

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes amending the *Administrative Manual – By-Laws, Management and Personnel*.

WHEREAS, the Commission periodically updates its *Administrative Manual – By-Laws, Management and Personnel* (“Bylaws”) to streamline procedures and improve personnel policies; and

WHEREAS, the Executive Director in consultation with the Commission staff has recommended amendments to the current Bylaws at Sections 4.4, “Purchasing”; 5.10, “Conflicts of Interest”; 5.12, “Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace”; and 9.5, “Submission and Approval of Charges to the P-Card” to: (i) clarify the process for authorization of expenses included in the applicable Annual Current Expense and Capital Budgets adopted by the Commission pursuant to the Compact; (ii) apply the Commission’s conflicts of interest policy to all procurement processes, not merely those supported by federal funds; (iii) update policies regarding discrimination or harassment; and (iv) update the procedure for reporting P-Card expenses when a receipt is missing; and

WHEREAS, the Commission has determined that its best interests are served by the revisions to the Bylaws described above; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. Sections 4.4, 5.10, 5.12, and 9.5 of the *Administrative Manual – Bylaws, Management and Personnel* are hereby amended to incorporate the revisions shown Attachment A.
2. The revised *Administrative Manual – Bylaws, Management and Personnel* shall be effective upon the date of adoption set forth below.

ADOPTED: December 7, 2022

Attachment A

Mark-Up of Sections 4.4, 5.10, 5.12, and 9.5 of the *Administrative Manual – By-Laws, Management and Personnel*

Editor's Note:

*Proposed additions are shown in redline with underscore.
Proposed deletions are shown in ~~redline with strikethrough~~.*

A series of 4 asterisks (* * *) denotes
chapters, sections or paragraphs omitted because
no changes are proposed to them.*

Administrative Manual
BY-LAWS, MANAGEMENT AND PERSONNEL

Adopted and Effective December 13, 1961

Revised through December 7, 2022

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CHAPTER 4
BUDGETS AND FINANCIAL PROCEDURES

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4.4. Purchasing. The Executive Director shall install and maintain a purchasing system conforming to Section 14.9 of the Compact.

4.4 A. ~~Except in accordance with Section 4.4 C. of this chapter, S~~standing authorization exists for purchasinges made consistent with the pertinent annual current expense and capital budgets approved-adopted in accordance with Section 13.3(b) of the Compact and with 4.2 B. of this Manual and the budget operation set forth in Section 4.3—Budget Operation of this Manual.

4.4 B. When sealed bids, notice and publication are not required by the Compact, the purchasing agent shall, whenever feasible, seek and obtain informally at least three bids or proposals for any purchase exceeding \$2,500. A record of all such informal bids shall be made and maintained by the purchasing agent.

4.4 C. No purchase ~~exceeding-valued at~~ \$50,000 ~~or more~~ shall be made without ~~prior-express~~ approval by ~~resolution of~~ the Commission, either by line item or other mention in the pertinent annual expense and capital budgets adopted pursuant to Section 13.3(b) of the Compact or by separate resolution.

4.4 D. *Conflicts of Interest.* Chapter 5—Personnel Policies, Section 5.10—Conflicts of Interest, paragraph D—~~Federal~~—Procurement Standards, concerning conflicts of interest in the Commission’s selection, award, or administration of contracts ~~supported by federal awards,~~ is incorporated by reference in this Section 4.4.

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CHAPTER 5
PERSONNEL POLICIES

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5.10 Conflicts of Interest.

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5.10 D. ~~Federal-Procurement Standards.~~ No Commission employee, officer, or agent may participate in the selection, award, or administration of a contract ~~supported by a federal award~~ if the employee, officer, or agent has a real or apparent conflict of interest.

The foregoing standard would include the situation where the employee, officer, or agent, any member of the employee's, officer's, or agent's immediate family, any partner of the employee, officer, or agent, or an organization which employs or is about to employ any of the parties listed in this paragraph has a financial or other interest in or a tangible personal benefit from a firm considered for the contract.

Employees, officers, and agents of the Commission may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except for items of nominal value and in accordance with procedures that may be established by the Commission.

Violations of this Section 5.10 D will result in disciplinary action, which may include termination of the employee's, officer's, or agent's position with the Commission.

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5.12 Policy Prohibiting Discrimination, Harassment or Hostile Environmental in the Workplace.

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5.12 F. *Employee Responsibilities.*

Any employee who believes that they have been subjected to any form of prohibited discrimination/ harassment, including sexual harassment, or who witnesses others being subjected to such harassment or discrimination is encouraged to promptly report the incident(s) to their manager or directly to either the Personnel Officer or the Commission Secretary. All employees are expected to cooperate with investigations undertaken pursuant to this policy. Failure to cooperate in an investigation may result in disciplinary action, up to and including termination.

Any employee who believes that they have been subjected to any form of prohibited discrimination ~~/or~~ harassment, including sexual harassment, or who witnesses others being subjected to such harassment or discrimination, or who observes acts of discrimination or harassment by a Commission employee, is encouraged to promptly report the incident(s) to their ~~manager~~immediate supervisor or branch director ~~or directly to either,~~ the Personnel Officer, ~~or~~ the Commission Secretary, or any other director or manager to whom the employee feels comfortable bringing such complaint. If a complaint is brought to a manager, the manager must report the complaint to the Personnel Officer or another director. All employees are expected to cooperate with investigations undertaken pursuant to this policy. Failure to cooperate in an investigation may result in disciplinary action, up to and including termination.

5.12 G. *Supervisor Responsibilities.*

~~Managers Employees with direct reports~~ should make every effort to maintain a work environment that is free from any form of discrimination ~~/or~~ harassment, and are expected to take all allegations of discrimination ~~/or~~ harassment, including sexual harassment,

~~seriously, and to immediately refer the matter to the individual(s) responsible for receiving such complaints. Employees with direct reports who observe acts of discrimination toward, or harassment of, another employee, or who receive any complaints from another employee alleging discrimination or harassment, or who observe acts of discrimination or harassment by a Commission employee, are required to promptly report the incident to the Personnel Officer or Commission Secretary. All complaints will be reviewed and prompt and appropriate remedial action will be taken to address any substantiated claim. Managers receiving complaints of unlawful discrimination/harassment must immediately advise the Personnel Officer of the complaint.~~

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5.12 I. *Prohibition against Retaliation.*

Retaliation against any employee who alleges that they were the victim of discrimination/ or harassment or against any employee who provides information in the course of any investigation into claims of unlawful discrimination/ or harassment in the workplace is prohibited by this policy. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy will not be subjected to adverse employment consequences based upon such involvement or be the subject of retaliation. Any suspected retaliation or intimidation should be reported to one of the persons identified above in Section 5.12 F.

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CHAPTER 9
PURCHASING CARD

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9.5 Submission and Approval of Charges to the P-Card.

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9.5 D. *Missing or lost transaction receipt; personal charge.*

1. When a receipt is missing ~~or lost, and the value of the associated charges exceeds 10.00,~~ the P-cardholder shall provide the Director of Finance and Administration with a completed “Lost Missing Receipt Form.” that has been signed by the P-cardholder’s supervisor. When a receipt is missing and the value of the charges is \$10.00 or less, a Missing Receipt Form is not required, but the P-cardholder should indicate on their expense report that the receipt is missing and include a detailed explanation of the purchase. If the value of the charges reflected on the missing or lost transaction receipt exceeds \$10.00, the P-cardholder’s supervisor must approve and sign the Lost Receipt Form in advance of providing the Lost Receipt Form to the Director of Finance and Administration.

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