

SAMPLE

POLICIES AND PROCEDURES

To conduct the work envisioned and enumerated as the purposes for which the Committee was created, the Committee shall have a Policies and Procedures Manual (P&PM).

Notes to user – There are some sections that require individualized input. These sections are indicated with a blank, underlined space. There are many other sections that have alternate responses that require a selection is chose. These selections are italicized and have capitalized, italicized instructions placed in parenthesis ahead of the selections.

MISSION STATEMENT

The *(NAME OF MMLA)*, its members and staff, is an organization whose mission is to serve the public and assist all landowners, residents and members to comply with the requirements of the Pennsylvania Sewage Facilities Act 537.

In their dealings with the Committee, the Board firmly believes and pledges that every person will:

- (a) Have the right to be heard;
- (b) Be treated with kindness, respect, and fairness;
- (c) Receive equal treatment and consideration;
- (d) Be treated in a manner we ourselves would want to be treated.

INTRODUCTION

USE AN INTRODUCTION TO EXPLAIN WHY A P&PM HAS BEEN PRODUCED, HOW IT WAS CREATED AND ITS NEED FOR PERIODIC REVISION. IN THIS SECTION EXPLAIN THE MANUAL'S PURPOSE AND PROVIDE OTHER INFORMATION, SUCH AS A BRIEF SUMMARY OF THE SOURCE AND ORIGIN OF THE MATERIAL IT CONTAINS. A SAMPLE INTRODUCTION IS BELOW.

Sample Introduction

This manual has been prepared by the *(NAME OF MMLA)* and/or *(AUTHOR'S NAME)* to help the Members, Committee employees, and the public understand their respective roles and responsibilities. The information contained herein has been compiled from:

(CHOOSE APPROPRIATE ITEMS FROM LIST - ADD OTHERS AS NEEDED)

- (a) an examination of the minutes of the Committee;*
- (b) an examination of the minutes of the Board;*
- (c) an examination of the minutes of the Executive Committee;*
- (d) historical records of the Committee;*

- (e) *historical records of Committee Members;*
- (f) *an examination of current undocumented procedures;*
- (g) *an examination of forms currently used by the Committee staff.*

(OR)

This manual was written at about the same time the (*NAME OF MMLA*) was created. Written in the absence of a long track record, it is as complete as possible, but must be viewed as a work in progress. The Committee, therefore, pledges to monitor the daily work of the employees and amend this P&PM or the daily activities to assure a consistency between the two.

While this manual is as complete as possible, it must be noted that this information is subject to change.

IF THE COMMITTEE HAS BEEN IN EXISTENCE FOR SOME TIME, A BRIEF HISTORY SUBSECTION MAY BE DESIRABLE. IF THE HISTORY IS EXTENSIVE OR THE AUTHOR FEELS IT DESERVES A MORE SIGNIFICANT TREATMENT, A SEPARATE SECTION (SEE BELOW) MAY BE MORE APPROPRIATE. A SAMPLE HISTORY SUBSECTION IS BELOW.

Sample History

This Committee was originally known as _____ when it was formed in (*YEAR.*) (*NUMBER OR NAMES*) of municipalities were the original members. In (*YEAR*), the current name was selected and since that time (*ADD HISTORICAL NARRATIVE*)

Chapter 1: Organization

1.1 The Committee was created by the member municipalities to effectively and efficiently administer a state law, the Sewage Facilities Act. A list of current members is available on request at the Committee's office.

1.2 Decision-making is divided into two areas which are illustrated by the type of decisions made.

a) Policy decisions establish:

- (1) How the Act and Regulations will be administered and implemented;
- (2) How fee schedules are set and the setting of those fees;
- (3) The existence, purpose and legitimacy of this P&PM;
- (4) The Bylaws;
- (5) Delegation of certain tasks and the related decision-making to employees;

b) Operating procedures implement:

- (1) The Act and Regulations in a manner determined by the Committee;
- (2) Specify which forms are used and how they are completed;

- (3) How the public is greeted;
- c) Decision-making authority that is not specifically delegated to employees remains with the Committee;
- d) In all cases, the activities and decisions of the employees are, where applicable, to be in strict accordance with the Act and Regulations.

Chapter 2: Personnel

2.1 This Committee is an equal opportunity employer and does not discriminate against anyone based upon origin, nationality, age, sex, religion, or creed.

2.2 The Committee shall employ sufficient, properly trained staff to promptly and efficiently perform the duties and responsibilities imposed upon it by the Act and the Regulations.

2.3 The power to hire, fire, discipline, or terminate employees is vested in

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE BASED ON THE BYLAWS PROVISIONS)

- a) *the Board.*
- b) *the Executive Committee.*
- c) *(OTHER ENTITY).*

2.4 The Committee shall employ:

- a) Only one primary SEO who shall be designated Head of Staff;
- b) At least one alternate SEO;
- c) At least one secretary who may be designated Office Manager.

2.5 The Committee shall establish contractual relationships with:

- a) A solicitor knowledgeable in the areas of interest to the Committee;
- b) A soil scientist who meets the requirements of the Act and Regulations.

2.6 A full-time employee shall be one who is scheduled to work

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

- a) *35 hours per week.*
- b) *37.5 hours per week.*
- c) *40 hours per week.*
- d) *(NUMBER) of hours per week.*

2.7 Additional personnel may be hired or services may be contracted from independent contractors to meet fluctuations in workload.

- a) Contracted personnel shall be so engaged on a per job basis;
- b) Every contracted individual shall be assigned a job title so as to establish duties and responsibilities;
- c) All contracted personnel must meet the same qualifications, and their duties shall be the same as those of an employee with the same job title;
- d) All employees shall complete and submit to the secretary weekly activity reports on DEP Form *Activity Record for Enforcement of the Pennsylvania Sewage Facilities Act (3800-FM-BPNPSM0039)*;
- e) At the time a job is completed, but not less frequently than every fourteen days, all contracted personnel shall complete and submit to the secretary an activity report on the appropriate DEP or MMLA form.

2.8 Every employee of the Committee shall be entitled to and shall receive at no expense to the employee:

- a) Workers compensation insurance;
- b) Unemployment compensation insurance;
- c) Professional liability insurance;
- d) Errors and omissions insurance;
- e) Paid vacation which shall be earned and may be taken by

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO INSERT INTO THIS SENTENCE)

- (1) full-time*
- (2) part-time*
- (3) all*

employees after completion of one continuous year of employment as such:

- (i) After one year of employment and through four continuous years of employment - _____ days;
- (ii) From five through nine continuous years of employment - _____ days;
- (iii) Beginning in the eleventh continuous year of employment - _____ paid days, plus one additional day for each year greater than ten years, to a maximum of _____ days;
- (iv) A maximum of _____ days may be carried forward to the succeeding calendar year;

- (v) No more than _____ consecutive vacation days may be scheduled without _____ weeks prior notice and approval by

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

- (1) *the Committee;*
- (2) *the Head of Staff;*
- (3) *the Office Manager;*

- f) Sick leave shall be earned and may be taken by

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO INSERT INTO THIS SENTENCE)

- (1) *full-time*
- (2) *part-time*
- (3) *all*

employees after completion of one year of continuous employment as such:

- (i) After one year of employment and through four continuous years of service - _____ days;
- (ii) From five through nine continuous years of employment - _____ days;
- (iii) Beginning in the eleventh continuous year of employment - _____ paid days, plus one additional day for each year greater than ten years, to a maximum of _____ days;
- (iv) A maximum of _____ days may be carried forward to the succeeding calendar year;
- (v) After using _____ consecutive sick days, a doctor's report on the nature of the sickness shall be required and be submitted to

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

- (1) *the Head of Staff;*
- (2) *the Office Manager;*
- (3) *a designated member of the Committee or Executive Board;*

- g) Use of sick leave for other than sickness of the employee shall be a violation of the sick leave policy and shall result in a disciplinary action consistent with the policies of the Committee;
- h) In the event that sick leave is exhausted, the employee may use any accrued vacation days in lieu of sick leave.

(CHOOSE ALL OF THE FOLLOWING SUBSECTIONS 2.9 THROUGH 2.13 THAT APPLY)

2.9 Every full-time employee shall receive the following benefits with the costs of each paid by the percentages indicated (employer%/employee%):

a) Health insurance coverage for the

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

(1) *employee only (____%/____%);*

(2) *employee and his/her family dependents (____%/____%);*

(3) *employee, who may choose to purchase family dependent coverage (0%/100%);*

b) Employee life insurance in a face amount of \$____ (____%/____%);

c) Disability income insurance (____%/____%).

2.10 Part-time employees shall receive

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

a) *only the benefits described in Chapter 2, Subsection 2.8 (a-d).*

b) *all of the benefits in this section when the employer's share is equal in proportion to employee's annual number of hours worked as a percentage of hours that constitute full-time employment. (See Chapter 2, Subsection 2.6.)*

2.11 When the employer/employee relationship with a full- or part-time employee is ended, the departing employee

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

a) *may elect and shall be paid the equivalent dollar value of accrued vacation and sick days.*

b) *may elect and shall be paid the equivalent dollar value of accrued vacation days.*

c) *may elect and shall be paid ____ percent of the equivalent dollar value of accrued sick days.*

d) *shall not be paid the equivalent dollar value of any accrued sick or vacation days.*

2.12 The following shall be paid holidays for

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO INSERT INTO THIS SENTENCE)

a) *all full-time employees:*

b) *all part-time employees who would normally be scheduled to work on the day on which a holiday falls:*

c) *all employees:*

- (1) New Year's Day;
- (2) Presidents Day;
- (3) Memorial Day;
- (4) Fourth of July;
- (5) Labor Day;
- (6) Veterans Day;
- (7) Thanksgiving Day;
- (8) Christmas Day;
- (9) *ADD OTHER HOLIDAYS HERE.*

2.13 *(INSERT OTHER BENEFITS HERE.)*

Chapter 3: Financial Policy

The committee's philosophy regarding its financial strength is addressed in this chapter. Some local agencies choose to subsidize each permit by seeking state reimbursement grants. Other local agencies choose to make each applicant bear the full cost of permitting. Every local agency should recognize that no matter which philosophy prevails, there are some costs which will never be covered by reimbursements or user fees. The source of this funding must be identified before it is needed.

3.1 It is the intent of the Committee to

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

- a) *operate the Committee on a fully self-sufficient basis.*
- b) *seek annual reimbursement grants for 50% of all eligible costs.*
- c) *seek annual reimbursement grants for 85% of all eligible costs.*
- d) *seek annual reimbursement grants for eligible activities and establish a fee schedule that assures all non-reimbursable activities are fully funded by user fees.*

3.2 All services shall be paid for in advance.

3.3 Test results shall not be reported and permits shall not be issued until all fees have been received.

3.4 Start-up costs and annual operating costs not covered by fees shall be funded by payments from Members, as described in the creation ordinance or Bylaws.

Chapter 4: Discipline

4.1 The Board shall take no disciplinary action against an employee without just cause.

- 4.2 The employees shall have had prior knowledge or warning of the possible consequences of the action for which discipline is being considered.
- 4.3 Work rules shall be reasonably related to the orderly, efficient, and safe operation of the Committee's business, if violation of the rules is to be reason for disciplinary action.
- 4.4 Before taking disciplinary action, the Board shall make a reasonable effort to discover whether a rule, policy, or procedure has been violated.
- 4.5 The investigation of alleged infractions shall be carried out in a fair and objective manner.
- 4.6 Disciplinary action shall not be taken without substantial proof that the employee committed the infraction.
- 4.7 Disciplinary actions and penalties will be applied consistently and fairly.
- 4.8 The degree of discipline imposed will be reasonably related to the seriousness of the offense and the employee's previous record. Types of discipline shall be:

- a) Oral reprimand;
- b) Written reprimand;
- c) Suspension without pay;
- d) Dismissal.

- 4.9 Oral or written reprimands may be issued by

(CHOOSE ANY OR ALL OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

- a) *the Head of Staff;*
- b) *the Office Manager;*
- c) *the Executive Committee;*
- d) *the Board.*

- 4.10 Suspensions and dismissals are actions reserved for the Board and shall be imposed only after the employee has been given the opportunity to explain his actions.

- 4.11 Records of every disciplinary action shall be kept.

- a) The employee shall be provided with a copy of all such records;
- b) Documentation of oral reprimands and copies of written reprimands shall remain in an employee's personnel file for two years from the date of the reprimand;
- c) After two years, the documentation shall be removed if there are no recurrences of similar incidents during the two-year period;
- d) Chapter 4, subsection 4.11(c), notwithstanding, reprimands may be removed earlier if, in the opinion of the person issuing the reprimand, it has served its purpose;

- e) Documentation of suspensions and dismissals shall permanently remain in an employee's personnel file.

4.12 The following actions are considered so serious by the Committee that, if the action is proven, the offending employee may be discharged even if no prior reprimands or other disciplinary actions for similar offenses have occurred. Evidence that the employee was shown this list shall be considered sufficient warning.

- a) Theft or use of the Committee's equipment or personnel for unauthorized projects;
- b) Consumption of alcoholic beverages while on duty, or reporting for work under the influence of alcohol;
- c) The use or possession of any illegal drug or narcotic while on duty, or reporting for work under their influence;
- d) While at work, being under the influence of any drug that could result in an unsafe act without prior notification of the employee's supervisor;
- e) The employee's failure to submit to a blood test when there is reason to suspect that an employee may be under the influence of drugs or alcohol at work;
- f) Recklessness resulting in an accident;
- g) Willful abuse of equipment;
- h) Assault on another person;
- i) Negligence in the performance of assigned work;
- j) Failure to perform assigned work;
- k) Carrying a firearm while at work or on duty.

4.13 When an employee is formally charged with criminal conduct, the Board and solicitor will be immediately notified and a preliminary determination will be made to either:

- a) Allow the employee to continue to perform duties pending the outcome of the investigation and final determination;
- b) Reassign the employee to other, less sensitive duties pending the outcome of the investigation and final determination;
- c) Suspend the employee without pay pending the outcome of the investigation and final determination.

4.14 In making the preliminary determination, the following factors will be considered:

- a) The employee's explanation, if available;
- b) The extent to which allowing the employee to continue in his or her position would be detrimental to the physical well-being of the employee, his or her fellow workers, or other persons;

- c) The nature of the employee's duties, including amount of discretion exercised as part of those duties;
- d) The nature, weight, basis, and source of the accusations against the employee;
- e) The relationship of the accusations to the employee's duties;
- f) The extent to which the employee must deal with the public;
- g) The extent to which the accusations of wrongdoing may affect the public's trust and confidence in the employee or in the Committee.

4.15 The preliminary determination will immediately be communicated to the employee in writing.

4.16 Following the preliminary determination, the Head of Staff, or another individual so designated by the Board or Executive Committee, will conduct an investigation to determine whether there is sufficient reason for disciplinary action.

- a) This investigation will be more thorough than the preliminary determination;
- b) It will not be intended to establish the employee's guilt or innocence of the formal charge;
- c) The final disciplinary action selected will take into account the same factors used in making the preliminary determination and will not be dependent upon the legal outcome of the charges;
- d) The Board may choose to defer final imposition of disciplinary action after the criminal charges have been resolved.

4.17 Employees who are suspended or dismissed shall have the right to appeal the disciplinary action to the Board.

- a) Notice to the Board or an appeal request shall be:
 - (1) In writing;
 - (2) Received by the Board at its place of business within 7 days of the employee's receipt of the disciplinary notice;
- b) The Board shall conduct a hearing subject to the Local Agency Law at which the employee may:
 - (1) Be represented by counsel;
 - (2) Present reasons supporting his contention that either the alleged actions did not occur or that the discipline is inappropriate for the employee's action(s);
- c) The Board may choose to conduct the hearing as a committee of the whole or create a hearing committee to hear the appeal and make recommendations to the entire Board for action.

Chapter 5: Employee Notification

Regarding this P&PM (and its Appendix A and any revisions or additions thereto), every employee shall:

- 5.1 Receive a complete copy for their personal use and record.
- 5.2 Read any amending or supplementing documents distributed within three business days of receipt.
- 5.3 Demonstrate compliance with the provisions of this Subsection by completing and submitting to the Head of Staff an "Acknowledgement Form" which shall be provided with the materials described in Chapter 4, subsections 4.2 and 4.3 herein.

Chapter 6: Amendments

- 6.1 This Policy document may be amended or altered at any time by action of the Executive Committee.
- 6.2 This Policy document may be abandoned or replaced at any time by action of the Board.
- 6.3 Any amendment, replacement, or abandonment of this P&PM shall become effective immediately.

Chapter 7: Adoption Effective Dates

This Policy document is hereby adopted on this _____ day of _____, 20__.

SAMPLE

APPENDIX A

Policies and Procedures

The Committee has adopted the following policies as cataloged in this Appendix. The actual Policies may be attached to this Policies and Procedures Manual (P&PM). They have the same force and effect as if they had been written directly hereon. The date each was established or amended is in parenthesis following the name.

I. POLICIES

A. Soil Testing Policy

The Sewage Enforcement Officer (SEO) evaluating soils will make every effort to locate suitable soils on the property in question, before concluding that there are no suitable soils on the site.

B. Replacement Area Policy

It is the policy of this Committee to encourage every Member to establish an ordinance that requires the identification of two suitable sites on every lot as a precondition of permit issuance.

C. Permits for All Systems Policy

It is the policy of this Committee to encourage every Member to enact an ordinance which requires that a permit be issued for the installation of every on-lot disposal system, regardless of lot size. The Committee bases this recommendation on the knowledge that lot size does nothing to preserve the ground water resources of the Member municipalities. Systems installed at sites that meet the criteria of Chapter 73 will experience a higher success rate/lower malfunction rate.

D. System Reuse Policy

System reuse occurs when an on-lot sewage disposal system of some type was installed and used in the past, and the current landowner wishes to change/replace the structure that system serves. This could be the replacement of a mobile home with another mobile home, a mobile home with a site-built home, or one site-built home with another.

A permit is not required when the volume of sewage (daily flow) from the replacement structure is equal to or less than that from the original structure and the effluent is of a similar nature. The landowner must document these facts to the SEO's satisfaction.

E. Emergency System Repair Policy

In the case of emergency repair work on evenings or weekends, advance notification of the problem to the Committee's office (a message on the answering machine) or direct notification to a SEO employed by the Committee shall be sufficient to commence work. The landowner/agent

shall, on the Committee's next business day, apply for the necessary repair permit(s). Emergency repairs, instituted without an advanced site evaluation or issuance of a repair permit by a Committee employed SEO, are limited to replacement of crushed or broken pipes not situated in an absorption area.

F. Planning Policy

It is the policy of this Committee and its Members that the preparation of every sewage facilities planning module shall be undertaken by and at the sole expense of the proposer of the development activity.

It is the policy of the MMLA to inform, instruct and assist the public and Members regarding the necessary sewage planning requirements associated with land development activities.

The Committee's employees shall coordinate the review and adoption process of all modules with those of the county planning commission and Member municipalities in an expeditious and timely manner.

Sewage facilities planning modules are required for the installation of all new sewage generating structures. It is the Member's responsibility to assure that the appropriate planning modules are completed and properly signed in accordance with their official plan and revisions thereto.

G. Malfunction Policy

It is the Policy of the Committee to provide every landowner and affected individual with fair and equal treatment in the resolution of complaints and malfunctions.

The goal that will guide the resolution of every malfunction is the long-term protection of the health and safety of the public and the waters of the Commonwealth.

Each situation will be resolved through the application of Best Technical Guidance in accordance with the guidelines of the Department of Environmental Protection (DEP).

H. Complaint Policy

Complaints received in writing and signed by the complainant will receive highest priority and will, within 72 hours, be assigned to an SEO for investigation. All other complaints will be assigned for investigation on a "time available" basis.

Complaints in which the nature of the information and evidence needs immediate attention, i.e. illegal/unpermitted repairs, installations, etc., shall be assigned and investigated within 24 hours.

I. Enforcement Policy

For occupied structures, when a violation is observed, a non-traffic citation will be issued at the time of the investigation. For unoccupied seasonal use structures, a non-traffic citation will be

issued ten days after mailing a written notice to the owner of record when an investigation reveals any of these violations:

1. Installing or repairing a system, or parts thereof, without a permit;
2. Constructing or installing a structure without benefit of an on-lot sewage disposal system permit;
3. Occupying a structure without a permitted, inspected and covered on-lot sewage disposal system;
4. Installing a 10 acre exempt system without a signed waiver.

Citations will be issued to both the landowner and the contractor when the violation arises from an unpermitted installation or repair.

If there are multiple offenses, the investigating SEO may, at his sole discretion, choose to issue one combined citation or a separate citation for each violation. In making this decision, the SEO may take into consideration the degree of cooperation shown by the defendant(s) to seek positive resolution of the violation(s).

J. Entry on Private Lands Policy

Section 8(a)(5) of the Sewage Facilities Act gives the SEO the right to enter upon lands to make necessary inspections for the administration and enforcement of the Act.

It is the policy of this Committee that SEOs employed by the Committee may:

1. Enter upon lands and request entry to buildings to conduct investigations if the property is not posted "No Trespassing";
2. Drive upon the driveway and go to the front door and request permission to enter the property or buildings to conduct an investigation if the property is posted "No Trespassing".

It is the policy of this Committee that SEOs employed by the Committee shall obtain an administrative search warrant in the event that entry is denied and when access to the buildings or property is crucial to the investigation of a suspected violation.

It is the policy of this Committee that all search warrants will be served by two SEOs and with the assistance and presence of a uniformed (state or municipal) police officer.

K. Appeals Fee Policy

It is the policy of this Committee that a fee established in the Committee's fee schedule will be charged to cover the costs incurred by the Committee in the conduct of a local agency appeal hearing.

It is the policy of this Committee that if a verbatim transcript is requested by either party, the cost of the transcript shall be borne by the requesting party or prorated among multiple requesters.

L. Uniform Policy

It is the policy of this Committee that every SEO employee shall wear a uniform and metal badge of a type provided without charge to the SEO by the Committee.

M. Employee Discipline Policy

It is the policy of the Committee to administer the least severe form of discipline deemed necessary to correct improper behavior. This means that a dismissal shall only be used in cases where there is little likelihood that the employee will again be willing or able to perform in a satisfactory manner, or where the employee's actions have been so disgraceful, dishonest or unprofessional that continued employment would prevent the Committee from carrying out its duties or cause a loss of confidence in the ability of the Committee to effectively carry out its duties.

Suspensions without pay shall only be used in cases where withholding of pay is necessary to impress upon the employee the seriousness of his actions.

Demotions shall only be used when an employee's actions or lack of ability render him unable to effectively perform his normal duties and when other work is available which he can perform.

Oral and written reprimands shall be used to correct cases such as carelessness, poor judgment, inefficiency, or other instances where an instruction or reminder can reasonably be expected to improve performance or stop the improper behavior.

It is not the intent of the Committee to enumerate all possible actions for which discipline may be imposed, nor to prescribe specific penalties for specific offenses. It is the intent, however, to cite examples of misconduct requiring disciplinary action.

1. Oral and Written Reprimands

Reprimands are warnings for actions which are improper but not severe enough to warrant a suspension unless said actions are repetitive.

The individuals so authorized may issue oral or written reprimands to employees.

Examples of actions for which an oral or written reprimand is appropriate are:

- a. Absence from work without permission;
- b. Abusive or threatening language;
- c. Failure to carry out instructions/assignments;
- d. Unexcused tardiness.

2. Suspension

A suspension is a severe warning indicating that an employee's actions are of a repetitive and/or unimproved nature. Some improper actions may be so severe that they warrant a suspension as a first warning.

The individuals so authorized may suspend an employee without pay for a length of time not to exceed _____ working days.

Examples of actions for which a suspension is appropriate are:

- a. Carelessness resulting in damage to Committee owned materials, equipment, vehicles or to an applicant's private property;
- b. Insubordination;
- c. Reporting to work under the influence of intoxicating substances;
- d. Absence without leave.

3. Dismissal

Dismissal is the proper response following multiple minor infractions occurring after oral or written reprimands or suspension. Some improper actions may be so severe that dismissal is the only appropriate response following a single serious infraction.

The individuals so authorized may terminate an individual's employment.

Examples of actions for which dismissal is appropriate are:

- a. Deliberate damage to property or equipment;
- b. Theft;
- c. Fighting;
- d. Consumption of alcoholic beverages while on duty;
- e. Possession of illegal drugs while on duty.

All examples illustrate typical disciplinary actions to typical infractions. These examples are not limiting or all inclusive.

4. Disciplinary Appeals

Employees who have been suspended or dismissed may choose to appeal the disciplinary action to which they are subject. The disciplinary action will be held in abeyance until the hearing has been concluded.

N. Percolation (Perc) Technician Policy

The Committee has adopted the following Policies regarding individuals who perform perc tests as agents of the Committee.

Perc Technicians:

1. Are independent contractors under contract to the Committee;
2. Perform on an as needed basis;
3. Are subject to all Policies and Procedures adopted by the Board or Executive Committee;
4. Are required to satisfactorily complete a course of instruction by the Primary SEO covering testing procedures, Policies and Procedures and generally accepted office practices of the Committee. The course of instruction must have received prior approval from the DEP;
5. Are compensated on a per test basis for conducting a standard six (6) hole perc test;
6. Are granted additional compensation on a per hole basis if additional perc holes are required and authorized in advance by the Committee's SEO;
7. Are free to schedule perc tests during daylight hours so that the test will be completed without the use of artificial illumination;
8. Are required to keep the Committee informed on their schedule of perc testing;
9. Compensation is set by the Committee, and all fees for Technicians' services are paid to the Committee;
10. May, if requested by the applicant, dig the perc holes. Compensation for digging perc holes is negotiated directly by the Perc Technician and the individual authorizing the digging;
11. Are assigned jobs by

(CHOOSE ALL OF THE FOLLOWING OPTIONS THAT APPLY)

- a. *the Primary SEO;*
 - b. *the Head of Staff;*
 - c. *the Office Manager;*
 - d. *any Committee employed SEO;*
12. Shall NOT make statements about the meaning of test results or the type of system that may be suitable for the site being tested.

From time to time the performance of the Perc Technician shall be reviewed by the Primary SEO. A written evaluation will be made, discussed with the Perc Technician and filed in the records of the Committee.

O. SEO Assignment Policy

The Committee has adopted the following policy regarding the assignment of SEOs employed by the MMLA to specific jobs.

(CHOOSE ONE OPTION)

1. *SEOs will be assigned to jobs by*

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

- a. *the Primary SEO.*
- b. *the Office Manager.*

The SEO assigned will handle all aspects of an application from inception to final inspection.

2. *The geographic territory of the MMLA is divided into _____ areas and SEOs are assigned to specific areas by*

(CHOOSE ONE OF THE FOLLOWING OPTIONS TO COMPLETE THIS SENTENCE)

- a. *the Primary SEO.*
- b. *the Office Manager.*

Within their respective area, the SEO assigned will handle all aspects of an application from inception to final inspection.

In no case will an applicant be able to choose or influence which of the MMLA's SEOs will handle their application.

If the assigned SEO's workload becomes a limiting factor in the delivery of timely service, the Primary SEO or Office Manager will be notified to arrange for assistance from other MMLA SEOs. The SEO encountering workload related difficulties shall not schedule or engage MMLA SEOs or SEOs not in the MMLA's employ to alleviate the overload condition.

P. System Design and Layout Policy

The Committee recognizes every applicant's need to obtain a system design based on the site's soil conditions. The Committee understands the need for professionally prepared, reasonably priced, accurate designs that can be accepted and approved on first submittal. The Committee recognizes that meeting the applicant's need also presents an opportunity to generate non-permit related revenue which will offset costs to Members. For these reasons, the Committee hereby establishes a "System Design and Layout Service" (SD&LOS) Policy which will operate according to the specific Procedures and the following parameters:

(OPTIONAL PARAGRAPH)

The Committee recognizes that applicants in non-member municipalities also require access to quality, professional designs and hereby expands this policy to offer SD&LOS to any individual for any site in any municipality.

No SEO in the employment of the Committee shall do SD&LOS for a site in any member municipality in which he is designated the primary or alternate SEO.

The Committee shall designate which employee(s) shall conduct SD&LOS.

The Committee shall establish fees for each type of system design which shall be paid in full before the design is released to the applicant or the permitting SEO.

All services provided by or through the SD&LOS shall be:

1. Consistent with the Act, Regulations and Policies and Procedures of the MMLA and the municipality in which the site is located;
2. Limited to sites or system designs that do not require involvement of a professional engineer.

The SD&LOS shall not be available in all cases and may be withheld when:

1. The SEO assigned or the Head of Staff believes it is in the best interest of the MMLA not to have the MMLA involved through the SD&LOS;
2. The distance to a site in a non-member municipality is judged to be beyond the effective operational area of the Committee's employees.

(OPTIONAL PARAGRAPHS)

Additional compensation for individuals providing SD&LOS may be authorized and set using established Policies and Procedures.

Any compensation for SD&LOS work shall be withheld until a permit for the designed system has been issued and the applicable design fees have been paid.

At every meeting the Board shall receive a report on activities undertaken under this Policy including, at a minimum, the municipality in which services were performed, the employee conducting the work, the type of system designed, actual costs incurred and revenue generated.

Q. Training Policy

It is the policy of the MMLA that no employee or independent contractor performing work for the agency shall be assigned work until that person is properly trained and has proven himself competent and capable of correctly performing the task(s). The training shall be conducted by or under the guidance of the Primary SEO. This training shall include, but not be limited to, the following minimum requirements.

1. All persons employed as a SEO shall, in addition to state certification and state mandated instruction courses, receive from the MMLA at least 40 hours of field instruction in soils interpretation, prior to independently performing soils evaluations to determine site suitability. Before being assigned to independently conduct site verifications, system reuses, or final inspections of each type of on-lot sewage disposal system, a SEO-in-training shall accompany a senior MMLA employed SEO on at least two occasions when the senior SEO is conducting these activities;
2. Because repairs require a good deal of understanding of best technical guidance, soils permeability, topography and sound judgment, the SEO-in-training shall assist a senior SEO on at least six repairs before being assigned to independently resolve a malfunction and issue a repair permit. Instruction shall be given regarding the completion of MMLA and state forms to enable accurate reporting of work;
3. All employees, whether SEOs or not, who are hired for specialized areas of expertise, such as planning, design, etc., shall receive at least 20 hours of instruction in the respective specialty field;
4. The Primary SEO or Head of Staff may require supplemental training when an employee's performance indicates a lack of understanding of a particular aspect of his job duties. The training shall be sufficient to enable the employee to fully meet his job duties. This supplemental training is a form of professional development and is NOT a form of discipline;
5. Records of employee training accomplishments and needs shall be maintained in the employee's permanent personnel file.

II. PROCEDURES

A. Soil Testing Procedure

1. In advance
 - a. Owner/agent (the applicant) prepares a permit application & pays appropriate fees;
 - b. A site meeting and evaluation are scheduled with at least 3 working days advance notice;
 - c. Applicant arranges for a full-sized backhoe to be on site for meeting;
 - d. Applicant must contact PA One Call (1-800-242-1776) and obtain registration number.
2. On site
 - a. Applicant identifies area of proposed structure and potential system sites;
 - b. SEO meets all interested parties at the site, evaluates the site and examines the soil in an attempt to find suitable absorption area(s) at locations designated by applicant;
 - c. While on site, the SEO shall take sufficient time to thoroughly explain soil and siting requirements, the key features observed in the soil profile, and answer all questions asked by those present;
 - d. SEO determines the size, depth and location of needed perc test(s), provides applicant with necessary perc instructions and clearly marks the probe locations;
 - e. Landowner selects perc testing option and perc test is scheduled;

- f. MMLA perc technician does the work;
- g. Landowner/applicant does perc under SEO guidance;
- h. When all fees are paid, a copy of the testing information is released to the applicant;
- i. Test results are distributed to appropriate entities.

B. Complaint Resolution Procedure

Complaints alleging a malfunction are considered latent on-going problems.

The SEO will document all investigations including, where possible, use of photographs, drawings and video tapes. All conversations should, when possible, be tape recorded.

Upon investigation, if a violation is detected, a written notice of violation (NOV) will be issued and a copy will be given to the defendant.

A copy of the NOV shall be forwarded to both the Member and DEP.

The NOV will inform the owner of:

1. A 5 day window in which to apply for the necessary permit(s);
2. A 30 day soil testing, system design, and permit issuance window;
3. A 30 day construction window.

The NOV will include information on:

1. The Act and Regulations;
2. The consequences of inaction;
3. The potential for prosecution in county court;
4. The added potential for issuance of citations;
5. The potential fines that may be levied.

The Committee shall keep the Member and the complainant informed on the general progress of the investigation and its eventual resolution.

C. System Design and Layout Procedures (SD&LOS)

Applicants wishing to utilize the SD&LOS must supply a plot plan showing the following information (either existing or proposed):

1. Property lines;
2. Driveways and road name(s) and number(s) for municipal or state roads adjoining the property;

3. Direction and percent of slope;
4. North arrow;
5. Location of structure(s) that will use the system;
6. Location of the area tested and approved by the SEO, distances from property lines, roads, and structure(s);
7. Location of all proposed and existing well(s) on the property and adjacent properties and their distances from the tested and approved area;
8. Location of the septic tank and distances from proposed structure, area tested and approved, and proposed or existing well(s);
9. Elevation and location at which the building sewer will exit the structure (under footer, top of footer, etc.);
10. The distances between any streams, ponds, lakes, and springs on the property in question or any adjoining property and the tested and approved area;
11. Establish and identify one fixed vertical bench mark and two fixed horizontal reference points from which all components and features can be located.

The required fee must be received by the Committee when an application for SD&LOS is requested.

An additional fee shall be due when time is incurred:

1. For any design revisions due to applicant's or installer's relocation of the system;
2. In the event that the information submitted by the applicant is incorrect;
3. In response to situations caused by the applicant or installer, resulting in the need for revisions or redesign.

III. EMPLOYEE ACKNOWLEDGEMENT

I certify that I have received a copy of the _____ MMLA Policies and Procedures Manual. I furthered certify that I:

- A. Have read and understand its contents.
- B. Understand my obligation to comply with the provisions in this Maunal and any additions hereto.

Employee Name (printed):

Employee Signature:

I certify that on the date indicated, I have received and read the addendums so indicated:

Date, Addendum Name/Number, Signature