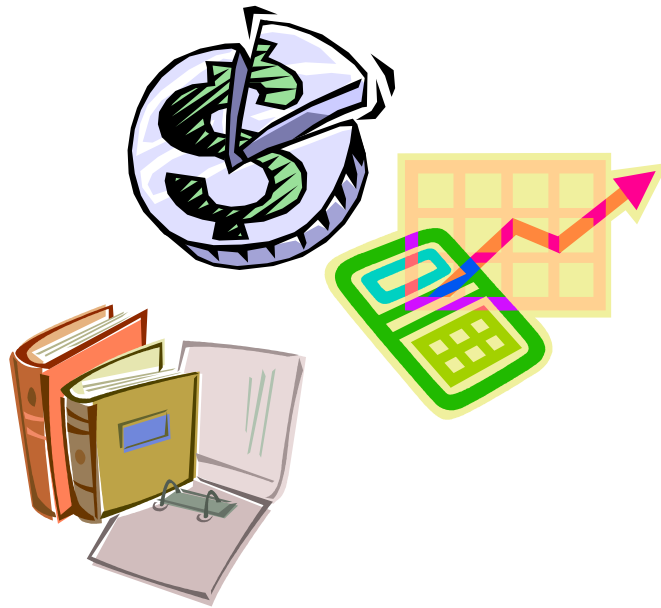


# Module 2

## Responsibilities of Governing Bodies

### Instructor Guide



### Financial/Managerial Series

This course includes content developed by the Pennsylvania Department of Environmental Protection in cooperation with the following grantees:

RCAP Solutions, Inc.  
Penn State Harrisburg Environmental Training Center



# Training Module 2

## Instructor Guide

### *Responsibilities of Governing Bodies*

#### **Objectives:**

By the end of the course, the learners should be able to:

- Understand their full responsibility as a governing body member of a public drinking water supply system that must operate as a viable business.
- Recognize they must ensure their utility has adequate financial, technical and managerial capacity to operate.
- Know what is expected of governing bodies to properly manage a water utility, including legal matters.
- Identify key areas where they individually need additional information or training.
- Know what roles and responsibilities all employees, contractors and volunteers have in operating the system.
- Create practices to stay informed and properly manage the system.
- Consider how to best work with other members of their board or council, and suggest ways of delegating tasks and decision-making to properly balance responsiveness with due diligence.
- Consider methods for constructive two-way communication with customers.

#### **Key Points:**

- Officials on governing bodies of water systems, both elected and appointed, are ultimately responsible for operating and maintaining their water systems. 'The buck stops here!'
- Even though the water utilities governing officials oversee are usually publicly owned and non-profit, they must still operate as businesses. The bills must be paid on time, and the system must be adequately maintained. Decisions must be in the best interest of the utility's long-term sustainability.
- There are responsibilities clearly defined by federal and state laws, which you are responsible for knowing about and complying. Ignorance will not be an acceptable defense in the event of a legal challenge. Responsibilities not defined by law are important in maintaining and protecting your community's water source and investment in its infrastructure.

- Stakeholders in your water utility include customers, regulators, debt holders and employees. A statement of purpose, acknowledgement of what each stakeholder wants, and a clear sense of purpose shared among board members will make balancing the competing demands from stakeholders an easier task.
- Decision-makers need to know what is going on. Find ways to make sure you really do, including meetings with employees, reviewing reports, and to some extent staying abreast of major trends and happenings in the industry.
- As managers, you are responsible for monitoring what goes on, knowing what needs fixed, planning for the future, communicating with your customers, and acting as the decision makers. It is impractical for every member of your governing body to be involved in the day to day management and purchasing. The management and decision-making structure of your organization should be practical, flexible, responsive AND responsible. Offering the employees or contractors that run the utility some measure of decision making and purchasing power is prudent. On the flip side, leaving nearly everything in the hands of an operator or secretary is irresponsible. Find ways to delegate tasks and decision-making that properly balances responsiveness with due diligence.
- Whenever possible, customer service should be proactive, rather than reactive. People will complain when there are problems with quality and service, and they are never happy when rates go up. Finding ways to prepare your customers ahead of time for service interruptions, rate adjustments, etc. will reduce the number of complaints.

**Methods:** Lecture

**Time:** 90 minutes

**Materials:**

- *PowerPoint presentation*
- *Laptop*
- *Projector*
- *Training Module 2 Workbooks*
- *Flipchart and markers*

***Instructor preparation note:*** *It is recommended that you review the PowerPoint slides and talking points provided with this instructor guide in order to tailor the content and style of delivery to your particular setting, audience, and time constraints. The talking points are instructor comments designed to accompany the slides or materials handed out and are not intended as handouts themselves.*

*Organize workbooks so that they can be passed out to learners prior to the start of the training. To save time and keep your audience focused, try to plan for and minimize any possible disruptions and transitions between activities.*

*After opening the PowerPoint file, the slide show can be viewed by selecting the "View Show" command under the "Slide Show" menu button. The slide show can be ended with "Esc". Slides can be advanced with "Enter", "PgDn", the down arrow or the right arrow. You can go back to the previous slides with "Backspace", the up arrow or the left arrow.*

*Any websites referenced in the training module should be checked by the instructor prior to the training session since these may change over time. The same applies to contact information.*

*Additionally, answers to exercises are not generally included in the workbooks. Be certain to review these answers with the learners.*

## Training Module 2

### Responsibilities of Governing Bodies

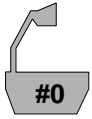


#### Objectives:

The purpose of this training module is to have the learners:

- Understand their full responsibility as a governing body member of a public drinking water supply system that must operate as a viable business.
- Recognize they must ensure their utility has adequate financial, technical and managerial capacity to operate.
- Know what is expected of governing bodies to properly manage a water utility, including legal matters.
- Identify key areas where they individually need additional information or training.
- Know what roles and responsibilities all employees, contractors and volunteers have in operating the system.
- Create practices to stay informed and properly manage the system.
- Consider how to best work with other members of their board or council, and suggest ways of delegating tasks and decision-making to properly balance responsiveness with due diligence.
- Consider methods for constructive two-way communication with customers.

## Introduction



**Instructor Note:** Display Slide # 0. Welcome learners to the training. Introduce yourself.



**Instructor Note:** Display Slide #1.

What are your responsibilities as an elected or appointed government official overseeing a public water system?

*Ask learners to introduce themselves, including job title and system name, and ask them to name one responsibility. Write it on a board or flip chart.*



**Instructor Note:** Display Slide #2.

By the end of the course you should be able to:

- Understand your full responsibility as a governing body member of a public drinking water supply system that must operate as a viable business
- Recognize you must ensure your utility has adequate financial, technical and managerial capacity to operate
- Know what is expected of governing bodies to properly manage a water utility, including legal matters
- Identify key areas where you individually need additional information or training

- Know what roles and responsibilities all employees, contractors and volunteers have in operating the system
- Create practices to stay informed and properly manage the system (ex. quarterly meetings with the operator on site)
- Work with other members of their board or council, and suggest ways of delegating tasks and decision-making to properly balance responsiveness with due diligence
- Constructively participate in two-way communication with customers



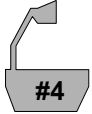
**Instructor Note:** *Display Slide #3.*

Many responsibilities can be categorized as either legal or financial, and in some cases both, such as contracts. Two additional categories, managerial (including planning) and ethical, capture remaining responsibilities that are not necessarily prescribed by law or the threat of legal action. These include activities that are for the benefit of your system and community.

Responsibility can translate into ‘liability.’ As officers and/or decision makers of a public water system, be mindful that you could be held personally liable for failing to comply with applicable laws that address public health, safety and discrimination. Additional liability issues may be related to risk management, disaster and emergency preparedness, and negligence.

It is very unusual for individuals to be held personally accountable. Generally, by knowing the legal issues applicable to your system and making a good faith effort to ensure compliance, you will protect yourself. Some boards may choose to buy special insurance, called Directors and Officers (D&O) insurance, to protect its members from lawsuits since they can be held liable under the Safe Drinking Water Act.





**Instructor Note:** Display Slide #4.

As a member of a governing body, you are responsible for ensuring:

- Quality product
- Environmental compliance
- Safe work environment
- Timely payment of bills
- Fair rate system that generates enough revenue to meet all needs
- Responsible spending
- Planning for long-term sustainability
- Public education and customer service

To start, let us examine your legal responsibilities.

## Legal Responsibilities



**Instructor Note:** Display Slide #5.

Legal responsibilities include:

- Carrying out your system's policies, ordinances, etc.
- Environmental compliance
- Record-keeping in accordance with state and federal law
- Business contracts
- Compliance with bidding and purchasing requirements
- Non-discriminatory practices and policies for both employees and customers
- Worker protection (sexual harassment, Material Safety Data Sheets)



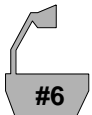
## **Are you familiar with the Safe Drinking Water Act?**

The Safe Drinking Water Act was last reauthorized in 1996, and it directs the U.S. EPA to establish water quality standards necessary to protect the public from known harmful contaminants. It calls for states to accept primary enforcement responsibility (primacy).

Each state's requirements, standards and programs must meet or exceed those established by the EPA. In return, the states receive federal grants to supplement state funds to operate their programs.

The 1996 reauthorization included several amendments, including the filter backwash rule, arsenic rule, radon rule, and disinfection byproducts rule. There was also an amendment requiring every state to establish a Source Water Assessment Program, with the purpose of evaluating potential threats to drinking water.

The SDWA is addressed in more depth in Training Module 3, SDWA.



***Instructor Note:*** Display Slide #6.

As part of the certification process, your operator had to learn about environmental regulations relevant to your water system. You may want to consider the following questions:

- Does your operator ever report on compliance?
- Do you have procedures in place to regularly review test results and identify potential problems?
- Where can you find out the environmental regulations governing your facility?

The DEP can provide you with water quality requirements. This information is readily accessible on the Internet at:

<http://www.dep.state.pa.us/dep/deputate/waterops/Redesign/PAGES/wateroperinfo.htm>

Or, you can call your local DEP Sanitarian.

You do need to stay on top of environmental compliance. Claiming ignorance or relying on your operator to know the regulations is not defensible.

Ultimate responsibility for compliance remains with the governing body!



**Instructor Note:** *Display Slide #7.*

Records need to be kept for a variety of needs, including:

- Regulatory purposes
- Sunshine Act and Right to Know requirements
- Accounting, finance, and audits
- Emergency response procedures
- Personnel files

You may want to consider the following questions:

- Do you know where records are kept?
- How records are organized?
- How records are 'signed' out?
- Who has access to the records?
- Which records (ex. personnel files) are confidential?
- Are all the records where they should be?

Your records should be kept in an orderly fashion, preferably in one place, and must comply with Sunshine and Right to Know laws as applicable. You may want to consider storing critical documents in a fireproof safe. Also, consider how electronic files are organized, stored, and backed up.

Particularly during and after new major capital improvement projects, documents may be scattered among the people that had a role in the project development. Make sure these documents, including contracts, engineering drawings, and grant agreements, are returned, labeled and organized so that information can be retrieved quickly. Good record keeping can be essential in resolving disputes with contractors, customers or other parties.



***Instructor Note: Display Slide #8.***

The Pennsylvania Sunshine Act requires all public agencies to keep records of all official actions including making recommendations, establishing policy, making motions and voting on resolutions, ordinances, rules, regulations, proposals, reports, orders, etc.

The Right to Know Law also applies to all municipalities in the state, including home rule municipalities. It guarantees public access to any public record of a public agency. Not all government documents are 'public,' such as personnel files.

The Governor's Center for Local Government Services offers a publication called "Open Meetings/Open Records: The Sunshine Act and the Right to Know Law". It is very important that you understand both pieces of legislation and how it applies to local governments. To obtain a copy, call (717) 783-0176.



***Instructor Note: Display Slide #9.***

Appendix A provides a page outlining several federal laws that apply to safety and job discrimination issues. Since we don't have the time to cover all these in detail here, this can be used as a quick reference after the training session. The page is from the National Environmental Training Center for Small Communities (NETCSC)

publication “Managing a Small Drinking Water System: A Short Course for Local Officials.” Additional information can be obtained from the PA Dept. of Labor or OSHA.



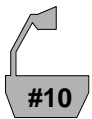
### **Resources for going a little deeper...**

This short course is exactly that, a short training module that can only explain the major areas of responsibilities officials have in overseeing their water systems.

For in-depth training, other resources are available. The NETCSC training module listed above, “Managing a Small Drinking Water System”, is a 10 part course that includes two video tapes. Copies can be purchased by calling (800) 624-8301.

The EPA offers a free publication called, “The Drinking Water Handbook for Public Officials.” Contact the central DEP office for a copy, and reference publication #810-B-92-016.

The Governor’s Center for Local Government Services offers a number of useful publications related to this subject. Browse their website at [www.inventpa.com](http://www.inventpa.com) and click on the ‘Communities in PA’ link.



### ***Instructor Note: Display Slide #10.***

Government purchases must adhere to rules that do not apply to the private sector. These rules, including mandatory bidding and selection procedures, are intended to eliminate any favoritism or unfair advantages among companies competing for government business, especially those in which public officials may have a personal or financial interest.

There are several exemptions to mandated bidding. However, even when bidding is not mandated, it may still be a good option. A bidding process must be strictly adhered to when it is chosen.

A separate training module called “Bidding, Purchasing and Leasing” has been prepared to specifically address purchasing rules in Pennsylvania. The Governor’s Center for Local Government Services has a free publication called the “Purchasing Handbook.”



**Instructor Note:** *Display Slide #11.*

Similar to individuals or corporations, local governments, authorities and other governing bodies can enter into legally binding contracts. While officials generally seek the advice of their solicitor before drafting or signing contracts, it is their responsibility to know what they are signing. Once a contract is signed, officials must live up to their contractual obligations, such as making payments on time. Likewise, they owe it to their customers to make sure contractors live up to their obligations.

## Financial Responsibilities



**Instructor Note:** *Display Slide #12.*

As decision makers for your water utility, you need to operate in a fiscally responsible manner. This means:

- Instituting fair rate structures that provide enough revenues to meet all financial obligations and provide some reserve for emergency repairs and capital improvement projects
- Paying the bills on time

- Instituting a fair delinquent accounts collection policy that is adhered to for all customers



**Instructor Note:** Display Slide #13. *Financial Responsibilities continued...*

This means:

- Using the bidding process to your advantage to maximize purchasing power
- Carefully selecting consultants exempt from the bidding process (ex. engineers, lawyers) by fairly evaluating more than one candidate, checking their references and negotiating with them
- Using contracts to ensure contractors live up to their obligations, and making sure they provide the services paid for by your customers



**Instructor Note:** Display Slide #14. *Financial Responsibilities continued...*

This also means:

- Instituting a purchasing policy that allows employees to do their jobs efficiently without the governing body relinquishing too much control (ex. allowing certain employees to sign off on purchases up to a maximum dollar limit)
- Paying your employees a fair wage and benefits that reflect the work that they do, recognizing the significant costs employee turnover can have on small facilities



**Instructor Note:** *Display Slide #15. Financial Responsibilities continued...*

This also means:

- Applying for grants
- Investigating and deciding on the best means of raising money for major projects (private loans, government loans, bonds)
- Investigating and deciding on the best way to invest any savings within municipal guidelines



**Instructor Note:** *Display Slide #16. Give the learners 5 minutes to complete the following exercise and then review the answers afterwards. Following the review of the exercise, this may be a good time to give the learners a short break.*

Let's see what you have learned so far. Take five minutes to complete the following fill-in-the-blank exercise.

1. The Pennsylvania Sunshine Act requires all public agencies to keep records of all official actions.
2. The Safe Drinking Water Act was last reauthorized in 1996, and it directs the U.S. EPA to establish water quality standards necessary to protect the public from known harmful contaminants.
3. Government purchases must adhere to rules that do not apply to the private sector including mandatory bidding.
4. The governing body should institute a fair delinquent accounts collection policy that is adhered to for all customers.



5. The Right to Know Law guarantees public access to any public record of a public agency.
6. As a local official of a public water system, you could be liable for failing to comply with applicable laws that address public health, safety, and discrimination.

## Managerial and Ethical Responsibilities



**Instructor Note:** Display Slide #17.

Management responsibilities can be, to a certain extent, placed in the hands of a utility manager, if you are large enough to have one. Ultimately, governing officials are responsible for managing employees and the operation of their system. Because you are not expected to be on site micro-managing the system, procedures and practices need to be in place that will alert you to problems before they become emergencies.

The goal here is to avoid unexpected problems, ranging from equipment failures to sudden resignations by employees. While you cannot always predict or prevent emergencies from happening, having monitoring systems and checkpoints in place will effectively reduce them.



**Instructor Note:** Display Slide #18.

One way to begin considering the means by which you can create these practices is to think about major areas of concern, such as:

- Treatment plant equipment and buildings
- Distribution system

- Employees and personnel issues
- Financial issues such as budgeting, rates, etc.
- Environmental compliance, security and source protection
- Customer issues, such as customer service, delinquent accounts, and complaints



**Instructor Note:** Display Slide #19.

Management practices might include:

- Equipment monitoring programs
- Water tests, financial reports, other status reports
- Regular meetings with administrative staff, operators and contractors
- Employee performance reviews
- Complaint response procedures

Consider assigning individual members of your board to oversee different areas of the operation, and define exactly what they should do to keep on top of things.



**Instructor Note:** Display Slide #20.

It is important to have detailed job descriptions that delineate the roles and responsibilities for each employee. This will help ensure tasks do not fall through the cracks. Additionally, it is important to specify this for contractors, engineers, auditors, solicitors, and others that have roles and responsibilities for your water system.



**Instructor Note:** *Display Slide #21.*

As governing officials, you are entrusted with ensuring the system will continue to meet the needs of your community well into the future. Activities to protect the best interests of the community in most cases involve planning. This could be a five year business plan, a pump replacement program, a line extension, or partnering with a nearby water utility.

It is also in the best interest of your community to protect the water system assets, including the source of your drinking water. The DEP or a technical assistance provider like RCAP can help you develop source water protection plans to minimize the risk of contaminants finding their way into your water source.



**Instructor Note:** *Display Slide #22.*

Since 9/11, security has been recognized as an area that many water utilities have neglected. Simple things like locks on doors, restricting access to public wells, etc. are often missing from small and moderate size systems. Free assistance is available from a variety of sources to help you conduct a security assessment, including the DEP, RCAP, and PSATS.



## **How secure is your system?**

How easy would it be for kids, a disgruntled customer, or a former employee to break into your facility? How safe is your water source? Are you prepared to deal with natural disasters? What would you do if you lost electrical power for more than a day or two?

Having a plan to protect your system and an Emergency Response Plan to respond to emergencies is important and required by law.



#23

**Instructor Note:** *Display Slide #23.*

Your ethical responsibility as a governing board member is simple. Do the right thing. Make decisions based on the best interest of the water system and its customers, and exclude personal interest in decision making as much as possible. You have committed to this by becoming a board member, and are expected to act accordingly.

If you are part of a municipal government or authority, there are laws regarding conflicts of interest, and any governing body may have rules about this in their by-laws.



#24

**Instructor Note:** *Display Slide #24.*

By accepting a position on your board, you have also made a commitment to attend meetings, actively involve yourself in studying issues, participate in constructive discussions, and work with other members to make the best decisions.

Whether you are serving as an authority member, borough councilman, or township supervisor, you have to work together with other individuals in managing the system and making decisions.

Some of these decisions will be unpopular and board members must be prepared to make these decisions. It is your responsibility as a member of the governing body to make decisions with the best interest of the water system in mind. An example of this would be approving a rate increase to ensure to future financial viability of the water system.

Many of the decisions need to be made in a timely manner, and cannot be tabled or delayed. If obstacles occur in your decision making, there are decision making models and techniques available to help boards with the process. Information on these can be found at a number of sources including the “Basics of Environmental Systems Management” series from the National Environmental Training Center for Small Communities (NETCSC).



***Instructor Note: Display Slide #25.***

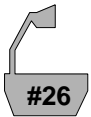
It helps if everyone has a common set of goals to work towards. When members of the governing body have these goals in mind, it can facilitate the decision making process.

It also helps to recognize that there are multiple stakeholders in your system, including customers, developers, regulators, debt holders, employees, and contractors. It is hard to satisfy everyone, and one of the board’s main responsibilities is to balance the various demands on the system.



### **To Be or Not to Be? That's the question...**

- Well, it's not really the question because your water system already exists, but does your system have a Statement of Purpose or Mission Statement? This states the reason for the existence of the water system!
- It may seem obvious that your reason for existence is to provide water to customers, but having a carefully worded statement on paper prominently displayed serves as a constant reminder to the governing board, employees, customers, and other people involved with the water system.



**Instructor Note:** *Display Slide #26.*

Another important responsibility of the governing body is customer education.

The better educated the customers are the more buy-in they will have in the decisions. They will be better able to understand the need for certain decisions, such as rate increases, when they know the reasons why. Additionally, educated customers can offer better input during regular meetings, and conflicts can be minimized.



**Instructor Note:** *Display Slide #27.*

To improve customer education, encourage attendance at meetings of the governing body and also encourage the customers to ask questions. You may get some tough questions but it is worth it in the

long run. Customer education is facilitated by “showing them” instead of simply “telling them.” If a pump needs to be replaced, show them pictures of the broken equipment or if a line section needs to be repaired, show them a piece of broken pipe.

In addition to the meetings, customers can be educated through a newsletter with the latest water system news. This can be mailed along with the water bills or posted on a website, if applicable. Additionally, you are required to send a Consumer Confidence Report (CCR) to your customers annually. More information on the CCR is available in Module 3, SDWA or from DEP or EPA.



**Instructor Note:** *Display Slide #28.*

The governing board should ensure that customer complaints are properly addressed. It is irresponsible to ignore any customer complaints. Complaints should be recorded, including information such as time and date of the complaint, the complainants name, the nature of the complaint, etc., along with the action taken.

This procedure guarantees that some response is given to the customer. Additionally, keeping records of responses to complaints may protect the board in the event of legal action.



**Instructor Note:** *Display Slide #29. Correct answers are not included in workbooks. After learners have completed the exercise, review it and solicit answers from the learners.*

Before we summarize what has been covered, let’s see what you’ve learned so far.

You’ll find a short exercise in your workbooks. Take a few minutes to answer the questions. You can look back through your workbooks if you need to.

1. It is important to have a detailed job description that delineates the roles and responsibilities for each employee.
2. Since 9/11, security has been recognized as an area that many water utilities have neglected.
3. As a member of a governing body, you have committed yourself to avoiding conflicts of interest.
4. A Statement of Purpose or a Mission Statement provides the reason for the existence of the water system.
5. Keeping records of responses to complaints may protect the board in the event of legal action.

## Summary



**Instructor Note:** Display Slide #30.

*I'd say the exercise provided a pretty good summary of what we've learned.*

The key points of this training module are:

- Government officials, both elected and appointed, are ultimately responsible for operating and maintaining their water systems. 'The buck stops here!'
- Even though the water utilities government officials oversee are publicly owned, they must still operate as businesses. The bills must be paid on time, and the system must be adequately maintained. Decisions must be in the best interest of the drinking water system's long-term sustainability.



- There are responsibilities clearly defined by federal and state laws, and you are responsible for knowing about them and complying with them. Ignorance will not be an acceptable defense in the event of a legal challenge. Responsibilities not defined by law are important in maintaining and protecting your community's water source and investment in its infrastructure.
- Stakeholders in your drinking water system include customers, regulators, debt holders and employees. A statement of purpose, acknowledgement of what each stakeholder wants, and clear sense of purpose shared among board members will make balancing the competing demands from stakeholders an easier task.
- Decision-makers need to know what is going on. Find ways to make sure you really do, including meetings with employees, reviewing reports, and to some extent staying abreast of major trends and happenings in the industry.
- As managers, you are responsible for monitoring what goes on, knowing what needs fixed, planning for the future, communicating with your customers, and acting as the decision makers. It is impractical for every member of your governing body to be involved in the day to day management and purchasing. The management and decision-making structure of your organization should be practical, flexible, responsive AND responsible. Offering the employees or contractors that run the drinking water system some measure of decision making and purchasing power is prudent. On the flip side, leaving nearly everything in the hands of an operator or secretary is not responsible. Find ways to delegate tasks and decision-making that properly balances responsiveness with due diligence.
- Whenever possible, customer service should be proactive, rather than reactive. People will complain when there are problems with quality and service, and they are never happy when rates go up. Finding ways to prepare your customers ahead of time for service interruptions, rate adjustments, etc. will reduce the number of complaints.

## Resources and References



**Instructor Note:** *Display Slide #31.*

The following are references and resources you can use when you have questions, or are ready to study government responsibilities for water systems in more detail:

Department of Environmental Protection has a couple of websites offering information on regulations:

<http://www.dep.state.pa.us/dep/deputate/watermgt/WSM/wsm.htm>

<http://www.dep.state.pa.us/dep/deputate/waterops/Redesign/PAGES/wateroperinfo.htm>

You may also contact your local DEP office to ask questions or receive more information.

Pennsylvania State Association of Township Supervisors, (717) 763-0930

Governor's Center for Local Government Services, (717) 720-7395.  
This agency has several free, relevant publications.

RCAP Solutions, Don Schwartz, PA/NJ Program Manager, (814) 861-6093.

PA Department of Environmental Protection, Technical Assistance and Outreach, Dennis Lee, (717) 772-4058

National Environmental Training Center for Small Communities (NETCSC), located in Morgantown, WV. Phone (800) 624-8301 or web address at <http://www.nesc.wvu.edu/netcsc/>.

The complete list of training modules includes:

- Module 1, Water Supply System Basics Operations

- Module 2, Responsibilities of Governing Boards
- Module 3, The Safe Drinking Water Act
- Module 4, Dealing with Consultants, Technical Assistance Providers, Regulators, and Funding Agencies
- Module 5, The Basics of Accounting and Finance for Small Water Systems
- Module 6, Business Planning for Small Water Systems
- Module 7, Budgeting and Capital Improvements Planning Overview for Small Water Systems
- Module 8, Rate Design Overview for Small Water Systems
- Module 9, Bidding, Purchasing, and Leasing
- Module 10, Project Management Overview for Small Water Systems

## Appendix A : Federal and State Laws that Address Safety and Job Discrimination Issues

### **Fair Labor Standards Act of 1938 and amendments (including the Equal Pay Act of 1963)**

Establishes requirements for minimum wage, maximum number of working hours and provisions for overtime pay, the use of child labor, and equal pay for men and women for performing substantially the same job

### **Civil Rights Act of 1964 (Title VII)**

Prohibits employment discrimination based on race, color, religion, sex, or national origin; establishes equal employment opportunity protection and sexual harassment protection

### **Age Discrimination in Employment Act of 1967**

Protects individuals who are 40 years of age or older

### **Americans with Disabilities Act of 1990**

Makes all aspects of employment, public services, and buildings/facilities more accessible to people with disabilities

### **Civil Rights Act of 1991**

Provides monetary damages in cases of intentional employment discrimination

### **Family and Medical Leave Act of 1993**

Entitles employees to take reasonable leave for certain medical reasons

*Source: "Managing a Small Drinking Water System: A Short Course for Local Officials." National Environmental Training Center for Small Communities (NETCSC). Page 10. Published in 2000.*

The federal Occupational Safety and Health Administration (OSHA) regulates privately owned water utilities, but does not have regulatory authority over state and local government entities, including authorities. In Pennsylvania, government employees are protected by the **PA Department of Labor**. Examples of laws enforced by this state agency include:

- [General Safety Law](#)
- [Public Employees Relations Act](#)
- [Public Employees Relations Act](#)
- [Equal Pay Law](#)
- [Combustible and Flammable Liquids Act](#)
- Employer to Pay Employment Medical Examination Fee
- [Minimum Wage Act of 1968](#)
- [PA Community & Worker Right to Know Act](#)
- [Workers' Compensation Act](#)