

SDSTA Board Governance Manual



**SANFORD
UNDERGROUND
RESEARCH
FACILITY**

SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

Table of Contents

SDSTA Board Governance Manual

1

Accounting and Audit Policy	3
Code of Business Ethics and Conduct Policy	4
Code of Conduct and Conflict of Interest Policy	5
Delegation of Authority—Procurement Policy	9
Emergency Procurement Policy	12
Financial Conflict of Interest Policy	13
Firearms, Explosives and Other Weapons Policy	18
Foreign Access Policy	20
International Organization for Standardization System Policy	21
Management and Control of Certain Funds Policy	22
Public Comment Policy	24
Receiving State Money Policy	25
Record Retention Policy	26
Reimbursement of Alcohol Policy	30
SDSTA Board Governance Policy	31
Separation of Duties Policy	32
Sexual Harassment Investigation Policy	33
Sole Source Noncompetitive Procurements Policy	35
Succession Plan Policy	36
Surplus Property Disposal Policy	37
Travel Approval and Reimbursement—Board Members Policy	39
Utilization of Small Business Concerns Policy	41
Whistleblower Policy	42



Accounting and Audit Policy

South Dakota Science and Technology Authority

Accounting and audit procedures have been developed by the South Dakota Science and Technology Authority (SDSTA) to ensure internal controls, cash management, and compliance with other necessary financial and accounting requirements of applicable federal, state, and local regulations.

A. Internal controls

The SDSTA has established and maintains a system of accounting and audit procedures which define basic duties and responsibilities, safeguard SDSTA assets, and identify and correct any errors and irregularities in the financial records on a timely basis.

The Audit Committee, as defined by the SDSTA Audit Committee Charter, is the pro-active steward for oversight of the financial reporting and disclosure process for SDSTA. Audit Committee members are appointed annually to fulfill the responsibilities and duties detailed in the Charter.

B. Annual audit of financial records

An independent audit of all financial records shall be conducted annually by an auditor approved by the SDSTA Board of Directors

The results of the annual audit report shall be provided to the SDSTA Board of Directors.

C. Reporting compliance or ethical issues

SDSTA employees have a responsibility to report suspected fraudulent or other dishonest acts to their supervisor, Human Resources, Executive Director, or the SDSTA Board of Directors.

Employees can ask questions or raise concerns about suspected or actual compliance or business ethics issues with their supervisor, manager, Human Resources, the Executive Director or by calling the third-party external ethics hotline.

Employees raising questions and/or concerns in good faith are protected against retaliation.



Code of Business Ethics and Conduct Policy

South Dakota Science and Technology Authority

The South Dakota Science and Technology Authority (SDSTA) maintains a Code of Business Ethics and Conduct program applicable to all employees. The program includes the following:

1. A written Code of Business Ethics and Conduct;
2. An ongoing business ethics and conduct awareness program;
3. An internal control system for ensuring timely discovery and correction of improper conduct.



Code of Conduct and Conflict of Interest Policy

South Dakota Science and Technology Authority

The purpose of this code of conduct and conflict of interest policy (“Code”) is to establish a set of minimum ethical principles and guidelines for members of state authorities, boards, commissions, or committees when acting within their official public service capacity. This Code applies to all appointed and elected members of state authorities, boards, commissions and committees (hereinafter “Boards” and “Board member(s)”).

A. Conflict of interest for Board members

Board members may be subject to statutory restrictions specific to their Boards found in state and federal laws, rules and regulations. Those restrictions are beyond the scope of this Code. Board members should contact their appointing authority or the attorney for the Board for information regarding restrictions specific to their Board.

B. General restrictions on participation in Board actions

A conflict of interest exists when a Board member has an interest in a matter that is different from the interest of members of the general public. Examples of circumstances which may create a conflict of interest include a personal or pecuniary interest in the matter or an existing or potential employment relationship with a party involved in the proceeding.

Whether or not a conflict of interest requires a Board member to abstain from participation in an official action of the Board depends upon the type of action involved. A Board’s official actions are administrative, quasi-judicial or quasi-legislative.

A quasi-judicial official action is particular and immediate in effect, such as a review of an application for a license or permit. In order to participate in a quasi-judicial official action of the Board, a Board member must be disinterested and free from actual bias or an unacceptable risk of actual bias. A Board member must abstain from participation in the discussion and vote on a quasijudicial official action of the Board if a reasonably-minded person could conclude that there is an unacceptable risk that the Board member has prejudged the matter or that the Board member’s interest or relationship creates a potential to influence the member’s impartiality.

A quasi-legislative official action, also referred to as a regulatory action, is general and future in effect. An example is rule-making. If the official action involved is quasi-legislative in nature, the Board member is not required to abstain from participation in the discussion and vote on the action unless it is clear that the member has an unalterably closed mind on matters critical to the disposition of the action.



Code of Conduct and Conflict of Interest Policy

South Dakota Science and Technology Authority

Administrative actions involve the day-to-day activities of the Board and include personnel, financing, contracting and other management actions. Most of the administrative official actions of a Board are done through the Board's administrative staff. To the extent Board members are involved, the conflict of interest concern most frequently arises in the area of state contracting which is addressed in more detail below. If issues arise that are not directly addressed by this Code, the Board member should consult with the attorney for the Board.

"Official action" means a decision, recommendation, approval, disapproval or other action which involves discretionary authority. A Board member who violates any of these restrictions may be subject to removal from the Board to which the member is appointed.

C. Contract restrictions

There are federal and state laws, rules and regulations that address conflict of interest for elected and appointed Board members in the area of contracts. As an initial matter, a Board member may not solicit or accept any gift, favor, reward, or promise of reward, including any promise of future employment, in exchange for recommending, influencing or attempting to influence the award of or the terms of a state contract. This prohibition is absolute and cannot be waived.

Members of certain Boards are required to comply with additional conflict of interest provisions found in SDCL Chapter 3-23 and are required to make an annual disclosure of any contract in which they have or may have an interest or from which they derive a direct benefit. The restrictions apply for one year following the end of the Board member's term. The Boards impacted by these laws are enumerated within SDCL 3-23-10. For more information on these provisions, see the State Authorities/Boards/Commissions page in the Legal Resources section of the Attorney General's website at: <http://atg.sd.gov/legal/opengovernment/authorityboardcommission.aspx>. See also SDCL 5-18A-17, et. seq.

Other federal and state laws, rules and regulations may apply to specific Boards. For general questions regarding the applicability of SDCL Chapter 3-23 or other laws, a Board member may contact the attorney for the Board. However, because the attorney for the Board does not represent the Board member in his or her individual capacity, a Board member should contact a private attorney if the member has questions as to how the conflict of interest laws apply to the Board member's own interests and contracts.



Code of Conduct and Conflict of Interest Policy

South Dakota Science and Technology Authority

D. Consequences of violations of conflict of interest laws

A contract entered into in violation of conflict of interest laws is voidable and any benefit received by the Board member is subject to disgorgement. In addition, a Board member who violates conflict of interest laws may be removed from the Board and may be subject to criminal prosecution. For example, a Board member may be prosecuted for theft if the member knowingly uses funds or property entrusted to the member in violation of public trust and the use resulted in a direct financial benefit to the member. See SDCL 3-16-7, and 22-30-46.

E. Retaliation for reporting

A Board cannot dismiss, suspend, demote, decrease the compensation of, or take any other retaliatory action against an employee because the employee reports, in good faith, a violation or suspected violation of a law or rule, an abuse of funds or abuse of authority, a substantial and specific danger to public health or safety, or a direct criminal conflict of interest, unless the report is specifically prohibited by law.

Board members will not engage in retaliatory treatment of an individual because the individual reports harassment, opposes discrimination, participates in the complaint process, or provides information related to a complaint. See SDCL 20-13-26.

F. Anti-harassment/discrimination policy

While acting within their official capacity, Board members will not engage in harassment or discriminatory or offensive behavior based on race, color, creed, religion, national origin, sex, pregnancy, age, ancestry, genetic information, disability or any other legally protected status or characteristic.

Harassment includes conduct that creates a hostile work environment for an employee or another Board member. This prohibition against harassment and discrimination also encompasses sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to or rejection of the harassment is made either explicitly or implicitly the basis of or a condition of employment, appointment, or a favorable or unfavorable action by the Board member; or (2) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment or discriminatory or offensive behavior may take different forms and may be verbal, nonverbal, or physical in nature. To aid Board members in identifying inappropriate conduct, the



Code of Conduct and Conflict of Interest Policy

South Dakota Science and Technology Authority

following examples of harassment or discriminatory or offensive behavior are provided:

- Unwelcome physical contact such as kissing, fondling, hugging or touching;
- Demands for sexual favors; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexist put-downs, or sexual remarks about a person's body; sexual propositions, or persistent unwanted courting;
- Swearing, offensive gestures or graphic language made because of a person's race, color, religion, national origin, sex, age or disability;
- Slurs, jokes, or derogatory remarks, email or other communications relating to race, color, religion, national origin, sex, age or disability; or
- Calendars, posters, pictures, drawings, displays, cartoons, images, lists, e-mails or computer activity that reflects disparagingly upon race, color, religion, national origin, sex, age or disability.

The above cited examples are not intended to be all-inclusive.

A Board member who is in violation of this policy may be subject to removal from the Board.

G. Confidential information

Except as otherwise required by law, Board members shall not disclose confidential information acquired during the course of their official duties. In addition, members are prohibited from the use of confidential information for personal gain.

H. Reporting of violations

Any violation of this Code should be reported to the appointing authority for the Board member who is alleged to have violated the Code.

I. Existing policy

Nothing herein shall act to repeal the SDSTA Financial Conflict of Interest Policy originally adopted February 7, 2007.



Delegation of Authority—Procurement Policy

South Dakota Science and Technology Authority

A. The South Dakota Science and Technology (SDSTA) Board of Directors reserves unto itself:

1. The sole authority to approve the annual Operating and Capital Expenditure budget.
2. The sole authority to authorize the procurement process for any single contract, purchase order, or other expenditure of \$5,000,000.00 or more.
3. The sole authority to accept any single contract or award to SDSTA of \$5,000,000.00 or more.
4. The sole authority to award any single budgeted contract, purchase order, or other expenditure of \$5,000,000.00 or more.
5. The sole authority to approve any single non-budgeted contract, purchase order, or other expenditure of \$500,000.00 or more.

B. The Board of Directors delegates the authority to approve other procurement and expenditures as follows:

1. The Chairperson shall have the authority to:
 - a. Authorize the procurement process for any single budgeted contract, purchase order, or other expenditure of less than \$5,000,000.00.
 - b. Accept any single contract or award to SDSTA of less than \$5,000,000.00.
 - c. Award and execute any single budgeted contract, purchase order, or other expenditure of less than \$5,000,000.00.
 - d. Approve, award, and execute any single non-budgeted contract, purchase order, or other expenditure of less than \$500,000.00.
2. The SDSTA Executive Director shall have the authority to:
 - a. Authorize the procurement process for any single budgeted contract, purchase order, or other expenditure of less than \$2,500,000.00.



Delegation of Authority—Procurement Policy

South Dakota Science and Technology Authority

- b. Accept any single contract or award to SDSTA of less than \$2,500,000.00.
 - c. Award and execute any single budgeted contract, purchase order, or other expenditure of less than \$2,500,000.00.
 - d. Approve, award, and execute any single non-budgeted contract, purchase order, or other expenditure of less than \$250,000.00.
3. The SURF Laboratory Director shall have the authority to:
- a. Authorize the procurement process for any single budgeted expense of less than \$250,000.00.
 - b. Accept any single contract or award to SDSTA of less than \$250,000.00.
 - c. Award and execute any budgeted contract or purchase order of less than \$250,000.00.
 - d. After consultation with the Chairperson, or if the Chairperson is unavailable, a Vice Chairperson, which consultation shall be documented by the Laboratory Director, exercise the procurement authority of the Executive Director when the Executive Director is unable to do so due to an actual or potential conflict of interest.
 - 1. If the Executive Director and Laboratory Director positions are held by a single individual, the Chief Financial Officer shall have the authority of the Laboratory Director granted under this subsection B.3.
 - e. Department Directors and managers shall have the authority to:
 - 1. Authorize the procurement process for any single budgeted expense of less than \$25,000.00.
 - 2. Award and execute any budgeted contract or purchase order of less than \$25,000.00.



Delegation of Authority—Procurement Policy

South Dakota Science and Technology Authority

All procurement shall take place in conformity with such federal, state, donor-imposed or other competitive bidding and other procurement laws or requirements as may be applicable to the funds and/or contract or purchase order in question. If no such laws or requirements apply, procurement shall be conducted in the manner most advantageous to the SDSTA, price and other factors considered.

Nothing herein shall prohibit a person with a higher level of authorization to authorize procurements or expenditures within the approval authority of some other person with a lower level of authorization.

Contracts, purchase orders, and other expenditures may not be arbitrarily divided into smaller contracts, purchase orders, or expenditures for the purpose of evading the authorizations provided for in this policy.

Approval of a contract, purchase order, or other expenditure as provided in this policy shall also act to authorize approval of bills, invoices, draw requests, or other requests for payment under the approved contract, purchase order, or other expenditure, provided that the bill, invoice, draw request, or other request for payment is approved under a procedure adopted under this policy.

Members of the Board of Directors, management, and staff shall comply with the SDSTA's Financial Conflict of Interest Policy at all times.

This policy addresses only approval authority. As described in the Separation of Duties Policy, authority is distinct from purchasing, receiving, and payment functions.



Emergency Procurement Policy

South Dakota Science and Technology Authority

The South Dakota Science and Technology Authority (SDSTA) shall allow an emergency procurement only if a threat to public health, welfare, safety, or for other urgent and compelling reasons exists. An emergency procurement shall be made with such competition as is practicable under the circumstances.



Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

Article I

The purpose of this Financial Conflict of Interest Policy is to protect the South Dakota Science and Technology's (SDSTA's) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a Board Member, officer or employee.

This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest which are applicable to the SDSTA.

Article II

A. Definitions

1. Interested Person—Any officer, employee, Director or member of a committee with powers delegated from the Board of Directors, who has a direct or indirect financial interest, as defined below, is an Interested Person.
2. Financial Interest—A person has a Financial Interest if the person has, directly or indirectly, through business (including membership in a partnership or limited liability company or ownership of stock in a corporation), investment or a member of the person's immediate family:
 - a. An ownership or investment interest in any entity with which the SDSTA has a transaction or arrangement;
 - b. A compensation arrangement with the SDSTA or with any entity or individual with which the SDSTA has a transaction or arrangement; or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the SDSTA is negotiating a transaction or arrangement.
3. Compensation—includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.



Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

Article III—Procedures

A. Duty to disclose

In connection with any actual or possible conflict of interest, an Interested Person must disclose the existence of the Financial Interest and be given the opportunity to disclose all material facts to the Board of Directors considering the proposed transaction or arrangement.

B. Determining whether a financial conflict of interest exists

After disclosure of the Financial Interest and all material facts, and after any discussion with the Interested Person, the person shall leave the Board of Directors meeting while the determination of a conflict of interest is discussed and voted upon. The remaining members of the Board of Directors shall decide if a conflict of interest exists.

C. Procedures for addressing the financial conflict of interest

1. An Interested Person may make a presentation at the Board of Directors meeting, but after the presentation, the person shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
2. The Chairperson shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
3. After exercising due diligence, the Board of Directors shall determine whether the SDSTA can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
4. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board of Directors shall determine by a majority vote of the disinterested Directors whether the transaction or arrangement is in the SDSTA's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.



Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

D. Violations of the financial conflict of interest policy

1. If the Board of Directors has reasonable cause to believe a person has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose.
2. If, after hearing the person's response and after making further investigation as warranted by the circumstances, the Board of Directors determines the person has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Article IV—Contracts Supported by Federal Funds

A. Participation in award or administration

Anything in this Policy to the contrary notwithstanding, no employee, officer, Board Member, or agent of the SDSTA shall participate in the selection, or in the award or administration of, a contract supported by federal funds if disqualified pursuant to the terms of this Article IV.

Disqualification

A person is disqualified if the person, any member of his immediate family or a business partner, associate, or co-owner of the person has a financial or other interest in the firm selected for the award. A person is not disqualified if his direct or indirect interest in the firm is insubstantial, such as in the case of ownership of an insubstantial amount of stock in a publicly-traded corporation. The Board of Directors may determine whether other interests are insubstantial on a case-by-case basis.

B. Gratuities

Neither the SDSTA nor any employee, officer or Board Member shall accept any gratuity, favor of anything of monetary value from a contractor, potential contractor or parties to sub-agreements. This Policy does not prohibit the acceptance of gifts of nominal value (under \$20 or \$50 a year per source) such as business meals, logo or promotional advertising novelties routinely used by vendors to market their businesses to the public, or refreshments or meals in connection with attendance at professional meetings or events sponsored by businesses or associations. However, employees should exercise discretion in accepting invitations or wearing logo items where they could create the appearance of a conflict of interest.



Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

Article V—SDCL Ch. 3-23

Members of the Board of Directors shall also comply with the provisions of SCL Ch. 3-23. In the event of a conflict between the terms of this Policy and the terms of SDCL Ch. 3-23, the more restrictive terms shall govern.

Article VI—Records of Proceedings

The minutes of the Board of Directors and all committees with Board-delegated powers shall contain:

- A. The names of the persons who disclosed or otherwise were found to have a Financial Interest in connection with an actual or possible conflict of interest, the nature of the Financial Interest, any action taken to determine whether a conflict of interest was present and the Board's decision as to whether a conflict of interest in fact existed.
- B. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement and a record of any votes taken in connection with the proceedings.

Article VII—Compensation

A. Board of Directors

A member of the Board of Directors who receives compensation, directly or indirectly, from the SDSTA for services is precluded from voting on matters pertaining to that member's compensation.

B. Committees

A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the SDSTA for services is precluded from voting on matters pertaining to that member's compensation. Information concerning compensation

No member of the Board of Directors or voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the



Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

SDSTA, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Article VIII—Notification of Conflict of Interest Rules

A. Statement

Each Director, principal officer and member of a committee with Board-delegated powers shall annually sign a statement which affirms such person:

1. Has received a copy of the Financial Conflict of Interest Policy;
2. Has read and understands the Policy; and
3. Has agreed to comply with the Policy.

B. Notification

Each employee of SDSTA shall be given notice of this Financial Conflict of Interest Policy and any related or similar policies, procedures, manuals, rules or requirements.



Firearms, Explosives and Other Weapons Policy

South Dakota Science and Technology Authority

The purpose of the South Dakota Science and Technology Authority (SDSTA) Firearms, Explosives, and Other Weapons Policy is to protect SDSTA infrastructure, property owned by third parties but located on SDSTA property, and SDSTA and non-SDSTA personnel from damage, injury or death.

This policy applies to all stakeholders, including visitors, users, contractors, employees and agents of SDSTA.

A. Findings

1. Pursuant to SDCL 1-16H-5, SDCL 1-16H-15, and other applicable law, the SDSTA Board of Directors has plenary authority to manage and regulate the real and personal property owned by it or otherwise under its control. The Board of Director's authority includes the power to establish the terms and conditions upon which persons may have access to SDSTA-owned or controlled property.
2. There exists sensitive experiment-related and other high value hardware underground and on the surface of the Sanford Underground Research Facility (SURF) that could be significantly damaged or destroyed by an accidental or intentional discharge of a firearm.
3. There are from time-to-time significant quantities of explosives stored and/or in use at SURF. These explosives could be triggered by an accidental or intentional discharge of a firearm or the triggering of accidental or intentional explosion of other explosive materials.
4. There exists high value exhibits and other hardware at the Sanford Lab Homestake Visitor Center (SLHVC) that could be significantly damaged or destroyed by an accidental or intentional discharge of a firearm. The SLHVC is often occupied by large numbers of visitors, including children.
5. The prohibition of firearms, explosives and other weapons, other than the possession of firearms and explosives permitted under this policy, will promote a safe environment for visitors, users, contractors, employees and agents of SDSTA.

B. Definitions

1. Firearm—a pistol, rifle, shotgun or other device from which a projectile is discharged by an explosive. For the purposes of this policy, the term includes antique and non-functioning devices.



Firearms, Explosives and Other Weapons Policy

South Dakota Science and Technology Authority

2. Explosive—a solid or liquid substance (or mixture of substances) which is in itself is capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings. The term includes pyrotechnic substances even when they do not evolve gases. A pyrotechnic substance is a substance or mixture of substances designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as the result of non-detonative self-sustaining exothermic chemical reactions. The term includes binary explosives in any quantity.
3. Other Weapons—any knife, bow and arrow, crossbow, nun chucks, brass knuckles or other device which is capable of causing injury or death, which is commonly considered to be intended for the purpose of self-defense or for causing injury or death, and which is not intended for any other purpose. The term “knife” does not include a workplace tool or a pocketknife with a blade less than 4-inches long.

C. Prohibitions

Except as otherwise provided in this subsection C, no person other than law enforcement or military (including National Guard) personnel engaged in the performance of their duties as such or SDSTA security personnel authorized to do so by the Executive Director may use or possess a firearm, explosive, or other weapon anywhere on SDSTA-owned or controlled property. The prohibition on the use or possession of explosives does not apply to qualified SDSTA, consultant or contractor personnel temporarily in control or possession of, or using, explosives as a part of planned experimental, demolition or construction activities.

D. Consequences for Violations

1. SDSTA employees shall be subject to disciplinary action, up to and including termination, upon the first or any subsequent violation of this policy.
2. Non-SDSTA employees may be temporarily or permanently excluded from SDSTA property upon the first or any subsequent violation of this policy.



Foreign Access Policy

South Dakota Science and Technology Authority

The South Dakota Science and Technology Authority (SDSTA) supports an atmosphere of free intellectual exchange and collaboration within the international scientific and technical community. Visitors from around the world perform a vital role in sustaining the creative environment and contributing to the mission of the Sanford Underground Research Facility (SURF). In parallel with supporting science, the SDSTA is required by a Cooperative Agreement (CA) with the U.S. Department of Energy's Office of Science to control access by foreign nationals and to provide protection against any potential compromise of information, equipment or technology.

Before a SURF visit or assignment can occur, the foreign national seeking access must formally request access in writing. The sponsor must approve the access request. A "sponsor" is an SDSTA employee or SURF affiliate who undertakes specific responsibilities described in this policy and serves as the SDSTA point of contact for the foreign national.

Proof of identity and citizenship are required for all foreign visitors and assignees to verify the foreign national's identity and authority to work (when applicable for the activities involved) in the United States. Failure to provide appropriate documentation when required, or providing fraudulent documentation, will result in suspension of access approval, removal from SURF and possible cancellation of future access.

A SURF access badge will be issued upon completion of safety training and approval by the appropriate supervisor and sponsor. SDSTA staff will maintain and archive records of all foreign national visitors, employees, contractors and users onsite for a period of seven (7) years from the date of visit.

At the conclusion of the foreign national visit or assignment, all badges or keys issued to the foreign national must be returned to the SURF Administrative Services Office or sponsor. The SURF check-out procedure shall be followed to ensure all items of concern are returned.

Any violations of this policy will be recorded by SDSTA staff and reported to the Department of Energy as required by the CA.

Reference SURF's Foreign Access Plan for additional details.



A. Statement

The South Dakota Science and Technology Authority (SDSTA) shall implement and manage an International Organization for Standardization (ISO) system.

B. Purpose

The SDSTA shall maintain certification of the ISO system in accordance with the Sanford Underground Research Facility (SURF) Operations Cooperative Agreement (CA) between the SDSTA and the U.S. Department of Energy's Office of Science.



Management and Control of Certain Funds Policy

South Dakota Science and Technology Authority

This policy is adopted by the South Dakota Science and Technology Authority (SDSTA) to comply with the terms of the “Property Donation Agreement between and among Homestake Mining Company of California, the State of South Dakota and the South Dakota Science and Technology Authority” dated April 14, 2006 (the “Agreement”). In the event of a conflict between the terms of this policy and the Agreement, except as otherwise required by applicable law, the terms of the Agreement shall govern the maintenance of the Funds. Capitalized terms used but not defined in this Policy shall be used and construed as defined in the Agreement.

1. All monies appropriated to and held by the SDSTA, other than those that are held at a commercial bank or banks for the immediate cash flow needs of the SDSTA, shall be invested by the South Dakota Investment Council in the state pooled fund account for benefit of the SDSTA. The SDSTA requests and directs the Bureau of Finance and Management to account for and credit interest earned to the SDSTA as provided by SDCL 4-5-30.
2. Monies held at a commercial bank or banks shall be actively managed to meet cash flow requirements and will be held to a minimum in order to maximize Investment Council interest earnings.
3. The SDSTA hereby establishes the following Funds (the “Funds”) within the monies invested with the Investment Council:
 - a. Closure Fund.
 - b. Indemnification Fund.
 - c. General Operating Fund.
4. The SDSTA shall maintain separate accounts for each of the Funds, although the Funds may be maintained by the Investment Council together within the pooled fund account.
5. The initial deposits into the Closure Fund shall be \$800,000 appropriated by the South Dakota Legislature plus \$200,000 delivered to the SDSTA by Homestake. The SDSTA will maintain a restricted balance of \$1,000,000 in the Closure Fund, reduced only by any sums expended by the SDSTA for closure, reclamation, restoration, remediation and subsequent monitoring of the Assets as required by any Governmental Authority pursuant to any Environmental, Health and



Management and Control of Certain Funds Policy

South Dakota Science and Technology Authority

Safety Law. Interest earned on the principal of the Closure Fund shall remain in and become a part of the Closure Fund. In the event the balance of the Closure Fund decreases below \$1,000,000 for any other reason, the SDSTA shall promptly restore it to a minimum balance of \$1,000,000.

6. The initial deposit into the Indemnification Fund shall be \$10,000,000 appropriated by the South Dakota Legislature. Pursuant to the Third Amendment to the Agreement, the SDSTA will maintain a restricted balance of \$7,500,000 in the Indemnification Fund reduced only by any sums actually spent by the SDSTA for indemnification of the Homestake Indemnified Parties. In the event the balance of the Indemnification Fund decreases below \$7,500,000 for any other reason, the SDSTA shall promptly restore the amount of any decrease to the Indemnification Fund. Interest earned on the principal of the Indemnification Fund shall be transferred to the General Operating Fund not less often than annually.
7. The General Operating Fund shall consist of all other accounts and monies established by and appropriated to the SDSTA and other investments in which the SDSTA is authorized to invest its funds pursuant to applicable law. The General Operating Fund shall be used only for activities related to general operating costs, rehabilitation, development and operation of the Assets for the purposes established by the SDSTA and consistent with the Agreement, including solicitation of scientific, research and development projects to use the Assets.
8. The Chief Financial Officer shall prepare semi-annual certifications showing the balance in each of the Closure Fund, the Indemnification Fund and the General Operating Fund, and shall make them available for public inspection.



Public Comment Policy

South Dakota Science and Technology Authority

Public Comment Policy and Form:

Pursuant to SDCL 1-25-1 as amended by House Bill 1172 in the 2018 Legislative Session the procedure for conducting public comment periods during meetings of the South Dakota Science and Technology Authority (SDSTA) shall be as follows:

The chair of the SDSTA shall reserve a period for public comment, limited at the chair's discretion, at each meeting.

Before the beginning of the meeting, all persons who wish to make comments during the comment period shall indicate their desire to do so on a form that will be provided by the Executive Director. The form shall indicate the person's name, city of residence and generally describe the matter or matters on which the person wishes to comment.

The amount of time allocated to each interested person who wishes to make comments will be determined at the chair's discretion at each meeting.

Comments must be limited to matters which are under the jurisdiction of the SDSTA.

All persons making public comments at meetings of the SDSTA must do so in a manner that maintains civility. Comments which contain offensive language or profanity will not be tolerated.

Adopted June 28, 2018

Full Name:

City of Residence:

General Subject Matter of Comments:



Receiving State Money Policy

South Dakota Science and Technology Authority

The South Dakota Science and Technology Authority (SDSTA) will request the transfer of funds from the State Treasurer's Office to the SDSTA's local bank account as necessary.

The SDSTA will provide quarterly bank statements from the SDSTA's local bank account to the South Dakota State Auditor and to the South Dakota State Treasurer consistent with South Dakota Codified Law 4-4-3.



Record Retention Policy

South Dakota Science and Technology Authority

A. Statement

In accordance with the Integrated Management System (IMS), federal, state, and contractual obligations, the South Dakota Science and Technology Authority (SDSTA) will retain limited administrative, environmental, safety, and health records in accordance with the retention schedules set out in the accompanying tables:

Administrative

Type of Record	Retention Period
Accident report/claims - Workers Compensation	Indefinitely during employment & 10 years after termination
Accounts payable checks and vouchers (copies)	7 years
Accounts payable ledgers and schedules	7 years
Accounts receivable ledgers and schedules	7 years
Audit reports	Indefinitely
Bank reconciliations	7 years
Bank statements	7 years
Cash books	7 years
Contracts	Destroy 10 years after termination
Correspondence (only regarding legal and important matters)	Indefinitely
Deeds, mortgages and bills of sales	Indefinitely
Depreciation schedules	7 years
Employment applications	5 years
Employee timesheets	7 years
Financial statements (only year-end)	Indefinitely
Foreign Nationals Identifications – Badged Users and Contractors	7 years after end of fiscal year
Garnishments	7 years
Government-furnished property (only equipment over \$5K)	7 years
Indirect cost rate proposals	Indefinitely
Insurance policies (expired)	10 years



Record Retention Policy

South Dakota Science and Technology Authority

Type of Record	Retention Period
Accident Reports/Claims Files – Non-Workers Compensation	10 years after resolution or accident, whichever is longer
Inventories of products, materials, supplies	7 years
Invoices (only to customers and from vendors)	7 years
Journals	7 years
Minute books of directors	Indefinitely
Payroll records and summaries	7 years
Personnel files	Indefinitely during employment and 10 years after termination
Petty cash vouchers	7 years
Property appraisals by outside appraisers	Indefinitely
Purchase orders	7 years
Receiving sheets	7 years
Retirement and pension records	Indefinitely
Requisitions	7 years
Scrap and salvage records	7 years
Visitor daily check-in logs and monthly registration logs	5 years
Voucher register and schedules	7 years

Environmental

Type of Record	Retention Period
Biological Reports (only Whole Effluent Toxicity and Stream test results) [National Pollution Discharge Elimination System (NPDES) Permit 0000043]	5 years
Clean Air Act emission test results [40 Code of Federal Regulations (CFR) 61.33]	4 years
Clean Air Act monitoring data and performance tests [40 CFR 61.14]	4 years
Clean Air Act permits [40 CFR 70.6 (9a)(3)]	5 years
Environmental Protection Agency (EPA) underground injection permits [40 CFR 144.12]	Indefinitely



Record Retention Policy

South Dakota Science and Technology Authority

Type of Record	Retention Period
Emergency Planning and Community Right-to-know Act (EPCRA) Tier II Reports [40 CFR 370.25 (d)]	4 years
Hazardous waste exception reports [40 CFR 262.40]	4 years
Hazardous waste inspection results [40 CFR 262.40]	4 years
Hazardous waste manifests [40 CFR 262.40]	4 years
Hazardous waste training records [40 CFR 262.40]	4 years
Land Disposal Restrictions (LDR) waste analysis and documentation [40 CFR 370.25 (d)]	5 years
NPDES monitoring records (DMRs) [40 CFR 122.41]	4 years
NPDES permit application records [40 CFR 122.21]	5 years
NPDES storm water records [40 CFR 216.29]	5 years
Polychlorinated Biphenyl (PCB) manifests and logs (only after final disposal) [40 CFR 761.209]	4 years
Spill Prevention, Control and Countermeasure (SPCC) plans and inspection records [40 CFR 112.7]	4 years
Storm water construction permits [by permit]	Indefinitely
Waste test results [40 CFR 262.40]	4 years
Wastewater Treatment Plant (WWTP) monitoring data and calibration check [40 CFR 61.14]	4 years
All other permits	Indefinitely

Safety and Health

Type of Record	Retention Period
Employee Training Records	Retain for duration of employment plus 3 years
Industrial Hygiene (IH)	Indefinitely
Medical Records (only related to workers' compensation)	Indefinitely
OSHA 300 Logs	5 years
Risk Waivers (2) - "Acknowledgment of Risk" and "Release, Agreement Not to Sue and Waiver"	Indefinitely



Record Retention Policy

South Dakota Science and Technology Authority

Quality

Type of Record	Retention Period
Audits	Retain for duration of ISO System plus 5 years
Audits Schedules	5 years
Change Control Requests Approvals	5 years
Environmental Aspect/Impact FMEA	Retain for duration of ISO System plus 5 years
Gauge Calibrations	Retain for duration of ISO System plus 5 years
IMS Objectives Planning	5 years
Management Review Reports	5 years
Nonconformances (NCs) & Corrective Actions (CAs)	Retain for duration of ISO System plus 5 years
Safety and Support Perception Survey	5 Years
Work Participation and Consultation FMEA	Retain for duration of ISO System plus 5 years

B. IMS

Records created from controlled documents shall be retained in accordance with the SDSTA Integrated Management System (IMS), effective August 4, 2022. In the event of any ambiguity or discrepancy between the terms of this policy and the IMS, the express terms of this policy shall govern.

C. Purpose

Records retention supports SDSTA operations, ensures legal and regulatory compliance, and provides a framework for consistent record management and disposition.



Reimbursement of Alcohol Policy

South Dakota Science and Technology Authority

The South Dakota Science and Technology Authority (SDSTA) will not pay or reimburse employees or other individuals for alcoholic beverages with Federal or State funds. On limited occasions, unrestricted SDSTA funds may be used to purchase alcohol for events with the approval of the Executive Director. Unrestricted SDSTA funds may also be used to reimburse an employee or board member for alcohol purchased as part of a business meeting, meal, or other representational function with non-SDSTA guests held to further SDSTA's goals and activities. Reimbursement for any business meeting, meal, or representational purpose must be approved by the Executive Director, or, if the individual claiming the reimbursement is either the Executive Director or a board member, by the board Chairperson or by majority vote of the board.



SDSTA Board Governance Policy

South Dakota Science and Technology Authority

The South Dakota Science and Technology Authority (SDSTA) is governed by a Board of Directors. The Board of Directors is responsible for establishing governance policies to ensure accountability, oversight, and strategic direction of the organization. In support of operational effectiveness, safety, and legal compliance, the Board shall also ensure that an Employee Handbook is maintained to govern employee conduct and facilitate the safe and efficient operation of the facility.

The Board of Directors delegates the authority and responsibility for the development, approval, implementation, and ongoing administration of the Employee Handbook to the Executive Director, in consultation with legal counsel. The Employee Handbook shall be reviewed at least annually to ensure continued relevance and compliance, and any updates shall be reported to the Board of Directors on a quarterly basis.

Copies of all Employee Handbook policies shall be readily available to SDSTA personnel.



Separation of Duties Policy

South Dakota Science and Technology Authority

It is the policy of the South Dakota Science and Technology Authority (SDSTA) that departments must separate the duties of purchasing, receiving and authorizing payment for goods and services by distributing the duties among two or more people. Segregation of duties is critical to an effective internal control environment and provides necessary checks and balances to deter fraud, detect errors and prevent concealment of irregularities. Should staff limitations require one person to be responsible for two or more of these functions, a supervisory review should be conducted as a compensating control activity.



Sexual Harassment Investigation Policy

South Dakota Science and Technology Authority

The purpose of this policy is to establish a mechanism for third-party investigation of claims of sexual harassment and related alleged retaliatory adverse employment actions. This policy applies to the SDSTA Board of Directors, management and staff.

A. Definitions

1. Board of Directors—The duly-appointed, acting and qualified Board of Directors of SDSTA, including ex officio members.
2. Management—The Executive Director, Laboratory Director and all other SDSTA employees with authority to make hiring and firing decisions or whose recommendations concerning hiring and firing decisions carry great weight.
3. Staff—All SDSTA employees other than management.
4. Adverse Employment Action—For the purposes of this policy only, an employer action that might dissuade a reasonable employee from making or supporting a charge of sexual harassment or related discrimination, including but not limited to a tangible change in working conditions that produces a material employment disadvantage, such as termination, cuts in pay or benefits, denial of promotion, refusal to hire, denial of job benefits, demotion, suspension and other changes that affect an employee's future career prospects, as well as circumstances amounting to a constructive discharge.
5. Sexual Harassment—see Employee Handbook, Anti-Harassment Policy.

B. Investigation of claims of harassment and retaliatory adverse employment actions

1. All allegations of sexual harassment or retaliatory adverse employment actions shall be reported to the Executive Director. The Executive Director shall promptly forward any such report to the chairperson of the Board and to general counsel. If the Executive Director, chairperson of the Board or general counsel are implicated in the report, the report will not be forwarded to the person implicated. If the Executive Director is implicated in the report, the report will be forwarded to the chairperson of the Board or other member of the Board of Directors not implicated in the report. If the chairperson of the Board is implicated, the report will be forwarded to a vice-chairperson or other member of the Board of Directors not



Sexual Harassment Investigation Policy

South Dakota Science and Technology Authority

implicated in the report. If general counsel is implicated in the report, the chairperson of the Board or other member of the Board of Directors will retain other legal counsel to act in the place of general counsel in connection with the report.

2. General counsel (or any other lawyer to whom the report is referred), in consultation with the chairperson of the Board or other board member, shall retain the services of a consultant to investigate the report and promptly provide a written summary of its findings to general counsel and the chairperson of the Board. After consultation, general counsel and the chairperson of the Board shall provide a copy of the report to the Executive Director and solicit the Executive Director's recommendation concerning how to respond to the report. The recommendation is subject to approval, modification or rejection by the chairperson of the Board.
3. Any proposed adverse employment action related to, or alleged to be related to, a claim of sexual harassment or discrimination may not be implemented until after the application of the procedures set forth in this policy. Any such adverse employment action implemented in violation of this section 3 is subject to reversal by the chairperson of the Board.

Nothing in this policy is intended to limit or otherwise modify the authority of the Board of Directors.



Sole Source Noncompetitive Procurements Policy

South Dakota Science and Technology Authority

It is the policy of the South Dakota Science and Technology Authority (SDSTA) that procurements be made on a competitive basis to the maximum extent practical. However, there may be circumstances where only one source has the practical capability to perform the work or provide the required services within the time required and at reasonable prices.

In such circumstance, the requestor must complete a written determination using the Sole Source Justification form, which establishes that competition will not be practical or possible. Approval of the request must be obtained from the Contracts and Procurement Manager, CFO, or Executive Director.

Sole source procurements should be used only when no other reasonable alternatives exist. Competition must be solicited if doubt exists whether a sole source procurement is appropriate.

The requirement to justify a sole source procurements does not apply to the following:

1. Procurements of electric power or energy, gas (natural or manufactured), water or other utility;
2. Procurements of educational services from nonprofit institutions;
3. Acquisitions from or through other Government agencies; and
4. Insurance and professional services.

Approved Sole Source Justifications shall remain effective for a period of three (3) years from the date of approval.



Succession Plan Policy

South Dakota Science and Technology Authority

Recognizing that changes in management are inevitable, the South Dakota Science and Technology Authority (SDSTA) shall establish a succession plan, which identifies critical executive and management positions so as to avoid extended and costly vacancies in key positions and provide continuity in leadership.



Surplus Property Disposal Policy

South Dakota Science and Technology Authority

This policy establishes the terms and conditions upon which personal property owned by the South Dakota Science and Technology Authority (SDSTA) may be declared surplus and disposed of by the SDSTA.

Disposal under this policy shall comply with SOU-5000-S-001, Decommissioning Property Standard.

A. Applicability

1. It is the policy and position of the SDSTA that it is a body corporate and politic and not a unit of state government or a state agency, and that property owned by the SDSTA is not "state-owned property." It is also the policy and position of the SDSTA that SDCL 1-16H-15(16) grants the SDSTA the power to dispose of surplus property upon such terms and conditions as the SDSTA deems appropriate and in furtherance of the purpose for which it was organized. Accordingly, the disposal of surplus property owned by the SDSTA is not governed by SDCL Ch. 5-24A or other state law of general application concerning the disposition of surplus property owned by governmental entities.
2. The disposal of any property purchased with federal or state grant funds is subject to the terms and conditions of the grant under which the property was purchased.
3. This policy shall apply only to personal property, including personal property, which may also be characterized as a fixture under property law. It shall not apply to real property (other than fixtures).

B. Declaration of surplus

1. Property may be declared surplus if the SDSTA no longer needs it or is no longer necessary, useful, or suitable for the purposes for which it was acquired or previously used.
2. The SDSTA Executive Director shall make the initial determination concerning whether property should be declared surplus.
3. If the SDSTA Executive Director determines that property should be declared surplus, its fair market value (net of the costs of removal and transportation off SDSTA property) shall be estimated. The SDSTA Executive Director shall determine the means of disposal, consistent



Surplus Property Disposal Policy

South Dakota Science and Technology Authority

with this policy that is most advantageous to the SDSTA and document the estimate, recommendation, and basis for each.

4. The SDSTA Executive Director shall report any such declaration and disposal to the SDSTA Board of Directors in writing within ninety (90) days.

C. Means of disposal—transfer of title

1. The SDSTA Executive Director is authorized to execute a bill of sale for the property disposed of in the name of the SDSTA.

D. Proceeds from disposition

1. Proceeds from the disposition of surplus property shall be applied first to the cost of disposition and any excess shall then be deposited into the general fund of the SDSTA.

E. Conflicts of interest

1. All directors, officers, employees, and agents shall avoid actual conflicts of interest and the appearance of a conflict of interest in connection with the disposal of surplus property.
2. Surplus property shall not be gifted or donated to directors, officers, employees, or agents of the SDSTA.
3. Directors, officers, employees, and agents of the SDSTA may purchase surplus property, but only if the property is offered for sale via appropriately-advertised sealed bids through the Sanford Lab website or at an appropriately-advertised public auction.



Travel Approval and Reimbursement—Board Members Policy

South Dakota Science and Technology Authority

Members of the South Dakota Science and Technology Authority (SDSTA) Board of Directors shall be reimbursed for travel expenses at rates established by the South Dakota Board of Finance for attendance at SDSTA events, conferences or Board meetings per the following guidelines.

A. Transportation

Members of the SDSTA Board of Directors will be paid mileage at the rate established by the South Dakota Board of Finance for attendance at SDSTA events, conferences or Board meetings.

When traveling by air, reservations for the least expensive seating option shall be made two (2) weeks in advance, unless waived by the Executive Director, and charged directly to SDSTA. Reservations shall be made through the SDSTA-recommended travel agency by SDSTA or by the Board member.

Should taxis, shuttles or rental cars be used for transportation between the airport and the final destination hotel or meeting site, receipts will be required for reimbursement. A regular sized vehicle is adequate for business travel; insurance protections/coverages offered when renting a vehicle should be declined as SDSTA will not reimburse for this expense.

B. Lodging

Lodging reservations for Board members shall be made by SDSTA, unless waived by the Executive Director.

Hotel bills must clearly itemize the cost of the room separate from any other charges.

C. Meals

SDSTA Board members shall be reimbursed for meals at the rates and upon the terms established from time-to-time by the South Dakota Board of Finance.

If a meal is provided free of charge in connection with the Board member's travel, the Board member will not be reimbursed or eligible for per diem attributable to that meal.

SDSTA will not reimburse for alcoholic beverages under any circumstances.



Travel Approval and Reimbursement—Board Members Policy

South Dakota Science and Technology Authority

Every effort will be made to keep the cost for meals provided by SDSTA during SDSTA events, conferences or Board meetings at the rate that would be allowed on the State approved per diem basis. The Executive Director is charged with minimizing the costs as much as possible.

D. Reimbursement

SDSTA Board members must submit a Board Travel Reimbursement form and the required documentation for any transportation, lodging, meals and related expenses incurred and paid by the Board member, to receive reimbursement.



Utilization of Small Business Concerns Policy

South Dakota Science and Technology Authority

It is the policy of the South Dakota Science and Technology Authority (SDSTA) to encourage maximum practicable opportunities for small business concerns, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, Historically Underutilized Business Zone (HUBZone) small business concerns, small disadvantaged business concerns, and women-owned small business concerns to compete for and participate in the performance of subcontracts let by SDSTA if required under a federally-funded binding agreement or other applicable law.



Whistleblower Policy

South Dakota Science and Technology Authority

The South Dakota Science and Technology Authority (SDSTA) expects its directors, employees and other representatives to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the SDSTA must practice honesty and integrity in fulfilling responsibilities and comply with all applicable federal and state laws and regulations.

A. Reporting responsibility

It is the responsibility of all directors and employees to report Reportable Conduct in accordance with this Whistleblower Policy.

B. Reportable conduct

The term, “Reportable Conduct,” as used in this policy, means any serious impropriety that may impact the integrity or effective operations of the SDSTA, including, but not limited to, any one or more of the following:

- A serious violation of SDSTA policy;
- An unresolved Financial Conflict of Interest (see *Financial Conflict of Interest Policy*)
- A violation of applicable state or federal law; or
- The use of SDSTA property, resources or authority for personal gain or other unauthorized non organization-related purpose.

C. No retaliation

No officer or employee who in good faith reports Reportable Conduct will suffer harassment, retaliation or adverse employment consequence. Any officer or employee who retaliates against anyone who has reported Reportable Conduct in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the SDSTA prior to seeking resolution outside the SDSTA.



D. Reporting conduct under this policy

The SDSTA encourages its officers and employees to share their questions, concerns, suggestions or complaints with someone who can address them properly. Any officer or employee may report Reportable Conduct to the Executive Director or the Chairperson of the Board of Directors. If the Reportable Conduct implicates one or both of the Executive Director or the Chairperson of the Board of Directors, or if the reporting individual is not comfortable speaking with or not satisfied with response of the foregoing individuals, the issue may be reported to any member of the Board of Directors or to the SDSTA's general counsel.

The Executive Director, the SDSTA's general counsel and any member of the Board of Directors to whom a report of Reportable Conduct is made are required to immediately advise the full Board of Directors of such report.

E. Acting in good faith

Anyone filing a complaint of Reportable Conduct must be acting in good faith and have reasonable grounds for believing the information disclosed indicates Reportable Conduct. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

F. Confidentiality

Reports of Reportable Conduct or suspected Reportable Conduct may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of Reportable Conduct or suspected Reportable Conduct will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

G. Handling of reported reportable conduct

A representative of the Board of Directors will notify the sender and acknowledge receipt of the report of Reportable Conduct or suspected Reportable Conduct within five business days, unless such report was submitted anonymously. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.



H. OSHA Act of 1970

The Occupational Safety and Health Act of 1970 gives employees the right to file complaints about workplace safety and health hazards. Further, the Act gives complainants the right to request that their names not be revealed to their employers. In addition, employees who believe that their employer has discriminated or retaliated against them for raising or reporting safety or health concerns may file a complaint. Details on filing a complaint with OSHA can be found at <http://www.osha.gov/as/opa/worker/complain.html> or if there is an emergency or the hazard is immediately life-threatening, call your local OSHA Regional Office or 1-800-321-OSHA.