landfill Capacity	The focus was on ensuring that there was enough landfill capacity for local waste at reasonable rates. The WMA chose to acquire land as a contingency to ensure that there would be publicly owned landfill capacity if needed.	As Alameda County's population has grown and land has become scarce, the land use and environmental approval processes for new landfills have become more stringent. New landfills are restricted to a 15-year capacity. With an increasing WMA focus on upstream issues and the increase in diversion rates, the agency is exploring using its reserve lands for carbon farming in addition to maintaining wind energy and conservation easements, none of which preclude future development of a landfill.
Facility Siting and Development Review	As new landfills, transfer stations, and other facilities are developed, the WMA is the key agency considering solid waste policy, protecting local landfill capacity, and related environmental policies.	With increased environmental awareness, more detailed environmental review procedures and more specific state and local regulatory requirements, lead agencies play an increasing role in addressing solid waste policy issues in connection with new facilities.
Markets for Recyclables	Recycling markets were reliable. From the 1950s to the 1970s, only a small amount of plastic was produced, so plastic waste was relatively manageable. By the 1990s, plastic waste generation had more than tripled in two decades, following a similar rise in plastic production.	The United States increasingly relied on China as an export destination for mixed paper (junk mail, newsprint etc.) and mixed plastic. Due to concerns about contamination of the material they have been receiving, and in order to shut down older polluting mills, China instituted policies (Blue Sky and National Sword) that have effectively closed the doors on most imported mixed recyclables. Global changes are abruptly

		<p>affecting our local programs.</p> <p>In the early 2000s, our output of plastic waste rose more in a single decade than it had in the previous 40 years. Today, we produce about 300 million tons of plastic waste every year globally, nearly equivalent to the weight of the entire human population.</p>
Innovation in Packaging	<p>The composition of packaging was simpler and easier to understand. Curbside recycling initially had a limited number of accepted materials that required separate containers placed at residential curbsides.</p>	<p>A proliferation of multi-material single-use packaging and food service ware, while convenient to use, are difficult to recycle and have become major contributors to litter and ocean pollution. It also adds to the complexity of sorting materials, contaminating source-separated material streams, and contributing to added toxicity.</p> <p>In a desire to increase recycling volumes, communities began to shift to “single-stream” recycling where different types of materials were comingled in one cart. The shift led to more materials being accepted for recycling and ever higher recycling volumes, but lower quality feedstocks from material cross-contamination.</p>
Waste Management Philosophy	<p>The discard management philosophy focused on how to best deal with waste once it was created, and included a set of options: reuse, recycle, compost, and landfill. A primary focus in the initial years was to count diversion rates.</p>	<p>The materials management approach includes waste prevention and discard management, while seeking to reduce overall environmental impacts by managing materials through all stages of their life – from raw material extraction to product design and manufacture, transport, consumption, use, reuse, recycling and disposal.</p>
Climate Protection	<p>A generation ago, Californians embraced a recycling ethic based on the desire to reduce litter, conserve natural resources, and cut our reliance on landfills. There was very little public awareness of climate change.</p>	<p>By 2013, Alameda County became one of the first counties in which every jurisdiction has an adopted climate action plan (CAP) or strategy. The CAPs have become the guiding environmental document for most jurisdictions, including a section on waste management, to reduce the methane emissions caused by discarding materials in landfills. In 2006, the State passed AB</p>

		32 - The Global Warming Solutions Act, and subsequently SB 1383, the Short-Lived Climate Pollutants Act in 2016, that includes diverting materials (in particular organics) from landfill as a climate protection strategy.
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ColWMP Update 2019

The current ColWMP document has had updates and amendments over the last thirty years, with the most significant updates in 2010 when changes were made to the document to align the goals included in the Strategic Plan. In addition, CalRecycle requires a review every five years, and the WMA has done several 5-year reviews with the latest review completed in November 2018, although the review's primary focus was to confirm remaining landfill capacity.

The current update to the ColWMP, while fulfilling all legal requirements, will also include updates reflecting new State requirements, goals and policies that reflect current agency priorities, eliminating redundancies/inconsistencies, updates to facts/data, and clarifications/streamlining of the conformance finding process to focus on what is legally required.

The ColWMP update will be reviewed by the Recycling Board (acting as the Local Task Force) on September 12. The first public hearing with the WMA is scheduled for September 25 with formal adoption set October 23.

RECOMMENDATION

That the WMA Board direct staff to update the ColWMP.

DATE: July 24, 2019

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

BY: Arliss Dunn, Clerk of the Board

SUBJECT: Vacancy on the Recycling Board

SUMMARY

Board member Dianne Martinez completed her second term on the Recycling Board effective July 22, 2019, thereby creating a vacancy on the Recycling Board.

DISCUSSION

Board member Martinez's position was one of five appointments to the Recycling Board made by the WMA Board. Currently, WMA members Cox, Oddie, Sadoff, and Zermeño occupy the other four positions.

The Charter limits each member to two consecutive terms. Each term is for two years, and members may not serve for more than two terms or for more than one term if not followed by a consecutive term. Any WMA member (but not an alternate) may serve on the Recycling Board so long as they have not served previously.

Current WMA members eligible to serve are:

- | | | |
|-----------------|----------------------|-------------------|
| 1. Bob Carling | 4. Mike Hannon | 7. Jenny Kassin |
| 2. Keith Carson | 5. Melissa Hernandez | 8. Rochelle Nason |
| 3. Emily Duncan | 6. Dan Kalb | 9. Susan Wengraf |

The Recycling Board meets the second Thursday of each month at 4 p.m. or 7 p.m. Meetings are held either at StopWaste's offices or at different locations in each of the five supervisorial districts. Schedule and location of meetings are distributed at the beginning of each calendar year. A Recycling Board FAQs is attached for reference.

If the WMA Board fails to make an appointment at the July or September meeting, authority to make the appointment would transfer to the County Board of Supervisors, in consultation with a double majority of the cities, per Section 64.130 D.6 of the County Charter.

The Board may wish to consider geographic diversity of the appointments. However, there is no requirement for geographic diversity.

RECOMMENDATION

Staff recommends that the WMA Board fill the vacancy on the Recycling Board.

Attachment: Recycling Board FAQs

Recycling Board/Measure D

FAQ's

WHAT IS THE RECYCLING BOARD AND MEASURE D?

The Alameda County Source Reduction and Recycling Board was created in 1990 by the voters of Alameda County through a County Charter amendment ballot initiative, Measure D (official name: The Alameda County Waste Reduction and Recycling Initiative Charter Amendment). The intention of the Measure was to ensure that the county meet & surpass CA AB 939 mandates of reducing the amount of waste sent to landfill by 50 percent by the year 2000.

The Recycling Board is responsible for programs that promote source reduction, recycling, recycled product procurement, market development, and grants to nonprofit waste reduction enterprises.

WHAT IS THE MEASURE D FEE AND HOW MUCH MONEY DOES IT GENERATE?

Program funding for Measure D related work is provided by a per-ton disposal surcharge (currently \$8.23/ton) at the Altamont and Vasco Road landfills.

On average, about \$9 million a year is collected through Measure D fees. The fee is applied to:

- All solid waste tons disposed within the unincorporated county of Alameda. The fee is paid by the landfill.
- "Municipally controlled" discards (wastes for which the municipality establishes the rates for collection or disposal) landfilled outside unincorporated Alameda County, where arrangements have been made for the fee to be paid by the municipally contracted hauler.

HOW IS THE MONEY USED?

The Recycling Board is required to distribute 50 percent of monies collected to participating "municipalities," the 14 cities and two sanitary districts. Funds are distributed quarterly, based on a per capita (population based) formula.

The County of Alameda receives five percent of Measure D funds to implement a Recycled Product Purchase Preference program at the county and provide support to member agencies on RPP.

The Recycling Board keeps 45 percent of the monies for Measure D programs managed by StopWaste, including:

- Grants to Nonprofits

- Source Reduction Programs
- Recycled Product Market Development
- Discretionary and Administration

WHAT DO THE MEMBER AGENCIES DO WITH THEIR SHARE?

The original intent for Measure D usage for member agencies was to continue and expand municipal recycling programs. A very broad overview of eligible Measure D expenses broken down by categories and general types of expenses has been available to member agencies, below:

Categories

- Recycling, composting
- Source reduction
- Market development
- Recycled product procurement
- Public education/outreach

Allowable uses relating to 4Rs (reduce, reuse, recycle, rot [compost])

- Administrative overhead (staffing)
- Capital assets
- Consultants and contractors
- Events
- Promotional materials, supplies
- Other costs legitimately connected to waste reduction

However, due to the constantly evolving nature of recycling programs and related conservation programs, many types of expenses have been approved over the years on a case-by-case basis.

WHO CHECKS TO MAKE SURE MEASURE D FUNDS ARE USED APPROPRIATELY?

The Recycling Board is required to contract for an audit to determine compliance with Measure D every five years, aka The Five Year Audit (which is broken out by finance/compliance and programmatic analysis)..The finance/compliance portion is conducted in three- and two-year segments to make it easier for municipalities to respond to audit requests).

The recent Five Year Audit recommended that staff develop a more comprehensive list of eligible and non-eligible Measure D Expenses to provide member agencies with a written source guidance document for reference & advanced planning/budgeting.

WHO IS REPRESENTED ON THE BOARD, HOW ARE THEY SELECTED, AND WHAT ARE THE TERMS OF SERVICE?

The eleven-member Recycling Board includes six citizen experts appointed by the Alameda County Board of Supervisors and five elected officials from the Alameda County Waste Management Authority. Terms are for two years with a maximum of two consecutive terms for each member. Recycling Board members must attend 75 percent of regular meetings and may not miss two consecutive monthly meetings in a calendar year or their seat is vacated.

The Board of Supervisors appointments include the following six categories:

- A representative of an organization engaged primarily in operating recycling programs within Alameda County
- A source reduction specialist with substantial experience as such
- A representative of the recyclable materials processing industry
- A representative of the solid waste industry
- A representative of an environmental organization with a significant membership active in recycling issues within Alameda County; and
- An environmental educator employed as such on a full-time basis.

Board members must be residents of Alameda County, and no two employees or representatives of the same for-profit company may serve simultaneously.

WHAT ROLES DO THE RECYCLING BOARD SERVE?

- The Recycling Board acts as the Planning Committee of the Alameda County Waste Management Authority
- The Recycling Board oversees the administration and implementation of Measure D activities
- The Recycling Board serves as the Local Task Force mandated by CA Public Resources Code 40950

WHEN AND WHERE DOES THE RECYCLING BOARD MEET?

The Recycling Board meets the second Thursday of each month at 4 p.m. or 7 p.m. Meetings are held either at StopWaste's offices or at different locations in each of the five supervisorial districts. Schedule and location of meetings are distributed at the beginning of each calendar year.

2019 Recycling Board Meeting Schedule

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
January 10	4:00 p.m.	StopWaste, 1537 Webster Street, Oakland
February 14	7:00 p.m.	District 3 - San Leandro San Leandro Senior Center 13909 E 14th St, San Leandro, CA 94578
March 14	4:00 p.m.	StopWaste, 1537 Webster Street, Oakland
April 24 <i>*Joint Meeting WMA/EC/RB</i>	3:00 p.m.	StopWaste, 1537 Webster Street, Oakland
May 9	7:00 p.m.	District 4 – Castro Valley Castro Valley Library 3600 Norbridge Ave, Castro Valley, CA 94546
June 13	4:00 p.m.	StopWaste, 1537 Webster Street, Oakland
July 11	4:00 p.m.	StopWaste, 1537 Webster Street, Oakland
August 8	7:00 p.m.	District 2 – Fremont Fremont City Hall, Council Chambers 3300 Capitol Ave, Fremont, CA 94538
September 12	7:00 p.m.	District 1 – Dublin Dublin City Hall 100 Civic Plaza, Dublin, CA 94568
October 10	4:00 p.m.	StopWaste, 1537 Webster Street, Oakland
November 14	7:00 p.m.	District 5 – Oakland StopWaste, 1537 Webster Street, Oakland
December 12	4:00 p.m.	StopWaste, 1537 Webster Street, Oakland

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August 2019 Meetings Schedule

Alameda County Waste Management Authority, the Energy Council, & Source Reduction and Recycling Board

(Meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
				1	2	3
4	5	6	7	8 9:00 AM Programs & Administration Committee SUMMER RECESS <hr/> 7:00 PM Planning Committee & Recycling Board Fremont City Hall Key Items: 1. Grants to Non Profits 2. Grantee report (Daily Bowl)	9	10
11	12	13	14	15	16	17
18	19	20	21 3:00 PM Waste Management Authority and Energy Council SUMMER RECESS	22	23	24
25	26	27	28	29	30	31

September 2019 Meetings Schedule

Alameda County Waste Management Authority, the Energy Council, & Source Reduction and Recycling Board

(Meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
1	2 AGENCY HOLIDAY	3	4	5	6	7
8	9	10	11	12 9:00 AM Programs & Administration Committee Key Items: 1. SB 1383 Update 2. Employee Benefits Update <hr/> 7:00 PM Planning Committee & Recycling Board Dublin Civic Center Key Items: 1. SB 1383 Update 2. CoIWMP Discussion – Conformance Finding	13	14
15	16	17	18	19	20	21
22	23	24	25 3:00 PM Waste Management Authority and Energy Council Key Items: 1. Schools Presentation 2. HHW Ordinance First reading 3. CoIWMP First reading 4. Records Retention 5. RMDZ Resolution	26	27	28
29	30					

Energy Council
TECHNICAL ADVISORY GROUP (TAG)
Tuesday July 9, 2019 – 1:00 to 2:30 pm

Attendance:

County of Alameda: Karen Cook, Carolyn Bloede

City of Albany: Claire Griffing, Lizzie Carrade (Fellow)

City of Berkeley: Billi Romain, Caytie Campbell-Orrock

City of Dublin: Rebecca Parnes, Shannan Young, Anna Fessler (Fellow)

City of Emeryville: Nancy Humphrey, Edgar Barraza (Fellow)

City of Hayward: Erik Pearson, Jack Steinmann (Fellow)

City of Oakland: Shayna Hirshfield-Gold, Danielle Makous (Fellow), Jared O'Shaughnessy (Fellow)

City of Pleasanton: Zack Reda (Fellow)

City of San Leandro: Oceane Ringuette (Fellow)

StopWaste: Jennifer West, Jeffery Liang, Emily Alvarez, Miya Kitahara, Ben Cooper, Meghan Starkey, Kelly Schoonmaker

Guests: JP Ross, EBCE

AGENDA

Introductions and welcome

Kelly Schoonmaker, StopWaste, provided an update on SB 1383: Short-Lived Climate Pollutants Act

- Comment period extended from July 5 to July 17 with final draft expected in June 2020 and adoption January 2021.
- Compost procurement requirements for each city or jurisdiction based on population size, amount of organics produced in state, and a local jurisdiction conversion factor based on GDP.
 - StopWaste can provide spreadsheet to jurisdictions to see procurement requirements.
 - Formula is based on how much is produced vs. how much is needed/can be used.
- Previous versions allowed for renewable natural gas (RNG) from organics processing to help meet procurement for transport fuel. Latest version also allows RNG for electricity, gas for heating, etc. Member comments:
 - RNG for buildings could lead to more gas infrastructure and contradict the State and cities' goals to electrify. This could also be at odds with proposed local electrification reach codes for municipal new construction.
 - Propose excluding RNG in buildings as eligible use, but allow for certain types of transportation end uses that can't electrify (or the technology and costs are preventative), such as bus fueling. However, AC Transit and other fleets are aiming to go zero carbon.
 - No matter the end-use, cities need a ramp up period, as new equipment and new vehicles need to be purchased that cannot happen overnight
 - Compost procurement formula is also unrealistic (for example, Oakland expected increase from currently purchasing about 1,000 cubic yards of compost to 43,000 cubic yards from SB 1383 requirements).
 - Important to consider the highest and best use of compost- capturing gas and eliminating methane emissions vs. carbon sequestration of compost.

Leveraging Purchasing for Climate Action – Karen Cook, Alameda County presented on the County’s study into supply chain climate impacts of public purchasing.

- Environmental Purchasing Policies (EPPs) are being included as a strategy in CAPs.
- Identifying potential EPP actions for climate impacts:
 - Priorities from leadership or partners/responsibilities.
 - Align and enhance current policy initiatives, like green building ordinances.
 - Large volume purchased or dollars spent.
 - Alameda County looked at carbon intensity to dollar spent of purchases.
- EPPs can reduce climate impacts through source reduction and efficiency (reduce paper through digitization or behavior change), buying products with lower impact materials, analyzing supply chain of how much carbon is produced throughout product lifecycle.
- West Coast Climate & Materials Management Forum resources:
 - Meta-study of the supply chain of 35 public agencies to assess how big of an impact the supply chain is compared to operational inventories. Supply chain can make up 35-50% of total operational impacts. County governments spend their money differently than cities.
- Alameda County supply chain emissions inventory is more than 3x the amount of government operations footprint. Identified opportunities for action in 3 highest categories:
- Construction and maintenance:
 - Working on low-carbon concrete specifications:
 - Alameda County Green Roundtable will hold discussion specific to concrete and asphalt (capital division and facilities staff can also attend).
 - Cities considering adopting a building code amendment for large projects to use low-embodied carbon concrete (not technically a “reach code” since it doesn’t require cost-effectiveness studies like the energy code).
 - Warm-mix asphalt: cannot be shipped far and therefore is an inherently local product.
 - Modeling public procurement requirements from Eugene and Portland, OR (were successful in switching over all suppliers switched over after requirement passed).
 - Reduced energy needed to cure asphalt, doesn’t create as many localized VOCs (health co-benefit).
- Professional and community services:
 - Emissions mostly from commuting behavior and buildings of external consultants.
 - Reduce emissions through encourage clean fleets and energy efficient buildings for contractors/consultant. Can also require greener EBCE products.
 - For food providers (community-based organizations), reduce food waste and substitute higher-impact foods (i.e. meat, dairy) for lower emission foods (i.e. produce, grains). Opportunities to partner with existing programs. StopWaste’s Smart Kitchen Initiative: food waste reduction for cafeterias through monitoring and reporting. Assess why there is waste and how to reduce it.

- Cities mentioned opportunities to collaborate with induction cooktop demos or potential EBCE events at farmers markets.
- Food service:
 - For the County, food service is provided to inmate populations. Work with vendors on food waste reduction and purchasing lower-GHG impact foods.
 - While cities don't have detention centers, farmers markets or food trucks could be opportunities to reduce food waste.
 - Responsible Purchasing Network has developed municipal guide for low impact foods.
- EPP's are the municipal operations parallel to Consumption-based emissions strategies. Most CAPs now reference Consumption-based emissions and EPP. Ties into CAPs that are already including some "Scope 3" emissions.
- County and StopWaste offer for assistance to support climate-oriented EPP implementation:
 - Roundtables, templates, example policies, fact sheets, ad hoc technical assistance
 - Member requests:
 - Comprehensive link to vendors or places to buy specific products as a way to aid implementation. Being able to point departments to specific products makes behavior change easier.
 - Information about cool asphalt. Reference to Hayward's cold in-place asphalt.
 - Specifications to be shared in one central reference document, especially for fleet vehicles. Alameda County has committed to EV purchasing for their fleet through Compact of Mayors. Alameda County noted that there is a cultural issue for EVs for law enforcement vehicles, though Hayward and Fremont are trying out EVs or hybrids.

Climate Action Plan sharing and support – StopWaste staff led a discussion about trends in newly developed CAPs on energy and electrification.

- Alameda County CAP status update: StopWaste has reviewed or provided input on 4 CAPs that are in process, 2 more are in scoping phase.
- 3 pillars of deep decarbonization in buildings: energy efficiency, decarbonization, and fuel switching from gas to electric. CAPs seem to be focusing on last two items. Discussion on what has caused energy efficiency to be omitted from the CAPs.
- Discussion on energy efficiency co-benefits:
 - Importance of energy efficiency example: before adding solar panels, want to minimize energy use so as to right-size arrays and installation. Electrifying homes presents similar obstacles on a much larger scale.
 - Can have lower upfront costs than electrification, incentives are not yet widely available for fuel-switching.
 - Health and comfort issues are addressed through envelope improvements.
 - Equity issues related to health, costs, and utility bills (bills can be very high for electrification if building is inefficient and/or there is no on-site solar so paying for increased electricity consumption).
 - Efficiency reduces impact on the grid. Electrification without efficiency could postpone reaching 100% renewable grid or make achieving 100% renewables more expensive or

delayed. Average baseline for home in Alameda County: 5,000 kWh (total energy use divided by number of households).

- HPWH could add 1,300 kWh
- HP HVAC could add 2,000 kWh
- EV = 4,000 kWh
- Could more than double load on the grid, which would need to be purchased using renewables.

- Member comments:

- References removed since it was assumed that existing efficiency programs would continue and used the CAP to point to new city efforts, including electrification focus.
- If relying on older documents or programs for energy efficiency, maybe that should be stated in CAPs so that it is still discussed as a strategy.
- CAPs are focusing on is the role of the city. Efficiency was a primary goal when reductions were incremental, but now is only one of many important tools on the pathway toward decarbonization.
- CAP 2.0 focuses on what is in the city's control and most efficiency programs are from outside sources (i.e. BayREN). However, depending on outside programs in lieu of referencing efficiency in CAPs could be risky, since those programs may not always be around.
- Efficiency remains important as an equity issue to reduce bills for lower income residents. Indoor air quality is also important, which is also improved through reducing gas in homes.
- EBCE pointed out that in the past efficiency has included appliance upgrades, which is now address through electrification. Recommend separating appliance efficiency from building envelope efficiency. Cities agreed that the focus should shift to building envelope, which could also be seen as a resilience measure for extreme weather. Jurisdictions see building envelope as resilience, including impacts on public health with wildfire smoke and heat, and the disproportionate impact on vulnerable communities.
- Heat pump HVAC upgrades involve new ducts and would perform better with envelope improvements so they don't switch to resistance mode.
- A lesson learned from first CAPs was to be more flexible in how to reach ultimate goal (in this case, decarbonization of buildings). Oakland noted that their CURB analysis put envelope improvements before electrification.
- Emeryville had written CAP 2.0 goals separate from an implementation plan, so that actions could be updated easier and more frequently.
- Proposed Decision on 3 prong test may allow rebates for fuel-switching. Could be reflected in BayREN Single Family program next year. Multifamily is already incorporating electrification in a pilot.
- Equity issue related to electrification and new, green jobs. Empower community members to get that work.
- There is a need to discuss the lifecycle impacts of gas, not just combustion.

- Upstream emissions of solar panels and that energy efficiency reduces the number of panels/turbines needed. EBCE should consider these impacts in their renewable energy projects.
- StopWaste closed by stating that the draft CAP 2.0s are very encouraging and include good focus on new topics such as adaptation, equity, and staffing/resources for implementation.

Member comments

- SunShares program to launch August 1.
 - StopWaste to provide solar contractors with information on electrification.
 - Some jurisdictions will not be joining SunShares until they provide discounts for panel upgrades and storage.
 - Concern was raised that some SunShares installers may be discouraging solar due to payback and not acknowledging other benefits.
- Jennifer West, StopWaste, will distribute link to BayREN evaluation survey and there will be follow-up 15-minute interviews.
- StopWaste is sponsoring GreenBuilder on July 25 in SF and there is one extra ticket available.
- StopWaste is also sponsoring the California Climate Action Planning conference August 15-16 in San Luis Obispo. There are 2 tickets available, if interested.
- Caytie Campbell-Orrock is leaving the City of Berkeley. Billi Romain, Miya Kitahara, and others expressed their thanks for her great work on the Building Energy Savings program and benchmarking.

2:30 – 3:00 pm East Bay Community Energy meeting (notes by EBCE)

3:00 – 5:00 pm Fellows Presentations & Celebration: CivicSpark and Climate Corps

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Trashed! Engineering Towards Zero Waste

China will no longer accept most U.S. household recyclables. Other nations won't, either. The U.S. does not mill most recyclables. So, many bottles, cans, paper, and plastics are ending up in landfills...

By **Trudy E. Bell** ©2019 Trudy E. Bell

NATIONAL SWORD—that is what China named its policy. In July 2017, China notified the World Trade Organization that effective January 1, 2018, it would ban imports of 24 materials, including post-consumer plastic and mixed paper. In November 2017, China further announced that effective March 1, 2018, it would impose a new quality standard for all allowed paper, paperboard, and metals. It would accept only shipments of recyclables that were 99.5% pure—only 0.5% of impurities would be permitted.

National Sword hit two weaknesses in the U.S. recycling industry that most Americans didn't know existed. First, most U.S. materials-recovery facilities or MRFs (rhymes with "Smurf")—which sort recyclables—are "single-stream" systems, and a purity standard of 99.5% is unattainable. Second, most U.S. mixed paper and newsprint plus certain plastics (numbers 3 through 7) are not milled—melted or otherwise processed—here at home into feedstock raw materials for making new products. Few such domestic mills exist. Instead, most U.S. recyclables were separated, crushed, baled, and loaded onto container ships headed across the ocean.

Industry Reeling

China's announcements—intended to improve its air quality and reduce pollution—sent the worldwide recycling industry reeling. In 2016, that country alone consumed more than half of the world's recycled paper and plastic. Indeed, China had been the largest consumer of U.S. recyclables for years. In 2016, the

U.S. exported some 41% of paper, much of it going to Chinese mills. Nor is it alone: some years, the European Union exported 95% of its plastics to China.^{8,18}

The immediate response was to reroute shipments to other Asian nations, such as Cambodia, Malaysia, Taiwan, and Vietnam. But by the end of 2018, those nations also rebelled. Like China, they welcomed recyclables clean and pure enough to be milled into useful feedstocks, but not what in some cases seemed little better than garbage. Meantime, China cracked down on illegal smuggling of the banned materials past its borders, scanning containers with X-ray machines and opening containers that could not be scanned,⁹ and mandating pre-shipment inspections before recyclables left an exporting nation's port. Additional stringent regulations have been rolled out for 2019.⁷

Great Idea

At first, a few decades ago, exporting U.S. recyclables to China seemed like a great idea...

By the first Earth Day in April 1970, a dedicated core of true believers realized that when you throw something away, there is really no "away." Discards had to go somewhere, sometimes to an incinerator but most often to a dump (now called a landfill). To be sure, used clothes could be donated to thrift shops, old cars could go to junkyards, and glass beer

and soft drink bottles could be returned for deposits and refilled. However, by 1970, beverage distributors were phasing out bottle washing as they continued shifting from heavy glass to lightweight, one-way glass bottles, marked



This machine at a Republic Services materials-recovery facility (MRF) compresses bales of all commodities (except glass) for shipping. Each bale of cardboard weighs around 1500 pounds. Photo: Trudy E. Bell.

RIGHT: Single-stream recycling only requires that recyclables be separated from other garbage such as clamshell takeout containers, which most MRFs cannot process. Photo: NOAA. BELOW: Multi-stream recycling means people must separate materials into different bins. Photo: Trudy E. Bell.

“No Deposit, No Return, Not To Be Refilled.” As beverage distribution moved from local bottling plants to regional or national distribution facilities, bottlers light-weighted their containers even more by switching to aluminum cans and plastic bottles.

But glass, like steel and aluminum cans, could be melted down and reformed into containers or other products, just as uncoated paper could be pulped and used for paper or box-board. Why not give such materials second life rather than a one-way trip from mine or tree to landfill?

Early Recycling

Early household recycling required consumer commitment. By the 1980s, depending on the municipality and its waste-management company, households could be required to wash food cans, remove the paper labels, and crush the cans with the sharp-edged lids inside; separate glass bottles by color (clear, green, and brown) and plastic bottles by number; and tie newspapers into bundles. Each type of item had to be placed out on the curb in a separate open bin or box (no plastic bags), which were emptied by collectors into multiple-compartment recycling trucks.

This system—called either source-separated or multiple-stream—results in the cleanest recyclables ready for milling. However, there were objections. Some municipalities found the specialized trucks and manpower needs expensive. And too many consumers found the elaborate sorting burdensome, so they refused to comply, sneaking recyclables into ordinary garbage headed for the landfill.

The high cost and low compliance not only slowed the universal adoption of recycling across the nation. They also lowered the calculated return on the projected cost of building mills to process recyclables into feedstocks for creating new products, discouraging capital investment.

Perfect Solution

The 1990s brought two independent developments whose combination seemed to offer a perfect solution.

Consumers would recycle, it seemed, only if recycling could be made as simple and convenient as the act of tossing something into the trash. But simplifying the process at the consumer end monumentally complicates separation at the recycler's end.

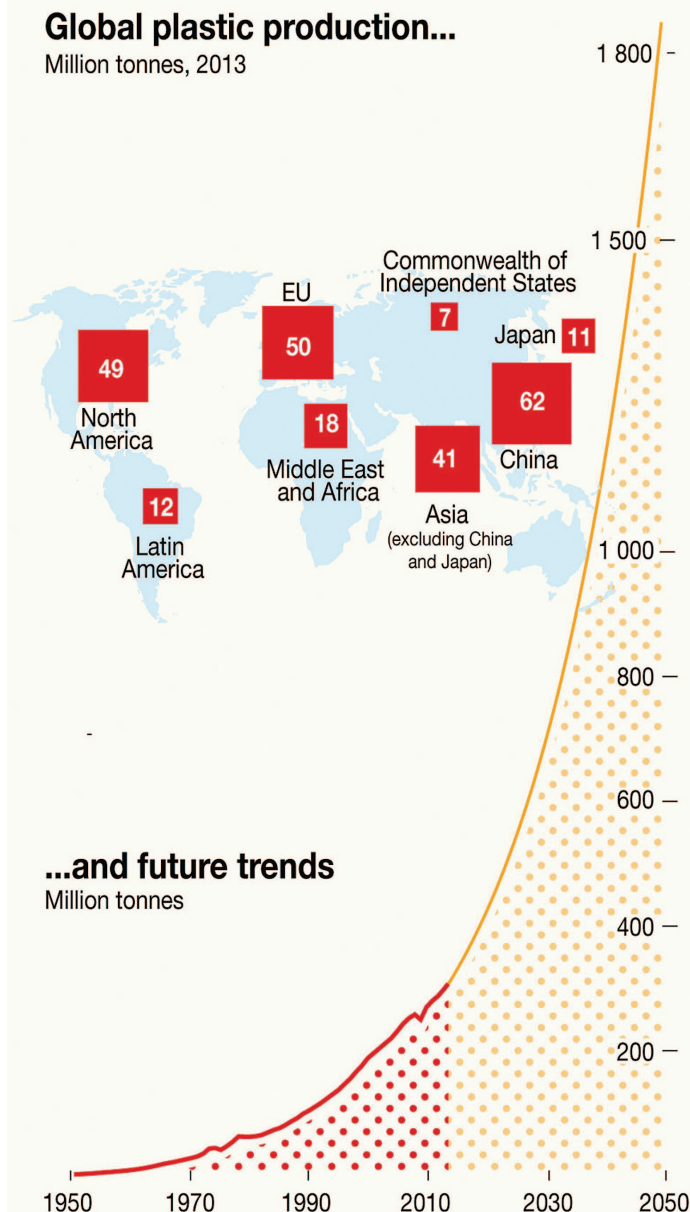


The breakthrough was the development of multimillion-dollar separation equipment that today can stand up to four stories high and occupy 50,000 to 200,000 square feet. Agitating screens separate cardboard from other paper, glass, and debris. Drum magnets select out steel cans from a conveyor belt, while rare earth magnets—which induce eddy currents in non-ferrous metals—repel aluminum cans over a barrier to another conveyor belt. As plastics speed by, high-resolution near-infrared optical sensors determine their composition, activating air jets that separate bottles by type.

These high-tech behemoths enabled single-stream recycling: garbage separated from recyclables, but all recycla-

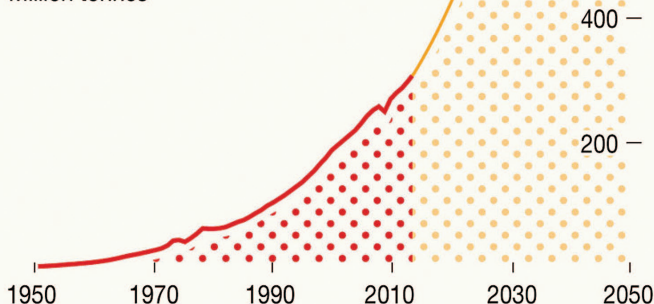
Global plastic production...

Million tonnes, 2013



...and future trends

Million tonnes



Source: Ryan, A Brief History of Marine Litter Research, in M. Bergmann, L. Gutow, M. Klages (Eds.), *Marine Anthropogenic Litter*, Berlin Springer, 2015; Plastics Europe

bles combined in one bin. Single-stream was easy-peasy for consumers, and more began recycling. It was also cheaper for municipalities, which could use the same single-compartment trucks for both recycling and garbage on separate runs. Ultimately, when combined with standard 90-gallon wheeled carts, single-stream enabled automated curbside pickup, reducing manpower to a single driver operating a truck's robotic arms.

Manufacturing Powerhouse

Meantime, China was becoming a manufacturing powerhouse. But container ships that brought "Made in China" imports were dead-heading empty back to China for the next shipment—a total waste of capacity. Why not instead fill them with recyclables that China could mill at lower labor costs to create feedstocks for manufacturing new products, both for its own fast-growing domestic market as well as for export?

Single-use disposable applications (such as food packaging) account for about a third of plastics produced worldwide—but account for some 60% of plastics found in waste streams.¹⁴ Credit: Maphoto/Riccardo Pravettoni.

China liked the idea, because some recyclables (notably steel, plastics, and mixed paper) were cheaper raw materials than refining from ore, crude oil, or trees—enough to allow China to pay some U.S. MRFs from \$100 to \$1,000 per ton for bales, depending on the material and the market conditions. U.S. recyclers liked it, because it not only deferred the need for capital investment to build mills at home but also generated income.

From 1980 to 2015, though, the amount of U.S. municipal solid waste increased by 73%.²¹ Moreover, it became overwhelmed by plastics, most of which do not biodegrade. Virtually all the plastics ever made have been manufactured just since 1950.¹⁵ According to the United Nations, at the present growth rate of plastics production, the industry worldwide is on track to "account for 20% of the world's total oil consumption" by 2050.²⁵

Simultaneously, single-stream recycling is becoming a victim of its own success. Although well-intentioned consumers vaguely know that not all plastics are recyclable, they practice what the recycling industry curses as "wish-cycling"—throw all plastics into the recycling bin and "let them sort it out." Problem is, manufacturers' introduction of new plastics and plastic products outstrips the pace of the recycling industry's ability to handle them.

Industry Headache

Quick plastics 101: Plastics are based on many different petrochemical resins, with the six most common indicated by the number 1 through 6 inside a triangle stamped on a product, while 7 is used for all other resins and combinations. Most municipalities recycle beverage and detergent bottles and jugs made of No. 1 (PETE or polyethylene terephthalate, also called PET) or No. 2 (HDPE or high-density polyethylene). Many will not accept items made of plastics 3 through 7, whose composition can also include a wide range of chemical additives (e.g., flame retardants, pigments, plasticizers, stabilizers).

Contamination is a major industry headache: ranging from liquid residues in unrinsed containers to what-were-they-thinking non-recyclables ("We've had garden hoses, plastic kiddie swimming pools, hypodermic needles, even full propane tanks and live shotgun shells," said Dan Schoewe, operations manager of the Republic Services MRF in Oberlin, Ohio). But by volume, the worst contamination comes from the wrong kinds of containers. For example, to-go coffee cups, juice boxes, flexible pouches, and K-cups include metal foil, paper, or more than one type of plastic, which cannot be separated.

As manufacturers introduced more products with non-recyclable plastics at the same time cities and counties were adopting single-stream recycling, contamination levels in bales increased. Most single-stream MRFs today produce bales that are 97% free of contaminants such as foam cups and food waste: a ton of mixed paper, for example, might include 3% or 60 pounds of plastics or other materials. But plastics are so lightweight that such a contamination level could result in a volume of plastics too great for a paper mill to handle. Plastic films or sticky labels that get into the hydropulper are likely to clog the parts of the

RIGHT: Bales of plastics 3 through 7, no longer accepted as shipments to China, being stored outside a Republic Services MRF in Ohio, waiting for another market to develop. BELOW: Conveyor belt sorters remove thin, flexible items such as drinking straws and grocery bags so they do not tangle and foul an MRF's single-stream separation machinery. Photos: Trudy E. Bell.

machine on which paper or paperboard is formed. So China balked.

But wait, there's more.

The fastest-growing category of municipal solid waste (3 to 5% per year) is electrical and electronic waste: anything with a battery or plug.¹⁰ Such e-waste ranges from large appliances (like refrigerators, washing machines, air conditioners), photovoltaic panels, and medical equipment to personal computers and mobile or wearable devices.

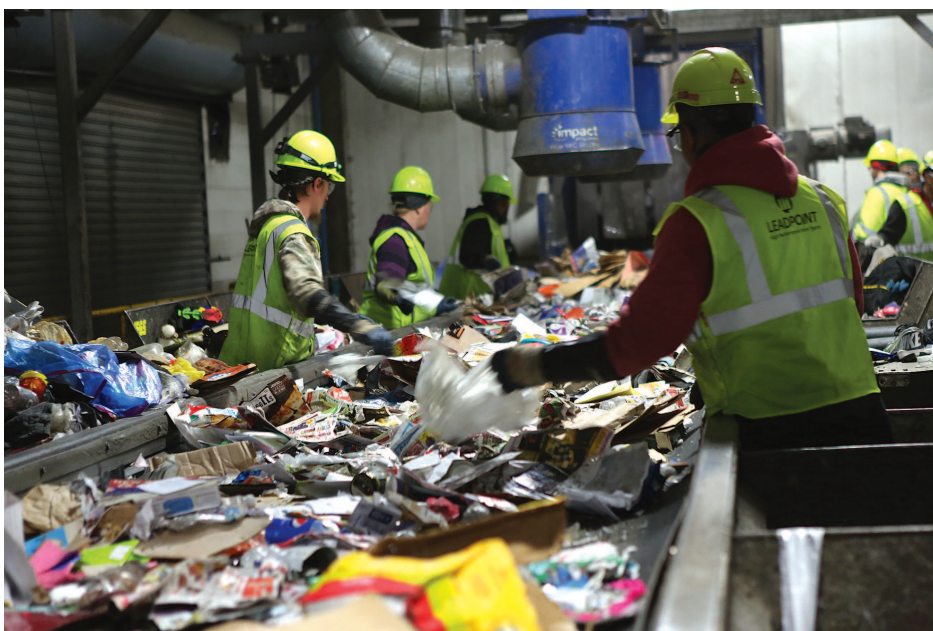
In 2016, 44.7 million metric tons of e-waste was generated globally; discarded mobile phones alone amounted to 435,000 metric tons—20% more mass than the Empire State Building. Yet, less than a fifth of e-waste was recycled.^{4,12} E-waste is increasing every year, because electronics have a finite and ever-shortening lifetime: anymore, five years is long for a desktop computer, and many smartphones are replaced every year or two.

Technical Challenge

Recycling e-waste is a technical challenge; a single printed circuit board can incorporate more than a third of the periodic table, including precious metals (e.g., gold, silver, platinum, palladium) and other high-value metals at concentrations higher than in mineral ores. E-waste includes rare earths (in magnets, speakers, vibrators, hard drives)—elements the Department of Energy has classified as critical to national energy security.¹¹ Additional elements (e.g., cobalt, lithium, yttrium) appear on the Defense Logistics Agency's list of materials of strategic importance.²⁷

Although backyard recyclers in Asia use acid baths to recover gold, silver, palladium, and copper,²⁶ comparatively little industry attention has been devoted toward reclaiming useful substances from printed circuit boards. Long-term, the rate at which valuable materials are discarded in e-waste raises questions of depleting reserves of materials of military significance or economic sustainability. Given that most of the world's cobalt comes from the Democratic Republic of Congo, for example, *The Economist* recently asked: "Can the world produce enough cobalt for electric vehicles?"²⁶

Existing consumer economy is linear: resources are extracted from the ground, manufactured into products, used by consumers, and—too often after just a single use—are discarded as waste. Although the literature differs widely in calculating recycling recovery rates from U.S. residential municipal solid waste, all are dismal, ranging from 23% to as low as 12% (percentages are significantly



higher for institutional, commercial, and industrial scrap and waste, but percentages for most materials are still under half).^{20,24,19}

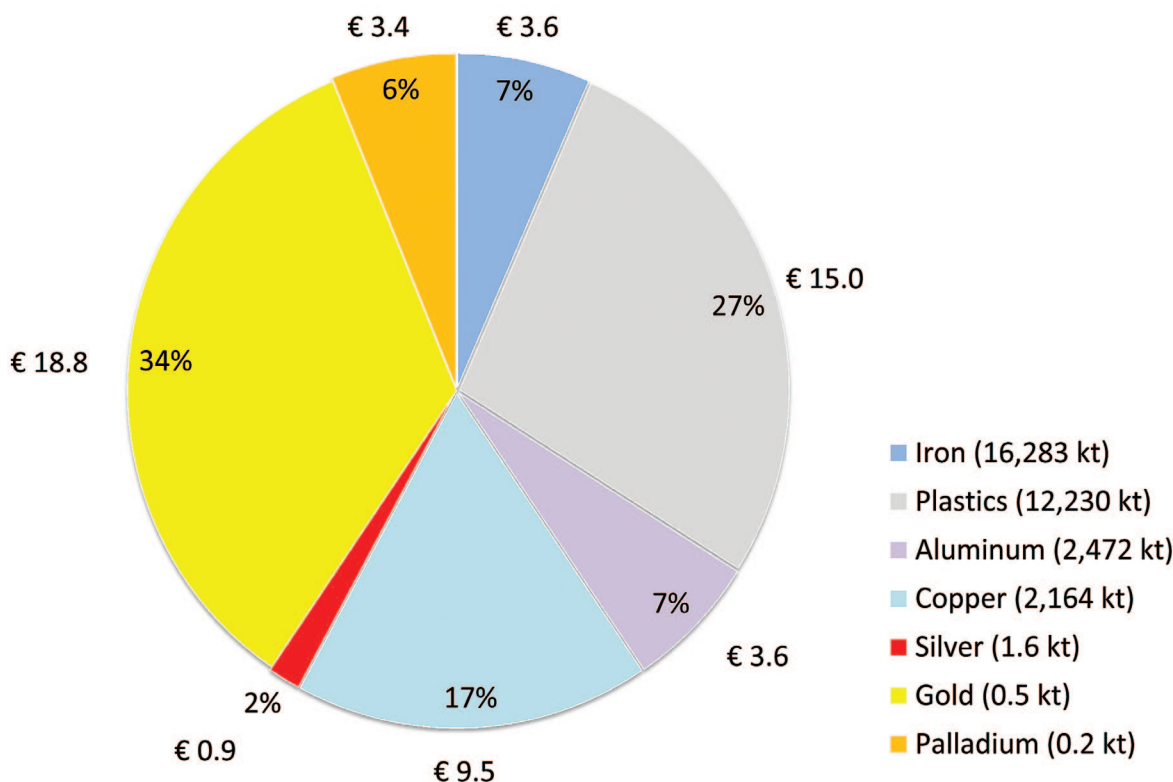
Discarding more than three-quarters of plastics and e-waste—or anything else—is a colossal waste of resources. It is also a loss of big money: e-waste alone in 2016 was estimated at 55 billion euros worldwide—more than the 2016 GDP of most nations. This landfilled e-waste included some 18.8 billion euros (over \$20 billion) in gold!⁴

Reduce Future Waste

"Recycling delays, rather than avoids, final disposal," noted one analysis.¹⁵ "It reduces future plastic waste generation only if it displaces primary plastic production," that is, production from virgin stock—petrochemicals in the case of most plastics, but also mineral ores or trees for other materials. Therefore, an increasing number of voices are calling for full-scale re-envisioning of the entire economy—moving from a linear economy to a circular economy.

An authentic circular economy would minimize the extraction of virgin resources from the ground by maximizing the reuse of resources already extracted. In a perfect

Estimated Value of Materials in E-Waste Generated in 2016 (Billion €)



Less than 20% of e-waste was recycled in 2016. Some 80% was likely landfilled—including about 2 tons of gold and precious metals. Credit: The Global E-waste Monitor 2017⁴ and Trudy E. Bell.

brewery in the country.²²

Such steps are a microcosm of many efforts worldwide. In late 2018, the European Union voted to ban single-use plastics by 2021, augmented by a multitude of initiatives in nations and corporations around the world.¹⁶

Enabling a circular economy will require more than policy. The practical nuts and bolts of designing prod-

circular economy, nothing is waste, and nothing is wasted. Rather than a one-way trip from cradle to grave, resources continue circulating in the economy—perpetually moving from “cradle to cradle.”

Some recycling already preserves *materials*: scrap steel, aluminum and glass, can for the most part, be melted down and reused an infinite number of times, reducing the need for mining more iron ore, bauxite, and sand. But many materials cannot be recycled forever. The fibers in paper, for example, get shorter each time paper is recycled, limiting the products able to be made from them—and after six or seven cycles, they can no longer be used at all. Similarly, some plastics can be recycled only once or twice before they must be “downcycled” into products of lower value, which ultimately must be landfilled.¹⁷

An authentic circular economy would minimize the volume of disposable items made in the first place—ideally, preserving not only the materials, but also the *energy* of their original extraction and refining, and (where possible) even the *function* of products. Reuse also minimizes pollution (another form of waste) from the original manufacturing process.

Refillable Bottles

Parts of the beverage industry are leading the way to a circular economy by returning to refillable glass bottles. A single sturdy glass beverage bottle can be refilled 10 to 30 times before it chips or cracks. A refillable bottle that makes 25 trips consumes 93% less energy than a single-use disposable bottle.²⁸ At least 40 dairies around the U.S. and Canada have used refillable glass bottles for years,¹ and now some craft breweries and wineries are doing the same.² In September 2018, seven craft breweries led Oregon to launch the nation’s first statewide refillable bottle program, developing a bottle that can be used by any

ucts and implementing processes and infrastructure will fall largely to engineers.

Product design for a circular economy means engineering to *prevent* waste—not only on the factory floor, but also through a lifetime of use and eventual disposal. It means prioritizing not only designing for manufacturability, but also designing for durability (to lengthen life), reparability (to maintain useful life), and recyclability (for the disassembly and recovery of materials at the end of life). It also means rethinking product packaging—for example, designing compostable packaging that could return nutrients to soil, or employing reusable containers instead of single-use corrugated boxes for business-to-business shipping.¹³

Entire Value Chain

Another need is reducing the use of plastics throughout the entire value chain. That would mean rethinking the housings of products, returning perhaps to steel or aluminum (which can be infinitely recycled) instead of plastics (which cannot).

To the degree no other material will do, a circular economy means using or formulating more plastics that can be infinitely recycled, or exploring where and how plastic products can be reused in the economy in a way analogous to reusing glass bottles—with an ultimate goal of relying on renewably sourced feedstocks and decoupling plastics from fossil-fuel feedstocks.¹³

A circular economy for e-waste would entail processes for reclaiming high-value metals, strategic materials, and toxins and for reuse and/or safety. The list goes on...

Initially, many in the recycling industry decried China’s National Sword policy as “the end of recycling as we know it.” MRFs now must pay to have bales removed rather than receiving income for them. “It is the end of cheap and low quality recycling,” declared Antonis Mavropoulos,

Discarded cellphones await their fate at an informal e-waste recycling site in Ghana. Gold accounts for nearly 70% of the value of materials in obsolete or broken cell phones.¹¹ Photo: Fairphone.

president of International Solid Waste Association (ISWA). “This (ban) will accelerate the collapse of a business model that is efficient in terms of money but not effective in terms of pollution.”²³

But National Sword also spells opportunities for the recycling industry: in the short term, for example, to pioneer advances in sensor-based technologies to vastly decrease contamination and improve the purity levels of single-stream recycling.

More importantly, it is spurring people industry-wide to think longer term about overhauling our disposable linear economy. “We need to start paying attention and fix this,” stated Michael Durfor, executive director of Northeast Resource Recovery Association. “Don’t make materials we have to throw away; don’t make materials that can’t be reused. The hierarchy is: reduce it first, then reuse it, then recycle it. We [recyclers] are the last line of defense.”²⁵

The author wishes to express gratitude to the following individuals for information, illustrations, and review: Thorsten Geuer, Bayern Brewing, Inc.; Karen Hilsberg, Container Recycling Institute; Skip Lacaze, Californians Against Waste; Caren McNamara, Conscious Container; Cassandra Profita and Ann Suckow, Oregon Public Broadcasting; Joel Schoening, Oregon Beverage Recycling Cooperative; and especially to Dan Schoewe, Republic Services, for hosting my photo shoot at the Oberlin, Ohio, MRF.

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for *Scientific American* and *IEEE Spectrum* magazines and former senior writer for the University of California High-Performance AstroComputing Center, is author or co-author of a dozen books and 500+ articles. This is her 29th feature for *The Bent*. She is standing next to bales of plastics 3 through 7 that are stacked outside the Republic MRF in Oberlin, OH, waiting for a market to develop. Photo: Dan Schoewe.