



EMPLOYEE HANDBOOK OF PERSONNEL POLICIES & PROCEDURES

July 2, 2018

Welcome!

Congratulations and thank you for accepting the Housing Authority's offer of employment. One of the keys to our success as a Housing Authority is hiring good employees. We have hired you because we believe you have the skills and the potential to help the Housing Authority succeed. We expect and depend upon you and each employee to perform the tasks assigned to you to the best of your abilities. We believe that hard work and commitment will not only help us succeed, but will help give you a sense of pride and accomplishment.

We are glad to have you as a member of the Housing Authority team. We hope that your employment proves mutually satisfying and that you will make an important contribution to our future and the community we serve. Every employee has an important role in our operations and we value the abilities, experience and background that you bring with you to our Agency. It is our employees who provide the services that our clients rely upon and enable us to grow and serve our community in the years to come.

Our management team intends to provide you with all of the support and the resources you will need to perform your job effectively. If, at any time, you need assistance or guidance, please do not hesitate to ask any of the members of our management team. They are here to help you perform to the best of your abilities.

The Housing Authority's mission is to provide and inspire affordable housing solutions to enable low-income people in Santa Clara County to achieve financial stability and self-reliance. The Housing Authority's goals are to:

PROVIDE and PROMOTE AFFORDABLE HOUSING: Provide rental assistance and create quality subsidized housing throughout the county. Pursue opportunities to preserve and increase the supply of quality affordable housing and housing assistance for the long-term.

ENSURE THE AGENCY'S FINANCIAL STRENGTH: Ensure the long-term strength and stability of the Agency's financial position.

PROMOTE TENANTS' FINANCIAL STABILITY and SELF-RELIANCE: Pursue creative and cost-effective strategies to enable assisted households to maximize their potential for financial stability and self-reliance. Foster independent living and a better quality of life for fixed-income households and promote the deinstitutionalization of poverty for households with greater earning potential.

Please take some time to review the Employee Handbook of Personnel Policies and Procedures and ask any questions you have about the information provided. We are here to help you have a successful and enjoyable employment experience. Again, welcome to the Housing Authority!

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SECTION ONE: GENERAL INFORMATION

These Personnel Policies and Procedures are designed to afford each employee a clear statement of employment rights, benefits, conditions and responsibilities. It is further the desire of the Housing Authority to provide the staff with working conditions conducive to individual satisfaction and achievement of the Housing Authority's goals.

1.1. DESCRIPTION OF EMPLOYEE HANDBOOK

This Employee Handbook contains information about the employment policies and practices of the Housing Authority. The Housing Authority expects each employee to read this Employee Handbook carefully as it is a valuable reference for understanding the job of each Employee and our Agency. This Employee Handbook supersedes all previously issued Employee Handbooks and inconsistent verbal or written policy statements. The Housing Authority reserves the right to revise, delete, and add to the provisions of this Employee Handbook. All such revisions, deletions, or additions must be in writing and must be signed by the Executive Director or his/her designee of the Housing Authority and where required will be subject to review and approval of the Board. No oral statements or representations can change the provisions of this Employee Handbook.

Not all Housing Authority policies and procedures are set forth in this Employee Handbook. The Housing Authority has incorporated only some of the more important policies in the Employee Handbook. If an employee has any questions or concerns about this Employee Handbook or any other policy or procedure, he/she should go to his/her supervisor or Human Resources.

1.2. NO CONTRACT RIGHT

None of the Housing Authority's personnel documents and benefit plans, including this Employee Handbook, constitutes or is intended to constitute, an express or implied contract guaranteeing continued employment for any employee. No Department Director, Manager or Supervisor has any authority to enter into a contract of employment -- express or implied that changes or alters the employment relationship. Only the Executive Director has the authority to enter into an employment agreement that alters the employment relationship and any such agreement must be in writing.

1.3. APPLICABILITY

These Policies apply to all categories of employees of the Housing Authority unless a specific section or provision excludes them. Independent contractors, volunteers, and Board of Commission members are not employees. The Executive Director is under the direction of the Board of Commissioners and follows the direction and standards of conduct provided by the Board.

1.4. CONFLICT BETWEEN THESE POLICIES AND A COLLECTIVE BARGAINING AGREEMENT

If a provision of these Policies conflicts with any provision of a valid collective bargaining agreement between the Housing Authority and Service Employees International Union, Local 521 or a recognized employee organization, the provision of the collective

bargaining agreement that is in conflict shall apply to employees covered by that collective bargaining agreement.

1.5. EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

The Housing Authority affords equal employment opportunity for all qualified employees as to all terms of employment, including compensation, hiring, training, promotion, transfer, discipline and termination. The Housing Authority prohibits discrimination against an employee on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (over 40), sexual orientation, or military and veteran status or any other basis protected by law. All such discrimination is against Housing Authority policy and unlawful, and all persons involved in the operations of the Housing Authority are prohibited from engaging in this type of conduct.

In accordance with applicable Federal and State law protecting qualified individuals with known disabilities, the Housing Authority will attempt to reasonably accommodate those individuals unless doing so would create an undue hardship on the Housing Authority. Any qualified applicant or employee with a disability who requires an accommodation in order to perform the essential functions of the job should contact Human Resources to request an accommodation.

Employees who believe they have experienced any form of employment discrimination or abusive conduct should report every instance of such conduct to his/her supervisor or the Human Resources Manager, regardless of whether that employee or someone else is the subject of the discrimination. Detailed reports including names, descriptions, and actual events or statements made will greatly enhance the Housing Authority's ability to investigate. Any documents supporting the allegations should also be submitted. Based on the employee's report, the Housing Authority will conduct an investigation. The Housing Authority prohibits any and all retaliation for submitting a report of unlawful discrimination and for cooperating in any investigation

If the investigation determines that prohibited discrimination, retaliation, or other conduct that violates policy has occurred, the Housing Authority will take disciplinary action, up to and including termination of employment, against those who engaged in the misconduct. The Housing Authority will also evaluate whether other employment practices should be added or modified in order to deter and prevent that conduct in the future. To the extent required or permitted by applicable law, the complaining employee and the employee(s) who allegedly discriminated against the complaining employee will be informed of whatever action(s) the Housing Authority takes to resolve and remedy the situation.

1.6. COMMITMENT TO DIVERSITY

As part of the Housing Authority's commitment to equal employment opportunity, it actively seeks to increase the diversity of its job applicant pool and workforce. The Housing Authority's goal is diversity in the workforce.

1.7. CODE OF CONDUCT/ETHICS

Employees of the Housing Authority are required to discharge the duties and responsibilities of their positions with professional impartiality, regardless of personal considerations, and recognizing that the public interest, as articulated by Housing Authority policy, is their primary concern. The conduct of employees in their official capacity must be beyond reproach. Their conduct shall be such that when viewed by the reasonable person, it is a credit to the integrity of the Housing Authority.

1.7.1. Code of Conduct Requirements

To meet Code of Conduct and Ethics requirements, employees must:

- A. Respect and comply with the rules, regulations and statutes establishing standards of ethical conduct, both on and off the job.
- B. Refrain from disclosing, promulgating, or validating information concerning Housing Authority or other employees and officials which is false, confidential, protected by rights of privacy or common courtesy, or disruptive to the work environment, without official authorization.
- C. Be responsive, efficient, courteous, and impartial in the performance of their job, assuring fair and equal treatment of all persons, claims and transactions coming before them in their official capacities.
- D. Work in full cooperation with other Housing Authority employees in promoting the public welfare, recognizing that private interest (of an individual employee or anyone associated therewith) must always be subordinate to the public interest.
- E. Make decisions in full compliance with the law and the policies promulgated by the Housing Authority, and subordinate personal views to official policy while acting in an official capacity.
- F. Housing Authority funds or property may never be used for personal or private use, gain or benefit and employees must be absolutely honest in all dealings, in whatever capacity, with Housing Authority funds, properties and facilities.
- G. Refrain from modifying or altering Housing Authority documents, forms, or records in order to misrepresent facts or circumstances. Should a Housing Authority record need to be modified, any modifications to Housing Authority records should be noted with the signature and date of the employee making the modification.
- H. Never accept or engage in outside employment or on-duty or off-duty activities that may appear to be, or are incompatible with public duties. Employees of the Housing Authority should not become involved or affiliated with any company, agency or entity that receives funds from the Housing Authority, either directly or indirectly, where that association or affiliation may create a conflict of interest, or an appearance of a conflict of interest or impropriety.

- I. Refuse to represent private interests before government agencies in any matter in which the Housing Authority is a party, or in which the employee's official position with the Housing Authority is, or may be, a consideration in, or influence the decision of such agency on the matter before it.
- J. Disclose all financial interests which may constitute a conflict of interest with official duties, and disclose the nature and extent of personal interests in any business entity engaging in any transaction with the Housing Authority to the extent required under the Housing Authority's conflict of interest policy and any applicable state and federal law.
- K. Refuse to accept gifts, favors, services or promise of future benefit from any person or entity doing business with the Housing Authority, such as, but not limited to, vendors, contractors, developers, agents, attorneys or others where such gift, favor, service or promise could compromise independence of judgment or action as a public official or employee, and disclose any offer of gift, favor, service or promise to the employee's supervisor.
- L. Not act in any manner, whether or not specifically prohibited by law, rule, practice or procedure, which could be construed by an objective, reasonable person to result in or create the appearance of:
 - 1. Using public office for personal gain.
 - 2. Giving preferential treatment or partiality to any person or group.
 - 3. Willfully impeding governmental responsiveness, efficiency or effectiveness.
 - 4. Making a governmental decision outside the established, official Housing Authority procedures or beyond the authority of the employee.

1.7.2. Public Servant Responsibilities

Because the Housing Authority is a public agency and exists to promote the general health and welfare of the community, employees of the Housing Authority have responsibilities greater than their counterparts in private industry. Housing Authority employees are in the "public eye", and employment with the Housing Authority carries an obligation of personal integrity and conduct that serves to establish public respect, confidence and trust.

Employees represent the Housing Authority and the quality of Housing Authority service is judged through their appearance and demeanor. The customers of the Housing Authority have the right to expect that Housing Authority employees will provide services in an efficient, complete and courteous manner. Employees must be "public relations" conscious and service-oriented. It is intended that the rules and procedures which follow will assist employees in maintaining high ethical standards and proper job performance, and in avoiding potential conflicts of interest both in fact and appearance.

Failure of an employee to comply with any of the standards set forth in this policy shall be the basis for disciplinary or other appropriate action.

1.7.3. Employee Rights

All employees have the right to expect:

- A. Courteous treatment from fellow Housing Authority employees and officials.
- B. Equality of treatment under the same policies, rules, and regulations established for all employees.
- C. Opportunity to obtain redress of grievance without jeopardizing their employment.
- D. Equal opportunity for career advancement and organizational mobility to realize their full potential based on qualifications and as positions become available.

1.7.4. Condition of Employment

The Housing Authority, as a condition of employment, expects to receive from the employee:

- A. Initiative and a conscientious effort to perform productive work.
- B. Cooperative, positive, responsive and courteous relations with fellow employees, supervisors, and the public.
- C. A continuous effort to strive for greater knowledge and skill on the job in order to maintain performance at a high level.
- D. Compliance with all rules of conduct, practices, procedures, and ordinances established by the Housing Authority.
- E. Public loyalty to and support of the official policies of the employee's department and the Housing Authority.
- F. Responsible work habits demonstrated by:
 - 1. Being flexible and adaptable to change.
 - 2. Keeping informed on developments and matters affecting job performance.
 - 3. Dependability, promptness, reliable attendance and performing required duties competently.
 - 4. Accepting constructive suggestions and criticism.
- G. Neat, clean, and appropriate grooming and attire. Prescribed safety equipment must be worn where applicable.

1.8. JOB DUTIES

As part of the employee's initial orientation, an employee will learn the various duties and responsibilities of his/her job. An employee will be provided with a copy of the written job description for his/her individual position. The Housing Authority maintains

certain expectations and standards applicable to each employee's job position. An employee's supervisor should review these with him/her.

It is expected that employees will perform additional duties and assume additional responsibilities as assigned by his/her supervisor for the efficient operation of the Housing Authority. When these circumstances occur in a bargaining unit position, all such assignments will be in accordance with the current Memorandum of Understanding between the Housing Authority and the Union.

1.9. OPEN-DOOR POLICY

The Housing Authority recognizes that employees will have suggestions for improving the workplace, as well as complaints about the workplace. The most satisfactory solution to a job-related problem or concern is usually reached through a prompt discussion with the supervisor of the concerned employee. Each employee should feel free to contact his/her supervisor with any suggestions and/or complaints.

If an employee does not feel comfortable contacting his/her supervisor or is not satisfied with the supervisor's response, submit the complaint or suggestion, either orally or in writing, to the Human Resources Manager or any other member of Management.

While the Housing Authority provides employees with the opportunity to communicate his/her views, not every complaint can be resolved to each employee's satisfaction. Even so, the Housing Authority believes that open communication is essential to a successful work environment and all employees should feel free to raise issues of concern without fear of reprisal.

1.10. DEFINITIONS

To clarify the most commonly used employment terminologies used at the Housing Authority, the following terms are defined:

1.10.1. Agency

When used alone shall refer to the Housing Authority.

1.10.2. Anniversary Date

The date on which an Employee is appointed to his/her current position.

1.10.3. Board

When used alone shall refer to the Board of Commissioners of the Housing Authority.

1.10.4. Class

One or more positions sufficiently similar with respect to duties and responsibilities that have the same descriptive title may be used for several positions; similar qualifications may be required on incumbents; similar criteria may be used to select candidates; and the same schedule of compensation can be made to apply with equity under the same employment conditions.

1.10.5. Classification Plan

The arrangement and grouping of positions according to job title, duties, authority and responsibilities.

1.10.6. Continuous Employment

Service by an employee that has not been broken by an unauthorized or unpaid leave of absence, layoff, resignation, dismissal, or the end of the appointment.

1.10.7. Domestic Partnership

When opposite-sex couples in which at least one party is at least 62 years of age or same sex couples file and register a Declaration of Domestic Partnership with the Secretary of State and meet all of the State's requirements at the time of filing.

1.10.8. Executive Director

When Director Title is used alone it shall refer to the Executive Director of the Housing Authority.

1.10.9. Employee

A person holding a position on the staff of the Housing Authority.

1.10.10. Job Description

A written statement that outlines the essential job function, responsibilities and educational and experience requirements for the position as approved by the Director.

1.10.11. Leave of Absence

An absence from duty for a specific period and for a specific purpose; whether with pay or without pay as identified in these policies or in a collective bargaining agreement.

1.10.12. Pay Grade

An approved salary table listing all classifications and their assigned pay Grade with progressive steps and of approximately 5% differential increments.

1.10.13. Position

An approved position that is officially established, whether it is regular or temporary, full time, occupied or vacant, with duties and responsibilities assigned by a competent authority to be performed by an Employee.

1.10.14. Spouse

The definition of spouse will be identified through a legal marriage certificate.

1.10.15. Employment Status

The condition of an employee's present appointment, such as probationary, full-time, part-time, or temporary.

1.10.16. Seniority

"Seniority" refers to the length of time that employees spend as active full-time or part-time employees with the Housing Authority, beginning with the employee's initial hire date (first day worked as a probationary employee). Seniority may be significant for

determining certain employee benefits, such as pension, vacation, leaves of absence, or layoff processes. Seniority may be modified due to a break in service or leave of absence as identified by these Policies or by a Memorandum of Understanding with a represented bargaining unit.

1.10.17. Termination

The separation of an employee's employment with the Housing Authority.

SECTION TWO: RECRUITING AND EMPLOYMENT STATUS

2.1. STATUS, FLSA EXEMPTIONS & CLASSIFICATIONS

2.1.1. Status

2.1.1.1. At-Will

An at-will employee is one who serves at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. At-will employees include any of the following:

- A. Executive Director
- B. Deputy Executive Director (hired on or after July 1, 2018)
- C. Department Director (hired on or after July 1, 2018)
- D. Employees whose positions are funded under a state or federal employment program of limited duration
- E. Employees designated as temporary/seasonal or extra-help, limited-term, etc.
- F. Probationary employees

2.1.1.2. Probationary

A probationary employee is one who is in his/her probationary period of any new position with the employer, including promotions.

For employees hired or promoted into a classification in pay Grade 28 and below, the probationary period is nine (9) months of continuous service. For employees hired or promoted into a classification in pay Grade 29 and above, the probationary period is twelve (12) months of continuous service. The Agency reserves the right to extend the probationary period based on employee performance issues or other reasons. At-will employees do not serve probationary periods.

The probationary period allows the employee time to become oriented to the job expectations and to perform the assigned job functions at a satisfactory level of performance. It allows the Housing Authority time to assess the employee's work and adjustment to the Housing Authority environment and to relationships with other employees. During an initial probationary period, the employee may not be eligible for some Agency benefits. Employees who satisfactorily complete the probationary period will be considered for regular employment. A probationary employee serves at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. The probationary period does not guarantee any employee employment of any minimum duration. Employees in their initial probationary period, as new hires, may be terminated at any time and for any reason, with or without advance notice. The release of a probationary employee is not subject to the grievance procedure.

If an employee is released from a promotional probationary period and had previously attained regular status in the classification from which he/she came, he/she may revert back to the previous classification, range, and step from which he/she came and retain his/her previous job on basis of seniority.

2.1.1.3. Regular Full-time

An employee who has successfully completed the probationary period and is regularly scheduled to work 40 hours or more per week will be considered a regular full-time employee.

2.1.1.4. Regular Part-time

An employee who has successfully completed the probationary period and is regularly scheduled to work less than 40 hours per week will be considered a regular part-time employee.

2.1.1.5. Temporary (full-time or part-time)

Any employee whose employment is intended to be short-term and for duration of less than six (6) months (and no more than 1000 hours in a fiscal year) will be considered to have an at-will temporary employment status with the Housing Authority. Temporary employees are employees who are employed to work on special projects for short periods of time, or on a "fill-in" basis. These positions are not intended to be a part of continuing operations. The employment status of temporary employees will not be changed due to an extension of employment in excess of that originally planned. Temporary employees are not eligible for holiday pay, paid leave benefits or Housing Authority provided insurance and retirement benefits, except as required by law.

2.1.2. FLSA Exemptions

Employees at the Housing Authority are classified as non-exempt or exempt. If an employee has questions regarding his/her exemption status, he/she should contact a Human Resources representative.

2.1.2.1. Non-Exempt

Non-exempt employees are those who are paid on an hourly basis and are eligible for overtime pay. As a public agency, the Housing Authority is governed by the Fair Labor Standards Act (FLSA). Under the FLSA, overtime is defined as hours worked in excess of forty (40) hours in a workweek.

2.1.2.2. Exempt

Exempt employees are those whose job assignments meet the legal requirements for an overtime exemption. Exempt employees are compensated on a salary basis and are not eligible for overtime pay.

2.1.3. Employment Classification

Classification is defined as the grouping of positions sufficiently similar as to duties performed, degree of supervision exercised or received, minimum requirements and such other qualifications that the same title and the same schedule of compensation may be applied to each position in the group.

Job descriptions for each position shall be developed and approved by the Housing Authority to reflect duties and responsibilities assigned to that position. Minimum qualifications (education and experience) and required licenses and/or certifications will be listed on job descriptions. Each employee shall receive a current job description reflecting the duties and responsibilities of the position to which he/she is assigned.

All position descriptions shall be reviewed periodically to assure they reflect the current content of the position and correct assignment to a classification. Permanent changes to the content of a position may lead to a change in its classification. New classifications shall be created, abolished, or combined by the Housing Authority as the needs of the Housing Authority change. Additionally, upon reclassification of filled positions, the Executive Director shall determine whether the action constitutes an upward, lateral or downward movement of the level of the position.

If in a given job classification series, the educational requirements have been raised due to a classification action, incumbents in a lower classification at the time the standards are increased shall only be required to meet the former educational requirements for the next higher classification when competing for promotion to the next higher classification in that series.

2.2. EMPLOYMENT PROCEDURES

2.2.1. Recruiting Criteria

The Housing Authority employs all personnel in positions established through the authority delegated to the Executive Director by the Board of Commissioners.

2.2.1.1. Applications

All applicants for employment are required to submit a completed application on a form specified by the Agency. Job applications shall require information describing an individual's training, experience, and other pertinent information as deemed necessary to assess qualifications for the job. Applicants may be required to provide supplementary information, including but not limited to: answers to job-related questions; resume; licenses; certifications; diplomas; letters of recommendation; and references. All applications must be completed in full and signed, physically or electronically, by the person applying. Human Resources will not process any application which is not fully completed and signed. Should an applicant be appointed to a position, the supplemental information shall become a part of the individual's permanent employment records.

2.2.1.2. Disqualification of Applicants

Human Resources may reject any application which: is not properly completed or incomplete; received after the application deadline; or indicates that the applicant does not meet the minimum qualifications for the position. Whenever an application is rejected, notice of such rejection shall be mailed or emailed to the applicant.

2.2.1.3. Legal Authority to Work in the United States

To be an employee of the Housing Authority, every individual must provide satisfactory evidence of his/her identity and legal authority to work in the United States.

In the event a person not authorized to work in the United States is hired for employment, upon learning that the individual is not authorized to work, the Housing Authority will not continue to employ that person knowing that he/she is not authorized for employment in the United States.

2.2.2. Employment Examinations

Human Resources, in consultation with department directors, will determine the manner and methods of administering employment examinations. Examinations may consist of: written tests; oral tests; performance tests; evaluations of prior training and performance, experience and/or education; interviews; working style assessments; practical exercises; file review; or any combination thereof. The content of all examinations will be job-related and designed to test knowledge, skills or abilities that help predict successful completion of job duties.

The content of all examinations will be kept confidential prior to the administration of the examination. All applicants who are invited to the examination will be notified of the nature of the examination.

An applicant with a disability may request accommodation in an examination process. Following receipt of a request for accommodation, Human Resources may require additional information, such as reasonable documentation of the existence of a disability.

Failure in one part of the examination, or the failure to meet established standards described in the job announcement, may be grounds for declaring such applicant as failing in the entire examination or as disqualified for subsequent parts of an examination. Each applicant will be notified by email whether he or she will continue in the examination process.

Applicants who meet the minimum qualifications and pass all examinations may be subject to a background and/or reference check.

2.2.3. Licenses and Certificates

Classifications that require licenses or certificates will be noted on the job description. In these cases, the employee or applicant will be required to present his/her license or

certificate for verification of current validity prior to appointment and upon renewal of the license/certification (as applicable) as necessary for use in verifying eligibility to work in the classification and in providing needed documentation to ensure insurability by the Agency.

All required licenses and certifications must be kept current and active. Prior to the expiration of a license or certification, the employee must provide the Housing Authority with proof of re-issuance or re-certification. Failure to maintain a required license or certification will result in disciplinary action up to and including termination. Costs incurred by licenses and certifications are the responsibility of the employee.

When an employee's personal automobile is used in the course of business on behalf of the Agency, the employee will be required to maintain minimum insurance as required by state law.

Please refer to policy on Operation of Housing Authority and Personal Vehicles, for more information on the Housing Authority's requirements to drive on Housing Authority business.

2.2.4. Recruitment Process

The Executive Director must approve the availability of each position before recruitment. All such positions will be announced within the Housing Authority for a period of at least three (3) working days and may run concurrently with external announcements or advertising, unless an exception is granted by the Director. The recruitment process shall be divided into an Internal Recruitment Process and an Open Recruitment Process.

Typically, employees will not be considered for another position within the probationary period (nine (9) or twelve (12) months) of appointment, promotion or transfer; however, such transfers or promotions may be allowed with approval of the Executive Director.

2.2.4.1. Internal Recruitment Process

Agency employees must apply by the designated final filing date listed on the internal announcement of the position in order to be considered an applicant. Applications will be screened by the Human Resources Department and any other manager involved in the recruitment to determine applicant qualifications and appropriateness of work-related background.

Internal applicants meeting the minimum qualifications and possessing the appropriate work related background will be eligible for participation in the selection process. Prior to participating in the selection process, candidates will be required to provide verification of any education and/or license/certification requirements. If there are no qualified applicants or an insufficient number of applicants, the Open Recruitment Process will be initiated.

Candidates, who are successful in passing the selection process, including a panel interview, are available for consideration for hire into the position and will be placed on

an eligibility list/pool of eligible candidates. The recommendation for hire will be made by the Department Director, upon recommendation of the screening panel, and submission for final approval to the Director of Administrative Services and the Executive Director.

If no internal candidates are determined to be fully qualified, the Open Recruitment Process shall be initiated which may include screening applications of those individuals who have been interviewed by a panel for a similar position within six months.

2.2.4.2. Open Recruitment Process

Positions are open until filled once they enter the open recruitment process. The open recruitment process includes publicly posting the position and advertising in a variety of sources to strive to obtain an applicant pool consistent with the Agency's goals and timetables for the position. Any employee of the Agency may apply.

All applications will be screened by the Human Resources Department, and any other person as may be designated by the Department Director, to determine applicant qualifications and appropriateness of work related background. Applicants meeting the minimum qualifications and possessing the appropriate background will be eligible for participation in the selection process. Prior to participating in the selection process, candidates will be required to provide verification of any education or license/certification requirements.

Applicants whose qualifications and experience most closely relate to the position to be filled will be invited to participate in the selection process. The Housing Authority may invite a limited number of applicants to participate in the selection process. Applicants who pass all phases of the selection process will be placed on an eligibility list/eligibility pool of candidates.

2.2.4.3. Pool of Candidates

After completion of an open or promotional examination for a classification, Human Resources will prepare an eligibility list/pool of candidates consisting of the names of candidates who passed the selection process. Eligibility lists/pool of candidates shall become effective upon the certification by the Human Resources Department.

For recruitments that are open until filled, names may be added to the eligibility list/pool of candidates as additional applicants complete the selection process.

A person appearing on a eligibility list/pool of candidates will be mailed or emailed notice of his or her placement on the list.

A person placed on an eligibility list/pool of candidates shall be removed from the list if he or she so requests in writing or fails to respond to notification of an opening within five days after notification. It is the responsibility of the eligible person to keep Human Resources informed of his/her current physical or email address, or phone number.

Individuals on an eligibility list/pool of candidates may be considered for hire into a position within six months of placement on the list.

2.2.4.4 Candidate Selection for Hire

Following the selection process, the Department Director will recommend a candidate be processed for appointment to the position. The Department Director may select candidates from the internal recruitment process, the open recruitment process, or from candidates who have participated in a selection process for a similar position within the past six months.

2.3 HIRING PROCESS

2.3.1 Background Check

Applicants who meet the minimum qualifications and pass other examination processes will be subject to a background check prior to appointment to a position with the Housing Authority. The background check includes verification of education, work experience, licenses and certification (as applicable), reference checks, and other processes to verify information presented by applicants in the recruitment process.

Applicants receiving an offer of employment from the Housing Authority are required to undergo fingerprinting as part of the criminal background check. Human Resources may request information about criminal convictions, except for misdemeanor marijuana-related convictions that are over two years old, or convictions that have been judicially sealed, eradicated, or expunged. Unless required by law, the Housing Authority will not deny employment to any applicant solely because he or she has been convicted of a crime. The Housing Authority may, however, consider the nature, date and circumstances of the offense, evidence of rehabilitation, as well as whether the offense is relevant to the duties of the position.

Credit checks may be requested of applicants for positions where the position, department, or job duties involve the handling of money, valuables, confidential information, or trade secrets.

Applicants may be requested to complete forms to allow these processes to take place. Completion of the background check is a requirement for appointment to a Housing Authority position.

2.3.2 New Hire Processing

As a condition of employment, every individual must provide satisfactory evidence of his/her identity and legal authority to work in the United States. The most common forms of identification are a driver license and social security card; however, other documents can be presented to satisfy all such requirements.

2.3.3 Appointments

No appointment to a Housing Authority position will be made for an applicant who fails to pass any step of the background check. Any conditional offers of employment may be

rescinded should the Housing Authority determine that the individual has failed to successfully pass any portion of the background check.

When, in the evaluation of the Executive Director or his/her designee, a candidate best meets the qualifications for a specified position, that candidate shall be notified in writing of his/her appointment. Such appointment shall clearly specify the conditions of employment including position title, salary, and status of position (whether temporary, regular, probationary or extra-help). A copy of the position description will be included with the notification.

At the time of their appointment, the new employee shall be given copy of these personnel policies and procedures, and must sign a statement acknowledging receipt.

2.3.4. Salary Placement for New Hires

New employees are generally placed at step one of the applicable pay grade of the classification to which they have been hired. The Executive Director may authorize appointment at a higher step within the applicable pay grade if the education and/or experience of the applicant merits such consideration and placement at the higher step is in the best interest of the agency. If a new employee is placed at a step other than step one, he/she will be eligible for a step increase twelve months from the date of hire. Individuals may not be placed at a salary rate higher than the authorized top step of the authorized salary range.

2.4. PERSONNEL FILES

2.4.1 Confidential Housing Authority Files

The Housing Authority maintains a confidential personnel file on each employee. Files are kept for at least three years after separation of employment. A personnel file will contain only material that the Housing Authority deems necessary and relevant or that is required by law. Personnel files are the property of the Housing Authority and access to the information they contain is restricted to protect employee privacy interests.

2.4.2 Notification of Changes

Each employee is responsible to promptly notify Human Resources of any changes in his or her contact and benefits information, including: mailing address; telephone number; persons to contact in emergency; and number and names of dependents.

2.4.3 Access to Employee Medical Information

All medical information about an employee is kept in separate medical files and is treated as confidential. Access to employee medical information shall be strictly limited to only those with a legitimate need to have such information for Housing Authority business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

2.4.4 Employee Access to Personnel Files

2.4.4.1. Inspection of File

A current employee may inspect his or her own personnel file, at reasonable times and at reasonable intervals, within five (5) days of a written request. A former employee is entitled to inspect his or her personnel records one (1) time per year. A current or former employee and/or his or her representative, who wishes to review his or her personnel file should make a written request to the Human Resources Department. The inspection must occur in the presence of the Human Resources Manager or designee at a location where the employee works and at a time other than the employee's work time or at another agreed upon location without loss of compensation to the employee.

2.4.4.2. Copies

A current or former employee is entitled to receive a copy of his or her personnel records within 30 days after the employer receives a written request. A current or former employee who wishes to receive such a copy should contact the Human Resources Department in writing. The Housing Authority may charge a fee for the actual cost of copying.

2.4.4.3. Representative's Inspection

If the current or former employee wishes to have another person/representative inspect his or her personnel file, he or she must provide the person/representative with written authorization. The Human Resources Department will notify the employee and/or representative of the date, time and place of the inspection in writing.

2.4.4.4. No Removal of File Documents

No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

2.4.5 Limitations on Access or Copying of Personnel Files

Prior to making a copy of personnel records or allowing inspection, the Housing Authority may redact the names of nonsupervisory employees. Under no circumstances will the Housing Authority provide access to or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

2.5. PERFORMANCE EVALUATIONS

2.5.1. Performance Evaluations

An employee's supervisor will prepare a performance evaluation on the appropriate Housing Authority form for each performance evaluation period. The draft evaluation will

be forwarded to Human Resources and the employee's Department Director for review, edits as needed, and approval prior to the supervisor delivering it to the employee. Additional performance evaluations may be prepared at any time the Department Director deems necessary. Performance evaluations are to be provided at least annually to regular employees.

2.5.2. Probationary Employee Performance Evaluations

On or about the mid-point of a probationary period, and again at any point prior to separation or the successful completion of the probationary period, the probationary employee's supervisor will prepare and sign a performance evaluation. The purpose of the probationary performance evaluation is to chart the probationer's progress toward meeting the standards of his or her position.

2.5.3. Performance Evaluation Meeting

The supervisor will meet with the employee to discuss the evaluation. The employee shall sign the evaluation to acknowledge its contents and that he or she has met with his or her supervisor to discuss the evaluation. The employee's signature shall not mean that he or she endorses the contents of the evaluation. If the employee refuses to sign the evaluation, the supervisor should note on the form that the employee refused to sign it and then the supervisor and a manager above the supervisor's level of authority should sign as witnesses to the employee's refusal to sign.

2.5.4. No Appeal Right

An employee does not have the right to appeal or submit a grievance regarding any matter relating to the content of a performance evaluation. Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee's personnel file. The written statement/rebuttal must be submitted to Human Resources and the employee's supervisor within ten (10) business days after the employee receives and signs the evaluation.

2.5.5. Performance Evaluation and Salary Increases

Employees who receive a performance evaluation in which all ratings meet or exceed expectations are eligible for a salary increase of one step, or up to 5%, until such time as they reach the top step of the salary range. Employees who receive a rating of less than "Meets Expectations" (a rating of "3") in two (2) or more categories are not eligible for a merit increase. In such cases there must be documentation that the employee was counseled on the performance deficiencies during the evaluation period. Should an employee eligible for a merit increase, not receive a merit increase due to performance ratings below Meets Expectations, the employee's performance will be reevaluated in six months and, should the employee show and sustain improved performance such that all performance ratings are at "Meets Expectation" or above, the employee will then become eligible for a merit increase effective the next pay period.

2.5.6. Performance Evaluation and Salary Increases while on Leave of Absence (LOA)

If a performance review and/or merit increase is due while an employee is on a Leave of Absence, the performance review will be given to the employee upon his/her return to

work from the Leave of Absence and any personnel actions, including a wage increase, will become effective at that point of time. Salary increases may be applied retroactively for employees who are on a protected leave of absence.

2.5.7. Performance Based Leave for Exempt Employees

Exempt regular full-time employees who have a performance evaluation on file that was completed within the current calendar year may be eligible for performance based leave (PBL) the following calendar year. The PBL is deposited in the employee's leave balances the first pay period in January and expires at the end of the calendar year.

Employees who receive a rating of less than "Meets Expectations" (a rating of "3") in one category are not eligible for any PBL. Supervisory and non-supervisory exempt employees who meet the criteria are eligible for 27 or 40 hours of PBL, depending on the overall rating. Middle, Senior, and Executive Managers are eligible for up to 80 hours based on the overall rating. More information is located in the Performance Based Leave Executive Policy.

2.5.8. Performance Improvement Plan (PIP)

If the employee's job performance fails to meet the requirements of the position, as documented in his or her performance evaluation, the Agency may initiate a Performance Improvement Plan (PIP). The PIP is a tool used to assist the employee in meeting the requirements of their position, it is not a disciplinary action. The supervisor will assist the employee through training and positive reinforcement. The employee has ten (10) business days to submit a written response to their supervisor and Human Resources regarding comments about the PIP. This response will be attached to the PIP and placed in the employee's personnel file.

The PIP shall not exceed 90 days. The supervisor will meet with the employee on a regular basis to ensure progress and a successful completion of the PIP. The PIP is considered successful when the employee has demonstrated sustained improvement in their performance and meets the requirements of their position.

2.5.9 Performance Improvement Plan (PIP) Guidelines

As part of the PIP, specific steps to improve job performance or promote staff development should be clearly stated. Although The PIP period is usually 30-90 calendar days, it may be extended due to pre-scheduled and pre-approved time off and/or unforeseen extended absences. The PIP should include the following elements:

- A. Written documentation detailing the areas requiring improvement. Both the supervisor and the employee should sign the performance evaluation/ performance summary memorandum noting that a PIP is being initiated and placed in the employee's personnel file. The employee's signature does not signify agreement; rather it only acknowledges receipt of the documentation. If the employee refuses to sign the PIP, the supervisor should note on the form that the employee refused to sign it and then the supervisor and a manager above the supervisor's level of authority should sign as witnesses to the employee's refusal to sign.

B. Job description and job performance standards and expectations, if available.

C. Written notification of the duration of the PIP period which should:

1. Specify how often meetings will be held (weekly, bi-weekly, etc.).
 - During the meeting the work performance should be reviewed and each meeting should be documented summarizing on the Weekly Work Progress form noting areas discussed and improvements made and/or required.
2. If applicable, outline of training to be provided which should include:
 - A written training plan advising employee of the trainer and detailing the areas in which the employee will be trained.
 - A written summary of each training session and the progress made by the employee and whether further training is needed. The Training checklist/summary should be signed by the trainer and the employee, and acknowledged by the employee's supervisor.
 - Copies of procedures and training material should be provided to the employee. If there is no written procedure in place, a written email/memorandum should be provided to the employee documenting the process.
3. Details of work audits to be performed. (For example, during the first 30 days, 100% of work to be audited, during next 30 days 50% of work to be audited, and the last 30 days 30% of work should be audited.)
 - A summary of all work audits should be prepared detailing the audit findings and any corrective action needed.
 - Documents/files should be reviewed with the employee when discussing audit findings and/or corrective action needed.

D. Initial and Follow-up PIP Meetings

The initial PIP meeting and subsequent follow-up meetings should be scheduled between the supervisor and the employee and held in a private office/conference room. The meetings should be structured to encourage continued discussion regarding job performance expectations, the employee's progress, and/or concerns or areas needing further clarification.

It is crucial that the PIP period be monitored consistently to ensure the employee is given the opportunity, tools and training needed to succeed. The employee must maintain satisfactory job performance upon completion of the PIP or disciplinary action may be taken, up to and including termination of employment.

2.6. CHANGES IN EMPLOYMENT

2.6.1. Promotions

For a non-probationary employee, upon promotion, an employee will be placed in the step in the new classification that provides a salary increase of up to ten percent (10%), but not greater than the maximum step within the established salary range. When a Housing Authority employee is promoted during his/her probationary period into another classification, the salary increase on promotion is up to five percent (5%). After promotion, an employee must serve a probationary period in the new position before becoming a regular employee in that classification.

If an employee is released from a probationary period and had previously attained regular status in the classification from which he/she came, he/she may revert back to the previous classification, range, and step from which he/she came and retain his/her previous job on basis of seniority.

2.6.2 Reclassifications

All position descriptions shall be reviewed as needed to assure they reflect business process changes, the current functions of the position, and correct assignment of an employee to a classification. Permanent changes to the functions of a position may lead to a change in its classification. New classifications shall be created, abolished, revised, or combined by the Housing Authority as the business needs change.

Such reclassifications shall be approved by the Executive Director. Additionally, upon reclassification of filled positions, the Executive Director shall determine whether the action constitutes an upward, lateral or downward movement of the level and compensation of the position.

The Agency shall give employees subject to a reclassification at least twenty (20) business days (days in which the Housing Authority is open for business) prior notice to the effective date of the reclassification. The employee will be required to work in the reclassified position on the effective date stated in the reclassification notice.

When the position is reclassified and adjusted to a higher pay grade the employee will be placed at a step within the new range closest to his/her current salary within the new range that does not result in loss of pay.

When the position is reclassified and adjusted to a lower salary range the following may be applied: 1) retention of the employee's salary if it is higher than the top step of the new salary range (Y-Rating); 2) placement at a step within the new range closest to his/her current salary within the new range that does not result in loss of pay; or 3) adjustment of the employee's salary no lower than the maximum step of the new pay grade. Downward pay grade adjustments will not be effective until thirty calendar days after the effective date of the reclassification.

2.6.3. Transfers

Transfer involves the movement from one position to another of like classification (and pay grade) and employment status.

An employee may seek a transfer by applying for positions under open recruitment (announced both internally and externally to the public).

A Department Director may transfer an employee within his/her department to best serve the needs of the department.

Additionally, the Executive Director may approve, without examination or certification, the involuntary transfer of employees in the same classifications because of reorganizations, changes in workload or to serve the Housing Authority's business needs. Employees affected shall be given reasonable written advance notice, and in the case of organizational change, every effort shall be made to place qualified employees in positions of comparable salary.

Under the Americans with Disability Act, an employee may request, as part of the interactive process, a transfer to an open position for which he/she is qualified as a reasonable accommodation due to a qualified disability.

Probationary and regular status employees who transfer to a position in another classification may be required to start a new probationary period. If unsuccessful during the transfer, the employee will revert to the prior classification. If a new probationary period is a condition for transfer, the employee must sign a statement indicating an understanding of this fact prior to the effective date of the transfer.

2.6.4. Reassignment and Temporary Acting Appointments

2.6.4.1. Lateral Reassignment

With approval of the Executive Director, an employee may be reassigned to a lateral position (same qualifications and pay grade) to temporarily fill a regularly established position during the temporary absence of the incumbent. The reassigned employee will return to his/her regular position when the employee who has been temporarily absent returns. Probationary employees may not be laterally reassigned. Employees who are laterally reassigned retain the benefits and compensation of their regular position.

2.6.4.2. Temporary Acting Appointment (Upward Classification)

A temporary acting appointment may occur when an employee is assigned to perform work of a classification that is higher than his/her regular position. Working out of classification in a temporary acting appointment is contingent upon the needs of the Housing Authority. This assignment of duties must be authorized in writing by the Executive Director for a temporary basis. All acting appointments are temporary and shall not be made to fill regular position vacancies except during that period required to complete the recruitment/selection process, or for vacation or leave of absence. Compensation for an Employee that is filling the full responsibilities and duties of the

position temporarily may be granted with a pay differential of up to five percent but not more than ten percent beginning on the 1st day of temporary acting appointment but may not result in pay exceeding the established pay grade for that classification.

Nothing in this section shall prohibit any in-service training or professional development programs, properly identified as such, from establishing training programs that are specifically designed to assist the upward movement of employees, providing that no employee shall be required to participate in such a program without his/her expressed consent.

If a temporary acting appointment for an out of classification assignment has not been approved by the Executive Director in writing, no employee may expect or claim entitlement to additional compensation. The Agency reserves the right to assign an employee some out-of-class duties and may correspondingly compensate the employee for performance of these duties.

2.6.4.3. Emergency Appointments

In the event of an emergency, the Executive Director or his/her designee may appoint an employee to fulfill the duties of another classification during the period of emergency in order to alleviate a delay in agency services or to avoid impairing agency operations.

2.6.5. Demotions

A demotion is the appointment of an employee to a lower classification. Demotions may occur as part of (1) a reorganization or reduction in force, (2) at the request of the employee, or (3) for cause in a disciplinary process. A demotion includes a probationary period as applicable to the classification where the employee is demoted.

Demotions may be made only with approval of the Executive Director. For demotions, the employee shall be placed at a salary step in the lower pay grade that is the greater of the following:

1. The step in the new pay grade that is a step (level of pay) that is the same as the level of pay an employee held in the previous classification.
2. The highest step in the lower classification that does not result in a pay increase for the employee at the time of demotion.

Employees who are demoted will be notified if the date of his/her annual performance evaluation changes or if the eligibility date of their merit increase changes.

2.7. EMPLOYMENT OF RELATIVES, SPOUSES, DOMESTIC PARTNERS

2.7.1. Policy

The Housing Authority regulates the employment and placement of relatives, spouses, and domestic partners so as to avoid conflicts of interest and to promote safety, security, supervision, and morale.

2.7.2. Definitions

- A. "Relative" means child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.
- B. "Spouse" means one of two persons to a marriage, or two people who are registered domestic partners, as those terms are defined by California law.
- C. "Supervisory relationship" means one in which one employee exercises the right or responsibility to control, direct, reward, or discipline another by virtue of the duties and responsibilities assigned to his or her Housing Authority appointment.

2.7.3. Employment of Relatives

The Housing Authority will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person's relative already holds a position, if any of the following would result:

- A. A direct or indirect supervisory relationship between the relatives;
- B. The two employees having job duties which require performance of shared duties on the same or related work assignment;
- C. Both employees having the same supervisor; or
- D. A potential for creating an adverse impact on supervision, safety, security, morale or efficiency.

2.7.4. Spouses or Domestic Partners

The Housing Authority will not appoint, promote, or transfer a person to the same department, division, or facility in which the person's spouse or registered domestic partner already holds a position, if such employment would result in any of the following:

- A. One spouse or domestic partner being under the direct supervision of the other spouse or domestic partner; or
- B. Potential conflicts of interest or hazards for married persons or those in domestic partnership which are greater than for those who are not married or in domestic partnerships.

2.7.5. Marriage or Domestic Partnership After Employment

- A. Transfer: If two Housing Authority employees who work in the same department later become spouses or domestic partners, the Executive Director or designee has discretion to transfer one of the employees to a similar position in another department. Although the wishes of the two employees will be considered, the Executive Director or designee retains sole discretion to determine which

employee will be transferred based upon Housing Authority needs for supervision, safety, security or morale. Any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

- B. Separation: If continuing employment of both employees, who work in the same department and who later become spouses or domestic partners, cannot be accommodated in a manner the Executive Director, or his/her designee, finds to be consistent with the Housing Authority's interest in the promotion of supervision, safety, security, or morale, then the Executive Director, or designee, retains sole discretion to separate one employee from Housing Authority employment. Absent the resignation of one employee, the less senior employee will be separated. Any such separation is not considered to be disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

2.8. TRAINING PROGRAMS, SEMINARS & CERTIFICATIONS

During employment at the Housing Authority an Employee may be required or may request to attend a training seminar, conference, and/or certification class.

The employee will be compensated for the time spent at training as work time and will be reimbursed for any expenses incurred for attending the function when approved in advance and when the event occurs during normal work hours. Employees will not be reimbursed for time spent or expenses without prior approval from the Supervisor. Please refer to the Section on Travel Pay, for more information on the wages employees may be eligible to receive while traveling.

Employees will not be compensated for time spent in voluntary attendance in seminars and other programs that are conducted outside of normal business hours or that are not directly related to his/her current job.

SECTION THREE: PAYROLL POLICIES

3.1. WORKWEEK

The workweek for all employees shall be seven (7) days or 168 recurring hours.

The Housing Authority operates on a 9/80 work schedule with the office closed every other Friday. Each employee's designated work week shall begin exactly four hours after the start of his/her eight hour shift on the day of the week that corresponds to the alternating eight hour day/regular day off.

Non-exempt employees may earn overtime pay based on the actual number of hours they work in accordance with applicable laws. As a public agency, the Housing Authority is governed by the Fair Labor Standards Act (FLSA). Under the FLSA, overtime is defined as hours worked in excess of forty (40) hours in a workweek.

Although employee work schedules generally fall during the day Monday through Friday, there are occasions where an employee will be required to work evenings and/or weekends.

3.2. WORKING HOURS & SCHEDULE

The Housing Authority is normally open for business from 7:30 a.m. to 5:00 p.m., Monday through Friday. Full-time, regular employee work hours are currently a 9/80 schedule defined as nine hours per day Monday through Thursday and eight hours per day every other Friday. Each employee will be assigned a work schedule and will be expected to begin and end work according to the schedule. In order to accommodate the needs of the Agency, it may be necessary to change individual work schedules on either a short-term or long-term basis. Part-time employees are assigned a work schedule by his or her supervisor to meet the needs of the Housing Authority.

3.3. MEAL PERIODS

All employees are expected to take meal breaks. Non-exempt employees will be provided an unpaid meal period of a minimum of 30 minutes, to be taken approximately in the middle of the workday. In the event that a meal period is taken, it must be no less than 30 minutes and must completely relieve the employee from work duties. Employees will be provided additional meal periods if required by law.

3.4. REST PERIODS

Non-exempt employees may take a 15-minute rest period for each four hours of work or major portion thereof as scheduled by his/her supervisor. Rest breaks shall not be taken at the beginning or end of a work shift and time shall not be accumulated and used at a later time. Also, rest breaks are counted as hours worked and employees are considered on duty. Combining any 15-minute rest break(s) with a meal period is prohibited.

3.5. LACTATION BREAKS

A non-exempt employee who wishes to express breast milk for her infant child during her scheduled work hours will receive additional unpaid time beyond the 15-minute

compensated rest period. Those desiring to take a lactation break must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

3.5.1. Private Location

The Housing Authority will make reasonable efforts to accommodate employees by providing an appropriate location to express milk in private. The Housing Authority will attempt to find a location in close proximity to the employee's work area, and the location will be other than a toilet stall. Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

3.5.2. Storage of Expressed Milk

Any employee storing expressed milk in any authorized refrigerated area within the Housing Authority shall clearly label it as such. No expressed milk shall be stored at the Housing Authority beyond the employee's work day/ shift.

3.6. OVERTIME

When operating requirements or other needs cannot be met during regular working hours, an employee may be scheduled to work overtime. All overtime work must be authorized in advance by the immediate supervisor. Working overtime without authorization will result in disciplinary action.

Overtime is defined as the authorized actual hours worked beyond the scheduled forty hours in a workweek. Overtime will be paid as wages, consistent with current federal and state law. Actual hours worked excludes any time that is accrued or earned (e.g. vacation, holidays or sick time) for the purpose of computing overtime pay.

3.7. CONFIDENTIALITY OF ATTENDANCE SYSTEM

It is the employee's responsibility to maintain confidentiality of his/her password for the time and attendance system and to certify the accuracy of all time recorded. Any errors in the employee's timecard should be reported immediately to his/her supervisor, who will correct legitimate errors.

3.8. EXEMPT EMPLOYEES

Exempt employees are expected to complete all duties assigned to their position. It is expected that exempt employees work at least forty hours per week and any additional hours necessary to fulfill their job responsibilities and to meet the objectives of the Housing Authority.

As a service agency, most employees must work on site to provide customer service, protect confidential information, and to fully collaborate and participate in the development and implementation of new initiatives. The Housing Authority's

Communication Plan prioritizes face-to-face communication, reflecting the Agency's value of in-person communication and the belief that it yields more complete and accurate results. As such, exempt employees are expected to work in the office unless they have received prior supervisor approval to telework or adjust their schedule.

3.8.1. Regular Schedule

Exempt employees are expected to establish and file a regular schedule with Human Resources that includes reporting to work by 9:00 a.m. at the latest and working in the office at least nine (9) hours every day (except eight (8) on Fridays), with consideration for the lunch break and two (2) rest periods.

At times, exempt employees may need to work on a day the office is normally closed. The Housing Authority does not track this time or provide time off to compensate exempt employees for work performed during agency closure periods as this work is expected to be intermittent. Routinely working on closure days can result in fatigue and burn-out. Employees who regularly work when the office is closed should notify their supervisor to evaluate productivity, work load, or the need for additional resources.

3.8.2. Exempt Employee Partial and Full Day Absences

Exempt employees absent from the office for more than half of the work shift on any day will be expected to use available leave balances (vacation, sick, floating holiday or performance based leave) to cover the time away from work. If the absence is for less than half the work shift on any day, employees will be expected to complete their assigned work.

3.8.3. Telecommuting/Teleworking for Exempt Employees

Although telecommuting is not a regular benefit, at times an employee may need to telecommute, which requires advance supervisor approval. Employees who are telecommuting are expected to be available to other employees by phone or Agency email during regular work hours. Intermittent use of this privilege is acceptable for exempt employees; however, regularly telecommuting several times a month requires Human Resources approval.

Telecommuting is not an acceptable alternative for use of sick leave. Employees who are sick are expected to use sick leave to rest and recover their health.

3.8.4. Schedule Flexing for Exempt Employees

Although exempt employees are expected to establish a regular schedule, at times there may be a need to come in late or leave early for a personal reason. Advance supervisor approval is required and your supervisor may deny the request based on business need. Intermittent use of this privilege is acceptable; however, regular schedule flexing (several times a month) requires consultation with Human Resources.

3.9. PAYDAYS AND PAYMENT OF WAGES

All employees are paid bi-weekly on Friday and paychecks/direct deposit is normally available by 10:00 a.m. Each paycheck includes earnings for all work performed and

reported through the end of the previous payroll period. If a regular payday falls during an employee's vacation or sick day, the employee's paycheck will be available upon his/her return from vacation or sick day. If a payday falls on a holiday, employees will be paid on the preceding workday. Employees participating in direct deposit will receive payment for wages sent electronically as identified on direct deposit forms.

No one other than the employee to whom the paycheck is written will be allowed to pick up a paycheck unless written authorization has been given for another person to do so. The employee's written request must be submitted to payroll prior to payday.

3.10. BILINGUAL/BI-LITERATE DIFFERENTIAL PAY

Differential pay is granted to qualified bilingual and bilingual/bi-literate non-exempt employees. An employee is qualified to receive the differential if:

- A. Public contact requires continual citing and explaining information in a language other than English or when translation of written material in another language is a continuous assignment; and
- B. The Housing Authority has a designated need for a bilingual and/or bi-literate employee; and
- C. The employee is certified for the designated need in the language that the Housing Authority has designated as necessary.

An employee who is certified as bilingual is one with a demonstrated ability to converse fluently in a language other than English, as determined by the attainment of a passing score on a Housing Authority approved examination.

An employee who is certified as bi-literate is one with a demonstrated ability to communicate in writing in a language other than English with sufficient skill to convert all routine materials from one language to another, as determined by the attainment of a passing score on a Housing Authority approved examination.

If more persons are certified as bilingual and/or bi-literate than are currently designated as necessary, the Housing Authority shall select the Employee(s) who will receive the differential based upon the employee's seniority as long as the employee's service records and relative efficiency are equivalent.

The Housing Authority will determine whether an employee shall receive either a bilingual differential or a bilingual and bi-literate differential. The differential may be removed when the criteria ceases to be met for two consecutive pay periods.

- D. The Housing Authority reserves the right to designate an employee to receive the differential in case of an urgent need as determined by the Agency.

3.11. PAYROLL DEDUCTIONS

Employee earnings and payroll deductions are shown on the paycheck stub.

Deductions required by law are listed, as well as deductions the employee has

authorized the Housing Authority to make.

Federal and California law require the Housing Authority to withhold a certain percentage of employee compensation for Federal and State income taxes due each year. The amount withheld is a percentage of the employee's wages and the number of exemptions the employee claims on his/her W-4 form and/or DE-4. The number of exemptions claimed may be changed by the employee as he/she finds necessary by submitting a revised withholding form to Payroll. Changes in payroll withholding will begin at the beginning of the pay period following receipt of the newly submitted form(s).

3.12. PAYROLL ERRORS

An employee who believes there has been an error in the calculation of his/her paycheck should contact Payroll immediately. Payroll will review the employee's timesheet and the accuracy of the paycheck. If the error is verified, the employee will be notified and the discrepancy corrected no later than the next payroll processing. The Housing Authority reserves the right to correct both underpayments and overpayments on payroll checks, if these should occur, to the extent permitted or required by law. Any questions about paychecks should be directed to Payroll.

3.13. WAGE GARNISHMENTS

The Housing Authority would like to avoid incurring the administrative costs of processing garnishments and wage assignments for employees. Accordingly, the Housing Authority encourages all employees to meet their financial obligations without involving the Housing Authority. Nonetheless, the Housing Authority will adhere to legally imposed wage assignments and garnishments, and will not modify the terms of those legal arrangements unless ordered in writing by a court. The Housing Authority may deduct the administrative costs of complying with wage assignment and garnishment orders to the amount allowed by statute.

3.14. DIRECT DEPOSIT

Employees may designate one or more bank accounts for direct deposit of their paychecks. For example, a set amount may be directed into a savings account, with the balance deposited into a checking account. New accounts may take up to 30 days to process. All of the required enrollment and consent forms are available online through the Housing Authority's payroll self-service system.

3.15. TRAVEL PAY

Training paid for by the Housing Authority is available to employees in accordance with applicable law. Although occasionally employees are required, in the performance of their duties or for professional growth, to travel on Housing Authority business, training that requires travel out of the area is not mandatory. If an employee travels in his/her personal vehicle, he/she may be eligible for Mileage Reimbursement as stated in the Travel/Business Expense reimbursement policy.

Travel time may be compensable work time depending on the type of travel and its purpose:

- A. Generally, the time the employee spends traveling from home to work and work to home is not work time.
- B. Time spent traveling as part of the employee's daily work activity is compensable work time. This includes travel from one job site to another or travels from a designated meeting place to a job site.
- C. The employee's use of a Housing Authority's vehicle for commuting and other incidental travel is not part of the employee's principal activities and is not compensable time.
- D. Travel by the employee who will be away from home overnight is work time only during those periods that the travel coincides with the employee's regular working hours. This time is counted as hours worked even if it occurs on a non-working day. Travel outside regular working hours in a plane, boat, bus, or automobile is not hours worked unless the employee is actually performing Housing Authority work during that time or a non-exempt employee is driving the automobile and alternative transportation was not offered by the Agency.

3.16. WORKING OFF THE CLOCK AND COMPENSATORY TIME

All non-exempt hourly employees are required to accurately record time for all hours worked. Failure to accurately record all hours worked is considered Working Off-the-Clock and is considered a violation of policy. Non-exempt employees need to receive advance supervisory approval for working hours in excess of those regularly scheduled.

All hours worked will be paid when earned and may not be held or postponed for future dates as compensatory time. The Housing Authority does not allow Working Off-the-Clock or Compensatory Time and any violation of these policies may result in disciplinary action up to and including termination.

SECTION FOUR: BENEFITS

4.1. HEALTH BENEFITS

All full-time employees are eligible to be covered by a group medical and hospital plan (medical coverage), dental plan and vision plan (collectively, "Health Coverage") designated by the Agency. Eligibility of employees and dependents for coverage as well as the extent of coverage is governed by the insurance policy/policies in effect at the applicable time. Employees may obtain coverage for spouses and domestic partners. Part-time employees are eligible for coverage as required by law.

4.1.1. Medical Coverage

Effective January 1, 2018, the Housing Authority will pay a maximum of \$1,780 per month (Employer Coverage Cap) towards Medical coverage for the employee and his/her dependents.

4.1.1.1. Continued Coverage

For leaves of absence covered by the Family Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), please see the FMLA/CFRA policy for continued coverage. For other leaves of absence, coverage will be provided when required by law. If an employee is not eligible for coverage, the employee may be eligible to continue coverage at his/her own expense in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

During periods of authorized, paid/unpaid leave (pregnancy disability leave, family medical leave, or personal leave) the Agency will continue to provide medical coverage to the same extent as provided prior to the leave for a period of up to twelve weeks or as required by law.

4.1.1.2. Health Care Opt Out/Waiver Plan

An employee, who has the opportunity to receive medical coverage from another source, may waive the Housing Authority medical coverage as follows:

- A. An employee who waived medical coverage for self and family must do so for the entire plan year, unless a qualifying COBRA event occurs.
- B. The employee must present evidence of alternative medical coverage that meets the minimum essential requirements of coverage as defined by the Affordable Care Act and complete the required Medical Opt Out/Waiver form provided by Human Resources.
- C. An employee who waives medical coverage will be compensated as identified in open enrollment documents provided each year.

4.1.2. Dental Insurance

All employees shall be covered by a dental plan as designated by the Housing

Authority. Eligibility of employees and dependents for coverage, as well as the extent of coverage, is governed by the insurance policy in effect at the applicable time.

4.1.2.1. Cost

The total cost of such coverage for both employees and all family members shall be paid by the Agency.

4.1.2.2 Continued Coverage

During periods of authorized, unpaid leave, the Agency will continue dental insurance coverage on the same basis as for medical coverage, when required by law, or provide COBRA information for employees to continue coverage at his/her own expense.

4.1.3. Vision Care

All employees shall be covered by a vision care plan as designated by the Agency. Eligibility of employees and dependents for coverage as well as the extent of coverage is governed by the policy in effect at the applicable time.

4.1.3.1. Cost

The total cost of such coverage for both employees and all family members shall be paid by the Agency.

4.1.3.2. Continued Coverage

During periods of authorized, unpaid leave, the Agency will continue vision coverage on the same basis as for medical coverage, when required by law, or provide COBRA information for employees to continue coverage at his/her own expense.

4.2. LIFE INSURANCE AND LONG TERM DISABILITY INSURANCE

The following Life Insurance and Long Term Disability Insurance coverage is provided to regular full-time employees upon application:

4.2.1. Group Term Life Insurance

The Agency will provide coverage of \$50,000 and the policy will have an Accidental Death and Dismemberment rider of equal face value.

4.2.2. Additional Life Insurance

The employee may purchase additional life insurance for higher death benefits, dependent coverage, or optional types of policies with approval of the insurance carrier. The premiums for this additional insurance will be paid via payroll deduction.

4.2.3. Long Term Disability Insurance

The Agency-paid coverage provides 66 2/3% of the employee's regular monthly salary, to a maximum of \$7,500 /month, after ninety (90) days of disability. The benefit is payable until the end of the disability; death; voluntary retirement; or the end of the

maximum benefit period (age 65), whichever is earlier.

4.3. SOCIAL SECURITY, RETIREMENT AND MEDICARE

All employees are covered by Social Security (FICA) and Medicare. Eligible employees are also enrolled in the California Public Employees Retirement System (CalPERS) retirement system. During employment with the Housing Authority, eligible employees continue to earn credit for service under all systems.

Social Security may also pay benefits to the employee and his/her family if the employee is disabled, or to the employee's survivor(s) should the employee pass away. Social Security also administers and pays Medicare benefits. All employees will contribute to Social Security and Medicare. On behalf of the employee, the Housing Authority contributes the same amount of Social Security and Medicare taxes annually as the employee pays.

The Housing Authority has enrolled in the CalPERS Miscellaneous Retirement Plan. For classic employees (generally, those employees who were enrolled in a CalPERS retirement plan prior to January 1, 2013), the retirement plan is 2% @ 55 Supplemental Formula. For non-classic employees ("new members" - generally, those Employees who were new to CalPERS retirement system on or after January 1, 2013), the retirement plan is 2% @ 62 Supplemental Formula.

New Members (non-classic employees) are required to pay at least 50% of the normal cost of CalPERS retirement, which is determined by CalPERS annually.

The member contribution for classic employees is 7%, of which, the employee's contribution to CalPERS is 5% of their compensation earnable wages (member contributions) with the remaining 2% member contribution paid by the Agency. These contributions are deducted via payroll deduction on a pre-tax basis.

Beginning July 1, 2018, the employee's contribution to CalPERS will be 6% with the remaining 1% member contribution paid by the Agency.

Beginning July 1, 2019, the employee's contribution to CalPERS will be 7% with no member contribution paid by the Agency.

4.4. BENEFITS TO QUALIFIED RETIREES

The Housing Authority currently provides medical and health insurance through CalPERS under the provisions of the Public Employees' Medical and Hospital Care Act (PEMHCA). Employees who retire from the Agency through CalPERS but do not qualify for the Agency's retiree medical reimbursement plan, may elect to continue medical coverage through PEMHCA after they retire so long as the Housing Authority continues to participate in the CalPERS medical program. California State Law requires that any agency who contracts for PEMHCA medical benefits is required to pay a minimum amount towards the medical insurance premiums of current employees and retirees. The minimum monthly premium contribution may change on an annual basis by

CalPERS. The current PEMHCA minimum can be found by visiting the CalPERS website www.calpers.ca.gov.

Employees who retire from the Housing Authority at age 62 or older with at least 20 years of employment with the agency are eligible for medical cost coverage by the Housing Authority as follows:

Age at Retirement	Years of Employment at SCCHA		
	<u>20-25 years</u>	<u>25-30 years</u>	<u>Over 30 years</u>
62	80%	90%	100%
63	85%	95%	100%
64	90%	100%	100%
65 +	100%	100%	100%

4.5. SUPPLEMENTAL 457 PLAN

The 457 Plan is a type of non-qualified tax advantaged deferred-compensation retirement plan that is available to Housing Authority employees. This is an optional program where employees contribute to a deferred compensation retirement account by deferring compensation on a pre-tax basis. For additional information, see Human Resources.

4.6. CREDIT UNION

All full-time and part-time employees are eligible to participate in the Santa Clara County Federal Credit Union. For more details regarding the credit union services, please contact Human Resources or go to www.sccfcu.org.

4.7. EMPLOYEE ASSISTANCE PROGRAM

The Housing Authority cares about the health and well-being of its employees and recognizes that a variety of problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the Employee Assistance Program (EAP), the Housing Authority provides confidential access to professional services for help with life events such as aging parents, financial or legal issues, alcohol and other substance abuse, marital and family difficulties, and emotional distress. The EAP is available to all employees and their immediate family members and offers problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. Information given to the EAP may be released only if requested by the employee in writing. All EAP service providers are guided by a professional code of ethics.

Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the employee's personnel file.

4.8. EMPLOYEE EDUCATION ASSISTANCE & TUITION REIMBURSEMENT

4.8.1 Eligibility for Tuition Reimbursement Program

If sufficient funds are available and budgeted, regular employees are eligible to participate in the tuition reimbursement program for total or partial reimbursement, up to \$5,250 per employee per calendar year, provided the Executive Director or designee determines that the education and/or training is:

- A. Related to the employee's occupational area or has demonstrated value to the Housing Authority;
- B. Through an accredited educational institution/program and is a required course for a degree; and
- C. That the employee's performance meets the minimum requirements of their position or the employee has had no documented disciplinary action taken against him/her within the two years prior to the application. Documented discipline is a written warning or above for purposes of this section.

4.8.2 Application Procedure

Employees interested in participating in the program must submit a completed application for Educational Assistance/Tuition Reimbursement to Human Resources by the date specified. Tuition reimbursement will be awarded to all eligible applicants as budgeted funds permit; if eligible applications exceed funding availability, award will be on a lottery basis.

4.8.3 Reimbursement and Restrictions

Reimbursement, if approved, shall be made when the employee completes the course or training and receives a passing grade of C or better or passing certification, as appropriate. Reimbursement will be restricted to registration fees for tuition costs and books listed in the course description as required to complete the class or course.

4.8.4 Exclusions

Excluded from this program are:

- Late fees and interest for delayed payment plans.
- Transportation, parking, electronic equipment, or recording devices.

4.8.5. Repayment by Employee

If an employee voluntarily terminates employment with the Housing Authority and received tuition reimbursement assistance, he/she will be required to complete the necessary paperwork to reimburse the Housing Authority in full for any tuition reimbursement payments received during the last twelve (12) months prior to his/her resignation.

4.9. WORKERS' COMPENSATION

Workers' Compensation coverage is required by State law and is paid for entirely by the Housing Authority through participation in an insurance pool. It provides medical treatment and income protection in the event an employee is injured on the job or contracts an occupational illness. If an employee believes that he/she has been injured on the job or suspects that he/she has a job-related illness, he/she must notify his/her Supervisor within 24 hours or the next business day. At the time of notification, the employee will receive forms for filing a workers' compensation claim for any work-related injury or illness. No matter how minor an on-the-job injury may appear, it is important that it is reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

The Workers' Compensation benefit amounts will be provided pursuant to California law and shall not exceed an employees' regular wages.

Neither the Housing Authority nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur or arise out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Housing Authority or outside secondary employment.

4.10. UNEMPLOYMENT INSURANCE

The Housing Authority participates in unemployment insurance as required by law. The rules, regulations and benefits of this insurance are governed by the California Employment Development Department (EDD).

4.11. SDI AND PAID FAMILY LEAVE INSURANCE

California State Disability Insurance (SDI) is a partial wage-replacement insurance plan for California workers. The SDI program is funded through employee payroll deductions and provides affordable, short-term benefits to eligible employees. Employees covered by SDI are covered by two programs: Disability Insurance and Paid Family Leave (PFL) Insurance.

PFL provides payments to eligible individuals who take time off of work to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child. PFL is not actually a leave - it only pays eligible employees while they are on a Housing Authority authorized leave of absence. SDI provides payments to eligible individuals who are unable to work due to his/her own serious health condition. The rules, regulations and benefits of PFL and SDI insurance are governed by EDD.

Employees may request to use accrued leave to supplement SDI and/or PFL payments.

If employees choose to use accrued leave, the total amount of pay may not exceed 100% of the employee's base pay earnings. Employees electing to supplement with accrued leave must use the amount of leave necessary to result in 100% of his/her base earnings.

Employees who receive PFL or SDI benefits are required to report the amount to Human Resources to ensure the employee does not receive compensation that exceeds his/her normal earnings.

4.12. CONTINUATION OF HEALTH INSURANCE BENEFITS- COBRA

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and the equivalent California law (Cal-COBRA), eligible employees and their family members may continue their coverage under the Housing Authority's group health insurance after the loss of the health insurance due to the occurrence of certain qualifying events such as: the employee's termination (other than due to gross misconduct) or resignation, a reduction in the employee's hours, a change in the employee's marital status, the employee's death, the employee's Medicare entitlement and other specified events. When an employee or their qualified family members become eligible to continue health insurance coverage through COBRA, they may continue their health insurance if they pay premium rates identified by plan providers plus an additional administrative fee (typically 2%). Employees and their family members receive detailed notices on their rights under COBRA when they become covered by the Housing Authority's medical plan and when they experience a qualifying event that may result in continuing health insurance coverage through COBRA or Cal-COBRA.

SECTION FIVE: LEAVE OF ABSENCE & TIME-OFF POLICIES

5.1. HOLIDAYS

The following holidays shall be established as paid holidays:

	Holiday	Observed
1.	New Year's Day	January 1st
2.	Martin Luther King Jr.'s Birthday	Third Monday in January
3.	President's Day	Third Monday in February
4.	Cesar Chavez Day	March 31st
5.	Memorial Day	Last Monday in May
6.	Independence Day	July 4th
7.	Labor Day	First Monday in September
8.	Indigenous People's Day	Second Monday in October
9.	Veteran's Day	November 11th
10.	Thanksgiving Day	Fourth Thursday in November
11.	Day after Thanksgiving Day	Fourth Friday in November
12.	Christmas Day	December 25th

Holidays that are observed on a scheduled nine (9) hour work day shall be provided with leave to the Employee as a nine (9) hour holiday. Holidays that are observed on a scheduled eight (8) hour work day shall be provided with leave to the employee as an eight (8) hour holiday. Holidays are compensated with Holiday leave for regularly scheduled hours on the designated holiday. Established holidays which fall on a weekend or Friday closure day will be observed on an open Friday, Thursday, or the following Monday as determined by the Housing Authority.

In addition to the twelve (12) holidays listed above, Employees will receive a floating holiday leave bank, as approved annually by the Board of Commissioners, so that the combined hours for the observed holidays and the holiday leave bank total ONE HUNDRED TWELVE (112) hours. The floating holiday leave bank must be taken on a single day within 30 calendar days of December 1st, either 30 days prior or 30 days after, and must be supplemented with vacation leave, if needed, so that the hours of leave taken are the same as the hours for that workday (nine (9) hours for Monday

through Thursday and eight (8) hours for Friday). The floating holiday leave will be deposited in employee leave banks on November 1st and will expire on December 31st.

Holidays, which fall during a vacation period or when an employee is absent because of illness, will not be charged against the employee's vacation or sick leave balance, provided the employee is in active paid status and is eligible to receive a paid holiday.

To receive holiday pay, an eligible employee must be in an active paid status which means the employee worked the day before and after the holiday or used authorized paid leave for the full work day before and after the holiday.

5.2. VACATION

5.2.1. Eligible Employees

All full-time employees are eligible to accrue paid vacation hours (at the rate shown below) upon completion of six (6) months of continuous employment. All new full-time employees will receive a deposit of 40 hours of paid vacation hours upon completion of their first six (6) months of continuous employment. Accrual of vacation hours begins with the seventh month of service.

5.2.2. Vacation Accrual Rate

Tier 1: Employees other than Senior Managers and Executives will begin accruing vacation hours on the first day of the seventh month of continuous employment as shown below.

Months/Years of Service:	Hours Accrued per Year	Hours Accrued per pay period
7 th -24 th month	80	3.08
3 rd – 4 th year	104	4.00
5 th – 9 th year	136	5.24
10 th – 14 th year	160	6.16
15 th – 19 th year	184	7.08
20+ years	208	8.00

Tier 2: Senior Managers (Assistant Directors and Controller) and Executives will begin accruing paid vacation hours on the first day of the seventh month of continuous employment as shown below.

Months/Years of Service:	Hours Accrued per Year	Hours Accrued per pay period
7th - 12th month	120	4.62
1st year– 4th year	160	6.16
5th – 9th year	180	6.92
10th – 14th year	200	7.69
15th – 19th year	220	8.46
20+ years	240	9.23

5.2.3. Vacation Use

Vacation is intended to provide an employee the opportunity for rest and recreation. Vacation leave shall not be used if it has not been earned by the end of the current pay period.

If an employee or immediate family member requires medical attention or hospitalization while on vacation, the employee may request conversion of his/her vacation time to sick leave. Verification of medical treatment and/or hospitalization must be provided to Agency so that the appropriate vacation and sick leave deductions can be credited to the employee's leave balance. Hours must be taken in full day increments.

5.2.4. Vacation Scheduling

All employees are required to submit vacation requests to their supervisor electronically through the time and attendance system. When possible, the electronic request should be made at least five (5) working days in advance of the desired vacation dates. The Agency recognizes that employees may encounter emergency situations on occasion, which may result in vacation requests with less than the one (1) week advance notice; the Agency agrees to consider these requests for approval, given the emergency circumstances.

The Housing Authority must maintain adequate coverage of jobs and staff requirements, and will make the final determination as to the approval of vacation dates. The Agency will make a reasonable effort to accommodate an employee's desired vacation request. The Agency will endeavor to approve or deny vacation requests within three (3) working days of receiving the request. Vacation requests will not be unreasonably denied. Subject to supervisor approval, an employee may modify their work schedule within the same day in conjunction with vacation.

5.2.5. Vacation Accrual Maximum/Cap

Eligible employees may not accrue more than three times their current annual accrual rate. It is the employees' responsibility to monitor his/her leave accruals to avoid

reaching the maximum.

Upon reaching the maximum amount of accrued and unused vacation, further vacation will stop accruing until the employee either takes vacation time off or requests a vacation payout in lieu of time off. Employees shall not be compensated or reimbursed in any way for vacation that was not accrued while the employee was at the vacation maximum/accrual cap.

5.2.6. Vacation Payout in Lieu of Time Off

Employees may request a vacation payout in lieu of time off not to exceed two hundred forty hours of accrual annually. The employee must have taken at least five (5) consecutive days off within the immediate previous 12 months (roll-back) period, a combination of vacation, performance based leave, off Friday, and holiday closures are acceptable. Weekends are excluded in the calculation of consecutive days off.

Vacation payout must be requested in a minimum of twenty (20) hour increments and received by October 15th, February 15th, and/or June 15th and will be processed with the first regular pay day of the month following approval of the request. An employee may request a vacation payout at a different time than the three specific dates if: 1) the employee will exceed their vacation cap prior to the next payout date; 2) the employee has not requested a vacation payout more than three (3) times in the preceding year; and 3) the minimum payout is 40 hours.

5.2.7. Vacation Pay upon Separation from Employment

All accrued but unused vacation hours shall be paid to the employee upon separation from employment with the employee's final paycheck. In the event an employee is deceased, the vacation accruals will be paid to the employee's estate, or the individual designated by the employee.

5.3. SICK LEAVE

Sick leave is paid leave from work that can be used for the following purposes:

- A. Diagnosis, care, or treatment of an existing health condition of, or preventative care for an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling;
- B. For an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health, safety, or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety;
- C. For additional bereavement leave when requested by the employee and approved by the Agency;
- D. If the employee is on an approved FMLA/CFRA leave for his/her own serious

medical condition, he/she must use his/her sick leave during any otherwise unpaid portion of the leave;

- E. A pregnant employee must use accrued and unused sick leave during that portion of her pregnancy when she is unable to perform the duties of her job due to her pregnancy or related medical condition, as certified by her physician; or
- F. An employee is allowed to use up to one-half of his/her annual sick leave accrual to care for his/her immediate family member as defined in this section or under the law.

5.3.1. Sick Leave Accrual for Eligible Employees

Employees in paid status begin accruing sick leave upon employment in the sum of ninety-six (96) hours of sick leave per year (accrued as 3.69 hours per pay period). Sick leave shall not be used if it has not yet been accrued.

5.3.2 Sick Leave Maximum/Cap

Sick leave time will continue to accrue up to 700 hours. Upon reaching seven hundred (700) hours of accrued sick leave, no additional sick leave will accrue until the sick leave balance falls below the maximum accrual.

5.3.3. Sick Leave Pay Out Upon Death or Retirement

Upon the death of an employee, the employee's designated beneficiary shall be paid up to four hundred eighty (480) hours of accrued sick leave at the rate of 50% of the equivalent cash value (i.e., for 480 accrued hours, 240 hours would be paid at the employees base rate of pay). All accrued balances beyond four hundred eighty (480) hours shall be paid off at the rate of 12-1/2% of the accrued cash value (one hour's pay for eight hours of accrual).

Upon retirement, the employee may choose to be paid four hundred eighty (480) hours of accrued sick leave at the rate of 50% of the equivalent cash value (i.e., for 480 accrued hours, 240 hours would be paid at the employee's base rate of pay). All accrued balances beyond four hundred eighty (480) hours shall be paid off at the rate of 12-1/2% of the accrued cash value (one hour's pay for eight hours of accrual).

5.3.4. Sick Leave Pay Out Upon Layoff or Resignation

Upon resignation or lay-off, employees with ten (10) or more years of service, may choose to be paid up to four hundred eighty (480) hours of accrued sick leave at the rate of 35% of the equivalent cash value (i.e., for 480 accrued hours, 168 hours would be paid at the employees base rate of pay). All accrued balances beyond four hundred eighty (480) hours will be paid off at the rate of 12-1/2% of the accrued cash value (one hour's pay for eight hours of accrual).

5.3.5. Sick Leave Pay Out For Disciplinary Separation

Upon dismissal for cause, no sick leave shall be paid and accruals are forfeited.

5.3.6 Requesting and Reporting Sick Leave

The Agency may require a supporting statement from the attending medical practitioner if the request for sick leave is in excess of three (3) working days for either the employee's own illness/injury or when using sick leave for family sick leave purposes. The Agency may require a supporting statement from the medical practitioner for absences of less than three (3) working days if there is reason to suspect abuse. It shall be the responsibility of each employee absent from duty due to illness or injury to notify his/her immediate supervisor on the first day of absence (and each day of the absence) at least one hour before the time he/she is scheduled to begin working for that day.

5.4. FAMILY & MEDICAL LEAVE INTRODUCTION

For eligible employees, the Housing Authority provides:

- A. Family care and medical leave for up to 12 weeks per year in accordance with the California Family Rights Act (CFRA) and the Federal Family and Medical Leave Act of 1993 (FMLA);
- B. Pregnancy leaves for up to four months in accordance with the California Fair Employment and Housing Act (FEHA);
- C. Disability leave as required to reasonably accommodate Employees with a qualified disability under the Americans with Disabilities Act (ADA), the FEHA or any other Federal, State or Local law; and
- D. Leave for other legally required absences and as permitted by the Housing Authority, but not necessarily limited to those set forth below.

The Housing Authority may approve and designate a leave of absence in certain circumstances. The employee should notify his/her Supervisor and Human Resources in writing as soon as he/she becomes aware of the need for a leave of absence. The Housing Authority will consider the request in accordance with applicable law and the Housing Authority's leave policies. The employee will be notified whether the leave request is approved or denied. If the designated leave is approved, the employee must comply with the terms and conditions of the leave, including return of Housing Authority property upon leave, maintaining communication with Human Resources during the leave and providing prompt notice if there is any change in the return date.

The employee must not accept other employment or apply for unemployment insurance while on a leave of absence. Acceptance of other employment while on leave will be treated as a voluntary resignation from employment at the Housing Authority. Benefits, such as vacation, sick leave and holidays, will not accrue while on an unpaid leave of absence. Employees will not accrue seniority service credit with the Housing Authority while taking unpaid leaves of absence, except for protected leaves including but not limited to FMLA/CFRA, Pregnancy Disability Leave, and/or Military Leave. For employees who take a leave during their probationary period, the probationary period will be extended by the duration of the leave.

The Housing Authority may hold in abeyance or proceed with any counseling, performance review, or disciplinary action, including termination, that was contemplated prior to any employee's request for or receipt of a leave of absence or that has come to the Housing Authority's attention during the leave. If any action is held in abeyance during the leave of absence, the Housing Authority reserves the right to proceed with the action upon the employee's return. Requesting or receiving a leave of absence in no way relieves employees of their obligation while on the job to perform their job responsibilities capably and up to the Housing Authority's expectations and to observe all Housing Authority policies, rules, and procedures.

Employees having any questions regarding their right to take a leave should contact Human Resources. The Housing Authority will provide Employees with all leaves as required by Federal, State or Local laws.

5.5. FAMILY CARE AND MEDICAL LEAVE

5.5.1. Statement of Policy; Concurrent Running of FMLA and CFRA Leaves

The Housing Authority provides family and medical care leave for eligible employees as required by State and federal law. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions. Unless otherwise provided by law, the Housing Authority will run each employee's FMLA and CFRA leaves concurrently.

5.5.2. Definitions

5.5.2.1. 12-Month Period

This is a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

5.5.2.2. Single 12-Month Period

This is a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.

5.5.2.3. Child

A child is defined as a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or step child. A child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning

shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.

5.5.2.4. Parent

A parent is defined as the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

5.5.2.5. Spouse

Spouse means one of two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.

5.5.2.6. Domestic Partner

A domestic partner is another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code Section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.

5.5.2.7. Serious Health Condition

A serious health condition is defined as an illness, injury impairment, or physical or mental condition that involves:

- A. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity (e.g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered “inpatient” when a health care facility admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
- B. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - 1. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days; and
 - 2. Any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- a. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
 - b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
- C. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a "serious health condition" only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave.
- D. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - 1. Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
 - 2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - 3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
- E. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by health care provider.
- F. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

5.5.2.8. Health Care Provider

A Health Care Provider is defined as one of the following:

- A. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;
- B. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;
- C. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
- D. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- E. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- F. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

5.5.2.9. Covered Active Duty

In the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or 2) in the case of a member of the reserve component of the Armed Forces, duty during the deployment of members of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

5.5.2.10. Covered Servicemember

- A. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- B. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

5.5.2.11. Outpatient Status

With respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

5.5.2.12. Next of Kin of a Covered Servicemember

This is defined as the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

5.5.2.13. Serious Injury or Illness

This includes: 1) in the case of a member of the Armed Forces, including a member of the National Guard or reserves, means an injury or illness that a covered servicemember incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; or 2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

5.6. REASONS FOR LEAVE

Leave is only permitted for the reasons listed below.

- A. The birth of a child or to care for a newborn of an employee;
- B. The placement of a child with an employee in connection with the adoption or foster care of a child;
- C. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;
- D. Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position;
- E. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation (this is a FMLA leave and not a CFRA leave); or

- F. Leave to care for a spouse, son, daughter, parent, or “next of kin” who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period (this is a FMLA leave and not a CFRA leave).

5.7. EMPLOYEES ELIGIBLE FOR LEAVE

An employee is eligible for leave if:

- A. The employee has been employed by the Housing Authority for at least 12 months; and
- B. The employee has worked at least 1,250 hours for the Housing Authority during the 12-month period immediately preceding the commencement of the leave; and
- C. The Housing Authority directly employs at least 50 full or part-time employees within a 75-mile radius for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

5.8. AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered servicemember) of leave during any 12-month period. If FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

5.8.1 Minimum Duration of Leave

- A. If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.
- B. If leave is requested to care for a child, parent, spouse or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this Policy is required.

5.8.2. Parents both Employed by the Housing Authority

If both parents of a child, adoptee, or foster child are employed by the Housing Authority and are entitled to bonding leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period. If both parents of a covered servicemember are employed by the Housing Authority and are entitled to leave to care for a covered servicemember, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 work weeks during the

12-month period. This limitation does not apply to any other type of leave under this Policy.

5.9. EMPLOYEE BENEFITS WHILE ON LEAVE

5.9.1. Group Health Insurance During Unpaid Leave

Leave under this Policy is unpaid. While on unpaid leave, employees will continue to be covered by the Housing Authority's group health insurance for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months each leave year. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, the Housing Authority will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).

5.9.2. Benefit Plans Not Provided through the Housing Authority's Group Health Plan During Unpaid Leave Do Continue

While on unpaid leave, employees will continue to be covered by the Housing Authority benefits plans that are not part of its group health plan for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job.

5.9.3. Payment of Premiums

Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using his or her paid leave) or direct payments (if the employee is not using his or her paid leave). The Housing Authority will inform the employee whether the direct payments for premiums should be paid to the carrier or to the Housing Authority, and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contributions are subject to any changes in rates that occur while employee is on leave.

5.9.4. Recovery of Premium if the Employee Fails to Return from Leave

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the Housing Authority shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.

5.10. SUBSTITUTION OF PAID ACCRUED LEAVES

Although family and medical care leave is unpaid, an employee may elect and the Housing Authority will require an employee to concurrently use all paid accrued leaves during family and medical care leave as described below.

5.10.1. Employee's Right to Use Paid Accrued Leave Concurrently with Family Leave

An employee must use any earned or accrued paid leave except sick leave for all or part of any unpaid family and medical care leave. An employee is entitled to use sick

leave concurrently with family and medical care leave for the employee's own serious health condition or that of the employee's parent, spouse, domestic partner or child.

5.10.2. Housing Authority's Right to Require an Employee to use Paid Leave when using FMLA/CFRA Leave

Employees must use and exhaust their accrued leaves concurrently with family and medical care leave with two exceptions:

- A. Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and
- B. An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner.

5.10.3. Housing Authority's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves

If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, the Housing Authority will designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

5.10.4. Housing Authority's and Employee's Rights if an Employee Requests Accrued Leave without Mentioning FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the Housing Authority may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the Housing Authority denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, the Housing Authority may require the employee to exhaust accrued leave as described above.

5.11. MEDICAL CERTIFICATION/ RECERTIFICATION

Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

5.11.1. Employee's Own Serious Health Condition

Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position. Upon expiration of the time period the health care provider originally estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.

5.11.2. Family Member Serious Health Condition

Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse. The term “warrants the participation of the employee” includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.

5.11.3. Servicemember Serious Injury or Illness

Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or “next of kin” of the employee, must provide written certification from a health care provider regarding the injured servicemember’s serious injury or illness. The Housing Authority will verify the certification as permitted by the FMLA regulations.

5.11.4. Qualifying Exigency

The first time an employee requests FMLA leave because of a qualifying exigency, an employee may require the employee to provide a copy of the military member’s active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member’s active duty service. A copy of the new active duty orders or similar documentation shall be provided to the Housing Authority if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member. The Housing Authority will verify the certification as permitted by the FMLA regulations.

5.11.5 Time to Provide a Medical Certification

When an employee has provided at least 30 days’ notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the Housing Authority within the time frame requested by the Housing Authority (which must allow at least 15 calendar days after the employer’s request), unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.

5.11.6 Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this Policy, the

Housing Authority may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

5.11.7 Human Resources Review of the Contents of Medical Certification for Employee's Own Serious Health Condition

15.11.7.1 Complete and Sufficient

The employee must provide a certification for his or her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, Human Resources will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.

15.11.7.2 Authentication and Clarification

After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, Human Resources may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. Human Resources may not ask for additional information beyond that required on the certification form.

5.11.8 Second and Third Medical Opinions For Employee's Own Serious Health Condition

If the Housing Authority has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the Housing Authority may require a medical opinion of a second health care provider chosen and paid for by the Housing Authority. If the second opinion is different from the first, the Housing Authority may require the opinion of a third provider jointly approved by the Housing Authority and the employee, but paid for by the Housing Authority. The opinion of the third provider will be binding. The Housing Authority must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

5.12. INTERMITTENT LEAVE OR LEAVE ON A REDUCED LEAVE SCHEDULE

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with serious health condition, the employee must provide

medical certification that such leave is medically necessary. “Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The Housing Authority may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

5.13. EMPLOYEE NOTICE OF LEAVE

Although the Housing Authority recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days’ notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

5.14. REINSTATEMENT UPON RETURN FROM LEAVE

5.14.1. Reinstatement to Same or Equivalent Position

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

5.14.2. Date of Reinstatement

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the Housing Authority, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

5.14.3. Employee’s Obligation to Periodically Report on His/Her Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

5.14.4. Fitness for Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee’s own serious health condition, which made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

5.14.5. Reinstatement of “Key Employees”

The Housing Authority may deny reinstatement to a “key” employee (i.e., an employee who is among the highest paid 10 percent of all employed by the Housing Authority within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the Housing Authority, and the employee is notified of the Housing Authority’s intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

5.15. REQUIRED FORMS

Employees must complete the applicable forms to receive family and medical care leave. The forms may be found in the Human Resources Department.

5.16. LEAVE BECAUSE OF PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION

5.16.1. Amount of Leave

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid leave for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks). For a full-time employee who works 40 hours per week, “four months” means 693 hours of leave entitlement, based on 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave.

5.16.2. Notice & Certification Requirements

5.16.2.1. Notice

Requests for pregnancy disability leave must be submitted in writing with reasonable advance notice of the medical need for the leave. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to Human Resources.

5.16.2.2. Certification

The request for pregnancy disability leave must be supported by a written certification from the attending physician stating that: 1) the employee is disabled from working by pregnancy, childbirth or a related medical condition; 2) the date on which the employee became disabled by pregnancy, childbirth or a related medical condition; and 3) the estimated duration or end date of the leave.

5.16.3. Compensation During Leave

Pregnancy disability leaves are without pay. However, the employee must first use sick leave, if any. Once sick leave is depleted, the employee may elect to use vacation leave or any other accrued paid time off during the leave.

5.16.4. Benefits During Leave

15.16.4.1. Group Health Insurance

An employee on pregnancy disability leave may continue to receive any group health insurance coverage that was provided before her leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. The Housing Authority may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act.

5.16.4.2. Sick and Vacation Leaves

Sick and vacation leaves do not accrue while an employee is on unpaid pregnancy disability leave.

5.16.4.3. Employee Status During Leave

The employee retains employee status during the leave. The leave is not a break in service for purposes of longevity or seniority under any collective bargaining agreement or employee benefit plan. Benefits will be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, or other qualifying provisions.

5.16.5. Reinstatement

- A. Upon the expiration of pregnancy leave, the employee will be reinstated to her original or a comparable position, so long as it was not eliminated for a legitimate business reason during the leave.
- B. If the employee's original position is no longer available, the employee will be assigned to a comparable, open position.
- C. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the Housing Authority will initiate an interactive process with the employee in order to identify a potential reasonable accommodation in accordance with these Policies.

5.17. WORKERS' COMPENSATION/OCCUPATIONAL ILLNESS OR INJURY LEAVE

The Housing Authority shall provide, at no cost to the employee, State of California mandated Workers' Compensation coverage. The level of benefits and all requirements are set forth by and in accordance with the Workers' Compensation laws of the State of California.

If an employee suffers a work-related injury/illness that requires the employee to miss

work, the compensation received by the employee for the time missed will fall under the following Workers' Compensation guidelines. Accumulated sick leave will be used for the first three (3) days (waiting period) prior to receipt of temporary disability benefits from the Workers' Compensation insurance carrier calculated to begin on the fourth day of missed work. The Housing Authority itself does not reimburse an employee for wages lost when absent from work for a work-related injury/illness. The insurance carrier provides the daily temporary disability benefit as a portion of the employee's normal daily wage.

The day in which the injury/illness occurs is not counted as a missed day or part of the waiting period. If an injury requires hospitalization on the same day of injury, the waiting period is eliminated and Workers' Compensation benefits commence on the very next day following the injury/illness.

All Workers' Compensation eligibility and benefits are provided through the authorization of an attending doctor/physician. Employees must provide medical documentation during the initial processing through the completion of each case in order to qualify for this benefit.

Neither the Housing Authority nor the insurance carrier will be liable for the payment of Workers' Compensation benefits for injuries/illness that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Housing Authority.

5.18. OTHER DISABILITY LEAVE

In addition to FMLA and Pregnancy Disability Leaves as described above, otherwise qualified Employees, or Employees not eligible for protected leave, may take a temporary disability leave of absence if necessary to reasonably accommodate a disability under the ADA, the FEHA or any other Federal, State or Local laws, or other leaves due to medical conditions certified by the employee's physician, and if the leave will not create undue hardship for the Housing Authority. Any disability leave under this section will run concurrently with any FMLA or Pregnancy Disability Leave to which the Employee is entitled under Housing Authority policy or applicable laws.

Disability leaves under this section will be unpaid, except that Employees may be required to use any accrued sick leave and may be allowed to use accrued vacation time before taking unpaid leave. The duration of a leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an Employee is cleared by his/her doctor to return to work and is capable of performing the essential functions of his/her position, with or without reasonable accommodation. For a full explanation of leave duration and reinstatement rights, Employees should contact Human Resources.

If a disability leave under this section extends beyond 12 weeks in a 12-month period, and the Employee was receiving continued Housing Authority contributions toward any Employee benefit plan, the Employee will not be entitled to any continued employer contributions towards any Employee benefit plan unless otherwise required by law. An

Employee, however, may elect to continue participating in such benefit plans, at the Employee's own expense, to the extent permitted by such plans.

5.19. MILITARY LEAVE

Both California and Federal law provide employees with the right to take leave in order to serve in the military. Military leave will be granted in accordance with state and federal law. An employee requesting leave for this purpose shall promptly provide the department head with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Employees must provide their Supervisor with as much advance notice as possible of any anticipated leave of absence for military duty or training. Within the limits of such orders, the department head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

5.20. PERSONAL LEAVE

Employees who are ineligible for any other leave under Housing Authority policies or applicable laws may be granted a personal leave of absence. Personal leaves of absence may be granted to employees at the discretion of the Housing Authority. Such leaves of absence shall be applied against applicable accrual balances including sick leave, floating holiday and/or vacation. Normally a personal leave of absence may be for a specified length of time, not to exceed twelve (12) months. Personal leave beyond twelve (12) months may be granted due to unusual or special circumstances.

All requests for a leave of absence must be submitted on a Leave of Absence Request form at least 30 day in advance (except in the case of an emergency) to Human Resources. The requesting employee will receive a written response within 10 working days. The final decision for granting a personal leave of absence will be by the Human Resources Manager.

An employee who takes other employment during the period of any leave of absence granted to him/her without approval of the Housing Authority thereby forfeits all rights to reinstatement.

In considering an employee's request for a personal leave of absence, the overall best interests of the Housing Authority and its business needs will be the primary considerations.

Employees on personal leaves are not guaranteed reinstatement. Although the Housing Authority will attempt to reinstate the employee into his/her previous position or a comparable position, the Housing Authority cannot guarantee that this will be possible. Failure to return from a personal leave on the required date of return shall be considered a voluntary resignation.

The employee will not receive holiday pay nor accrue vacation and sick leave time during the personal leave. Vacation and sick leave will begin to accrue upon the employee's return to work. An employee granted a personal leave of absence will not be eligible for benefits provided by the Housing Authority such as medical and dental.

Benefits may be extended during leave through timely payment of premiums by the employee. Continuation of insurance will be in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

5.21. ADMINISTRATIVE LEAVE

Administrative Leave is paid mandatory leave. An employee may be placed on an Administrative Leave when such leave is in the best interest of the Housing Authority, as determined by the Housing Authority.

A notice of intended action will be issued to the employee prior to the effective date of the action.

5.22. BEREAVEMENT LEAVE

Bereavement leave applies to all employees of the Housing Authority when a death occurs in an employee's immediate family.

The employee must make arrangements with his/her Supervisor for bereavement leave as soon as he/she knows of the need to take the leave.

The Housing Authority may require verification of the need for bereavement leave.

5.22.1. Immediate Family Defined for Bereavement Leave

An immediate family member is defined as spouse, registered domestic partner, parent or an individual who stands or stood in loco parentis (in place of a parent), child, sibling, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, or other individual living in the immediate household.

5.22.2. Permitted Time Off

All eligible employees will be allowed up to three (3) days paid bereavement leave and an additional five (5) days of paid leave taken from the employee's accrued leave balances because of the death of any member of his/her immediate family.

If an employee is required to travel in excess of 350 miles, one-way, for the bereavement leave, the employee will be provided with an additional two (2) days of paid bereavement leave. Verification of out-of-town travel may be required by the Agency.

5.22.3. Additional Time Off

The Housing Authority understands the deep impact that death can have on an individual or a family, therefore additional non-paid time off days may be granted, with approval, when employee has exhausted his/her vacation or sick leave. Employees are expected to use their accrued and unused vacation and/or sick leave for additional bereavement leave.

5.23. CIVIC DUTY TIME OFF

The Housing Authority encourages all employees to fulfill their civic duty obligations as citizens of the community.

5.23.1. Jury Duty

Employees shall be allowed to substitute jury duty pay for regular pay for the purpose of responding to a summons for jury selection or serving on a jury for which the employee has been selected, subject to the limitation that an employee shall receive paid leave to serve on a jury not more than once during a calendar year.

A probationary employee may have his/her probationary period extended for the amount of time served on jury duty. All employees summoned to serve on jury duty must give the Housing Authority reasonable notice regarding the requirements to serve. Proof of jury duty service should be submitted upon completion of jury service as provided by the court.

In the event that an eligible employee cannot be excused or cannot rearrange his/her working schedule to avoid a conflict, he/she will be paid jury duty pay for regular work hours missed. During this time, the employee's reimbursement received by the Court for jury service will be credited against regular salary. Any mileage allowance and travel expenses paid by the Court are to be retained by the employee. Salary continuance/ deductions for exempt employees will be handled in accordance with existing legal requirements.

An employee required to be available for jury duty, but not required to be in court, must report to work. Should an employee's jury duty be scheduled so that he/she is able to work at least one-half (1/2) or more of his/her shift, he/she will be expected to report to work. Utilization of a court call-in system, if available, is required in order to receive jury duty pay. All employee benefits in which the employee is enrolled will continue while the employee is on Jury Duty Leave. However, the employee will be required to continue payment of any required contributions for group insurance, etc. during the Jury Duty Leave in order to keep them in effect.

Proof of service for Jury Duty attendance must be verified by the Housing Authority and submitted with timecards for payroll processing. The employee is expected to report for work on those days or parts of days when excused from Jury Duty or when Jury Duty does not conflict with his/her work schedule. It is the employee's responsibility to keep the Housing Authority informed about the amount of time required for Jury Duty.

5.23.2. Witness Duty

The Housing Authority recognizes the need for employees to appear as witnesses in court. An employee will provide the Housing Authority with a copy of his/her subpoena to appear and as much advance notice as is practicable. No employees shall suffer loss of wages in response to a subpoena to testify in court concerning the Housing Authority if that employee is not a party to the litigation. Employees who respond to a subpoena in a personal matter relating solely to non-Housing Authority business shall not be compensated by the Agency for such time lost from work. Such absence from work may be charged to either accrued vacation time or leave without pay.

5.23.3 Voting Time Off

An Employee who does not have sufficient time outside of working hours to vote may

request up to two (2) hours of paid leave either at the beginning or end of scheduled work hours to enable him or her to vote. Voting leave must be requested two (2) days prior to the day of the election. This time is not charged against vacation or sick leave.

5.23.4 Time Off For Volunteer Firefighters, Reserve Peace Officers or Emergency Rescue Personnel

Employees who are a registered volunteer firefighter, reserve peace officer, or emergency rescue personnel who intend to perform emergency duty during work hours, must alert their supervisor so the Housing Authority is aware of the fact that the employee may have to take time off to perform emergency duty. In the event any employee needs to take time off for this type of emergency duty, his/her supervisor must be notified before leaving work. All time off for these purposes is unpaid.

Registered volunteer firefighters, reserve peace officers or emergency rescue personnel are eligible to take temporary unpaid leaves of absence for fire or law enforcement training not to exceed 14 days per calendar year.

5.24. LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING TO OBTAIN A RESTRAINING ORDER OR INJUNCTIVE RELIEF OR TO OBTAIN MEDICAL ATTENTION OR COUNSELING OR SAFETY PLANNING

Any employee who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his or her child, if the employee provides advance notice of the need for leave.

Additionally, an employee can take time off to:

- Seek medical attention for injuries caused by domestic violence;
- Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence;
- Obtain psychological counseling related to an experience of domestic violence; or
- Participate in safety planning and take other actions to increase safety from future domestic violence, including temporary or permanent relocation.

An employee must provide reasonable advance notice of the intention to take time off for any of the above purposes, unless notice is not feasible. When an unscheduled absence occurs, employee will be given reasonable time after the absence to provide appropriate documentation as follows:

- A police report indicating that the employee was a victim of domestic violence;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee was undergoing treatment for

physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

Confidentiality of the situation, including the employee's request for the time off, will be maintained to the greatest extent possible. An employee may elect to use vacation or sick leave for the absence or any other leave to which the employee may be eligible. Taking Domestic Victims Leave will not impact an employee's seniority.

5.25. CRIME VICTIM/VICTIM FAMILY MEMBER COURT ATTENDANCE LEAVE

An employee who is the victim of a serious crime, as well as immediate family members of crime victims, are eligible to take unpaid leave from work to attend legal proceedings related to the crime if the employee provides a copy of the notice of the scheduled proceedings in advance. The right to take leave applies to an employee who is:

- A crime victim; or
- A crime victim's immediate family member, including spouse, registered domestic partner, the child of a registered domestic partner, child, stepchild, brother, step brother, sister, stepsister, mother, stepmother, father, or stepfather.

The crime must be a violent or serious felony or a felony of theft or embezzlement.

In advance of the time off, the employee must provide a copy of the official notice of each scheduled legal proceeding that is provided to the victim by the agency responsible for providing notice. When it is not possible or an unscheduled absence occurs, the employee will be given a reasonable amount of time after the absence to provide documentation substantiating that he/she attended a judicial proceeding. This documentation must be from the court or company that set the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on the victim's behalf.

Confidentiality of the situation, including the employee's request for the time off, will be maintained to the greatest extent possible if an employee requests time off for these reasons. Employees may use accrued and unused vacation time in order to receive compensation during the time taken off from work. Taking crime victim leave will not impact an employee's seniority.

5.26. REGARDING CRIME VICTIM/ FAMILY MEMBER VICTIMS' RIGHTS PROCEEDINGS LEAVE

Any employee, who is a victim of a crime listed in Labor Code section 230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue, if the employee provides the employer reasonable advance notice. If advance notice is not feasible, the employee must provide the Agency, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section 230.5(a)(2)(A). An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or

certification requirements are met. The leave is unpaid unless the employee elects to use accrued vacation.

5.27. TIME OFF TO ATTEND SCHOOL ACTIVITIES/DISCIPLINE

An employee who is the parent, guardian, stepparent, foster parent, grandparent with custody of a one or more children enrolled in kindergarten, grades 1-12, inclusive, or a licensed day care center, who wishes to take time off to: participate in his/her child's school or licensed child care facility activity; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a care provider or school emergency may take off up to eight (8) hours each calendar month (up to a maximum of 40 hours each calendar year), provided he/she gives reasonable notice to his/her supervisor of the planned absence. Employees wishing to take leave for a child's school activities may utilize their existing vacation time. The Housing Authority requires documentation from the school noting the date and time of his/her visit.

If both parents of a child work for the Housing Authority, only one parent--the first to provide notice--may take the time off, unless the Housing Authority approves both parents taking time off simultaneously.

An employee may also be granted time off to attend a school conference involving the possible suspension of his/her child. The employee must contact his/her supervisor if time off may be needed for this reason.

5.28. TIME OFF FOR ADULT LITERACY PROGRAMS

The Housing Authority may make reasonable accommodations for any employee who reveals a literacy problem and requests that the Housing Authority assist him/her in enrolling in an adult literacy program, unless undue hardship to the Housing Authority would result. The Housing Authority may also assist employees who wish to seek literacy education training by providing employees with the location of local literacy programs.

The Housing Authority will take reasonable steps to safeguard the privacy of any employee who identifies himself or herself as an individual with a literacy problem. Any employee who wishes to identify himself or herself as an individual with a literacy problem may contact Human Resources directly. Further, individuals who are performing satisfactorily will not be subject to termination of employment because they have disclosed literacy problems.

While the Housing Authority generally encourages employees to improve their literacy skills, the Housing Authority will not reimburse employees for the costs incurred in attending a literacy program. Non-exempt employees may use vacation accruals to attend literacy classes.

5.29. TIME OFF FOR BONE MARROW DONATION

Employees will be provided a leave of absence to undergo a medical procedure to donate bone marrow to another person. The combined length of bone marrow leave may not exceed five workdays in any one-year period. To qualify for this leave, the

employee must submit verification by a physician detailing that there is a medical necessity for the donation, as well as the length of each leave requested. Employees must use accrued and unused sick leave or vacation time concurrently with this time off. If an employee does not have enough accrued and unused sick leave or vacation time to cover the leave, the remaining days of leave will be with pay by the Housing Authority, subject to approval by the Executive Director. Use of this leave will not be counted against any available FMLA/CFRA time. This is also not considered a break in service for purposes of benefits or seniority.

While on leave for bone marrow donation, the Housing Authority will maintain all group health insurance benefits as if the employee was still at work. In most circumstances, upon return from this leave, an employee will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he/she did not take a leave. For example, if an employee on leave for bone marrow donation would have been laid off had he/she not taken a leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

5.30. TIME OFF FOR ORGAN DONATION

Employees will be provided a leave of absence to undergo a medical procedure to donate an organ to another person. The combined length of the leave may not exceed 30 days in any one-year period. To qualify for this leave, the employee must submit verification by a physician detailing that there is a medical necessity for the donation, as well as the length of each leave requested. If the leave is for two weeks or less, employees must use all available accrued and unused sick leave and vacation time concurrently with this time off. If an employee does not have enough available accrued and unused sick leave and vacation time, then any remaining days of leave will be with pay by the Housing Authority, subject to approval by the Executive Director. If the leave is more than two weeks, employees must use their available sick leave and vacation time during the first two weeks, and the remaining days of leave will be with pay by the Housing Authority. Use of this leave will not be counted against any available FMLA/CFRA time. This is also not considered a break in continuous service for purposes of benefits or seniority.

While on leave for organ donation, the Housing Authority will maintain all group health insurance benefits as if the employee was still at work. In most circumstances, upon return from this leave, an employee will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he/she did not take a leave. For example, if an employee on leave for organ donation would have been laid off had he/she not take a leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

SECTION SIX: WORKPLACE POLICIES

6.1. PUNCTUALITY, ABSENTEEISM, AND TARDINESS

(Non-exempt Employees)

The Housing Authority values all employees' work and attendance which is vital to our operation in providing quality service to our clients. Employees are expected to be punctual and regular in attendance. If an employee is absent or late, he/she hampers the operation and puts a burden on fellow employees. When an employee becomes absent, his/her coworkers must assume the absentee's workload, just as the workload of the absent coworker is assumed by that employee.

It is the employees' responsibility to notify his/her supervisor prior to expected leaves, absences, and/or tardiness. In the event of unexpected absences and/or tardiness, it is the employees' responsibility to stay in contact with the supervisor. The supervisor may require the employee to call him/her or designated personnel immediately in order to plan and maintain adequate staffing for the department.

The Housing Authority expects employees to remain at work for the entire work schedule except for meals and breaks. Employees are expected to report to work as scheduled and to be prepared to start work. Late arrival, early departure, or other absences from scheduled hours are disruptive and should be avoided unless prior approval has been obtained.

Employee attendance and tardiness are an important part of the performance review as they seriously impact the overall operation. The following are guidelines in assessing employee attendance:

- A. Absence: An absence is either scheduled (approved at least one (1) week in advance; (e.g., vacation) or unscheduled (e.g., illness). Illnesses of more than one consecutive day will be counted as one absence. Greater than three (3) unauthorized absences in a calendar month will be considered excessive.
- B. Tardiness: The Housing Authority allows a seven (7) minute grace period only when arriving to work at the beginning of each work shift. Although there is a seven (7) minute grace period, this is to be used for exceptional circumstances and not used as a regular benefit to report to work late. If an employee arrives to work greater than the allowable grace period of seven (7) minutes, he/she is considered tardy to work. Each incident of tardiness (e.g., arriving at work or returning late from lunch and scheduled breaks) is also treated as an unscheduled/unauthorized absence. Greater than three (3) instances of tardiness in a calendar month will be considered excessive.
- C. Unauthorized early departure: Every time an employee leaves prior to the end time of a work shift without advanced supervisory approval, he/she will be considered to have unapproved/unauthorized early departure. The grace period does not apply to the end of any shift which would result in an early departure.

The Housing Authority recognizes that occasional absences and tardiness may occur, and situations in which absenteeism or tardiness becomes excessive (whether authorized or unauthorized) will be evaluated on a case-by-case basis. However, even one unauthorized absence may be considered excessive. Legally protected absences (such as those protected by the Americans with Disability Act or FMLA/CFRA leave) are excluded from consideration and not counted in determining whether absenteeism or tardiness is excessive.

In the event an employee is tardy for work of less than one hour, the daily schedule may be modified with written approval from his/her supervisor prior to working the adjusted hours. (For example, if an employee is regularly scheduled to work 7:00 a.m. to 4:30 p.m. and he/she arrives 30 minutes tardy, that particular day's schedule may be modified with supervisor approval) by extending the work shift for the day until 5:00 p.m.) However, the adjustment to hours cannot be beyond the core business hours. Modification of a daily schedule does not constitute excuse for tardiness. The supervisor retains full discretion on approving a schedule modification.

Any violation of the above guidelines and/or patterns of marginal attendance depending on mitigating factors at management discretion may result in disciplinary action up to and including termination of employment.

6.1.1. "Call In" Policy

The Housing Authority has a "call-in" policy. If an employee is unable to report to work or will be late reporting to work, he/she must call his/her immediate supervisor at least one hour before the time he/she is scheduled to begin working for that day. In case of absence or tardiness, an employee must provide his/her immediate supervisor with the type of leave needed. In the event that his/her supervisor does not answer his/her phone, the employee must leave a detailed voicemail message and contact Human Resources as well. After which, the employee must follow his/her department procedure to update and identify any outstanding issues pending as a result of his/her absence.

An employee is required to call in each day he/she is absent, unless placed on a multi-day leave by a treating physician or has scheduled the absence in advance. If an Employee fails to call in three (3) days in a row, the Housing Authority will treat that employee as having abandoned his/her job and voluntarily resigned from his/her employment.

6.2. MODIFICATIONS TO WORK SCHEDULES

In the event that modification to an employee's daily schedule is requested in advance or on the same day of the event, the employee's supervisor may approve the modification within the Housing Authority's regularly scheduled work hours between 7:00 a.m. and 6:00 p.m.

Some positions may require employees to occasionally work evening or weekend hours. In lieu of overtime, the department's Director or designee may approve schedule modifications outside of the regularly scheduled business hours.

At times, emergencies such as power failures, road closings, earthquakes, fires, severe weather, or other unforeseen circumstances may interfere with the Housing Authority's operations. In such an event, the Housing Authority may order a temporary shutdown of part or all of its operations. Depending on the circumstances, time off may or may not be paid.

6.3. TIMEKEEPING REQUIREMENTS

Non-exempt employees must record their actual time worked for payroll and benefit purposes. Non-exempt employees should record the time work begins and ends, as well as the beginning and ending time of each meal period. Non-exempt employees must also record any departure from work for any non-work-related reason. The minimum payroll time increment is fifteen (15) minutes.

Employees who work in field assignments are provided an unpaid thirty (30) minute meal period. Employees who take a meal period less or greater than thirty (30) minutes, must notify their supervisor of the change in meal period.

Unauthorized, altering, falsifying, and tampering with time records, or recording time on another Employee's time record is prohibited and subject to disciplinary action, up to and including termination of employment.

6.4. CONFLICTS OF INTEREST

6.4.1. Statement Of Economic Interest

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate a Conflict of Interest Code. The Housing Authority has adopted and promulgated a Conflict of Interest Code as required by law. This policy is summary of the Housing Authority's Conflict of Interest Code. A copy of the Conflict of Interest Code is maintained in Human Resources and can be reviewed upon request. To the extent that this policy conflicts with the terms of the Housing Authority's Conflict of Interest Code, the terms of the Conflict of Interest Code shall control.

6.4.2. Filing of Statement Of Economic Interest Form

Designated Housing Authority officials and employees are required to file a Statement of Economic Interest Form 700 upon assuming/leaving office, annually and/or as otherwise required by law. Designated positions and disclosure categories are specified in Exhibit A and Exhibit B of the Housing Authority's Conflict of Interest Code and are maintained in Human Resources. Officials and Employees who must file a Statement of Economic Interest Form 700 will be notified of this requirement upon hiring or starting in their position.

6.4.3. Conflict of Interest

All employees are expected to devote their best efforts and attention to the full-time performance of their jobs. Employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of the Housing Authority.

The integrity of the Housing Authority is a valuable asset and is determined by the conduct of all employees. Both the fact and the appearance of a conflict of interest should be avoided.

6.4.4. Definitions

6.4.4.1 Conflict of Interest

A discrepancy between the personal interests and the professional responsibilities of an employee in a position of trust. Conflicts can be financial or personal: a direct or indirect financial gain to the employee, to a relative or to a business contact, or the employee using his/her employment position or information obtained through their employment in manner that conflicts or interferes with the goals of the Housing Authority or the correct administration of a program.

6.4.4.2. Relative

The employee's spouse, registered domestic partner, children, parents, siblings, grandparents, aunts, and uncles.

6.4.4.3. Business Contact

A person or entity doing business with the Housing Authority as a tenant, customer, vendor, service provider, or contractor, or who seeks to do business with the Authority in any of these capacities. Business contacts include for-profit and not-for-profit organizations, as well as program applicants and participants, or an employee's friend.

A conflict of interest prohibited by this policy includes the presence of an actual conflict of interest, the potential for a conflict of interest, or a perceived conflict of interest. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss the situation with his/her immediate supervisor or Human Resources before going any further in the transaction, activity or relationship.

The following guidelines do not attempt to describe all possible conflicts of interest that could develop; however, some of the more common conflicts from which employees should refrain include:

- A. Accepting personal gifts, entertainment, travel or any other advantage for oneself or relatives from or on behalf of a business contact.
- B. Working for any person(s), business or entity other than the Housing Authority without securing the Authority's advance written approval for outside employment.
- C. Engaging in self-employment in competition with the Housing Authority.
- D. Accessing and using proprietary or confidential Housing Authority information for

personal gain or to the detriment of the Housing Authority.

- E. You or your relative having a financial interest in a business contact.
- F. Using Housing Authority time, assets or labor for personal advantage or gain or for the advantage or gain of a relative or business contact.
- G. Using your position with the Housing Authority to secure services or a contract for yourself or a relative or for a business contact that you or your relative are employed by, receive income from in any capacity, or hold a position with.
- H. Developing a personal relationship with an employment applicant or a subordinate employee of the Housing Authority that might interfere with the exercise of impartial judgment in decisions affecting that employment applicant or employee, the Housing Authority or any other employment applicants or employees of the Housing Authority.
- I. Developing a personal relationship with program applicants or participants that might interfere with the exercise of impartial judgment in decisions affecting the applicant or participant, the Housing Authority or any other applicants or participants of the Housing Authority.

If an employee or relative has a financial or employment relationship with any business contact, the employee must fully and immediately disclose the conflict to Human Resources. Employees should immediately disclose a personal relationship with any subordinate employee.

Employees must complete and submit a Declaration of Conflicts of Interest upon initial employment and keep it current as changes occur throughout their employment. Employees will be required to update their Declaration when requested by the Housing Authority. Failure to adhere to these policies, including failure to disclose any Conflicts, may result in disciplinary action up to and including termination of employment.

6.4.5. Accepting Gifts

Employees must decline any gift or gratuity from any applicant, tenant, lessor, Section 8 landlord, client, customer, vendor, supplier, contractor or other person(s) doing business with the Housing Authority. This includes, but is not limited to, money, gifts, tickets, dinners, entertainment, services, loan, meal, etc. At the time of a return, explain that the Housing Authority prohibits employees from accepting gifts or gratuities to ensure that business decisions, transactions, and services are provided on an objective and professional basis.

Gifts received from vendors, suppliers or service providers which cannot be declined, may not be retained by the employee, but must be turned over to the Housing Authority through Human Resources, who will decide what to do with the gift.

6.5. OUTSIDE EMPLOYMENT

While employed by the Housing Authority, employees will be expected to devote their energies to their job with the Housing Authority. For this reason, second jobs are strongly discouraged. Any employee seeking to engage in outside or secondary employment must submit a request to Human Resources for Executive Director approval in advance of commencing with outside employment. The employee may be required to provide annual documentation for reauthorization. Outside employment is defined as employment not compensated through the Housing Authority's payroll for activities including consulting, part-time and short-term employment. Certain types of outside employment are strictly prohibited:

- A. Employment that conflicts or interferes in any way with the employee's work schedule, duties and responsibilities;
- B. Employment that impairs or has a detrimental effect on the employee's job performance;
- C. Employment that requires a Housing Authority employee to conduct his/her outside work or related activities on Housing Authority property, during working hours or using the Housing Authority facilities or equipment; or
- D. Employment that creates a conflict of interest or is not compatible with his/her employment with the Housing Authority.

The outside employment must not create a real or apparent conflict of interest. Employees may not conduct outside work or use the Housing Authority's property, equipment or facilities in connection with outside work while on the Housing Authority's time, nor may employees use privileged, official, or protected information in connection with outside employment. Outside employment activities must occur outside an employee's work schedule.

6.6. OFFICE SECURITY AND SAFETY

Employee's should be alert at all times and should report the presence of any suspicious persons to his/her supervisor/manager, the Security Guard, or Human Resources immediately.

6.4.1. Employee Security Badges and Identification Cards

The Housing Authority is committed to providing a safe and secure workplace for all employees. As part of this goal, the Agency has instituted an identification badge system for Agency employees and visitors.

Security card proximity readers are mounted at all exterior doors, next to interior doors providing access to the secure office areas of the building, next to the elevator, and in the parking lot to provide access to the garage.

6.6.1.1. Issuance

As part of the orientation with Human Resources, new regular and temporary employees will be photographed and issued a security badge that provides access to the building's secured areas. Employees will also be issued an identification card verifying Housing Authority employment. The back of the identification card contains a toll free phone number to call for instructions during an emergency outside working hours and should be kept in the employee's wallet or be otherwise easily accessible outside of working hours.

6.6.1.2. Protocol

Employee security badges shall be worn at all times by all employees at any Agency work location. Badges are to be clipped to a piece of outer clothing or worn around the neck on a chain, necklace, or lanyard. Badges shall not be defaced, altered, or covered with stickers, decals, pictures, etc. Employees working offsite must bring their identification cards with them to verify to contractors, vendors, and others that they are an employee of the Housing Authority.

6.6.1.3. Lost or Forgotten Badge

Because the badge provides access to the building's secured areas, employees must take care not to lose their badge or leave it unattended. If an employee loses his/her badge, the employee's supervisor and Human Resources must be notified immediately so that the badge can be deactivated in the system to prevent unauthorized use. Human Resources will issue the employee a replacement badge. Repeated lost badges may result in disciplinary action.

An employee reporting to work without his/her Badge must notify his/her supervisor and Human Resources. The employee will be issued a "Temporary" Identification Badge for that day. An employee who routinely forgets his/her badge may be subject to disciplinary action.

6.6.2. Visitor Badges

All agency visitors shall check in at the reception desk to sign the Visitor Log and be issued a temporary Visitor Badge to clip to their clothing. Visitors entering a secured work area will be escorted by an Agency employee. When the visitor leaves the office for the day, an Agency staff member will ensure the Visitor Badge is returned to the reception desk.

When in a secured area, the Visitor's badge should be visible at all times to identify the individual as an authorized visitor. An employee who observes any individual without an identification badge in a secure work area should approach the person and attempt to determine his or her identity, if the employee feels comfortable doing so. If not, the employee should notify the nearest available supervisor and/or security. If the visitor is not authorized to be in the secure work area, he or she will be escorted to the lobby.

6.6.3. Key Control

All keys issued to employees are the property of the Housing Authority. It is a violation

of the Housing Authority policies for any individual to attempt to duplicate or actually duplicate any key issued by the Housing Authority. All keys issued shall be marked with a distinctive stamp and only Department Directors may authorize the duplication of keys. Keys will only be issued when it is determined that there is a well-defined ongoing need for access for the performance of the individual's assigned duties and responsibilities. Keys will be issued to employees by name and each employee will sign for and be held responsible and accountable for all such keys.

6.6.4 Safe Workplace

The employer shall provide a safe workplace, consistent with reasonable standards provided by federal and state law. The employer shall maintain an Injury/Illness Prevention Program.

Every effort will be made to reduce the possibility of injury or assault of agency employees. In the event that an employee is being harassed or threatened by a member of the public in the workplace, the employee must immediately report the harassment or threat to the employee's supervisor and/or manager, and/or security guard, as appropriate. The Agency will take effective remedial action, including, but not limited to: immediate intervention with the hostile visitor, call the security guard for assistance, call the police, escort the hostile visitor to their vehicle, or provide an escort for the employee to their vehicle.

In the event that an employee in the field is in imminent danger, the employee should call 911 to ensure his or her safety. Once the employee is safe, he or she will notify their supervisor and/or manager.

6.6.5. After Hour Access

Afterhours access to the Housing Authority office and assigned off-site work locations are restricted to exempt employees only. On a typical workday, the Agency opens its doors to all employees from 7:00 am through the end of the day at 6:00 pm depending on his/her approved work schedule. In the event that a non-exempt employee requires afterhours access on a workday, on weekends, and/or on holidays, he/she must be accompanied by his/her supervisor at all times.

6.7. USE OF AGENCY EQUIPMENT AND PROPERTY

Accommodation of employee break rooms is made available for non-work related, personal meetings. In the event that an employee plans for or requests a private location on Housing Authority property for a non-work related meeting, conference rooms are available and scheduled in advance according to procedure and must be approved by the Department Director or designee who oversees the requested conference room. Additionally, scheduling conference room time in blocks other than an employee's break and lunch periods should coincide with pre-approved time-off requests. In the event the conference room is required for business needs, the attendees of the non-work related meeting will be asked to discontinue use of the room.

To ensure orderly operations and provide the best work environment, all Housing Authority equipment and property including: desks, storage areas, work areas, lockers,

file cabinets, credenzas, computer systems, office telephones, cell telephones, modems, facsimile machines, duplicating machines, and vehicles must be used properly and maintained in good working order. Employees are required to notify their supervisors of any equipment or property that appear to be damaged, defective, or in need of repairs to prevent deterioration of equipment and possible injury to others.

Equipment and property are often expensive and difficult to replace. Employees who lose, steal, or misuse Housing Authority property may be personally liable for replacing or fixing the item and may be subject to discipline, up to and including termination.

The Housing Authority reserves the right, at all times and without prior notice, to inspect and search any and all of its property for the purpose of determining whether this policy or any other policy of the Housing Authority has been violated, or when an inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with Federal and State laws. These inspections may be conducted during or after business hours and in the presence or absence of the employee.

6.8. OPERATION OF HOUSING AUTHORITY AND PERSONAL VEHICLES

Safety must be the first priority while driving on Housing Authority business. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers should demonstrate safe driving habits and follow all vehicle laws and regulations. Employees are required to wear safety belts, follow all posted signs and speed limits and take sufficient breaks when driving for extended periods of time. Employees will make every effort to minimize distractions while driving.

6.8.1. Housing Authority-Owned or Leased Vehicles

The use of Housing Authority-owned or leased vehicles must only be used in work-related activities and may not be used for personal business or activities without the expressed prior approval of the Department Director.

Employees who operate Housing Authority vehicles are responsible for refueling them after each use, parking them in the appropriate garage space upon returning to the office, and cleaning the vehicle (both interior and exterior).

6.8.2. Requirements for Operating a Vehicle for Agency Business

Employees who drive an Agency vehicle or their personal vehicle while conducting Housing Authority business are required to possess a current, valid driver license and registration, and active auto insurance coverage if driving their personal vehicle. In the event that an employee's license is restricted, registration has expired, or his/her auto insurance is denied for any reason, he/she may not drive an Agency or personal vehicle for Agency business. Violation of this policy may result in disciplinary actions up to and including termination of employment.

6.8.3. Personal Vehicle Use for Agency Business

Employees who drive their personal vehicles while conducting Housing Authority business should submit a mileage reimbursement expense/reimbursement report within 30 days detailing the number of miles driven on Housing Authority business. The

Housing Authority will pay mileage reimbursement in accordance with current IRS reimbursement rates.

6.8.4. Use of Cell Phones While Driving

California Cellular Phone Law prohibits a driver from using a handheld wireless telephone (cell phone) while operating a motor vehicle unless the driver uses a hands-free device (VC §23123).

In the interest of employee safety and that of other drivers, the Housing Authority prohibits the use of a cell phone (regardless of a hands-free device) while operating either Housing Authority-owned vehicles or operating a personal vehicle while conducting Housing Authority business. All incoming calls shall go to the voice mail and the employee may return calls when parked at a safe and lawfully designated area. Under no circumstances should employees use cell phones for phone calls, text, or check and/or respond to email messages while operating a motor vehicle while driving on Housing Authority business and/or Housing Authority time.

6.8.5. Vehicle Accident Protocol

If a Housing Authority employee is in an accident, he/she must show his/her license to the other driver(s) involved and notify his/her Supervisor as soon as possible. The employee should use and follow directions provided in the Accident Reporting Kit, which is located in the glove compartment of Housing Authority-owned and leased vehicles.

6.8.6. Liability

Employees may be held liable for any loss or damage to vehicles due to their negligent or unauthorized use. Any fines or penalties (including parking citations) are the responsibility of the driver of the vehicle. Drivers could be held personally liable for any damage to other persons or property when driving an Agency vehicle outside of the course and scope of their employment.

6.8.7. Investigative Reports

Prior to driving for Housing Authority business and from time to time, the Housing Authority or its insurance carrier will request reports from the relevant government agencies regarding the license status and driving record of employees whose job responsibilities include driving. The employee reserves the right to request a copy of such investigative reports. In the event that the license status or driving record of any employee whose job responsibilities include driving becomes unacceptable to management or the Housing Authority's insurance carrier, or the employee fails to maintain in his/her possession his/her valid driver license, the employee may be restricted from driving, reassigned, or subject to disciplinary action. Furthermore, the Housing Authority retains the right to transfer to an alternative position, suspend or terminate an employee whose license is restricted, revoked, who fails to maintain personal automobile insurance coverage, or who is uninsurable under the Housing Authority policy and/or fails to notify management of restrictions placed upon driving status.

6.9. POLICY REGARDING VIOLENT CRIME

The Housing Authority recognizes the unfortunate reality that violent crimes do occur in the workplace. The potential commission of a violent crime in the workplace may threaten the safety of employees as well as clients. Therefore, due to the Housing Authority's concern for the safety of its employees and clients, it is the Housing Authority's policy to provide guidelines to employees about the signs of incipient violence and steps to take to prevent or ameliorate violence.

Prevention is the threshold measure to protect employee and client safety. Accordingly, all employees should make a conscious effort to observe their surroundings and report any suspicious persons or activities to the police.

In the event of a holdup or robbery, employees should obey all orders issued by the perpetrator(s). Failure to follow the perpetrator's orders jeopardizes an employee's safety as well as the safety of clients and other employees. Employees shall endeavor to stay calm, move slowly, and cooperate with the perpetrator and should not argue, fight, display a weapon, or offer any other form of resistance. To the extent possible, employees should attempt to concentrate on the perpetrator's physical features, dress, voice, automobile, et cetera in hope of later identification.

Once the incident is over, employees should remain where they are and not attempt to follow or catch the perpetrator(s). Once the employee(s) is/are certain that the perpetrator(s) has/have left the immediate area, he/she shall quickly secure the area and call the police. While waiting for the police to arrive, employees should avoid touching anything or disturbing the area and will write down everything they can remember about the incident and the perpetrator(s). Employees are expected to cooperate fully with enforcement authorities after the occurrence of an incident.

6.10. POLICIES AGAINST WORKPLACE VIOLENCE

6.10.1. Safe and Secure Workplace

The Housing Authority is committed to providing a safe and secure workplace and will not tolerate acts or threats of violence in the workplace. The workplace includes any location where Housing Authority business is conducted, including vehicles and parking lots. Any violation of this Policy may lead to criminal prosecution and/or disciplinary action, up to and including termination.

6.10.2. Prohibited Behavior

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of Housing Authority employment. The Housing Authority has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

6.10.3. Workplace Violence Definition

Workplace violence is defined as any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or

property. Specific examples of workplace violence include, but are not limited to, the following:

- Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property.
- The destruction of or threat of destruction of Housing Authority property or another employee's property.
- Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay.
- Striking, punching, slapping, or assaulting another person.
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise.
- Harassing or threatening phone calls.
- Surveillance.
- Stalking.
- Possessing a weapon(s) during work hours. Weapon is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

6.10.4. Incident Reporting Procedures

Employees must immediately report to their supervisor or Department Director if they have been a victim of, or have witnessed, workplace violence. The supervisor or Department Director will immediately report the matter to Human Resources.

The Human Resources Manager, or designee, will document the incident, recording the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.

The Human Resources Manager or designee will take appropriate steps to provide security, such as:

- Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
- Asking any threatening or potentially violent person to leave the site; or
- Immediately contacting an appropriate law enforcement agency.

6.10.5. Investigation

The Human Resources Manager will see that reported violations of this Policy are investigated as necessary.

6.10.6. Prevention

Each Department Director has authority to enforce this Policy by:

- Training supervisors and subordinates about their responsibilities under this Policy;
- Assuring that reports of workplace violence are accurately and timely documented and addressed;
- Notifying Human Resources and/or law enforcement authorities of any incidents;
- Making all reasonable efforts to maintain a safe and secure workplace; and
- Maintaining records and follow-up actions as to reports of workplace violence.

6.11. INVESTIGATIONS OF CURRENT EMPLOYEES

The Housing Authority may occasionally find it necessary to conduct investigations regarding alleged misconduct or violation of agency policies. Employees subject to an investigation or requested to participate in an investigation are required to cooperate with the Housing Authority's lawful efforts to obtain relevant information.

6.12. CLIENT RELATIONS

Employees of the Housing Authority are expected to treat the Agency's clients courteously and with the utmost respect at all times. Employees must attend to clients' questions and demands promptly and professionally. If an employee needs assistance with a client, he/she should contact a supervisor or another employee who may be able to assist in resolving client concerns.

6.13. PUBLICITY/STATEMENTS TO THE MEDIA

All media inquiries regarding the Housing Authority and its operations must be referred to the Executive Director. Only the Executive Director is authorized to make or approve public statements pertaining to the Housing Authority or its operations. No employee, unless specifically designated by the Executive Director, is authorized to make those statements. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the Housing Authority must first obtain approval from the Executive Director before publication.

6.14. EXTERNAL COMMUNICATIONS

Occasionally, employees may be contacted by outside sources requesting information about Housing Authority matters, including information regarding current or former employees, Housing Authority projects, or other workplace issues. In order to avoid providing inaccurate or incomplete information to outside sources, any employee contacted by any outside source regarding the Housing Authority should immediately contact a supervisor or Department Director.

6.15. USE OF LETTERHEAD, AGENCY LOGO & MAIL SERVICES

All engraved or printed Housing Authority stationery/letterhead, envelopes, electronic templates and other work materials are for Housing Authority business only. These materials may not be used for personal correspondence or non-business matters. When signing business letters on the Housing Authority letterhead, the employee's name and title or position must be used.

Employees should not receive personal mail using the Housing Authority's mail services. Employees will be asked to reimburse the cost of postage for non-business

related materials sent through the Housing Authority's mail services. Stamped personal mail may be placed in the second floor mail room for pick-up by the postal carrier.

6.16. SOLICITATION & DISTRIBUTION OF LITERATURE

The Housing Authority has established rules, applicable to all employees, to govern solicitation and distribution of written material during working time and entry onto the premises and work areas. All employees are expected to comply strictly with these rules.

- A. No employee shall solicit or promote support for any cause or organization during his/her working time or during the working time of the employee or employees at whom the activity is directed;
- B. No employee shall distribute or circulate any written or printed material in work areas at any time, during his/her working time, or during the working time of the employee or employees at whom the activity is directed; and
- C. Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on Housing Authority property.

As used in this policy, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the Housing Authority; it does not include meal periods, or periods in which an employee is not, and is not scheduled to be, performing services or work for the Housing Authority.

6.17. BULLETIN BOARDS

Bulletin boards are reserved for the exclusive use of the Housing Authority for posting work-related notices or notices that must be posted pursuant to federal, state, and local law. From time to time, special notices and information for employees will be posted on the bulletin boards. Please check the boards regularly for these notices. Employee postings are not permitted.

6.18. TRAVEL/BUSINESS EXPENSE REIMBURSEMENT

Occasionally employees are required to travel on Housing Authority business. All travel must be pre-approved in advance by the Department Director and is subject to budgetary constraints. The Housing Authority will pre-pay or reimburse employees for expenses incurred for such authorized travel, including transportation, lodging, meals and incidentals in accordance with this policy.

6.18.1. General Provisions

- A. Air Transportation: Air travel will be based on the lowest available fare, which shall be defined as economy class. Reasonable departure/connection times will be considered when planning trips.
- B. Lodging: Lodging will cover room and tax only and be based on a standard guest room with single occupancy. Minimum 75 mile one-way distance is required for lodging approval at a single day event.

- C. Ground Transportation: Transportation will be for the most economical method to reach the meeting, either shuttle, taxi, or rental car.
- D. Meal Allowance: If a meal is not otherwise provided during the conference/meeting/training, the Housing Authority will reimburse employees for meal expenses at the United States governments' published per diem rate for the relevant city of travel, obtained at www.gsa.gov/perdiem. Upon the employee's request, the Agency will advance per diem funds no earlier than ten business days prior to departure. If meals are provided as part of the event, the per diem amount will be reduced by the applicable meal period per diem rate; the per diem rate is adjusted for the first and last days of travel.

For local, same day travel, employees will be reimbursed for the actual meal expenses up to the per diem amounts for the applicable meals.

- E. Mileage Reimbursement: The Housing Authority will reimburse employees driving personal vehicles for Agency business for business mileage driven outside their base commute at the current rate set by the Internal Revenue Service. Employees must record their vehicle odometer readings and mileage use. Mileage Reimbursement is intended to cover all costs and expenses associated with the use of the employee's vehicle, including gas and insurance.

6.18.2. Reimbursement of Expenses

- A. Expenses in the amount of \$50.00 or less may be submitted on a Petty Cash Voucher form. Expenses greater than \$50.00 must be submitted on a Travel Expense form or Mileage Claim form.
- B. Per diem reimbursement does not require receipts; reimbursement for other eligible travel expenses will require a receipt (for example, ground transportation, parking, tolls, etc.).
- C. If an employee receives a credit for all or a portion of an Agency pre-paid travel expense, the credit must be extended to the Housing Authority.
- D. If the employee combines personal travel with the Agency's business travel, the agency will not pre-pay or reimburse the employee for the portion of the travel that is personal. For example, if a hotel stay is extended for personal reasons, the agency will pre-pay only lodging for the business segment of the trip, and will reimburse only for the air fare actually paid up to the amount the fare would have cost solely for the Agency business travel.

6.19. VISITORS

Employees may have an occasional visit from a friend or relative provided advance approval is obtained from his/her supervisor or Human Resources. For safety and security purposes, visitors must sign in. Any visit must be arranged to minimize disruption of work and limited to breaks or meal periods. Visitors are to be accompanied

by a Housing Authority employee at all times. Visitors will not be allowed to visit other staff members and to move from one cubicle to another. Generally, friends and relatives should be asked not to visit employees during working hours. Unattended children are not allowed in the facility or on the premises at any time. For safety and insurance reasons, friends, relatives, and customers are not permitted in areas restricted to employees only. Employee pets, except as required to meet Americans with Disabilities Act regulations, are not allowed in the workplace.

6.20. EMPLOYEE PARKING

The Housing Authority provides employees with parking on a first-come, first-served basis. Employees may park their vehicle in a non-reserved space. Some parking areas, however, may be reserved for disabled drivers, vendors, customers, vehicles belonging to the Housing Authority, and others. Vehicles parked in areas reserved for Visitors may be towed. The Housing Authority is not responsible for any loss, damage or theft to employee's vehicle or the contents therein while parked on Housing Authority property. Therefore, employees must lock their car doors, and not leave valuable items in the vehicle.

6.21. HEALTH & SAFETY/INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)

The health and safety of employees and others on Housing Authority property are of critical concern to the Housing Authority. The Housing Authority strives to attain the highest possible level of safety in all activities and operations. The Housing Authority also intends to comply with all applicable health and safety laws.

The Housing Authority has developed a written Injury and Illness Prevention Program (IIPP) as required by law. Included in this IIPP is the Assistance and Counseling Program for Job Related Injuries. If any employee has not received his/her copy of the IIPP, or if the employee wishes an additional copy, please contact the Human Resources Department. It is the responsibility of every employee to read, understand, and observe the Injury and Illness Prevention Program provisions applicable to his/her job.

To this end, the Housing Authority must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees should be conscientious about workplace safety, including proper operating methods and known dangerous conditions or hazards. Employees should report any unsafe conditions or potential hazards to his/her Supervisor immediately; even if the employee believes he/she has corrected the problem. If an employee suspects a concealed danger is present on the Housing Authority's premises, or in a product, facility, piece of equipment, process, or business practice for which the Housing Authority is responsible, bring it to the attention of the supervisor immediately. Supervisors should arrange for the correction of any unsafe condition or concealed danger immediately with the Director of Administrative Services or designee and should contact Human Resources regarding the problem.

Periodically, the Housing Authority may issue rules and guidelines through the IIPP to govern workplace safety and health. The Agency may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees

should familiarize themselves with these rules and guidelines in the IIPP as strict compliance will be expected. Failure to comply strictly with rules and guidelines regarding health and safety or negligent work performance that endangers health and safety will not be tolerated.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident. If medical attention is required immediately, supervisors will assist employees in obtaining medical care, after which the details of the injury or accident must be reported.

6.20. SMOKING POLICY

Employees, clients, customers, vendors, and other guests are not allowed to smoke in Housing Authority facilities at any time. Smoking is not allowed in customer areas, Housing Authority vehicles, or in restrooms. In addition, smoking is not permitted within 25 feet of any building entrance.

6.21. EMPLOYEE DRESS & PERSONAL APPEARANCE

Employees are expected to report to work well groomed, clean, and dressed according to the requirements of his/her position. A well-groomed personal appearance is important to the Agency's overall customer service approach by communicating a professional appearance to clients, vendors and other visitors. Some employees may be required to wear uniforms or safety equipment/clothing. Closed toe shoes will be required for all field work.

If an employee reports to work dressed or groomed inappropriately, the employee's supervisor or manager may require the employee stop working until he/she returns to work well groomed and wearing the proper attire. In the event an employee is sent home to change he/she will not be compensated during this time. No dress code can cover all contingencies, so employees must exercise appropriate judgment in their choice of clothing to wear to work. If an employee has any uncertainty about inappropriate attire, he/she must ask his/her supervisor. Although an employee and his/her supervisor are the best judge of what is appropriate clothing, if case questions arise, contact a Human Resources representative.

6.21.1. Basis for Standards

Dress code, tattoo, and body piercing appearance standards are designed to promote the Housing Authority's legitimate and non-discriminatory goals to promote workplace safety and a professional image that is consistent with the employee's job duties and level of public contact.

6.21.2. Dress Code

Employees are required to dress appropriately for the jobs they are performing. The following dress code regulations shall apply to all Housing Authority employees. If an employee has questions about how these standards apply to him or her, the matter should be immediately raised with his/her supervisor for consideration and determination.

- All clothing and footwear must be neat, clean, in good repair, and appropriate for the work environment and functions performed.
- Prescribed uniforms and safety equipment must be worn.
- Hair must be neat, clean and well-groomed.
- Beards, mustaches, and sideburns must be maintained in a neat and well-groomed fashion.
- Jewelry is acceptable except where it constitutes a health or safety hazard.
- Good personal hygiene is required.
- Dress must be professionally appropriate to the work setting, particularly if the employee has contact with the public at work.

6.21.3. Tattoos

Employees are expected to project a professional appearance while at work and must abide by the standards below. If an employee has questions about how these standards apply to him or her, the matter should be immediately raised with his/her supervisor for consideration and determination.

- No tattoos are allowed anywhere on the head, face, or neck.
- Any visible tattoos shall not be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang-related.
- No visible tattoos shall be larger than 2 by 2 inches.
- Any non-conforming tattoos will be covered with clothing, bandage or makeup while at work, or removed.

6.21.4. Piercing

Employees are expected to project a professional appearance while at work and not endanger themselves or others with excessive body piercing. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer. If an employee has questions about how these standards apply to him or her, the matter should be immediately raised with his/her supervisor for consideration and determination.

6.22. ODOR & FRAGRANCE POLICY

The Housing Authority strives to provide a safe and healthy work environment. Fragrances and odors may trigger allergic reactions or create health problems for some individuals. To ensure the comfort and safety of our employees, clients and visitors, the Housing Authority desires to minimize any difficulties experienced in the workplace by employees, clients and visitors who may experience health problems from fragrances/odors or who may have chemical or fragrance sensitivities.

Fragrance refers to a scent that is perceptible by others. It includes but is not limited to personal care products such as perfume, cologne, aftershave products, hair care products, soaps, lotions, powders, deodorants; cleaning products; and air “fresheners” that contain fragrance. Fragranced products are any product that contains fragrance or scent. This policy is meant to cover noticeable fragrance from any source, including foods, personal items, perfumes, and grooming. All employees must observe good

habits of grooming and personal hygiene. Body odor, from any cause, should not create distractions.

To meet the goals of this policy, employees are discouraged from:

- Wearing or applying perfume, scented hairspray, cologne, scented lotions, or fragrance products in the workplace;
- Using air freshener, or other scented products in the workplace; and
- Eating or keeping fragrant foods or items at his/her desk.

Feedback from and to employees will help ensure compliance with this policy. Any person who feels that a fragrance or odor is harmful or offensive is expected to promptly notify his/her supervisor or Human Resources. If a problem arises due to a disability, consistent with the Housing Authority's legal obligations, the Housing Authority will attempt to reasonably accommodate the individual unless it causes an undue hardship. The Housing Authority may take steps, including, but not limited to, requesting or requiring that an employee not wear or use certain products while at work. Scents should not be detectable at more than an arm's length from the individual.

6.23. EMPLOYEE PROPERTY

Employees should not bring valuables to work. If necessary to do so, all valuables should be kept in a secured location. The Housing Authority assumes no responsibility for the loss, theft, or damage of Employees' personal property.

6.24. PROHIBITIONS ON DRUGS AND ALCOHOL IN THE WORKPLACE

6.24.1. Purpose and Scope

The purpose of this Policy is to promote a drug and alcohol-free workplace and to eliminate drug and alcohol-related inefficiencies and risks. This Policy applies to all Housing Authority employees, whether they are on Housing Authority property, or they are performing Housing Authority-related business elsewhere, except as this Policy is superseded by a memorandum of understanding or federally mandated drug and alcohol policies. Compliance with this Policy is a condition of employment. Disciplinary action will be taken against those who violate this Policy.

6.24.2. Drug and Alcohol-Free Awareness Program

The Housing Authority's employee assistance provider offers counseling and treatment of drug or alcohol-related problems. The employee assistance provider has information about: (a) the dangers of drug or alcohol abuse in the workplace; (b) the penalties that may be imposed for drug or alcohol abuse violations; (c) the Housing Authority's Policy of maintaining a drug- and alcohol free workplace; and (d) any available drug or alcohol counseling, rehabilitation or employee assistance programs.

6.24.3. Prohibited Conduct

- A. The manufacture, distribution, sale, dispensation, possession, or use of any controlled substance in either Housing Authority workplaces or wherever Housing Authority business is performed.

- B. Working or being subject to call in if impaired by alcohol or any controlled substance.
- C. An employee's failure to notify his/her department head before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of Housing Authority equipment.
- D. An employee's failure to notify the Human Resources Manager of any criminal conviction for a drug violation that occurred in the workplace within five days after such conviction.
- E. An employee's criminal conviction for a drug violation that occurred in the workplace.

6.24.4. Employer Responsibilities to Sanction and Report Violations

The Housing Authority is covered under the federal drug free workplace law which requires employers who are receiving grants or contracts to:

- Impose sanctions or require participation in a drug abuse assistance program within 30 days for employees who are convicted of a criminal drug statute; and
- Inform the granting agency within 10 days after receiving notice of a workplace drug conviction.

6.24.5. Drug and Alcohol Testing

The Housing Authority has discretion to test applicants and employees for alcohol and drug use under the following circumstances. The Housing Authority will use an outside laboratory to perform all testing.

- A. Reasonable Suspicion Testing: The Housing Authority may require a blood test, urinalysis, or other drug and/or alcohol screening of those employees who are reasonably suspected of using or being under the influence of a drug or alcohol at work, under the following circumstances.

“Reasonable suspicion” to test exists if, based on objective factors, a reasonable person would believe that the employee is under the influence of drugs or alcohol at work. Examples of objective factors, include, but are not limited to: unusual behavior, slurred or altered speech, body odor, red or watery eyes, unkempt appearance, unsteady gait, lack of coordination, sleeping on the job, a pattern of abnormal or erratic behavior, a verbal or physical altercation, puncture marks or sores on skin, runny nose, dry mouth, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, inappropriate wearing of sunglasses, tremors, an accident involving agency property or equipment, or other evidence of recent drug or alcohol use.

- B. Document and Analysis: In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion in writing and analyze the

matter with the Human Resources Manager. Any reasonable suspicion testing must be pre-approved by the Human Resources Manager.

- C. Testing Protocol: If the documentation and analysis show that there is a reasonable suspicion of drug or alcohol abuse at work, and the Human Resources Manager has approved, the employee will be relieved from duty, transported to the testing facility and to his or her home after the test. The employee will be placed on sick or other paid leave until the test results are received.

SECTION SEVEN: INFORMATION TECHNOLOGY

7.1. COMPUTER AND NETWORK USE

The Housing Authority provides Information Technology (IT) resources to its employees and other authorized parties for the purpose of assisting them in the performance of duties aimed at accomplishing the Agency's mission, goals and objectives. As such, IT resources are strategic assets of the Housing Authority that must be carefully managed and responsibly employed. IT policies apply to all Agency IT resources including all computers, computer systems, networks (wired and wireless), cables and connectors, software, applications, files, data, mobile devices, telephones and facsimile machines, tablet devices and other components owned, leased, administered, or otherwise under the custody and control of the Agency, as well as all users of those resources.

7.1.1. Authorized IT Users

Users are defined as any individual with authorized access, approved by management, to Housing Authority IT resources. By accessing or using IT resources, users agree to comply with applicable Agency policies and comply with all federal, state and local laws and regulations.

The Housing Authority's IT Department will establish computing accounts for each employee. In some cases, others such as contractors, vendors and other affiliates may be issued an Agency computing account for limited terms with appropriate sponsorship and approval of management.

7.1.2. No Expectation of Privacy

Electronic files created, stored, copied, sent or received on Housing Authority IT resources are the property of the Housing Authority. Computer and network activity is subject to routine or random monitoring and authorized IT support personnel may access any such files at any time without notice. Management reserves the right to monitor and/or log all activity performed with the use of Agency IT resources with or without prior notice. Employees should have no reasonable expectation of privacy when using such resources.

7.1.3. Personal Use of Housing Authority IT Resources

Limited personal use of IT resources is allowed based upon factors such as reasonableness or materiality as determined by each employee's supervisor or Human Resources. Time spent engaged in personal use of Agency IT resources is not considered to be work time. Personal use should be limited to authorized breaks or meal periods or other non-work related time. Personal use of Agency IT resources:

- A. Is restricted to employees only and does not include family members or others not affiliated with the Agency.
- B. Must not interfere with the normal performance of an employee's work duties.

- C. Is subject to internal and external inspection with no right to privacy for any personal use on any Agency devices or any information transmitted through an Agency server.

7.2. IT SYSTEMS PASSWORDS AND SECURITY

The Housing Authority employs passwords to 1) protect data, computer systems, and networks, 2) to authenticate users of operating systems, applications and for remote access, and/or 3) protect files and other stored information. All employees are required to maintain strong passwords to protect IT systems and other resources from unauthorized use.

7.2.1. Computer Systems Password Security

All Housing Authority computing resources and systems shall be password protected and secured to the greatest extent possible.

7.2.2. Password Management

An employee's password is for his/her own personal use and must not be disclosed to anyone at any time, unless authorized by a senior or executive manager. If an employee believes they need to access another employee's account, he or she must notify his/her manager.

7.2.3. Third-Party System Passwords

The Housing Authority has no control over any third party site's password policy. However, employees are encouraged to adhere to the Housing Authority's password rules as closely as possible when creating passwords for systems provided and managed by third party.

7.2.4. Password Strength

Password strength is determined by the password's length and complexity; stronger passwords better protect the computer or system from hackers and malicious software. The Housing Authority requires that passwords contain at least eight characters with a mixture of lower and upper case letters, digits, and symbols.

7.2.5. Password Protocol

- A. All employee passwords shall be changed at least every 6 months. Employees will receive a system notification of expiring passwords at least seven (7) days prior to expiration.
- B. Passwords must never contain security-sensitive information such as a social security number, date of birth, or other personal information.
- C. Passwords used on Housing Authority systems must never correspond with employee personal account passwords (for instance, Windows account and Gmail account passwords must be separate).

- D. In the event that an employee suspects that an account or password is compromised, the employee must immediately report the issue to the IT Department and change the password.

7.3. SOFTWARE USE

Employees may only use software that has been approved by IT and only the IT Department is authorized to approve, install, and support software and applications for use on Housing Authority owned and/or operated computer systems, networks, and other technology devices. IT may provide a means for users to install preapproved and properly licensed applications via a self-service mechanism. For employees who are issued smartphones and/or tablets, installation of applications for personal use on those devices is permitted.

To ensure adherence to this software use policy and related laws and statutes, the Agency reserves the right to monitor software installations and use on all devices and environments owned or employed by the Agency and will remove any unauthorized software.

7.4. ELECTRONIC MAIL (EMAIL)

7.4.1. Email Accounts

The Housing Authority uses electronic mail (email) as a primary business tool for both internal and external communication. IT will establish a Housing Authority email account for each employee and it is the employee's responsibility to use email in a professional and appropriate manner. Employees are expected to use their Housing Authority email when conducting Agency business and should never use their personal email accounts for work-related purposes.

7.4.2. Email Communication Protocol

Agency email users must exercise good judgment in regards to sending content that may be deemed sensitive and/or confidential as such content in email messages is subject to laws governing public records.

All email messages and content sent or received using Housing Authority email resources to conduct Agency business, including copies and archives, are the property of the Housing Authority.

The Housing Authority cannot guarantee that email transmissions are secure or will remain confidential especially when they are transmitted to systems that are outside of the Agency's control. Employees must encrypt emails that contain Personally Identifiable Information (PII) that are sent to external organizations or entities. When using Agency email, individuals may not:

- A. Access other employees' accounts without senior or executive management authorization.

- B. Retain, store, or archive copies of Agency emails on personal or other non-Agency owned devices.

Due to various security threats posed by email such as malware, ransom ware and other messages and content that are deemed undesirable by the Agency (a.k.a. SPAM, phishing, viruses, large attachments, etc.), the Agency may employ message-filtering technologies. However, no technology can prevent all security or privacy threats, therefore employees must always exercise good judgment when using email systems.

7.4.3. Protection of Confidential Information

Whenever an Employee possesses “confidential” information, the Employee has an obligation to take all reasonable and necessary steps to protect the confidentiality of the information, and minimize the likelihood of inadvertent transmission of the confidential information to unintended recipients. If Employees have any questions regarding this policy, they should contact the Director of Administrative Services. Employees who improperly disclose confidential information will be subject to discipline.

7.4.4. Email Signatures

Employees are expected to use of the standard Agency email signature as depicted below.

First and Last Name

Title

505 W. Julian Street
San Jose, CA 95110
office: (408) XXX-XXXX



SCCHA’s mission is to provide and inspire affordable housing solutions to enable low-income people in Santa Clara County to achieve financial stability and self-reliance.

NOTICE: This email message and its attachments may contain information that is confidential. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

7.5. REMOTE ACCESS

Secure remote access (remote access) provides the ability to securely access the Agency’s email and internal network from a remote location over the internet. The Housing Authority may make remote access available to authorized employees, vendors and contractors. Non-exempt employees are restricted from remote access unless approved by the Executive Director or designee.

7.6. SOCIAL MEDIA FOR AGENCY BUSINESS

This policy establishes guidelines for the Housing Authority's use of social media sites as a means of disseminating information about the Authority's mission, business meetings, activities, and current events.

7.6.1. Definitions

- A. "Social media sites" are websites and applications that enable users to create and share content or to participate in social networking. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, Blogs, RSS, YouTube, LinkedIn, and Flickr.
- B. "Authority's social media sites" are social media sites which that are established and maintained by the Housing Authority, except for advertisements or hyperlinks by the social media sites' owners, vendors, or partners. The Authority's social media sites shall supplement, and not replace, the Authority's standard methods of communication.
- C. "Posts" or "postings" are information, articles, pictures, videos or any other form of communication posted by the Authority on the Authority's social media sites.

7.6.2. Social Media Policy

The Agency's official website at www.scchousingauthority.org (or any domain owned by the Agency) is the primary means of internet communication.

The establishment of social media sites is subject to approval by the Executive Director or designee and shall bear the name and/or official logo of the Housing Authority. Only authorized employees may post content on Agency social media sites at the direction of the Executive Director or designee.

Employees representing the Housing Authority on the Agency's social media sites shall conduct themselves as professional representatives of the Agency and in accordance with all Agency policies. The Agency's social media sites shall utilize authorized Agency contact information for account set-up, monitoring and access.

The Agency's social media sites are subject to the California Public Records Act (*Gov't. Code § 6254 et seq.*) and any site content, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record and subject to public disclosure.

7.6.3. Content Guidelines

The content of the Authority's social media sites should pertain to Housing Authority sponsored or endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and hyperlinks. Where appropriate, the Authority may include content related to programming, services, and opportunities provided by other public agencies.

Where appropriate, content posted to the Agency's social media sites should contain hyperlinks directing users back to the official website for additional information, forms, documents, or online services necessary to conduct business with the Housing Authority. Postings must contain information that is freely available to the public and not be confidential as defined by any Authority policy or state or federal law.

Except as expressly provided in this policy, accessing any social media sites using the Authority's social media accounts shall comply with all applicable Agency policies and all of the content is subject to oversight by the Executive Director or designee.

7.7. CELL PHONE AND TELEPHONE USE

Employees should attentively respond to all business inquiries by checking voicemail and email throughout the day and attempt to return all messages before leaving for the day or within 48 business hours. It is essential to project a professional telephone manner at all times. Employees are expected to leave an appropriate voicemail greeting and to change voicemail and email greetings if the employee is not going to be available for an extended period of time (i.e.: vacation, leave of absence, travel, or illness). These greetings should indicate the date of the greeting, expected return date, whether messages will be checked, and an alternate contact person.

Personal telephone calls, whether on a personal cell phone or Housing Authority phones, and personal "texting" should be kept to a minimum during an employee's work time. When receiving personal calls or text messages during work time, tell the individual who is calling that the Housing Authority discourages personal telephone calls during business hours. Employees should attend to their text messaging and personal telephone calls on breaks or during their meal period.

SECTION EIGHT: POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

8.1. PURPOSE

The Housing Authority has a strong commitment to prohibiting and preventing discrimination, harassment and retaliation in the workplace. The Housing Authority has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The Housing Authority encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible. Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

8.2. COVERED INDIVIDUALS AND SCOPE OF POLICY

The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors. This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

8.3. DEFINITIONS

8.3.1. Protected Classification

This Policy prohibits harassment, discrimination or retaliation because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (over 40), sexual orientation, or military and veteran status, or any other basis protected by law. This Policy prohibits discrimination, harassment or retaliation because: 1) of an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

8.3.2. Protected Activity

This Policy prohibits discrimination, harassment, or retaliation because of an individual's protected activity. Protected activity includes: making a request for an accommodation for a disability; making a request for accommodation for religious beliefs; making a complaint under this Policy; opposing violations of this Policy; or participating in an investigation under this Policy.

8.3.3. Discrimination

This Policy prohibits treating covered individuals differently because of the individual's protected classification, actual or perceived; because the individual associates with a person who is member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

8.3.4. Harassment

Harassment includes, but is not limited to, the following types of behavior that are taken because of a person's actual or perceived protected classification:

- A. Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This includes inappropriate comments about appearance, dress, physical features, gender identification, or race-oriented stories and jokes.
- B. Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts.
- C. Visual acts, such as derogatory posters, cartoons, emails, pictures or drawings related to a protected classification.
- D. Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

8.3.4.1. Guidelines for Identifying Harassment

Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification. It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation. The following guidelines to determine if conduct is unwelcome or unwanted should be followed:

- A. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.

- B. Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- C. Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

8.3.5. Retaliation

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

8.4. COMPLAINT PROCEDURE

A covered individual who believes he or she has been subjected to discrimination, harassment or retaliation may make a complaint, either orally or in writing, to any supervisor, manager, or department head, without regard to any chain of command. Any supervisory or management employee who receives a harassment complaint should immediately notify the Human Resources Manager or Assistant Director of Administration. Upon receiving notification of a harassment complaint, the Human Resources Manager will complete and/or delegate the following steps. If the Human Resources Manager is accused, or a witness to the events at issue, an individual with higher authority will complete and/or delegate the following steps.

- A. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with: 1) the complainant; 2) the accused; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
- B. Review the factual information gathered through the investigation to determine whether the alleged conduct violates the Policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
- C. Report a summary of the determination as to whether this Policy has been violated to appropriate persons. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.

- D. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
- E. Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

8.5. PROACTIVE APPROACH

The Housing Authority takes a proactive approach to potential Policy violations and will conduct an investigation if supervisory or management employees become aware that harassment, discrimination or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

8.6. OPTION TO REPORT TO OUTSIDE ADMINISTRATIVE AGENCIES

An individual has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book or employees can check the posters that are located on Housing Authority bulletin boards for office locations and telephone numbers.

8.7. CONFIDENTIALITY

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss his or her interview with a designated representative. The Housing Authority will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

8.8. EMPLOYEE RESPONSIBILITIES

Each non-manager or non-supervisor is responsible for:

- Treating all individuals in the workplace or on worksites with respect and consideration;
- Modeling behavior that conforms to this Policy;
- Participating in periodic training;
- Cooperating with the Housing Authority's investigations pursuant to this Policy by responding fully and truthfully to all questions posed during the investigation;
- Taking no actions to influence any potential witness while the investigation is ongoing;

- Reporting any act he or she believes in good faith constitutes harassment, discrimination or retaliation as defined in this Policy, to his or her immediate supervisor, or department head, or Human Resources Manager;

In addition to the responsibilities listed above, each manager and supervisor is responsible for:

- Informing employees of this Policy;
- Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language;
- Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints;
- Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals;
- Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged Policy violations;
- Assisting, advising, or consulting with employees and the Human Resources Manager regarding this Policy;
- Assisting in the investigation of complaints involving employee(s) in their departments and, when appropriate, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with these Policies, up to and including termination;
- Implementing appropriate disciplinary and remedial actions;
- Reporting potential violations of this Policy of which he or she becomes aware to the Human Resources Manager, regardless of whether a complaint has been submitted; and
- Participating in periodic training and scheduling employees for training.

8.9. ANTI-BULLYING POLICY

The Housing Authority considers workplace bullying unacceptable and will not tolerate it under any circumstances. It is the policy of the Housing Authority that all employees should be able to work in an environment free of bullying. It is the Housing Authority's expectation that all communication and interaction between employees will, at all times, be professional, courteous and respectful.

Workplace bullying is a behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients, or members of the public. Hazing is considered a form of bullying under this policy.

Examples of bullying include, but are not limited to, any and all forms of cyber-bullying, hazing, profane or disrespectful language, emails, social media posts or online comments; hostile and rude behavior and speech directed at a coworker whether in person or electronically; derogatory or sarcastic remarks and comments about a co-worker's appearance or job performance made in person or electronically, angry

outbursts or yelling; name calling; throwing anything at or toward a co-worker; comments that undermine a co-worker's trust and confidence; retaliation against any person who has reported disruptive behavior.

Managers and supervisors must take reasonable measures to prevent workplace bullying, and to respond promptly if it is identified to address and prevent future instances.

The Housing Authority has investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly. All employees are encouraged to report workplace bullying. Retaliation against any employee who is a target of bullying behavior, as well as any employee who makes complaints about, or participated in any investigation or administrative process related to the complaint of workplace bullying, is prohibited.

Disciplinary action will be taken against anyone who bullies a co-worker or retaliates against an employee that has reported workplace bullying. Employees may contact Human Resources to discuss concerns about bullying or to file a complaint.

8.10. WHISTLEBLOWER PROTECTION

8.10.1 Whistleblower Protection Policy

The Housing Authority prohibits all of the following:

- A. Taking any retaliatory adverse employment action against an employee because the employee has or is believed to have disclosed information to any government or law enforcement agency, including to the Housing Authority, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- B. Preventing an employee from disclosing information to a government agency, including to the Housing Authority, if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation;
- C. Retaliating against an employee for refusing to participate in any activity that would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation; and
- D. Retaliating against an employee because the employee's family member has, or is perceived to have engaged in any of the protected activities listed in items A, B, or C above.

8.10.2. Policy Coverage

This Policy governs and protects Housing Authority officials, officers, employees, or applicants for employment.

8.10.3. Protected Activity and Adverse Actions

A. "Protected activity" includes any of the following:

1. Filing a complaint with a federal or state enforcement or administrative agency that discloses any information that the employee has reasonable cause to believe violates state or federal law or a violation or noncompliance with a local, state, or federal rule or regulation.
2. Participating in or cooperating in good faith with a local, federal or state enforcement agency that is conducting an investigation of alleged unlawful activity.
3. Testifying in good faith and with reasonable cause as a party, witness, or accused regarding alleged unlawful activity.
4. Associating with another covered individual who is engaged in any of the protected activities enumerated here.
5. Making or filing in good faith and with reasonable cause an internal complaint with the Housing Authority regarding alleged unlawful activity.
6. Providing informal notice to the Housing Authority regarding alleged unlawful activity.
7. Calling a governmental agency's "Whistleblower hotline" in good faith.
8. Filing a written complaint under penalty of perjury that the Housing Authority has engaged in gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety.
9. Refusing to participate in any activity that the employee reasonably believes would result in a violation of state or federal law, or a violation or noncompliance with a local, state, or federal rule or regulation.

B. "Adverse action" may include, but is not limited to, any of the following:

1. Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of actual or potential protected activity.
2. Refusing to hire an individual because of actual or potential protected activity.
3. Denying promotion to an individual because of actual or potential protected activity.
4. Taking any form of disciplinary action because of actual or potential protected activity.
5. Extending a probationary period because of actual or potential protected activity.
6. Altering work schedules or work assignments because of actual or potential protected activity.

7. Condoning hostility and criticism of co-workers and third parties because of actual or protected activity.
8. Spreading rumors about a person because of that person's actual or perceived protected activity.
9. Shunning or unreasonably avoiding a person because of that person's actual or perceived protected activity.

8.10.4 Complaint Procedure

An applicant or employee who feels he or she has been retaliated against in violation of this Policy should immediately report the conduct according to the complaint procedure in the Housing Authority's Policy Against Discrimination, Harassment or Retaliation so that the complaint can be resolved fairly and quickly. Supervisors and Managers have the same responsibilities as defined in the Policy Against Discrimination, Harassment or Retaliation.

SECTION NINE: REASONABLE ACCOMMODATION AND INTERACTIVE PROCESS

9.1. REASONABLE ACCOMMODATION

Absent undue hardship or direct threats to the health and safety of employee(s), the Housing Authority provides employment-related reasonable accommodations to:

- A. Qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions; and
- B. Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider; and
- C. Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
- D. Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

9.2. REASONABLE MEDICAL DOCUMENTATION OF DISABILITY

If the disability or the need for reasonable accommodation is not obvious, the Housing Authority may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the agency will: 1) explain the insufficiency; 2) allow the employee or applicant to supplement the documentation; and 3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

9.2.1. Medical Certification Indicating the Need for a Reasonable Accommodation or Transfer Due to Pregnancy or Related Conditions

If a pregnant employee, or an employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, the Housing Authority will provide the employee with notice of the need for a medical certification within two business days after the employee's request for accommodation. A medical certification confirming the need for a reasonable accommodation, including transfer, is sufficient if it contains: a description of the requested accommodation or transfer; a statement describing the medical advisability of the accommodation or transfer due to pregnancy; and the date that the need for the accommodation or transfer will become necessary and the estimated duration of the accommodation or transfer.

9.3. CERTIFICATION OF VICTIM STATUS

An employee who is a victim of domestic violence, sexual assault, or stalking and who requests an accommodation to provide for his or her safety while at work must provide both of the following:

- A. A written statement signed by the employee or an individual acting on the employee's behalf, to certify that the accommodation is to address victim-safety concerns while at work; and
- B. A certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking, which can be in the form of: a police report indicating the employee's victim status; a court order separating the perpetrator from the employee or that the employee has appeared in court for that purpose; or documentation from a medical professional or counselor that the employee is undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, or stalking.

Recertification of the documentation may be requested every six months.

9.4. FITNESS FOR DUTY EXAMINATIONS

9.4.1. Applicants

After a conditional offer of employment has been extended to an applicant, the Housing Authority may require the applicant to submit to a fitness for duty examination that is job-related; necessary for efficient operations of the agency; and required of all applicants for the job classification. An applicant or employee who is required to pass a medical examination will be notified of his/her right to obtain a second opinion at his/her expense and that he/she may submit such second opinions for consideration.

9.4.2. Current Employee

The Human Resources Manager may require an employee to submit to a fitness for duty examination to determine if the employee has a disability and is able to perform the essential functions of his or her job when there is significant evidence that:

- A. The employee's ability to perform one or more essential functions of his or her job has declined; or
- B. Could cause a reasonable person to question whether an employee is still capable of performing one or more of his or her essential job duties, or is still capable of performing those duties in a manner that does not harm him or herself or others.

9.4.4. Role of Health Care Provider

The Housing Authority may request the applicant's or employee's health care provider to conduct a fitness for duty exam on the applicant or employee, or may request a Housing Authority selected health care provider to do so at the Housing Authority's expense. The Housing Authority will allow an employee paid time off to attend the exam. The Housing Authority will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the job. The examination will be limited to determining whether the applicant or employee can perform the essential functions of his/her position and any work restrictions and/or functional limitations that apply to the applicant or employee. The

health care provider will examine the employee and provide the Housing Authority with non-confidential information regarding whether:

The applicant or employee has a disability within the meaning of the California Fair Employment and Housing Act;

- A. The applicant or employee is fit to perform essential job functions;
- B. Workplace restrictions or functional limitations apply to the applicant or employee, and the duration of the work restrictions or functional limitations;
- C. There are any reasonable accommodations that would enable the employee to perform essential job functions; and
- D. The employee's continued employment poses a threat to the health and safety of him or herself or others.

Should the health care provider exceed the scope of the Housing Authority's request and provide confidential health information, without valid consent of the applicant or employee, the Housing Authority will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the Housing Authority has requested.

9.4.5. Authorization for Use of Medical Information

During the course of a fitness for duty examination, the Housing Authority will not seek or use information regarding an employee's medical history, diagnoses, or course of treatment without an employee's written authorization.

9.4.6. Medical Information from the Employee or Applicant

If an employee or applicant submits medical information to the Housing Authority from his or her own health care provider, Human Resources will not forward that information on to the health care provider who conducted the examination for the Housing Authority, without the employee or applicant's written authorization. Upon receipt of the written authorization, Human Resources will request the Housing Authority-paid health care provider to determine whether the information alters the original fitness for duty assessment.

9.5. INTERACTIVE PROCESS

9.5.1. When to Initiate the Interactive Process

The Human Resources Manager will initiate the interactive process when:

An applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodation(s); or

The Housing Authority otherwise becomes aware of the need for an accommodation through a third party (e.g. a doctor's note requesting an accommodation), or by observation of the employee's work; or

The Housing Authority becomes aware of the possible need for an accommodation because the employee with a disability has exhausted workers' compensation leave, Family and Medical Act leave, or other leave rights, but the employee and/or the employee's health care provider indicate that further accommodation is still necessary for recuperative leave or other accommodation; or

- A. An employee disabled by pregnancy, childbirth or related medical conditions requests a reasonable accommodation or transfer based on the advice of her health care provider; or
- B. An employee with a physical or mental disability, regardless of cause, fails to return to work following pregnancy disability leave; or
- C. An employee-victim of domestic violence, sexual assault, or stalking requests a reasonable accommodation(s) for his or her safety at work; or
- D. An employee requests an accommodation to address a conflict between religious belief, observance, or practice and any employment requirement; or
- E. An employer is aware of the need for a reasonable accommodation for an employee's or applicant's religious beliefs, observance or practices.

9.5.2. Interactive Communication

After the occurrence of any of the above-stated circumstances that trigger the need to conduct an interactive process meeting, the Human Resources Manager will promptly arrange for a discussion or discussions, in person or via conference telephone call, with the applicant or employee and his or her designated representative, (if any). The purpose of the interactive communications will be to discuss in good faith all feasible potential reasonable accommodations. The Human Resources Manager will document these communications in writing.

9.5.3. Potential Accommodations for Applicants or Employees with Disabilities

Depending on the facts of each case, the interactive process analysis will generally begin with a review of possible reasonable accommodations that would enable the individual to retain his or her current job. The process will generally then move on to possible reasonable accommodations in other vacant jobs, for which the individual is qualified, if there is no reasonable accommodation in the current job that does not cause undue hardship, or that does not present a risk of harm to the individual or others. The Housing Authority will consider accommodations that the applicant or employee suggests, but has the right to select and implement any reasonable accommodation that it deems effective. The range of potential reasonable accommodations includes, but is not limited to:

1. Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities, including: acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, and/or the provision of qualified readers or interpreters;
2. Job restructuring;
3. Part-time or modified work schedules;
4. Paid or unpaid leave of absence of a finite duration that is likely to enable the employee to return to work at the end of the leave;
5. Preferential consideration to reassignment to a vacant, comparable position, except when such preference would violate a bona fide seniority system;
6. Reassignment to a vacant lower-paid position if there is no funded, vacant comparable position for which the individual is qualified for; or
7. Reassignment to a temporary position, if the individual agrees.

9.5.4. Potential Accommodations for Employees Affected by Pregnancy and Related Medical Conditions

Depending on the facts of each case, the interactive process will attempt to identify and implement a reasonable accommodation that is consistent with the medical certification applicable to the applicant or employee. Whether an accommodation is reasonable is a case-by-case analysis that takes into account several factors, including, but not limited to: the employee's medical needs; the duration of the needed accommodation; and the employer's legally permissible past and current practices. The range of potential accommodations includes, but is not limited to:

1. Transfer to a less strenuous or hazardous position for the duration of the pregnancy;
2. Change in or restructuring of work duties, such as modifying lifting requirements;
3. Providing more frequent breaks;
4. Providing seating;
5. Time off for medical appointments;
6. Transfer temporarily to a job with equivalent pay and benefits that the employee is qualified to perform in order to accommodate reduced work schedule or intermittent leave. However, a reduction in work hours may be considered a form of pregnancy disability leave and deducted from the employee's four month pregnancy disability leave entitlement.

9.5.5. Potential Accommodations for Employee-Victims of Domestic Violence, Sexual Assault, or Stalking

Depending on the facts of each individual case, the interactive process analysis will review all possible accommodations that would enhance the safety of the employee victim at work. In determining what accommodation is reasonable, the Housing Authority will consider the exigent circumstance or danger facing the employee. The Housing Authority will consider the preferences of the employee to be accommodated, but has the right to select and implement any accommodation that it deems effective. The range of potential safety measure accommodations includes, but is not limited to:

- Transfer, reassignment, modified schedule;
- Change in work telephone number;
- Change in location of work station;
- Installation of locks;
- Assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace;
- The implementation of a safety procedure(s);
- Adjustment to job structure, workplace facility, or work requirement; and
- Referral to a victim assistance organization.

9.5.6. Potential Accommodations for Religious Creed, Religious Dress Practice, or Religious Grooming Practice

Depending on the facts of each case, the interactive process analysis will review all possible accommodations that would resolve the conflict between the religious belief or observance and any employment requirement. The Housing Authority will consider the preference of the employee or applicant, but has the right to select and implement any accommodation that it deems effective. The range of potential accommodations includes, but is not limited to:

- Job restructuring or job reassignment (but not segregation from other employees or the public);
- Modification of work practices, including dress or grooming standards;
- Allowing time off in an amount equal to the amount of non-regularly scheduled time the employee has worked in order to avoid a conflict with his or her religious observances;
- Allowing alternatives to union membership or payment of union dues.

9.5.7. Determination

After the interactive process communications, the Human Resources Manager will review the information received, and determine: whether all available information has been reviewed; whether all potential accommodations that the applicant or employee has suggested have been considered; whether additional discussions with the applicant or employee would be helpful; whether the applicant's or employee's preferences have been taken into account; if there is a reasonable accommodation that would enable the applicant or employee to perform essential job functions without harming him or herself or others; and if the accommodations would pose an undue hardship on Housing Authority finances or operations. The Human Resources Manager will inform the applicant or employee of his or her determination in writing. The Human Resources Manager will use his or her discretion based upon the particular facts of each case.

9.5.8. Access to Medical Information Regarding Fitness for Duty

Medical records and information regarding fitness for duty, or the need for an accommodation, will be maintained separately from non-medical records and information. Medical records and information regarding fitness for duty and the need for accommodation will be accessible only by the Human Resources Manager, the Housing Authority's legal counsel, first aid and safety personnel in case of emergency, and

supervisors who are responsible for identifying reasonable accommodations. Medical records and information contained therein may be released pursuant to state and federal law.

SECTION TEN: SEPARATION OF EMPLOYMENT

10.1. VOLUNTARY SEPARATION/RESIGNATION

If an employee decides to terminate his/her employment with the Housing Authority, the employee is expected to provide at least two weeks written notice to the supervisor with a copy to the Human Resources Department. This will give the Housing Authority the opportunity to make the necessary adjustments to its operations. Employees will return all Housing Authority property (e.g., vehicles, computers, keys, uniforms, identification badges, credit cards) prior to departure. A resignation becomes final when the Department Director or Human Resources accepts the resignation in writing. Once a resignation has been accepted, it is final and irrevocable.

The Housing Authority retains the right to accept an employee's resignation immediately and pay the employee the amount of straight time compensation they would have earned in place of any further performance.

10.2 RETIREMENT

An employee planning to retire must provide written notice to the Department Director at least thirty (30) days prior to the effective date of the retirement. A notice of retirement becomes final when the Department Director or Human Resources accepts the notice of retirement in writing. Once a notice of retirement has been accepted, it is final and irrevocable.

10.3. PROBATIONARY RELEASE

Probationary employees serving in their initial probationary period with the Housing Authority may be released at any time during the probationary period as recommended by the Department Director, without cause or reason, or notice. A released probationary employee has no right to appeal or grievance.

10.4 JOB ABANDONMENT

An employee is deemed to have resigned from his/her position if he or she is absent for three consecutive scheduled work days/shifts without prior authorization and without notification during the period of the absence. The employee will be given written notice, at his or her address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee's unauthorized absence. An employee who promptly responds to the agency's written notice, within the timeframe set forth in the written notice, can arrange for an appointment with the Department Director or Human Resources before final action is taken, to explain the unauthorized absence and failure of notification. An employee separated for job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. No employee separated for job abandonment has the right to a post-separation appeal.

10.5 NON DISCIPLINARY SEPARATION

Any employee separated due to the Housing Authority's inability to accommodate the employee after the reasonable accommodation and interactive process is concluded, will be given a written pre-separation notice of the reasons for the separation, the

evidence supporting the decision to separate for non-disciplinary reasons, and an opportunity to respond before the separation takes effect. Any regular employee has the opportunity for a post-separation appeal as described in the Discipline policy.

10.6 DISCIPLINARY SEPARATION

A regular employee may be separated for disciplinary reasons pursuant to the Discipline policy.

10.7. REDUCTIONS IN FORCE

In the event the Housing Authority must reduce its workforce, the reduction will be based on the business need of positions and Employee seniority within a classification.

10.7.1. Seniority

Seniority shall be defined as an employee's date of hire with the Housing Authority. Date of hire shall be defined as first day worked as an Agency employee. Seniority shall be adjusted for all time on leave without pay or as otherwise identified in these policies and shall not be adjusted for any time during a protected leave of absence.

Employee's seniority shall not be affected because classifications have been re-titled or eliminated.

10.7.2. Consideration of Layoffs

When the Agency determines that a reduction in force is imminent, the Agency will prepare a seniority list before taking any action based on employee seniority (i.e., issuing Notice of Reduction in Force to an affected employee).

10.7.2.1. Order of Layoffs and Recall

Temporary workers performing work normally performed by regular employees will be terminated before layoff of regular employees.

Employees will be laid off in reverse order of seniority in their classification.

Employees subject to layoff may bump into a lower classification previously held by the employee if the employee has more seniority in that classification when combined with their current classification than another employee in the lower classification.

A laid-off employee has recall rights, by seniority, to any vacancy in any classification in which he/she was a regular employee and successfully completed the probationary period for that position. Recall rights remain in effect for one (1) year after the employee has been laid off. During that year, individuals on the recall list for a certain classification shall be offered vacancies in that classification in order of seniority before any promotions or new hires of employees can be made by the Agency. Employees on the recall list who reject an offer of reinstatement into their classification shall be removed from the recall list. When recalled, the employee will be placed at the same step in the salary range for their classification as held at the time of layoff.

10.7.2.2. Vacancies/Transfers

At the discretion of the Executive Director, an employee may transfer to a vacant position that the Housing Authority intends to fill if the employee meets the qualifications for the position, rather than being laid off.

10.7.2.3. Notice of Layoffs

Employees subject to layoff shall be given at least twenty (20) business days' notice prior to the effective date of the layoff.

10.7.3. Internal and Open Recruitment Opportunities

During the recall period, a laid off Employee may apply for a vacancy in any job classification for which he/she is qualified and may be invited to participate in the selection process.

10.8. USE OF LEAVE PRIOR TO SEPARATION

Employees who are separating from service may not use accrued leave to extend their date of separation. Exceptions to this policy may be made (1) in the case of an employee using sick leave for a long-term illness and is unable to return to work and therefore resigns, retires, or is subject to a non-disciplinary separation; or (2) the Executive Director, at his or her sole discretion, can authorize an employee to use up to two weeks of accrued vacation prior to the separation of employment.

10.9. EXIT INTERVIEWS

Before leaving employment with the Housing Authority, Employees may be asked to participate in a voluntary Exit Interview. This will provide closure to employment with the Housing Authority and will allow the Housing Authority to ensure that it has resolved various administrative matters, answered any questions about continuation of benefits, review of confidentiality obligations, and listened to any comments or ideas about improving the Housing Authority's operations.

10.10. RETURN OF HOUSING AUTHORITY PROPERTY UPON TERMINATION

Employees in possession of the Housing Authority equipment and properties such as computers, cellular phones, tablets, petty cash, keys, credit cards, and/or key cards are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, the employee will be asked to provide all Housing Authority equipment and properties for return to the employee's supervisor at the time of departure. Employees unable to provide the Housing Authority's equipment and property in good working condition within the time period requested may be required to bear the cost of a replacement to the extent permitted by applicable laws.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges and who do not provide repayment or replacement will be considered to have left employment on unsatisfactory terms, as well as may be subject to legal action for recovery of the loss to the extent permitted by applicable laws.

10.11. POST-SEPARATION COMPENSATION

When an employee separates from employment with the Housing Authority, he/she will be paid his/her base pay, as well as his/her benefits compensation if eligible, at its normal rate calculated on the appropriate hourly or daily basis through the last day and/or hour, which they were employed at the Housing Authority. A final paycheck for an employee separating from employment is provided at the next regular pay day.

All accrued, vested benefits that are due and payable at termination will also be paid. Some benefits may be continued at the employee's expense if the employee voluntarily elects. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

10.12. REFERENCES

All reference inquiries and verifications of employment must be referred to and approved by Human Resources. Unless Human Resources receives a written waiver signed by the employee, the Housing Authority will release only the employee's dates of employment and last position held. Department Directors, supervisors, and employees should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Human Resources Manager on a case-by-case basis.

SECTION ELEVEN: GRIEVANCES

11.1. DEFINITION OF A GRIEVANCE

A grievance is an alleged violation of a specific provision of this Employee Handbook of Policies and Procedures that adversely affects the employee and that contains all of the information listed in the "Statement of the Grievance" below. The following procedure applies to all Housing Authority employees, unless: the employee is covered by a grievance procedure in a memorandum of understanding; another dispute resolution procedure applies to the dispute; or a discipline policy and procedure applies. The grievance procedure cannot be utilized to challenge the content of a performance evaluation, a process or outcome of a recruitment, a position reclassification, or workload.

11.2. STATEMENT OF THE GRIEVANCE

A concern is not a grievance unless the affected employee is able to state each of the following:

- The date of the alleged violation;
- The specific provision(s) of these Policies that were allegedly violated;
- A description of all facts regarding how the alleged violation occurred;
- A list of all persons who are witnesses or are involved; and
- The corrective action desired.

The grievant may use a Housing Authority form to make the Statement of the Grievance. A Statement of the Grievance must be signed by the employee filing the grievance to certify that it is filed in good faith.

11.3. TIMELINES

Failure of the Housing Authority to comply with the time limits of the grievance procedures allows the grievant to appeal to the next level of review. Failure of the grievant to comply with the time limits of the grievance procedures constitutes settlement and resolution of the grievance on the basis of the last disposition. The parties may extend time limits by mutual written agreement in advance of a deadline.

11.4. GRIEVANCE PROCEDURES

- Step I: Informal Resolution with Supervisor**: The employee must first work in good faith to resolve the grievance informally through discussion with his/her immediate supervisor no later than seven (7) calendar days after the grievant first became aware of the facts or circumstances resulting in the filing of the grievance. The supervisor should meet with the employee and attempt to resolve the grievance within seven calendar days of notification of the grievance.
- Step II: Department Director or Human Resources**: If the employee believes that the grievance has not been resolved through Step I, the employee may submit a written Statement of the Grievance to his/her Department Director or Human

Resources. The employee must submit the Statement of the Grievance within twenty (20) calendar days after the grievant first became aware that a grievance has occurred. The Department Director shall consider the grievance, discuss it with the grievant, and/or investigate as he/she deems appropriate, and shall, within twenty-one (21) calendar days of receipt of the written Statement of the Grievance, submit his/her decision in writing to the grievant.

- C. Step III: Executive Director: If the employee believes that the grievance has not been resolved through Step II, the employee may appeal the grievance decision of the Department Director to the Executive Director. Such appeal must be filed within fourteen (14) calendar days of the date of the Department Director's written decision. The Executive Director shall consider the grievance, discuss it with the grievant, and/or investigate as he/she deems appropriate, and shall, within twenty-one (21) calendar days of receipt of the written Statement of the Grievance, submit his/her decision in writing to the grievant. The decision of the Executive Director shall be final.

SECTION TWELVE: DISCIPLINE AND DISCIPLINARY PROCEDURES

12.1. CAUSES FOR DISCIPLINE

Employees may be disciplined for, including but not limited to, any of the following causes:

- Violation of any department rule, Housing Authority policy, or Housing Authority regulation or resolution;
- Absence without authorized leave or tardiness (if an employee arrives to work greater than the allowable seven (7) minute grace period, he/she is considered tardy);
- Excessive absenteeism and/or tardiness (more than four late arrivals per month is excessive) as defined by the employee's Department Director, and/or these Policies;
- Use of leave from work in a manner not authorized or provided for under Housing Authority policies;
- Making any false representation or statement, or making any omission of a material fact;
- Providing wrong or misleading information or other fraud in securing appointment, promotion, or maintaining employment;
- Unsatisfactory job performance;
- Inefficiency;
- Misuse of paid work time, engaging in conduct not appropriate for paid work time (e.g., sleeping during paid work hours), and/or failure to observe work schedules, including lunch/meal periods;
- Damaging any Housing Authority property, equipment, resource, or vehicle, or the waste of Housing Authority supplies through negligence or misconduct.
- Insubordination; or insulting or demeaning the authority of a supervisor or manager;
- Dishonesty;
- Theft;
- Violation of the Housing Authority's or a department's confidentiality policies, or disclosure of confidential Housing Authority information to any unauthorized person or entity;
- Misuse or unauthorized use of any Housing Authority property, including, but not limited to: physical property, electronic resources, supplies, tools, equipment, Housing Authority communication systems, Housing Authority vehicles or intellectual property;
- Removing or borrowing Housing Authority property including, but not limited to: physical property, electronic resources, supplies, tools, equipment, Housing Authority communication systems, Housing Authority vehicles or intellectual property without prior authorization;
- Mishandling of public funds;
- Falsifying or tampering with any Housing Authority record, including work time or financial records;

- Discourteous or offensive treatment of the public or other employees;
- Abusive conduct, including malicious verbal, visual or physical actions, or the gratuitous sabotage or undermining of a person's work performance;
- Unauthorized building and office access of Housing Authority property during non-work time;
- Conviction, meaning any judicial determination of guilt, of a crime that has a nexus to the employee's job duties;
- Unapproved outside employment or activity, or other enterprise that constitutes a conflict of interest with service to the Housing Authority;
- Any conduct that impairs, disrupts, or causes discredit to the Housing Authority, to the public service, or other employee's employment;
- Reckless or unsafe conduct;
- Working overtime without prior authorization or refusing to work assigned overtime;
- Carrying firearms or other dangerous weapons while on duty when not required by job duties; or
- Horseplay or fighting.

12.2. COUNSELING, REPRIMANDS AND DISCIPLINE

The primary purpose of progressive discipline is to address the employee's need to improve and/or change his or her job performance and/or conduct. Progressive discipline is not intended to punish an employee. The goal of progressive discipline is to improve employee performance and/or conduct. Progressive discipline is most successful when it assists an employee to become an effectively performing member of the organization.

12.2.1. Counseling Memo

A counseling memo will be provided to an employee to identify: a failure of appropriate conduct or performance issue; the performance the employee is to demonstrate in the future; and consequences for failure to correct the behavior or problem. A counseling memo will be retained in the supervisor's file until the completion of the evaluation year, and then documented in the performance evaluation, as the supervisor deems necessary. A counseling memo is not subject to the discipline or discipline appeal procedures.

12.2.2. Verbal Reprimand

A verbal reprimand is a verbal direction from a supervisory employee to discontinue inappropriate conduct or to correct a performance issue. A verbal reprimand will be documented in writing and retained in the supervisor's file until the completion of the evaluation year and then documented in the performance evaluation, as the supervisor deems necessary. A verbal reprimand is not subject to the discipline or discipline appeal procedures.

12.2.3. Written Reprimand

A written reprimand is written direction from a supervisory employee to discontinue inappropriate conduct or to correct a performance issue. A written reprimand will be

retained in the employee's personnel file and documented in the performance evaluation. Unless required by law, a written reprimand is not subject to the discipline or discipline appeal procedures. The employee has the right to have his or her written rebuttal attached to the reprimand in the employee's personnel file, if the employee submits the rebuttal to the Human Resources Manager within 14 days after the reprimand is received.

12.2.4. Suspension Without Pay

The Housing Authority may suspend an employee from his/her position without pay for cause. Documents related to a suspension shall become part of the employee's personnel file when the suspension is final and documented in the performance evaluation. A suspension without pay is subject to the discipline and discipline appeal procedures. Employees who are exempt from Fair Labor Standards Act (FLSA) overtime will only be suspended as authorized by the FLSA.

12.2.5. Reduction in Pay or Paid Leave

The Housing Authority may reduce an employee's pay or paid leave for cause. A reduction in pay for disciplinary purposes may take one of three forms: 1) a decrease in salary to a lower step within the salary range; 2) a decrease in salary paid to an employee for a fixed period of time; or 3) loss of accrued paid vacation or compensatory time off. Documents related to a reduction in pay shall become part of the employee's personnel file when the reduction in pay is final and documented in the performance evaluation. A reduction in pay is subject to the discipline and discipline appeal procedures. Employees who are exempt from the Fair Labor Standards Act (FLSA) overtime requirements are not subject to pay reduction, except loss of accrued vacation.

12.2.6. Demotion

The Housing Authority may demote an employee from his or her position to a lower position for cause. Documents related to a demotion shall become part of the employee's personnel file when the demotion is final and documented in the performance evaluation. A demotion is subject to the discipline and discipline appeal procedures.

12.2.7. Dismissal

The Housing Authority may dismiss an employee from his or her position for cause. Documents related to the dismissal shall become a part of an employee's personnel file when the dismissal is final. A dismissed employee is entitled to the discipline and discipline appeal procedures.

12.3. DISCIPLINE PROCEDURES

The following discipline procedures only apply to the Housing Authority's for-cause employees. All employees other than for-cause employees, namely at-will employees, may be disciplined or separated at will, with or without cause, and without the disciplinary procedures listed below. The following discipline procedures apply only to suspension without pay, reduction in pay, demotion, or dismissal.

12.3.1. Notice of Intended Disciplinary Action to Employee

A written notice of the intended disciplinary action shall be given to the employee, which will include the following information:

- The level of the intended discipline;
- The specific charges that support the intended discipline;
- A summary of the facts that show that the elements of each charge at issue in the intended discipline;
- A copy of all materials upon which the intended discipline is based;
- Notice of the employee's right to respond to the department director, or designee regarding the intended discipline within five days from the date of the notice, either by requesting a *Skelly* conference, or by providing a written response, or both;
- Notice of the employee's right to have a representative of his or her choice at the *Skelly* conference; and
- Notice that failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

12.3.2. Response by Employee and *Skelly* Hearing

A *Skelly* hearing allows an employee to respond to the allegations prior to the imposition of any actual disciplinary action. If the employee requests a *Skelly* Hearing, the Department Director or designee will conduct an informal meeting with the employee. During the meeting, the employee shall have the opportunity to rebut the charges against him or her and present any mitigating circumstances. The Department Director or designee will consider the employee's presentation before issuing the disciplinary action. The employee's failure to attend the hearing or to deliver a written response by the date specified in the *Skelly* notice is a waiver of the right to respond and the intended disciplinary action will be imposed on the date specified in the *Skelly* letter.

12.3.3. Final Notice of Discipline

After the *Skelly* Hearing and/or timely receipt of the employee's written response, the Department Director, or designee will: 1) take no disciplinary action; 2) modify the intended discipline; or 3) impose the intended disciplinary action. In any case, the Department Director or designee will provide the employee with a notice that contains the following:

- The level of discipline, if any, to be imposed and the effective date of the discipline;
- The specific charges upon which the discipline is based;
- A summary of the facts that show that the elements of each charge at issue in the intended discipline;
- A copy of all materials upon which the discipline is based; and
- A reference to the employee's appeal right and deadline to appeal.

12.3.4. Delivery of the Final Notice of Discipline

The final notice of discipline will be sent by mail method that verifies delivery to the last known address of the employee, or delivered to the employee in person. If the notice is not deliverable because the employee has moved without notifying the Housing Authority or the employee refuses to accept delivery, the effective date of discipline will be the date the post office or delivery service attempted delivery.

12.4. DISCIPLINE APPEAL PROCEDURES

The following appeal procedures only apply to the Housing Authority's for-cause employees. All employees other than for-cause employees, namely at-will employees, may be disciplined or separated at will, with or without cause, and without the disciplinary appeal procedures listed below. The following appeal procedures apply only to suspension without pay, demotion, reduction in pay, or dismissal.

12.4.1. Request for Appeal Hearing

An employee may submit a written request for appeal to the Human Resources Manager within fourteen (14) days from: 1) receipt of the final notice of discipline; or 2) the date of attempted delivery by the post office or delivery service of the notice to the last known address of the employee. Failure to file a timely written request for an appeal waives the right to an appeal hearing and any appeal of the discipline.

12.4.2. Appeal Hearing Officer

The appeal hearing officer shall be the Executive Director or an individual designated by the Executive Director who is selected through State Mediation and Conciliation Service (SMCS) or the California Office of Administrative Hearings (OAH) so long as the Executive Director did not serve as the *Skelly* officer for the discipline at issue. If the Executive Director served as the *Skelly* officer for the discipline at issue, then the appeal hearing officer shall be an individual designated by the Board of Commissioners who is selected through State Mediation and Conciliation Service (SMCS) or the California Office of Administrative Hearings (OAH).

12.4.3. Date and Time of the Appeal Hearing

Once the appeal hearing officer has been designated, the Human Resources Manager will set a date for an appeal hearing. The employee shall be notified in writing at least 21 days prior to the hearing of the scheduled date.

12.4.4. Prehearing Notice of Witnesses and Evidence

No later than 10 days prior to the hearing date, each party will provide the other and the appeal hearing officer a list of all witnesses to be called (except rebuttal witnesses), and a copy of all evidence (except rebuttal evidence) to be submitted at the hearing. The Housing Authority will use numbers to identify its evidence; the employee will use alphabet letters. Neither party will be permitted to call any witness or evidence that has not been listed, unless that party can show that the party could not have reasonably anticipated the need for the witness or exhibit.

12.4.5. Subpoenas

Upon the request of either party, and upon his or her own motion, the hearing officer will issue subpoenas to compel attendance at the appeal hearing. Each party is responsible for serving his/her/its own subpoenas. Housing Authority employees who are subpoenaed to testify during working hours will be released with pay to appear at the hearing. Housing Authority employees who are subpoenaed to testify during non-working hours will be compensated for the time they actually spend testifying.

12.4.6. Continuances

The appeal hearing officer may continue a scheduled hearing only upon good cause shown.

12.4.7. Record of the Appeal Hearing

The hearing shall be recorded, either electronically or by a court reporter, at the option of the Housing Authority. If the Housing Authority orders a transcript or makes a transcript of the recording, the Housing Authority will notify the employee within three days of ordering or making the transcript, and will provide a copy of the transcript upon receipt of the costs of duplication.

12.4.8. Employee Appearance

The employee must appear personally before the hearing officer at the time and place set for the hearing. The employee may be represented by any person he or she may select.

12.4.9. Conduct of the Hearing

12.4.9.1. Sworn Testimony

All witnesses shall be sworn in prior to testifying. The hearing officer or court reporter shall request each witness to raise his or her hand and respond to the following: "Do you swear that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth?"

12.4.9.2. Evidence

Hearings need not be conducted according to technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner that the hearing officer decides is the most conducive to determining the truth. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but over timely objection shall not be sufficient in itself to support a finding, unless such evidence would be admissible over objection in civil actions. The rules dealing with privileges shall be effective to the same extent that they are recognized in civil actions. Irrelevant or unduly repetitious evidence may be excluded. The appeal hearing officer shall determine the relevance, weight and credibility of testimony and evidence.

12.4.9.3. Exclusion of Witnesses

During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing.

12.4.9.4. Burden of Proof

The Housing Authority has the burden of proof by the preponderance of the evidence.

12.4.9.5. Authority of Hearing Officer

The appeal hearing officer shall not have the power to alter, amend, change, add to, or subtract from any of the terms of these Policies.

12.4.9.6. Professionalism

All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or the appeal hearing officer.

12.4.10. Presentation of the Case

The parties will address their remarks, evidence, and objections to the appeal hearing officer. The appeal hearing officer may terminate argument at any time and issue a ruling regarding an objection or any other matter. The appeal hearing officer may limit redundant or irrelevant testimony, or directly question the witness. The hearing will proceed in the following order unless the appeal hearing officer directs otherwise:

- A. The Housing Authority is permitted to make an opening statement;
- B. The employee is permitted to make an opening statement;
- C. The Housing Authority will produce its evidence;
- D. The employee will produce its evidence;
- E. The Housing Authority, followed by the employee, may present rebuttal evidence;
- F. Oral closing arguments of no more than twenty (20) minutes may be permitted at the discretion of the appeal hearing officer. The Housing Authority argues first, the employee argues second, and if the Housing Authority reserved a portion of its time for rebuttal, the Housing Authority may present a rebuttal.

12.4.11. Written Briefs

Either party may request to submit a written brief and/or a draft decision. The appeal hearing officer will determine whether to allow written briefs or draft decisions, the deadline for submitting briefs, and the page limit for briefs.

12.4.12. Appeal Hearing Officer's Recommended Decision

Within sixty (60) days of the conclusion of the hearing, the appeal hearing officer shall make written findings and a recommended decision as to the discipline.

- A. If the Executive Director was not the appeal hearing officer or the *Skelly* officer he or she shall review the findings and recommendations of the appeal hearing officer and may then affirm, revoke, or modify the findings, recommendations, or disciplinary action taken. The decision of the Executive Director is final. There is no process for reconsideration.
- B. If the Executive Director was the *Skelly* officer, the Board of Commissioners shall review the findings and recommendations of the appeal hearing officer and may then affirm, revoke, or modify the findings, recommendations, or disciplinary action taken. The decision of the Board of Commissioners is final. There is no process for reconsideration.

12.4.13. Proof of Service of the Written Findings and Decision

The Housing Authority will mail a copy of the final written findings and decision, along with a proof of service of mailing that confirms that each of the parties and each of the parties' representatives were mailed the final written findings and decision. It shall be the responsibility of the employee to inform the Housing Authority of his/her address. A copy of the decision shall also be provided to the Human Resources Manager.

12.5. CHALLENGE BY WRIT

Pursuant to Code of Civil Procedure section 1094.6, the parties have 90 days from the date of the proof of service of mailing of the written findings and decision to appeal the Housing Authority's decision on the appeal to the Superior Court in and for the County of Santa Clara.

ACKNOWLEDGMENT & AGREEMENT

I acknowledge that I have received a copy of the Housing Authority's Employee Handbook of Personnel Policies and Procedures. I understand that I am responsible for reading and complying with the policies in the Employee Handbook and any revisions made to it. I further acknowledge that I have read and understand the Housing Authority's Equal Employment Opportunity, Unlawful Harassment and Anti-Retaliation Policies and know how I can report any discrimination, harassment or retaliation that I experience or observe. I understand that it is my obligation to report discrimination, harassment or retaliation and cooperate in any investigation of such alleged conduct.

I have had an opportunity to ask any questions I have concerning the provisions of the Employee Handbook.

Furthermore, I acknowledge none of the Housing Authority's personnel documents and benefit plans, including this Employee Handbook, constitutes or is intended to constitute, an express or implied contract guaranteeing continued employment for any Employee. No Manager or Supervisor has any authority to enter into a contract of employment, express or implied, that changes or alters the employment relationship. Only the Executive Director has the authority to enter into an employment agreement that alters the employment relationship and any such agreement must be in writing. In addition, I acknowledge that the Housing Authority may change the policies contained in the Employee Handbook without notice. I also understand that the Housing Authority has the right to interpret and apply the Employee Handbook policies as it deems appropriate.

If I am part of the collective bargaining unit represented by Service Employees International Union, Local 521, and covered by the terms of the Memorandum of Understanding between the Housing Authority and Local 521, I acknowledge and understand that to extent that the terms of the Employee Handbook contradict or differ from the terms of the Memorandum of Understanding, the terms of the Memorandum of Understanding will govern and control my employment and that I must follow the terms of the Memorandum of Understanding. If I have any questions about the terms of the Memorandum of Understanding and their applicability to my employment, I understand that I can go to my union steward or union representative for clarification.

Date

Employee Signature

Employee Name [printed]

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE