

# Administrative Committee



## Regular Meeting ~Agenda~

Laurie M. Hopkins  
City Clerk

[www.ci.moscow.id.us](http://www.ci.moscow.id.us)

208-883-7015

**Monday,  
October 23, 2023**

**4:00 PM**

**Council Chambers  
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to today's meeting. We appreciate and encourage public participation. For regular agenda items, an opportunity for public comment is sometimes provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item and limitations may be placed on the time allowed for comments. If you plan to address the Committee, you will find a list of "Tips for Addressing the Council" in the door pocket outside the City Council Chambers. Please note that Committee meetings are televised, videotaped and/or recorded. Links to view the Committee meeting live can be found on the City website, YouTube, Facebook and Spectrum Cable 1301. Thank you for your interest in City government.

### REGULAR AGENDA

**1. Approval of Administrative Committee September 25, 2023 Minutes (ACTION ITEM) - Taylor Riedner**

**2. ARPA Allocation Amendment Resolution (ACTION ITEM) - Bill Belknap**

President Biden signed the \$1.9 trillion American Rescue Plan Act (HR 1319) (hereinafter "ARPA") into law on March 11, 2021. The measure provides fiscal assistance to state and local governments in need of relief due to the COVID-19 pandemic. The City of Moscow, as a non-entitlement unit of government (population less than 50,000) was allocated a total of \$5,528,399. The City Council passed Resolution 2021-25, directing the use of the City's ARPA funds for business and non-profit assistance grants, assistance with affordable housing, and stormwater and water infrastructure improvements. On April 1, 2022, the United States Department of the Treasury issued the Final Rule of the Coronavirus State and Local Fiscal Recovery Funds which provided the ability for fund recipients to elect a "standard allowance" of up to \$10 million to spend on governmental services through the period of performance. The City has determined that the Water Capital Fund has the ability to fund necessary water system capital improvements and has determined there are other governmental services in greater financial need, including the construction of additional City shop facilities necessary to meet the demand for increased essential public services. Staff has prepared a Resolution amending the prior ARPA fund allocations to reallocate approximately \$3.7 Million to the General Fund to fund general governmental services through the performance period.

**PROPOSED ACTIONS:** Recommend approval of the proposed Resolution providing for a reallocation of the City's ARPA funding; or provide staff with further direction.

**3. Personnel Policy Updates Resolution (ACTION ITEM) - Bonnie Dennler**

This resolution is to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies as previously approved through Resolution 2022-30. Amendments are based on feedback from the Employee Advisory Committee, as well as to align these policies with current practice.

**PROPOSED ACTIONS:** Recommend approval of the proposed resolution to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies; or provide staff with further direction.

#### **4. South US95 Sewer Water Extension Change Order (ACTION ITEM) - Bob Buvel**

On August 2nd, 2021, City Council Approved the Award of the South US95 Sewer Water Extension Contract to M.L. Albright & Sons in the amount of \$1,208,190.40, and authorized staff approval of construction change orders in an amount not to exceed 10% of the contract amount. During construction, three total change orders were requested by the contractor and staff. The first two change orders were within the 10% range authorized by City Council when the contract award was approved.

Change Order #1 was requested by the City of Moscow to add two commercial-sized water services to lots adjacent to the project. Change Order #1 added \$51,001.98 or 4.2% to the project amount. Change order #2 was requested by the contractor and increased the unit price of some of the line items in the contract to mitigate cost increases seen during the delay to the start of the project. Change Order #2 also paid for costs associated with correcting an alignment issue between the water extension and the waterline installed by SEL as part of the frontage improvements of the SEL Campus Development. This change order also deducted some of the work added in Change Order #1. Change Order #2 added \$33,146.35 or 2.7% to the project amount.

Change Order #3 was requested by the contractor to mitigate direct costs associated with excessive trench excavation cave-ins during the installation of deep sanitary sewer sections as well as indirect costs associated with the delays that those cave-ins caused. Change Order #3 would add \$402,696.10 or 33% to the project amount and the cumulative amount added to the project would exceed 10% of the original contract amount. Staff has verified the quantity of additional excavation and rock backfill the contractor performed and compared the unit prices to other bids during the timeframe of the sanitary installation and have concluded that the price is reasonable for the work that was performed.

After the execution of all of the change orders, the project expenditure amount would increase from \$1,208,190.40 to \$1,724,593.00, or a 42% increase.

**PROPOSED ACTIONS:** Approve change order #3 with M.L. Albrights & Sons, Inc. in amount of \$402,696.10, or provide staff with further direction.

#### **ADJOURN**

**NOTICE:** It is the policy of the City of Moscow that all City-sponsored public meetings and events are accessible to all people. If you need assistance in participating in this meeting or event due to a disability under the ADA, please contact the City's ADA Coordinator by phone at (208) 883-7600, TDD (208) 883-7019, or by email at [adacoordinator@ci.moscow.id.us](mailto:adacoordinator@ci.moscow.id.us) at least 48 hours prior to the scheduled meeting or event to request an accommodation. The City of Moscow is committed to ensuring that all reasonable accommodation requests are fulfilled.

# Administrative Committee



## Regular Meeting ~Minutes~

Laurie M. Hopkins  
City Clerk

[www.ci.moscow.id.us](http://www.ci.moscow.id.us)

208.883.7015

**Monday  
September 25, 2023**

**4:00 PM**

**Council Chambers  
206 E. Third St.**

**The meeting was called to order at 4:00 p.m.**

PRESENT: Hailey Lewis, Maureen Laflin, Gina Taruscio

OTHERS: Mayor Art Bettge, Council Member Sandra Kelly

STAFF: Bill Belknap, Cody Riddle, Mia Bautista, Taylor Riedner

### REGULAR AGENDA

**1. Approval of Administrative Committee August 28, 2023 Minutes (ACTION ITEM) - Taylor Riedner**

The minutes were approved as presented.

**2. Houston-Galveston Area Council of Governments Interlocal Contract for Cooperative Purchasing (ACTION ITEM) - Bill Belknap**

Idaho Code § 67-2807 authorizes political subdivisions of the State of Idaho to participate in cooperative purchasing agreements with the State of Idaho, other Idaho political subdivisions, other government entities, or associations thereof with the approval of its governing board. The Houston-Galveston Area Council of Governments (H-GAC) is a cooperative purchasing consortium that conducts public competitive procurements compliant with state statutes and provides an efficient means of procuring certain goods and services. The City has previously participated in the program and purchased the last two fire engines through the program. The City desires to continue to participate in the H-GAC program and is seeking Council approval to execute a new Interlocal Contract for Cooperative Purchasing and authorize the Mayor's signature.

**PROPOSED ACTIONS:** Recommend approval of the Interlocal Contract for Cooperative Purchasing and authorize the Mayor's signature thereon through the proposed resolution; or provide staff further direction.

Belknap introduced the item as written above and explained how the competitive pricing works. The City will be looking at purchasing a ladder truck in the next fiscal year and at the moment production and delivery is estimated to be 42 to 48 months. There have not been other uses for H-GAC at this time and for the most part the City uses local or Idaho based entities for other purchases. This agreement was last signed in 2017 and was signed by a staff member rather than the Mayor. Since 2017, H-GAC has also updated their agreements. There is no cost to the City to participate in the program. The Committee recommended approval and that it be placed on the Council consent agenda.

**3. Idaho Public Television Tower Lease Agreement (ACTION ITEM) - Bill Belknap**

The City is currently working toward the replacement of the City's emergency communications radio system due to the current equipment reaching end-of-life as well as system coverage deficiencies. One component of that project will include the installation of additional radio antennas and equipment on the radio tower located on Paradise Ridge which is owned by the State of Idaho and operated by Idaho Public Television (IPTV). Staff worked with IPTV to prepare a lease agreement to allow the installation of the new equipment planned for installation with the new radio system. The Lease Agreement was approved by the City Council on May 15th of this year. However, after that approval, IPTV and the

University of Idaho identified a use limitation within the site lease between IPTV and the University of Idaho that would potentially preclude the City's proposed emergency communications use on the site. The University of Idaho Board of Regents approved an amended site lease at their August meeting to address this conflict, and the City and IPTV have amended the lease agreement to reflect the amended site lease and extend the lease term to be concurrent with IPTV's site lease. The agreement is back before the Council for approval with these modifications.

**PROPOSED ACTIONS:** Recommend approval of the proposed lease agreement, or provide staff further direction.

Belknap introduced the item as written above. Other than the facts stated above, there are no changes to the previously approved agreement. The Committee recommended approval and that it be placed on the Council consent agenda.

**4. Proposed Repeal of Moscow City Code Chapter 5, Title 10 (ACTION ITEM) - Bill Belknap**

Recent judicial decisions have identified that it is unclear whether the City has the authority to continue to charge the public street lighting fee that was established in 1998. Out of an abundance of caution, City staff is recommending that the City cease the collection of this fee until there is legislative or judicial action that firmly establishes the authority to collect public lighting fees. Staff has prepared an ordinance to repeal Chapter 5 of Title 10 which established the street light fee for the Council's consideration.

**PROPOSED ACTIONS:** Recommend approval of the proposed Ordinance repealing Chapter 5, Title 9 of Moscow City Code; or provide staff further direction.

Belknap introduced the item as written above and reflected on the initial fee that was imposed back in 1998. Having no further discussion, the Committee recommended approval and that it be placed on the Council regular agenda.

**5. Proposed amendment to the FY2024 Fee Resolution (ACTION ITEM) - Bill Belknap**

Recent judicial decisions have identified that it is unclear whether the City has the authority to continue to charge the public street lighting fee that was established in 1998. Out of an abundance of caution, City staff is recommending that the City cease the collection of this fee until there is legislative or judicial action that firmly establishes the authority to collect public lighting fees. Additionally, recent updates to the City's cost allocation model have resulted in the ability to defer some of the proposed sanitation rate increases. Staff has prepared a resolution to amend the adopted FY2024 fee resolution to incorporate these fee amendments for the Council's consideration.

**PROPOSED ACTIONS:** Recommend approval of the proposed Resolution; or provide staff further direction.

Belknap reviewed the two recommended changes to the FY2024 Fee Resolution due to the repeal of Chapter 5 Title 10. This includes removing the initial fee increase for residential roll carts and then decreasing the fee for mechanical containers or dumpsters. Rather than going down the initial 3%, dumpsters will go down 8%. These changes would become effective starting October 1<sup>st</sup> and billing would be effective November. The Committee recommended approval and that it be placed on the Council regular agenda.

**6. Idaho Counties Risk Management Program Joint Powers Subscriber Agreement (ACTION ITEM) - Bill Belknap**

The Idaho Counties Risk Management Program (ICRMP) provides the City with liability and property insurance coverage. ICRMP has updated its Joint Powers Subscribers Agreement that describes member's rights and obligations, ICRMP governance and other general provisions. ICRMP is requesting the Mayor's signature on the updated Joint Powers Subscribers Agreement.

**PROPOSED ACTIONS:** Recommend approval of the Joint Powers Subscriber Agreement; or provide staff further direction.

Belknap introduced the item by reviewing the meeting that was held with ICRMP and that there were no staff concerns. There were a number of changes to the policy itself, but it was nothing too significant. The Committee recommended approval and that it be placed on the Council consent agenda.

**ADJOURN**

The meeting adjourned at 4:17 p.m.

DRAFT

# COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, October 23, 2023



## AGENDA ITEM TITLE

ARPA Allocation Amendment Resolution (ACTION ITEM) - Bill Belknap

## RESPONSIBLE STAFF

Bill Belknap, City Supervisor

## ADDITIONAL PRESENTER(S)

## DESCRIPTION

President Biden signed the \$1.9 trillion American Rescue Plan Act (HR 1319) (hereinafter “ARPA”) into law on March 11, 2021. The measure provides fiscal assistance to state and local governments in need of relief due to the COVID-19 pandemic. The City of Moscow, as a non-entitlement unit of government (population less than 50,000) was allocated a total of \$5,528,399. On May 7, 2021, the United States Department of the Treasury issued an interim final rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act providing direction regarding the allowable uses of the ARPA funds, which included small business and non-profit grants, assistance in the provision of affordable housing, and water, sewer and stormwater infrastructure improvements. The City Council held a workshop on October 25, 2021, to receive such recommendations and to provide City staff direction for the use of the City’s allocation of ARPA funds. The City Council passed Resolution 2021-25, directing the use of the City’s ARPA funds for business and non-profit assistance grants, assistance with affordable housing, and stormwater and water infrastructure improvements. On April 1, 2022, the United States Department of the Treasury issued the Final Rule of the Coronavirus State and Local Fiscal Recovery Funds which provided the ability for fund recipients to elect a “standard allowance” of up to \$10 million to spend on governmental services through the period of performance. The City has determined that the Water Capital Fund has the ability to fund necessary water system capital improvements and has determined there are other governmental services in greater financial need, including the construction of additional City shop facilities necessary to meet the demand for increased essential public services. Staff has prepared a Resolution amending the prior ARPA fund allocations to reallocate approximately \$3.7 Million to the General Fund to fund general governmental services through the performance period.

## REVIEWED BY

## PROPOSED ACTIONS

**PROPOSED ACTIONS:** Recommend approval of the proposed Resolution providing for a reallocation of the City's ARPA funding; or provide staff with further direction.

## STAFF RECOMMENDATION

Recommend approval of the proposed Resolution providing for a reallocation of the City's ARPA funding.

## OTHER RESOURCES

## **FISCAL IMPACT**

## **PERSONNEL IMPACT**

## **ATTACHMENTS**

1. Resolution 2023- Reallocation of ARPA Funds\_final

## RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE REPEAL OF RESOLUTION 2021-25 AND FOR SAID RESOLUTION TO BE REPLACED WITH THIS RESOLUTION ADOPTING THE FOLLOWING REVISED USES OF THE CITY’S AMERICAN RESCUE PLAN ACT ALLOCATION; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

**WHEREAS**, President Biden signed the \$1.9 trillion American Rescue Plan Act (HR 1319) (herein after “ARPA”) into law on March 11, 2021. The measure provides fiscal assistance to state and local governments in need of relief due to the COVID-19 pandemic; and

**WHEREAS**, ARPA supports local government’s urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control, replace lost revenue for eligible local governments in order to support vital public services and to retain jobs, support immediate economic stabilization for households and businesses, and address systemic public health and economic challenges that have contributed to the inequal impact of the pandemic; and

**WHEREAS**, The City of Moscow, as a non-entitlement unit of government (population less than 50,000) was allocated a total of \$5,528,399, to be paid in two tranches (installments) of \$2,764,199.50. The first tranche was received in June, 2021, and the second tranche was received in June, 2022; and

**WHEREAS**, ARPA funding must be obligated by December 31, 2024, and fully expended by December 31, 2026. Obligated, means that an order is placed for property and services and entering into contracts, subawards, and similar transactions that require payment; and

**WHEREAS**, in light of the time constraints for obligation and full expenditure of the ARPA funds, City staff was directed to bring forward recommendations for potential uses of ARPA funding to be considered by City Council; and

**WHEREAS**, on May 7, 2021, the United States Department of the Treasury issued an interim final rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act providing direction regarding the allowable uses of the ARPA funds which included small business and non-profit grants, assistance in the provision of affordable housing, and water, sewer and stormwater infrastructure improvements; and

**WHEREAS**, The City Council held a workshop on October 25, 2021, to receive such recommendations and to provide City staff direction as to what uses the City’s allocation of ARPA funds would be put; and



**WHEREAS**, The City Council passed Resolution 2021-25, directing the use of the City’s ARPA funds for business and non-profit assistance grants, assistance with affordable housing, and stormwater and water infrastructure improvements; and

**WHEREAS**, On April 1, 2022, the United States Department of the Treasury issued the Final Rule of the Coronavirus State and Local Fiscal Recovery Funds (SLFRF, or Fiscal Recovery Funds) which provided the ability for fund recipients to elect a “standard allowance” of up to \$10 million to spend on governmental services through the period of performance; and

**WHEREAS**, The City Council has determined that the Water Capital Fund has the ability to fund necessary water system capital improvements; and

**WHEREAS**, The City Council has determined there are other governmental services in greater financial need including the construction of additional City shop facilities necessary to meet the demand for increased essential public services;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Moscow that all matters stated above are true and correct and are incorporated herein by reference as if copied in their entirety and shall be adopted with the following:

1. That Resolution 2021-25 be repealed and replaced with this Resolution, directing that the City of Moscow’s ARPA allocation of \$3,768,705, previously allocated to the City’s Water Capital Fund (which includes the original allocation of \$3,628,399 and \$140,306 in unutilized small business and non-profit grant funds), shall be reallocated to the General Fund to fund governmental services through the performance period.
2. That this Resolution shall be effective upon its passage and approval.

**PASSED** on Motion by the Following Vote:

|                | Aye   | Nay   | Abstain | Absent |
|----------------|-------|-------|---------|--------|
| Drew Davis     | _____ | _____ | _____   | _____  |
| Sandra Kelly   | _____ | _____ | _____   | _____  |
| Maureen Laflin | _____ | _____ | _____   | _____  |
| Hailey Lewis   | _____ | _____ | _____   | _____  |
| Julia Parker   | _____ | _____ | _____   | _____  |
| Gina Taruscio  | _____ | _____ | _____   | _____  |

**ADOPTED** by the City Council of the City of Moscow, Idaho, and **APPROVED** by the Mayor of the City of Moscow, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Arthur D. Bettge, Mayor

**CERTIFICATION and ATTESTATION.** I hereby certify that the above is a true copy of the Resolution passed at a regular meeting of the City Council, City of Moscow, held on \_\_\_\_\_, 2023 and attest to the Mayor's signature.

\_\_\_\_\_  
Laurie M. Hopkins, City Clerk

# COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, October 23, 2023



## AGENDA ITEM TITLE

Personnel Policy Updates Resolution (ACTION ITEM) - Bonnie Dennler

## RESPONSIBLE STAFF

Bonnie Dennler

## ADDITIONAL PRESENTER(S)

## DESCRIPTION

This resolution is to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies as previously approved through Resolution 2022-30. Amendments are based on feedback from the Employee Advisory Committee, as well as to align these policies with current practice.

## REVIEWED BY

## PROPOSED ACTIONS

**PROPOSED ACTIONS:** Recommend approval of the proposed resolution to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies; or provide staff with further direction.

## STAFF RECOMMENDATION

Recommend approval of the proposed resolution to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies.

## OTHER RESOURCES

## FISCAL IMPACT

## PERSONNEL IMPACT

## ATTACHMENTS

1. Resolution 2023- Personnel Policies Amendments\_Chapter 5 7 8\_final

## RESOLUTION 2023-\_\_

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING AMENDMENTS TO CHAPTERS 5, 7, AND 8 OF THE CITY OF MOSCOW PERSONNEL POLICIES ADOPTED THROUGH RESOLUTION 2022-30; AND PROVIDING THIS RESOLUTION SHALL BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

**WHEREAS**, City of Moscow recognizes that its employees are a valuable resource to the citizens of Moscow; and

**WHEREAS**, because of the increasingly complex legal nature of federal, state, and local laws and regulations that govern the relationship between a government employer and its employees, it is in the best interests of the City and of the employees of the City to have updated written personnel policies; and

**WHEREAS**, the Council believes the amendments to Chapters 5, 7 and 8 of the Personnel Policies contained herein are appropriate and are in the City's best interest to implement the proposed amendments to the previous Personnel Policies passed by Resolution 2022-30;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Moscow that all matters stated above are true and correct and are incorporated herein by reference as if copied in their entirety and shall be adopted with the following:

**SECTION 1:** That the City of Moscow Personnel Policies Chapter 5 Section II. C.4 as approved through Resolution 2022-30, be amended as follows:

A. The existing language of Chapter 5 Section II. C.4 approved through Resolution 2022-30, states the following:

...

4. Post-Accident Testing:

- a. A driver who is involved in any accident must notify the City of the accident as quickly as possible and comply with the instructions given them relative to their taking drug and alcohol screening tests.
  - i. When operating a City vehicle on public or private roadways or private property – a post-accident drug and alcohol test is required.
  - ii. When operating a City vehicle on City property – the supervisor shall determine if a drug or alcohol test is required.
- b. When required, alcohol screening testing must be administered within two (2) hours of the accident and drug screening testing must be administered within thirty-two (32) hours of the accident. Any driver required to be tested under this section must remain readily available for such testing and

such driver may not consume drugs, alcohol and/or an intoxicating substance within thirty-two (32) hours of the accident.

- c. A driver who is seriously injured and cannot provide a specimen for testing will be required to authorize the release of relevant hospital reports that would indicate the presence of drugs, alcohol, and/or other intoxicating substances in such driver's system at the time of the incident.

...

- B. Chapter 5 Section II. C.4 shall be amended to replace the above existing language with the following:

...

#### 4. Post-Accident Testing:

An employee who is operating a City vehicle or is driving their personal vehicle while conducting official city business and is involved in a motor vehicle accident must notify the City of the accident as quickly as possible. Employees must comply with any drug and alcohol testing requirement based on the nature of the accident and as follows:

- a. When the accident occurs on public or private roadways or private property – a post-accident drug and alcohol test is required if one of the following conditions are met:
  - i) If the accident involved the loss of human life or any bodily injury to any person involved in the accident;
  - ii) If the accident results in one or more motor vehicles incurring disabling damage as a result of the accident. Disabling damage is defined as the motor vehicle needing to be transported away from the scene by a tow truck or other motor vehicle due to the damage sustained from the accident.
  - iii) If the accident results in damage to public or private property estimated at \$2,500 or more by the employee's supervisor or designee.
  - iv) If the supervisor or designee has reasonable suspicion that the employee is impaired by drugs, alcohol, or other intoxicating substances.
- b. When the accident occurs on City property – the supervisor shall determine if a post-accident drug or alcohol test is required.
- c. When a post-accident test is required, alcohol testing must be performed within two (2) hours of the accident, and drug testing must be performed

within thirty-two (32) hours of the accident. Any employee required to be tested under this section must remain readily available for such testing and such employee may not consume drugs, alcohol, and/or an intoxicating substance within thirty-two (32) hours post-accident.

- d. An employee who is seriously injured and cannot provide a specimen for testing will be required to authorize the release of relevant hospital reports that would indicate the presence, or lack thereof, of drugs, alcohol, and/or other intoxicating substances in such driver's system at the time of the incident.

...

**SECTION 2:** That the City of Moscow Personnel Policies Chapter 7 Section II. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 7 Section II. approved through Resolution 2022-30, states the following:

...

## **II. Work Period**

- A. Per the Fair Labor Standards Act (FLSA), an employee's work period is a fixed and regularly recurring period of one hundred sixty-eight (168) hours during seven (7) consecutive twenty-four (24) hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. Different work periods may be established for different positions or groups of employees such as employees engaged in fire protection or law enforcement (FLSA, 29 U.S.C § 207(k)).

- B. Work Periods for the City of Moscow are as follows:

1. Non-Exempt, Non-Law Enforcement, Non-Fire Personnel Work Period – Seven (7) Days
  - a. Begins at midnight on Sunday of each week
  - b. Concludes at 11:59 p.m. of the succeeding Saturday
  - c. For the purposes of payroll processes, two work periods make up one pay period. Averaging of hours over two or more defined work periods is not permitted.
2. Sworn Law Enforcement Officers and Fire Personnel Work Period – Fourteen (14) Days
  - a. Begins at midnight on Sunday of the first week of the work period

b. Concludes at 11:59 p.m. on the concluding Saturday of the work period

3. Exempt Personnel

Not applicable under FLSA guidelines.

...

B. Chapter 7 Section II. shall be amended to replace the above existing language with the following:

...

**II. Work Period**

A. Per the Fair Labor Standards Act (FLSA), an employee's work period is a fixed and regularly recurring period of one hundred sixty-eight (168) hours during seven (7) consecutive twenty-four (24) hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. Different work periods may be established for different positions or groups of employees such as employees engaged in fire protection or law enforcement (FLSA, 29 U.S.C § 207(k)).

B. Work Periods for the City of Moscow are as follows:

1. Non-Exempt, Non-Law Enforcement, Non-Fire Personnel Work Period – Seven (7) Days

a. Begins at midnight on Monday of each week

b. Concludes at 11:59 p.m. of the succeeding Sunday.

c. For the purposes of payroll processes, two work periods make up one pay period. Averaging of hours over two or more defined work periods is not permitted.

2. Sworn Law Enforcement Officers and Fire Personnel Work Period – Fourteen (14) Days

a. Begins at midnight on Monday of the first week of the work period

b. Concludes at 11:59 p.m. on the concluding Sunday of the work period

3. Exempt Personnel

Not applicable under FLSA guidelines.

...

**SECTION 3:** That the City of Moscow Personnel Policies Chapter 7 Section V. as approved through Resolution 2022-30, be amended as follows:

A. The existing language of Chapter 7 Section V. approved through Resolution 2022-30, states the following:

...

**V. On-Call and Call-Back**

**A. Applicability**

1. The City of Moscow provides critical services to its residents. As such, employees may be required to be available and to work outside their regular schedule. The purpose of this policy is to provide a consistent method throughout all City departments to compensate employees for On-Call shifts and Call-Back responses. Specifically, this policy sets forth status and pay guidance for non-exempt regular employees.
  - a. Temporary employees may not take On-Call shifts and do not qualify for On-Call, or Call-Back compensation.
  - b. Exempt employees are paid a salary that reflects the full responsibility of the position, including being On-Call or being called back to work, and are not eligible to receive On-Call or Call-Back pay.
2. Compensatory time may be earned for both On-Call and Call-Back compensation. As outlined in the Compensatory Time section of these Personnel Policies, compensatory time is limited to 80 hours at any given time. The use of earned compensatory leave depends upon the department's ability to operate effectively during a requested absence.

**B. On-Call Status**

1. On-Call shift hours usually coincide with regular shift hours. Any employee may be assigned to an On-Call status, which requires the employee to be accessible, available, and able to report for duty if called. Such shifts may vary in beginning and ending times from department to department or division to division and are subject to change by an administrative decision as dictated by workload needs.
2. Supervisors are responsible for maintaining a roster of all qualified employees for On-Call, determining the need for availability, assigning employees to On-Call status, and maintaining an equitable rotation schedule. On-Call shifts are to be scheduled in 24-hour increments.

**C. On-Call Compensation**



On-Call compensation is calculated at two (2) hours of pay at time and one-half (1½) the regular hourly pay rate per On-Call shift; On-Call compensation may be taken as compensatory time.

**D. Call-Back Status**

When a non-exempt employee is called back to work from On-Call status or otherwise at a time not previously scheduled, response time for On-Call personnel should average thirty (30) minutes but is managed operationally by each department/division.

**E. Call-Back Compensation**

A minimum of two (2) hours pay at one and one-half (1½) time the regular hourly pay rate, even if the time spent back on the job is less than two (2) hours. Hours worked that exceed two (2) hours are also paid at one and one-half (1½) time the regular hourly pay rate as actual hours worked. Drive time to and from the worksite is considered hours worked for Call-Back compensation. Call-Back compensation may be taken as compensatory time.

...

B. Chapter 7 Section V. shall be amended to replace the above existing language with the following:

...

**V. On-Call and Call-Back**

**A. Applicability**

1. The City of Moscow provides critical services to its residents. As such, employees may be required to be available and to work outside their regular schedule. The purpose of this policy is to provide a consistent method throughout all City departments to compensate employees for On-Call shifts and Call-Back responses. Specifically, this policy sets forth eligibility and compensation for non-exempt regular employees.
2. FLSA-exempt employees are not eligible for On-Call or Call-Back compensation.
3. Temporary and seasonal employees are not eligible for On-Call shifts and do not qualify for On-Call, or Call-Back compensation.

**B. On-Call Status**

1. On-Call shift hours usually coincide with regular shift hours. Any employee may be assigned to an On-Call status, which requires the employee be accessible, available, and able to report for duty if called. Such shifts may vary in beginning and ending times from department to department or division to division and are subject to change by an administrative decision based on workload needs.

2. Supervisors are responsible for maintaining a roster of all qualified employees for On-Call, determining the need for availability, assigning employees to On-Call status, and maintaining an equitable rotation schedule. On-Call shifts are to be scheduled in 24-hour increments.
3. On-Call compensation is calculated at two (2) hours of pay per On-Call shift at one and one-half (1½) times the regular hourly pay rate.
4. On-Call compensation may be paid as overtime pay or taken as compensatory time at the employee's request and at the approval of the department based on department necessity and budget constraints.

#### C. Call-Back Status

1. When an eligible employee is called back to work from On-Call status or otherwise at a time not previously scheduled, the employee will receive Call-Back Compensation. Response time for On-Call personnel should average thirty (30) minutes but is managed operationally by each department/division.
2. Call-Back Compensation: An employee in call-back status will receive a minimum of two (2) hours of pay at one and one-half (1½) times the regular hourly pay rate, even if the time spent back on the job is less than two (2) hours. Hours worked that exceed two (2) hours are also paid at one and one-half (1½) times the regular hourly pay rate as actual hours worked. Drive time to and from the worksite is considered hours worked for Call-Back compensation.
3. Call-Back compensation may be taken as compensatory time, in lieu of paid time at the employee's request and at the approval of the employee's primary department supervisor based on department necessity and budget constraints.

...

**SECTION 4:** That the City of Moscow Personnel Policies shall add Section VIII. Shift Differential to Chapter 7 as detailed below:

...

#### **VIII. Shift Differential**

The City provides shift differential compensation to employees who are regularly scheduled to work a shift in which fifty percent (50%) or more of scheduled hours are between 6:00 p.m. and 6:00 a.m. Specifically, this policy sets forth eligibility and compensation for non-exempt regular employees. Exempt employees do not qualify for shift differential compensation.

- A. Sworn personnel of the City of Moscow Police Department receive shift differential compensation per pay period, at a rate specified in the Police Department pay schedule located within the City Summary Budget.
- B. All other City employees receive shift differential compensation for all hours worked during the scheduled work shift. Shift differential compensation is paid at a per-hour rate specified in the City salary schedule located within the City Summary Budget.

...

**SECTION 5:** That the City of Moscow Personnel Policies Chapter 8 Section I. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 8 Section I. approved through Resolution 2022-30, states the following:

...

#### **I. Leaves of Absence**

The City may grant employees leaves of absence under certain circumstances. These leave types include unforeseen circumstances, military obligations, bereavement, holidays, vacation, and sick leave. Leaves of absence included below are structured to eliminate the need for any employee to enter into leave without pay status. Leave without pay (LWOP) is a temporary non-pay status and absence from work and is not allowed at the City of Moscow as benefit payments become affected. The following Federal exceptions do apply:

- A. The Family and Medical Leave Act of 1993 (FMLA), as amended, provides covered employees with an entitlement to a total of up to twelve (12) weeks of unpaid leave (LWOP) during any twelve (12) month period for certain family and medical needs. (See 5 CFR part 630, subpart L.) The City will comply with the provisions of the FMLA. The City of Moscow FMLA Policy outlines the FMLA's requirements, including the rights and obligations of employees, eligibility and notification requirements, and the City's obligations.
- B. The Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.)
- C. Executive Order 5396, July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.
- D. Employees may not be in pay status while receiving workers' compensation payments from the Department of Labor.

...

- B. Chapter 8 Section I. shall be amended to replace the above existing language with the following:

...

## I. Leave of Absence Without Pay

Leave without pay (LWOP) is a temporary non-pay status and absence from work. LWOP may only be granted in limited circumstances, which include:

- A. Qualifying under the Family and Medical Leave Act (FMLA), as amended, which provides covered employees an entitlement of up to a total of twelve (12) weeks of LWOP during any twelve (12) month period for certain family and medical needs.
- B. Qualifying under the National Defense Authorization Act, as amended, which provides covered employees with an entitlement of up to a total of twenty-six (26) weeks of unpaid leave during a single 12-month period to care for a covered service member.
- C. Qualifying under the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, which provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.)
- D. In accordance with a worker's rights and requirements under Worker's Compensation.
- E. Any other state or federal leave requirement pertaining to entitled use of LWOP.
- F. In other limited circumstances, at the approval of the City Supervisor.

...

**SECTION 6:** That the City of Moscow Personnel Policies Chapter 8 Sections II. and V. shall be repealed:

...

## II. Leave Approval (Repealed per Resolution 2023-\_\_)

- ~~A. Leave hours begin accruing on the date of hire and can be used in accordance with the provisions contained herein with supervisory approval. Leave anticipated at hire will be addressed in hiring process.~~
- ~~B. Requests for a routine leave of absence, as outlined in these policies are to be requested or scheduled in advance by the employee in consultation with their supervisor. Unless otherwise noted, all leave approvals must be made by the employee's direct supervisor.~~
- ~~C. Extended leaves of absence or any extension of a previously requested and approved leave should be submitted in writing to the employee's supervisor as soon as is practical before the leave requested. The supervisor will forward the request to the group's Deputy City Supervisor, Human Resources and the City Supervisor for review. These leave types may include:~~

~~1. Disability~~

~~2. Workers Compensation Related~~

~~3. Sick Leave Bank~~

~~4. Family Medical Leave Act (FMLA)~~

~~D. All employees on approved leave are expected to report any change of status in their need for leave or their intention to return to work to their supervisor, who will keep the group's Deputy City Supervisor, City Supervisor and Human Resources informed.~~

~~E. Employees returning from any leave of absence will be reinstated to their same job or an equivalent job with equivalent status and pay, as required by law. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.~~

~~F. The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined by the City in conjunction with applicable federal and state law.~~

...

## **V. Disability Leave (Repealed per Resolution 2023-\_\_)**

~~Employees who are unable to work because of a disability may be granted a disability leave of absence. FMLA may be triggered by use of disability leave. FMLA leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. FMLA also covers injury, alcoholism and/or drug dependence, mental illness, or prolonged physical illness. Sick leave rules also apply to FMLA leave.~~

...

**SECTION 7:** That the City of Moscow Personnel Policies Chapter 8 Section IX. as approved through Resolution 2022-30, be amended as follows:

A. The existing language of Chapter 8 Section IX. approved through Resolution 2022-30, states the following:

...

## **IX. Paid Parental Leave**

A. This leave is separate and in addition to other leave policies. Eligible employees are able to receive up to six weeks (240 hours) of paid parental leave to be used within the first six (6) months of the birth, adoption, or regular full-time custody of a child not previously under an employee's care, paid on the employee's regular payroll dates.

- B. Paid Parental Leave is intended to provide employees the time and financial support to adjust to the addition of a new family member following the birth, adoption, or placement of a child for activities related to the physical and mental wellbeing and care of the child and parents or caregiver.
- C. If both parents are City employees that meet the eligibility criteria, each parent is eligible to receive the four-week paid parental leave benefit. An eligible parent is defined as a biological parent, same-sex spousal equivalent, domestic partner, new adoptive parent, or caregiver assuming significant parental and financial responsibility for a child. An individual who adopts a spouse or partner's child(ren) is not eligible for this benefit.
- D. Eligibility
  - 1. City employees regularly working thirty (30) or more hours per week who have been employed for the previous twelve (12) consecutive months and have worked for at least one thousand two hundred fifty (1,250) hours during the prior twelve (12) month period are eligible for Paid Parental Leave. Eligibility requirements must be met as of the last day worked prior to the start of the paid leave.
  - 2. Part-time employees who work an average of thirty (30) hours per week will receive Paid Parental Leave on a prorated basis to be calculated by dividing the average hours worked per work period over the prior twelve months by 40 (i.e. if an employee averaged 35 hours per work period over the prior year, they would receive 140 hours of parental leave  $((35/40)*240=210)$ ).
  - 3. Temporary employees are ineligible for Paid Parental Leave. This benefit is not available to employees who do not intend to remain in the City's employ or employees who are in unpaid status. The amount of leave permitted with this benefit will be deducted from the employee's FMLA entitlement.

...

- B. Chapter 8 Section IX. shall be amended to replace the above existing language with the following:

...

#### **IX. Paid Parental Leave**

- A. Paid Parental Leave is intended to provide employees the time and financial support to adjust to the addition of a new family member following the birth, adoption, or placement of a child for activities related to the physical and mental well-being and care of the child and parents or caregiver.
- B. This leave is separate and in addition to other leave policies. Eligible employees are able to receive up to six (6) weeks (240 hours) of paid parental leave to be used within the first six (6) months of the birth, adoption, or regular full-time custody of a child not previously under an employee's care, paid on the employee's regular payroll dates. If

applicable, the amount of leave permitted with this benefit will be deducted from the employee's FMLA entitlement.

- C. Under some circumstances, employees may take paid parental leave on an intermittent or reduced schedule basis. Use of intermittent or reduced schedule parental leave requires departmental approval prior to the use of paid parental leave.
- D. If both parents are City employees and meet benefit eligibility criteria, each parent is eligible to receive the six-week paid parental leave benefit. An eligible parent is defined as a biological parent, same-sex spousal equivalent, domestic partner, new adoptive parent, or caregiver assuming significant parental and financial responsibility for a child. An individual who adopts a spouse or partner's child(ren) is not eligible for this benefit.
- E. Eligibility
  - 1. City employees regularly working thirty (30) or more hours per week who have been employed for the previous twelve (12) consecutive months and have worked for at least one thousand two hundred fifty (1,250) hours during the prior twelve (12) month period are eligible for paid parental leave. Eligibility requirements must be met as of the last day worked prior to the start of the paid leave.
  - 2. Part-time employees who work an average of thirty (30) hours per week will receive Paid Parental Leave on a prorated basis to be calculated by dividing the average hours worked per work period over the prior twelve months by 40 (i.e. if an employee averaged 35 hours per work period over the prior year, they would receive 210 hours of parental leave  $((35/40)*240=210)$ ).
  - 3. Temporary and seasonal employees are ineligible for Paid Parental Leave.

...

**SECTION 8:** That the City of Moscow Personnel Policies Chapter 8 Section XIV. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 8 Section XIV. approved through Resolution 2022-30, states the following:

...

#### **XIV. Sick Leave Bank**

- A. The purpose of the Sick Leave Bank is to provide a means of obtaining additional sick leave days to avoid loss of compensation and to remain in pay status due to a significant or catastrophic illness or injury. Catastrophic injury or illness is defined as a life-threatening condition or combination of conditions affecting the mental or physical health of the employee. The catastrophic illness or injury must require the services of a health provider. The sick leave bank is available to eligible, voluntarily participating

employees who have legitimately exhausted all of their accumulated sick and vacation leave. The sick leave bank will not be made available in cases of suspected sick leave abuse.

- B. Human Resources shall be responsible for managing and administering the Sick Leave Bank to include the procedural establishment, solicitation of contributions, processing of applications, and records management.
- C. All regular full-time City of Moscow employees who have a sick leave balance of forty (40) or more hours at the time of the initial contribution of eight (8) hours of sick leave shall be eligible to participate in the Sick Leave Bank. Initial contributions are deducted from the sick leave days available to the contributing employee. Once hours are contributed to the Sick Leave Bank, they may not be reclaimed by the employee. Only employees who are active members of the Sick Leave Bank shall be eligible to draw on the Sick Leave Bank.
- D. Newly hired employees shall be eligible to participate in the Sick Leave Bank the month following the successful completion of their introductory period and after their initial contribution has been made. Once employees elect to participate in the Sick Leave Bank, membership is established for the duration of their employment with the City of Moscow.
- E. A participant granted leave of absence shall retain their status upon returning to regular duties.
- F. Criteria for Sick Leave Bank usage is as follows:
  - 1. Catastrophic accident by the employee requiring absences from work.
  - 2. Catastrophic illness of the employee.
  - 3. Extended hospitalization of the employee.
- G. Appropriateness of previously used employee earned sick leave will be considered. No requestor may borrow more than twenty (20) days of sick leave at any one time. Requests are limited to two (2) per incident.
- H. An employee may apply for Sick Leave Bank hours only after exhausting all accumulated paid leave time. This time includes all earned vacation, sick leave, floating holiday and compensatory time. The employee must apply for approval as outlined in the application and approval process. Once approved, the employee may draw on sick leave hours granted.
- I. To be considered for Sick Leave Bank hours, an application, signed by the employee's supervisor(s), must be submitted to Human Resources for approval by the City Supervisor. Applications for Sick Leave Bank assistance must be in writing and accompanied with appropriate documentation outlined in the application. Progress



reports may be required as a condition of receiving sick leave hours from the Sick Leave Bank.

- J. If the City of Moscow discontinues the Sick Leave Bank - employees who are members in good standing will be credited 8 hours of sick leave to their accounts.

...

- B. Chapter 8 Section XIV. shall be amended to replace the above existing language with the following:

...

#### **XIV. Sick Leave Bank**

The purpose of the Sick Leave Bank is to provide a means of obtaining additional sick leave days to avoid loss of compensation and to remain in pay status due to a significant or catastrophic illness or injury.

##### **A. Sick Leave Bank Program**

1. All regular full-time City of Moscow employees who have a sick leave balance of forty (40) or more hours at the time of the initial contribution of eight (8) hours of sick leave shall be eligible to participate in the Sick Leave Bank Program. Initial contributions are deducted from the sick leave days available to the contributing employee. Once hours are contributed to the Sick Leave Bank, they may not be reclaimed by the employee. Only employees who are active members of the Sick Leave Bank shall be eligible to draw on the Sick Leave Bank.
2. Newly hired employees shall be eligible to participate in the Sick Leave Bank the month following the successful completion of their introductory period and after their initial contribution has been made.
3. Once employees elect to participate in the Sick Leave Bank, membership is established for the duration of their employment with the City of Moscow.
4. A participant granted a leave of absence shall retain their active status in the Sick Leave Bank Program upon returning to regular duties.
5. Participants of the Sick Leave Bank Program may be granted up to twenty (20) days, or 160 hours of sick leave at any one time. Requests are limited to two (2) per incident.
6. If the City of Moscow discontinues the Sick Leave Bank – active employees who have contributed and who have not received leave from the Sick Leave Bank will be credited 8 hours of sick leave to their accounts.

## B. Eligibility and Criteria

### 1. The Sick Leave Bank is available to:

- a. Eligible employees participating in the Sick Leave Bank program who have legitimately exhausted all of their accumulated paid leave time. This time includes all earned vacation, sick leave, floating holiday, and compensatory time.
- b. Employees unable to work due to a work-related injury who have legitimately exhausted all of their accumulated sick leave time and also meet the following conditions:
  - i. Is an active participant in the Sick Leave Bank Program;
  - ii. Has met the 5-day waiting period for workers' compensation; and
  - iii. Has an active worker's compensation claim through the State Insurance Fund (SIF)

### 2. Criteria for Sick Leave Bank Program usage is as follows:

- a. Catastrophic accident or illness of the employee requiring absences from work: Catastrophic illness and/or injury is defined as an acute or prolonged illness or injury that is considered life-threatening or with the threat of serious residual disability.
- b. Extended hospitalization of the employee.
- c. Absence from work due to a work-related injury and an active Worker's Compensation Claim.
- d. To be considered for hours through the Sick Leave Bank Program, the Sick Leave Bank Request form, signed by the employee's supervisor(s), must be submitted by the employee to Human Resources for approval by the City Supervisor. Progress reports may be required as a condition of receiving sick leave hours from the Sick Leave Bank Program.
- e. The Sick Leave Bank will not be made available in cases of suspected sick leave abuse.

## C. Sick Leave Bank Administration:

1. Human Resources shall be responsible for managing and administering the Sick Leave Bank Program including the procedural establishment, solicitation of contributions, processing of applications, and records management.

2. Payroll shall be responsible for all payroll processing of the Sick Leave Bank, as well as managing and administering the Sick Leave Bank for employees with active workers' compensation claims through SIF. Refer to the City's Personnel Policy, Chapter 8, Section XV Worker's Compensation for more details.

...

**SECTION 9:** That the City of Moscow Personnel Policies Chapter 8 Section XV. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 8 Section XV. approved through Resolution 2022-30, states the following:

...

## **XV. Workers Compensation**

The City holds a Workers Compensation Policy under the Idaho State Insurance Fund. This policy covers all employees regardless of employee classification.

### **A. Employee Reporting**

All employees are required to report any accident or incident resulting in an injury or illness, even if an employee only received first-aid treatment, to their supervisor immediately. In addition, a First Report of Injury form (FROI) must be completed for all injuries whether or not medical treatment was sought. The FROI is used to provide the needed information to the Idaho State Insurance Fund should a claim need to be filed and provides information to determine how, where, and when the accident occurred, any direct or underlying causes including unsafe behaviors and conditions and corrective actions to be taken.

### **B. Medical Treatment**

1. In the event that an employee is injured while at work the supervisor will evaluate and ask the injured employee whether they would like to seek medical treatment.
2. In emergency situations and if the employee appears to be in a condition where they should not be moved, call 911 immediately.
3. In the event that the employee injury requires treatment outside of regular work hours:
  - a. Emergency Situation – The employee shall seek treatment with the Emergency Room, if applicable.
    - i. Contact the supervisor to report the treatment
    - ii. If unable to contact the supervisor, email or call and leave a message with Human Resources and then follow up with the supervisor the next work day

- b. If the injured employee chooses to not to seek medical care, an Accident Investigation Report will be completed.

...

- B. Chapter 8 Section XV. shall be amended to replace the above existing language with the following:

...

## **XV. Workers Compensation**

The City of Moscow has established the following for treatment and compensation of work-related injuries in accordance with Title 72 of Idaho Code. The City holds a Worker's Compensation Policy under the Idaho State Insurance Fund (SIF). This policy covers all employees regardless of employee classification.

### **A. Employee Reporting**

1. All employees are required to report any accident or incident resulting in an injury or illness, even if an employee only received first-aid treatment, to their supervisor immediately.
2. A First Report of Injury form (FROI) must be completed for all injuries whether or not medical treatment was sought. The FROI is used to provide the needed information to the SIF should a claim need to be filed and provides information to determine how, where, and when the accident occurred, any direct or underlying causes including unsafe behaviors, conditions, and corrective actions to be taken.

### **B. Medical Treatment**

1. In the event that an employee is injured while at work the supervisor will conduct an initial assessment of the employee, take any immediate action necessary to address the medical needs of the employee, and ask the injured employee whether they would like to seek medical treatment. In emergency situations and if the employee appears to be in a condition where they should not be moved or need emergency services, the supervisor should call 911 immediately.
2. In the event that the employee's injury requires treatment outside of regular work hours:
  - a. Contact the supervisor to report the treatment; or
  - b. If unable to contact the supervisor, email or call and leave a message with Human Resources and then follow up with the supervisor the next work day.

### **C. Compensation**

1. Under Idaho Worker's Compensation law, employees do not receive income benefits from SIF for the first five (5) days they are off work due to an injury, unless the injury requires overnight hospitalization or the time loss exceeds fourteen (14) days.
  - a. During the first five (5) day waiting period employees may use accrued sick leave, vacation leave, compensatory time, floating holiday, or unpaid leave if no other leave is available.
  - b. If the on-the-job injury requires overnight hospitalization, no leave will be charged.
2. If the leave exceeds fourteen (14) days, the first five (5) day waiting period charged to leave balances will be returned.
3. In the event of a work-related temporary disability in which the employee is unable to return to work beyond five (5) days, the employee may be entitled to benefits to be paid a percentage of their regular wages from Worker's Compensation. The employee can choose to:
  - a. Keep the SIF compensation payments and continue to use sick leave. Of note – if the employee runs out of sick leave to use while unable to work, the employee will be responsible for the employee portion of benefit premium payments while not in pay status.
  - b. Remit the SIF compensation payment to the City for conversion to sick leave hours. Of note - this method provides additional sick leave hours to be used to keep the employee in pay status.
4. An employee that sustains a workplace injury or illness that requires the employee to leave work to seek medical treatment shall receive full regular pay for the date of injury. Employees are expected to return to work the same day as the injury unless the treating physician provides a written statement that the employee is not able to return to work.
5. If an employee's worker's compensation absence qualifies as a serious health condition as defined under the Family Medical Leave Act, the City will designate the leave as an FMLA-qualifying event and the worker's compensation absence will run concurrently with FMLA.
6. An employee, past the 5-day waiting period, actively receiving benefits, who depletes their accumulated sick leave, and is a participant in the Sick Leave Bank Program, is eligible to request sick leave bank hours. Employees will not be required to exhaust other leave types for medically necessary time off due to the original work-related injury.

...

**SECTION 10:** That the City of Moscow Personnel Policies Chapter 8 Section XVI. shall be repealed:

...

**XVI. Compensation (Repealed per Resolution 2023-\_\_)**

- ~~1. Employees with an active Workers Compensation case stemming from an on-the-job injury that does not allow them to work are to use sick leave hours for any time away from work related to the injury.~~
- ~~2. Should the Idaho State Insurance Fund provide compensation dollars for time off work employees may:
  - ~~a. Keep the SIF compensation payments and continue to use sick leave. Of note—if the employee runs out of sick leave to use while unable to work, they employee will be responsible for all benefit premium payments while not in pay status.~~
  - ~~b. Remit the SIF compensation payment to the City for conversion to sick leave hours. Of note—this method provides additional sick leave hours to be used to keep employee in pay status.~~~~
- ~~3. An employee who depletes their sick leave due and is not receiving or has yet to receive SIF compensation dollars for time off work is eligible for sick leave bank hours and will not be required to use other leave types for that medically necessary time off due to the original work-related injury.~~

...

**SECTION 11:** That the City of Moscow Personnel Policies Chapter 8 Section XVII. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 8 Section XVII. approved through Resolution 2022-30, states the following:

...

**XVII. Family and Medical Leave Act (FMLA)**

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. The FMLA applies to the City of Moscow, a government entity. The following provides general information about, when employees are eligible and entitled to take FMLA leave, and what rules apply when employees take FMLA leave. Where there are differences in the requirements under the Family Medical Leave Act and this policy, the Act takes precedence.

**A. Eligible Employees**

1. Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:
  - a. Works for a covered employer;
  - b. Has worked for the employer for at least 12 months;
  - c. Has at least 1,250 hours of service for the employer during the 12-month period immediately preceding the leave; and
  - d. Works at a location where the employer has at least fifty (50) employees within seventy-five (75) miles.
2. The twelve (12) months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven (7) years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service. See "FMLA Special Rules for Returning Reservists".

#### B. Leave Entitlement

1. Eligible employees may take up to twelve (12) workweeks of leave in a 12-month period for one or more of the following reasons:
  - a. The birth of a child or placement of a child with the employee for adoption or foster care;
  - b. To care for a spouse, child, or parent who has a serious health condition;
  - c. For a serious health condition that makes the employee unable to perform the essential functions of their job; or
  - d. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a covered military member on covered active duty or call to covered active duty status.
2. An eligible employee may also take up to twenty-six (26) workweeks of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. See U.S. Department of Labor Fact Sheets 28F: Qualifying Reasons under the FMLA and 28M: The Military Family Leave Provisions under the FMLA.

3. Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time employee works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer's approval.
4. Under certain conditions, employees may choose, or employers may require employees, to "substitute" (run concurrently) accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave period. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

#### C. Notice

1. Employees must comply with their employer's usual and customary requirements for requesting leave and provide enough information for their employer to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. If 30 days advance notice is not possible because the situation has changed or the employee does not know exactly when leave will be required, employees must provide notice as soon as possible and practicable under the circumstances.
2. When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. See U.S. Department of Labor Fact Sheet 28E: Employee Notice Requirements under the FMLA.
3. Covered employers must:
  - a. Post a notice explaining rights and responsibilities under the FMLA;
  - b. Include information about the FMLA in their employee handbooks or provide information to new employees upon hire;
  - c. When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA-qualifying reason, provide the employee with notice concerning their eligibility for FMLA leave and employees rights and responsibilities under the FMLA; and
  - d. Notify employees whether leave is designated as FMLA leave and the amount of leave that will be deducted from the employee's FMLA entitlement.



4. See U.S. Department of Labor Fact Sheet 28D: Employer Notice Requirements under the FMLA.

#### D. Certification

When an employee requests FMLA leave due to their own serious health condition or a covered family member's serious health condition, the employer may require certification in support of the leave from a health care provider. An employer may also require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. See U.S. Department of Labor Fact Sheet 28G: Certification of a Serious Health Condition under the FMLA. For information on certification requirements for military family leave, See U.S. Department of Labor Fact Sheet 28M(c): Qualifying Exigency Leave under the FMLA; Fact Sheet 28M(a): Military Caregiver Leave for a Current Servicemember under the FMLA; and Fact Sheet 28M(b): Military Caregiver Leave for a Veteran under the FMLA.

#### E. Job Restoration and Health Benefits

Upon return from FMLA leave, an employee must be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot be counted against the employee under a "no-fault" attendance policy. Employers are also required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave. See U.S. Department of Labor Fact Sheet 28A: Employee Protections under the Family and Medical Leave Act.

#### F. Other Provisions

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under the FLSA regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to an eligible employee's use of FMLA leave.

#### G. Enforcement

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. See U.S. Department of Labor Fact Sheet 77B: Protections for Individuals under the FMLA. The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

For additional information, visit the Wage and Hour Division Website: <http://www.wagehour.dol.gov> and /or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

...

- B. Chapter 8 Section XVII. shall be amended to replace the above existing language with the following:

...

## **XVII. Family and Medical Leave Act (FMLA)**

The Family and Medical Leave Act (FMLA) of 1993 entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. The City of Moscow is covered under FMLA and complies with all FMLA requirements.

### **A. Employee Eligibility:**

1. To be eligible for FMLA, City employees must:
  - a. Have worked at the City for at least twelve (12) months; and
  - b. Have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the leave;
2. The twelve (12) months of employment do not have to be consecutive. Time previously worked for the City (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven (7) years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

### **B. Leave Entitlement**

1. Eligible employees may take up to twelve (12) workweeks (480 hours) of leave in a 12-month period for one or more of the following reasons:
  - a. The birth of a child or placement of a child with the employee for adoption or foster care;
  - b. To care for a spouse, child, or parent who has a serious health condition;
  - c. For a serious health condition that makes the employee unable to perform the essential functions of their job; or
  - d. For any qualifying exigency arising out of the fact that a spouse, child, or parent is a covered military member on covered active duty or call to covered active duty status.

2. An eligible employee may take up to twenty-six (26) workweeks (1,040 hours) of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the service member.
3. Under some circumstances, employees may take FMLA on an intermittent or reduced schedule basis. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment or appointments to minimize disruption to the City's operations.
4. If FMLA is for the birth, adoption, or foster placement of a child, the use of intermittent or reduced schedule leave requires prior departmental approval.

#### C. Compensation and Health Benefits

1. Employees are required to use accrued paid leave concurrently with any FMLA. If the employee does not have sufficient accrued paid leave to cover the full time out on FMLA, the employee may utilize leave without pay (LWOP) and work with Human Resources (HR) to coordinate usage of paid and unpaid leave.
2. Holidays that occur during FMLA will be paid in accordance with the City's Holiday policy.
3. Leave accruals while on FMLA will be in accordance with the City's Sick Leave and Vacation Leave policies.
4. The City will maintain group health plan benefits for employees on FMLA. Employees on unpaid FMLA or who do not have enough accrued leave to cover their portion of premiums are responsible for arranging with the City to pay their full portion of the premium.

#### D. Requesting Leave under FMLA:

1. Employees should comply with departmental requirements for requesting leave and provide enough information to reasonably determine whether FMLA applies to the leave request.
2. Employees requesting FMLA should submit written or verbal notice to HR. HR will determine if an employee's need for leave qualifies under FMLA and provide the employee with any required forms, notices, and information on rights.
3. Requests for FMLA should be submitted thirty (30) days in advance of the need for leave if the leave is foreseeable. If thirty (30) days advance notice is not possible employees must provide notice as early as possible under the circumstances.

#### E. FMLA Certification

1. When requesting FMLA for an employee's own serious medical condition or to care for a family member with a serious medical condition, healthcare certification is required and must be received by HR within fifteen (15) calendar days of the FMLA start date, or as soon as practical.
2. Employees do not have to share a medical diagnosis but must provide enough information to determine if the leave qualifies for FMLA protection. A statement or document(s) from the health care provider for the individual being treated should include the following information for supporting the FMLA request:
  - a. Contact information for the certifying health care provider.
  - b. The date the serious health condition began and how long it will last.
  - c. Appropriate medical facts about the condition such as symptoms, hospitalization, or doctor's visits.
  - d. For leave for the employee's own serious health condition, information showing that the employee cannot perform the essential functions of the job.
  - e. For leave to care for a family member, a statement establishing the family member needs care, an estimate of when and how long the leave is needed.
  - f. For leave that needs to be taken in short blocks of time, an estimate of how much time will be needed for each absence, how often absences may occur, and information establishing the medical necessity for taking intermittent leave or requiring a reduced schedule.
3. When requesting leave for a qualifying exigency for Military FMLA certification is required and must be received by HR within fifteen (15) calendar days of the Military FMLA start date, or as soon as practical. This certification will be provided using the Department of Labor (DOL) "Certification of Qualifying Exigency for Military Family Leave."
4. When requesting leave for a serious injury or illness of a covered member for Military FMLA certification is required and must be received by HR within fifteen (15) calendar days of the leave start date, or as soon as practical. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.
5. If FMLA or Military FMLA certification is deemed incomplete or insufficient, the employee will be advised in writing of what additional information is necessary to make certifications complete and sufficient. Employees must return revised medical certifications to HR within the date specified.
6. The City may require employees to obtain a second medical certification from a health care provider that is selected and paid for by the employee's department. See

Chapter 8. Section XVIII of the City’s Personnel Policy, Fit for Duty, for additional processes guidelines.

7. If FMLA or Military FMLA is requested for an employee’s or their family member’s serious health condition that continues beyond a single leave year, employees shall provide HR with new medical certifications each leave year.

F. Job Restoration

1. Upon return from leave under FMLA, an employee must be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.
2. Employees who return from FMLA retain all benefits they accrued prior to the start of leave. They also will receive any City-wide pay increases distributed during their period of leave.
3. The City may require an employee on FMLA leave to report periodically on the employee’s status and intent to return to work.

...

**SECTION 12:** That the City of Moscow Personnel Policies Table of Contents shall be amended to reflect the revisions approved herein.

**SECTION 13:** Provisions of this Resolution shall be deemed severable and the invalidity of any provision of this Resolution shall not affect the validity of the remaining provisions.

**SECTION 14:** This Resolution shall be effective upon its passage and approval.

**PASSED** on Motion by the Following Vote:

|                | Aye   | Nay   | Abstain | Absent |
|----------------|-------|-------|---------|--------|
| Drew Davis     | _____ | _____ | _____   | _____  |
| Sandra Kelly   | _____ | _____ | _____   | _____  |
| Maureen Laflin | _____ | _____ | _____   | _____  |
| Hailey Lewis   | _____ | _____ | _____   | _____  |
| Julia Parker   | _____ | _____ | _____   | _____  |
| Gina Taruscio  | _____ | _____ | _____   | _____  |

**ADOPTED** by the City Council of the City of Moscow, Idaho and **APPROVED** by the Mayor of the City of Moscow, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Arthur D. Bettge, Mayor

**CERTIFICATION and ATTESTATION.** I hereby certify that the above is a true copy of the Resolution passed at a regular meeting of the City Council, City of Moscow, held on \_\_\_\_\_, 2023 and attest to the Mayor's signature.

\_\_\_\_\_  
Laurie M. Hopkins, City Clerk

# COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, October 23, 2023



## AGENDA ITEM TITLE

South US95 Sewer Water Extension Change Order (ACTION ITEM) - Bob Buvel

## RESPONSIBLE STAFF

Bob Buvel, Staff Engineer

## ADDITIONAL PRESENTER(S)

## DESCRIPTION

On August 2nd, 2021, City Council Approved the Award of the South US95 Sewer Water Extension Contract to M.L. Albright & Sons in the amount of \$1,208,190.40, and authorized staff approval of construction change orders in an amount not to exceed 10% of the contract amount. During construction, three total change orders were requested by the contractor and staff. The first two change orders were within the 10% range authorized by City Council when the contract award was approved.

Change Order #1 was requested by the City of Moscow to add two commercial-sized water services to lots adjacent to the project. Change Order #1 added \$51,001.98 or 4.2% to the project amount. Change order #2 was requested by the contractor and increased the unit price of some of the line items in the contract to mitigate cost increases seen during the delay to the start of the project. Change Order #2 also paid for costs associated with correcting an alignment issue between the water extension and the waterline installed by SEL as part of the frontage improvements of the SEL Campus Development. This change order also deducted some of the work added in Change Order #1. Change Order #2 added \$33,146.35 or 2.7% to the project amount.

Change Order #3 was requested by the contractor to mitigate direct costs associated with excessive trench excavation cave-ins during the installation of deep sanitary sewer sections as well as indirect costs associated with the delays that those cave-ins caused. Change Order #3 would add 402,696.10 or 33% to the project amount and the cumulative amount added to the project would exceed 10% of the original contract amount. Staff has verified the quantity of additional excavation and rock backfill the contractor performed and compared the unit prices to other bids during the timeframe of the sanitary installation and have concluded that the price is reasonable for the work that was performed.

After the execution of all of the change orders, the project expenditure amount would increase from \$1,208,190.40 to \$1,724,593.00, or a 42% increase.

## REVIEWED BY

## PROPOSED ACTIONS

**PROPOSED ACTIONS:** Approve change order #3 with M.L. Albrights & Sons, Inc. in amount of \$402,696.10; or provide staff with further direction.

## STAFF RECOMMENDATION

Recommend approval of change order #3 with M.L. Albrights & Sons, Inc. in the amount of \$402,696.10.

#### **OTHER RESOURCES**

#### **FISCAL IMPACT**

Funding for the change order will be expended from Sewer Capital Projects line item 330-330-60-770-45 Sewer Main Program.

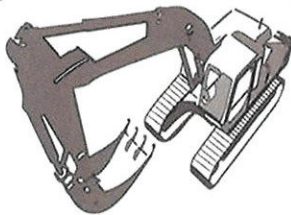
#### **PERSONNEL IMPACT**

#### **ATTACHMENTS**

1. CO#1 Request\_Signed
2. Change Order No. 2\_Signed
3. CO3(Signed)



# M.L. ALBRIGHT



**& SONS**  
EST. 1946

## M.L. ALBRIGHT & SONS, INC.

General & Excavation Contractors

6182 Lapwai Road  
P.O. Box 603  
Lewiston, ID 83501

Phone: (208) 743-2100  
Fax: (208) 743-2166  
Email: [mlasons@mlalbright.com](mailto:mlasons@mlalbright.com)

### CHANGE ORDER REQUEST

To: City Of Moscow  
Bob Buvel  
221 E. Second St.  
Moscow, ID 83843

Project: South US95 Sewer - Water Extension  
City Of Moscow

Moscow, ID 83843

Project #: 117-019  
MLA Job #: 21048

February 17, 2022

COR #: 01

Plan Change Two 8" Water Services & Additional Tie-In

| ITEM | DESCRIPTION | QUANTITY | UM | UNIT PRICE | AMOUNT |
|------|-------------|----------|----|------------|--------|
|------|-------------|----------|----|------------|--------|

This change order request is to install two 8" water services and modify the alignment of the new 16" water main. One service would cross HWY95 and connect to an existing 12" main with a tapping sleeve & gate valve. The second service would be placed along the new 12" main and include an 8" gate valve. While laying out the design location of the new 16" water main, it was discovered the alignment does not match with an existing water stub for the SEL Project by approx. 15 feet. To correct the alignment issue, two 16" 90 elbows and a short section of pipe are required to cross an existing high pressure gas line. This will allow the SEL contractor to complete their connection to the City Main.

The following is a break down of the above described work along with other associated costs.

|                               |       |    |             |             |
|-------------------------------|-------|----|-------------|-------------|
| 8" Service Lines              | 2.000 | EA | \$17,600.00 | \$35,200.00 |
| Traffic Control               | 1.000 | LS | \$3,000.00  | \$3,000.00  |
| Asphalt Patch (est 20' x 10') | 1.000 | LS | \$4,500.00  | \$4,500.00  |
| Correct Alignment Issue       | 1.000 | LS | \$7,750.00  | \$7,750.00  |

\*\* Excludes connection to SEL Project water line stubs.

|                                                         |        |                |                    |
|---------------------------------------------------------|--------|----------------|--------------------|
| Idaho Use Tax Is Included In All Materials Listed Above | 0.000% | Subtotal =     | \$50,450.00        |
| Project Bond Costs                                      | 1.106% | Sales Tax =    | \$0.00             |
| 0 Additional Contract Days Required For This Work       |        | Bond =         | \$557.98           |
|                                                         |        | <b>TOTAL =</b> | <b>\$51,007.98</b> |

By: Ben Waldemarson  
*Ben Waldemarson*  
[benw@mlalbright.com](mailto:benw@mlalbright.com)

Approved By: City Of Moscow

Signature: *[Signature]*

Date: February 17, 2022

Date: *3-3-22*

Sept 21, 2022

**Change Order No. 2**

Project No. : **117-019**

Project: **SOUTH US95 SEWER WATER EXTENSION**

Revised Contract as Follows:

**1) UNIT PRICE ADJUSTMENT PVC SEWER PIPE**

This item consists of adjusting the unit price for escalation of material cost for item 505.41.B1 PRESSURE SEWER PIPE SIZE 16" C-900 PVC. Material cost increased significantly between the time the bid was submitted and the notice to proceed was issued.

15-Inch PVC Sanitary Sewer Class D; Depth <12' (\$373.75/L.F.) .....\$395.73/L.F.

12-Inch PVC Sanitary Sewer Class D; Depth <12' (395.40/L.F.) .....\$418.16/L.F.

8-Inch PVC Sanitary Sewer Class D; Depth <12' (270.00/L.F.) .....\$288.28/L.F.

Sanitary Sewer Pipe Additional Depth Class D (\$7.65/S.F.).....\$8.36/S.F.

**2) UNIT PRICE ADJUSTMENT HMA PAVEMENT**

This item consists of adjusting the unit price for escalation of material cost for item SP4.1 1/2" SUPERPAVE HMA PAVEMENT. Material cost increased significantly between the time the bid was submitted and the time construction commenced.

1/2" Superpave HMA Pavement (\$187.00/Ton) .....\$223.00/Ton

**3) Amend Change Order No. 1**

Amend Change Order No. 1 to remove Item "Correct Alignment Issues" (\$7,750.00) as the work was not performed and remove Asphalt Patch Est. 20' X 10' (\$4,500.00) as this item will be paid through a quantity adjustment at the bid price.

**AMOUNT THIS ITEM .....-\$12,250.00**

**Contractor: M.L. Albright & Sons**

**Owner: City of Moscow**

**Marvin Albright, President**

**Bob Buvel, P.E, Staff Engineering**



Digitally signed by Marvin Albright  
DN: cn=Marvin Albright, o=M.L.  
Albright & Sons, Inc., ou,  
email=marva@mlalbright.com, c=US  
Date: 2022.09.23 14:34:55 -07'00'



September 11, 2023

**Change Order No. 3**

Project No. : **117-019**

Project: **SOUTH US95 SEWER WATER EXTENSION**

Revised Contract as Follows:

**1) REMOVE AND REINSTALL SANITARY SEWER PIPE**

This item consists of payment for crew and equipment time to remove and reinstall sanitary sewer pipe shoved out of alignment by sluffing material. The price for this item is based on the contractor's daily logs and provided crew rate and shall be paid by lump sum.

Remove and Reinstall Sanitary Sewer Pipe (LS) .....\$47,180.00

**2) EXTRA TIME TRENCH BOX RENTAL**

This item consists of payment for half of the extended rental of shoring equipment due to lost production attributable to sluffing during installation of sanitary sewer pipe. The price for this item is based on the trench box rental invoices and shall be paid by lump sum.

Extra Time Trench Box Rental (50% @ \$22,328.20 LS) .....\$11,164.10

**3) ADDITIONAL EXCAVATION AND CLASS D BACKFILL DUE TO CAVE-INS**

This item consists of payment for additional excavation and rock backfill associated with cave-ins during the trenching/shoring of the sanitary sewer line. The pricing for this item is calculated based on the unit price for SP-3.8a SANITARY SEWER PIPE ADDITIONAL DEPTH CLASS D assuming a 6' wide trench.

Additional Excavation (7174 C.Y. @\$10/C.Y.) .....\$71,740.00

Additional Class D Backfill (7174 C.Y. @\$38/C.Y.) .....\$272,612.00

**Change Order Total.....\$402,696.10**

**Contractor: M.L. Albright & Sons**

**Owner: City of Moscow**

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**Marvin Albright, President**

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**Bob Buvel, P.E, Staff Engineering**

10/16/2023