



Stanislaus Regional Housing Authority

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MONO | STANISLAUS | TUOLUMNE COUNTIES

**PERSONNEL POLICY OF THE
STANISLAUS REGIONAL HOUSING AUTHORITY**

Approved by the Board:
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PERSONNEL POLICY OF THE STANISLAUS REGIONAL HOUSING AUTHORITY

SECTION 1. STATEMENT OF AUTHORITY AND BASIC PRINCIPLES

The Board of Commissioners of the Stanislaus Regional Housing Authority (the “Authority”), in adopting these personnel policies and procedures, delegates the responsibility for its administration to the Executive Director with the charge to employ, assign, and manage all personnel of the Authority on the basis of qualification and ability, without regard to religion, marital status, disability, sexual orientation, national origin, race, ancestry, color, sex, political or union affiliation, age, citizenship, or other non-merit factors unrelated to job duties, or any other state or federal protected classification.

These personnel policies are designed to afford each employee a clear summary of employment rights, benefits, conditions and responsibilities. Not all the Authority’s policies and procedures are set forth in this Personnel Policy, it has summarized only some of the important areas. It is the Authority’s desire to provide staff with working conditions conducive to individual satisfaction and achievement of the Authority’s Mission and Goals.

Applicability

Except where otherwise indicated the Personnel Policy shall apply to all offices, positions and employees of the Authority except:

- The Executive Director.
- Independent Contractors and vendors engaged under contract to supply expert, professional, technical or any other services, except as otherwise provided in this Personnel Policy.
- Interns or work program participants, such as Workforce Development or Alternate Work Program.

Exceptions: Employees designated above are subject to working conditions prescribed by the Authority for all employees, unless otherwise expressly provided. The term “working conditions” means policies and practices pertaining to ethical standards, employee responsibilities, Equal Employment Opportunity, Authority policy prohibiting unlawful harassment, the Americans with Disabilities Act, and the Drug Free Workplace Act.

Merit Principles

It is the purpose of this policy to establish a system of uniform and appropriate personnel policies and procedures, which will provide the Authority with a productive, efficient, stable and representative workforce by incorporating the following principles:

- Recruiting, selecting and advancing employees based on their relative ability, education, training, knowledge, and skills relevant to the work to be performed and providing progressive employment programs which encourage and support employee development.

- Establishing and maintaining a uniform plan of classification and pay based upon the relative duties and responsibilities of positions in the Authority service.
- Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.
- Assuming the treatment of applicants and employees in all aspects of personnel administration without discrimination based on race, color, sex, age, religion, national origin, political affiliation, marital status, family relationships, sexual orientation, disability, or any other state or federal protected category, and with proper regard for their privacy and constitutional rights as citizens.
- Establishing ethical standards of conduct required of employees which will promote the proper operation of the Authority and the faith and confidence of the citizens of counties that it serves.

Scope

This Personnel Policy shall govern and affect personnel administration for all employees of the Authority, unless otherwise specified. This Personnel Policy is not intended to and does not supersede conflicting provisions of collective bargaining agreements to which the Authority is a party (specifically, the Memorandum of Understanding (MOU) with AFSCME). The Personnel Policy shall also not supersede any local, state, or Federal statutes, rules, and/or regulations. It is the intent of this policy that the general principles stated will serve as a basis for personnel policy for the Authority.

Notice

This Personnel Policy, any changes thereto, and any department directives or regulations related to those rules, regulations, policies, and procedures shall be made available to all Authority employees. The most current version of the Personnel Policy shall be provided on Authority's Intranet website.

Administration of Personnel Policy

The Executive Director shall make and enforce appropriate rules and regulations to carry into full effect the provisions, intent, and purpose of this Personnel Policy and may delegate any of the powers and/or duties to any other employee of the Authority.

1. Relationship to Other Administrative Procedures

The Executive Director and department heads may develop and implement operating procedures, provided however, that this Personnel Policy shall prevail in the event of conflict with an operating procedure.

2. Interpretation

The Executive Director and Human Resources' staff are responsible for the interpretation of these Personnel Policies. Management reserves the right to interpret and administer the policies in this manual in accordance with the best interest of the Authority. As with guidelines, exceptions may be

made at the management's discretion, as appropriate for individual situations. Therefore, these policies are not intended to be and do not constitute a contract of employment.

3. Authority Document Reservation of Rights

This Personnel Policy, and all policies, rules and procedures herein will become effective following the Board of Commissioners' approval. This policy will not take precedence over any conflicting provisions agreed upon in a Memorandum of Understanding between the Authority and any employee organization representing Authority employees. The Authority Board of Commissioners reserve the right to amend, modify, and/or revoke any of its policies, practices, procedures and standards summarized in this Personnel Policy. Similarly, the interpretation, scope and applicability of any of the provisions is also exclusively within the Authority's control and discretion. These changes will become effective only when made in writing. The Authority Personnel Policy does not establish a property right or contractual right of employment for any Authority employee.

Equal Employment Opportunity & Non-Discrimination

The Authority is an equal opportunity employer. In accordance with applicable law, the Authority prohibits discrimination against any applicant or employee based on the following legally protected characteristics: race, color, religion, creed, sex, pregnancy (including childbirth and related medical conditions, including medical condition related to lactation), age (40 and over), national origin or ancestry, physical or mental disability, generic information, sexual orientation, gender, gender identity, gender expression, marital status, registered domestic partner status, military and veteran status, medical condition (cancer and genetic characteristics) or any other characteristics protected by federal and state law. An applicant's or employee's immigration status will not be considered for any Authority employment purpose except as necessary to comply with federal and state laws. The Authority's commitment to equal opportunity employment applies to all persons involved in its operations and prohibits unlawful discrimination by any employee, including supervisors and coworkers.

Unlawful Harassment

The Authority is committed to providing a work environment that is free of harassment and discrimination. In keeping with this commitment, the Authority will not tolerate any form of harassment or other unlawful discrimination. Harassment based on sex, race, marital status, national origin, disability, sexual orientation, religion, or any other characteristic protected by state and federal law is prohibited. Any person who commits such a violation may be subject to personal liability as well as discipline by the Authority.

Sexual harassment of employees by supervisors, coworkers, or vendors is strictly prohibited. The Authority also prohibits harassment of employees by non-employees in the workplace. State and federal law define sexual harassment to include unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. Such conduct is unlawful when:



- Submission to the conduct is made a term or condition of employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting an employee; or
- The conduct has the purpose or effect of unreasonably interfering with an employee's work performance, or creating an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include unwelcome sexual flirtations, advances, or propositions, verbal abuse of a sexual nature; subtle pressure or requests for sexual favors; unnecessary touching of an individual; a display in the workplace of sexually suggestive objects or pictures; sexually explicit jokes; or a physical assault. It is also important to understand that stress, cartoons, nicknames and comments of a sexual nature may be offensive to others and will not be tolerated. Violation of this policy may result in disciplinary action, up to and possibly including immediate termination.

If an employee believes that he or she has been harassed in any way, they are requested to report the facts of the incident or incidents to their immediate supervisor, department manager or, if they prefer, the Human Resources Department. Upon receipt of a complaint of harassment, the Authority will:

- Fully inform the employee of his or her rights to complaint and redress the harassment; the employee must be informed of her/his own obligations to secure her/his rights and of any assistance available to her/him under the Authority's procedures;
- Immediately conduct a thorough, objective and complete investigation of the alleged harassment. The Authority will make a determination whether unlawful harassment has occurred, and communicate its findings to any concerned party as appropriate; and
- If prohibited harassment has occurred, take prompt and effective remedial action to stop the harassment and correct any effects of the harassment and communicate to the complainant that such action has been taken.

Employees who believe they have been the subject of harassment, discrimination or retaliation, may also file a complaint with the local office of the Civil Rights Department (CRD). The CRD is the state agency charged with enforcing California's civil rights laws. The CRD have authority to remedy violations and can award limited monetary damages and fines, including but not limited to ordering an employer to hire, reinstate, or promote a victim of discrimination or make other changes in company policies. The address and phone number of the local CRD office can be found at <https://civildrights.ca.gov>.

Employees, supervisors, and/or managers who become aware of any violation of this policy should immediately advise the Director of Business Operations. In this way, the Authority can ensure that such conduct does not occur and that appropriate action can be taken immediately.

No employee will be retaliated against for making a complaint or bringing inappropriate conduct to the Authority's attention, for preventing unlawful practices, or for participating in an investigation, proceeding, or hearing conducted by the Authority or the CRD. If you believe that you are being or have been retaliated



against for making a complaint, please contact your immediate supervisor, department manager, or the Human Resources Department, so that an immediate investigation can be conducted.

Disability Accommodation

To comply with applicable laws ensuring equal employment opportunities to individuals with disabilities, the Authority will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship, a direct threat to the health and safety of the individual or others would result, or other lawful exemptions apply. Applicants or employees who require an accommodation in order to perform the essential functions of their job, should contact Human Resources and request such an accommodation. Individuals with a disability should specify in writing what barriers or limitations make it difficult for them to perform their job. The Authority will conduct an investigation regarding these barriers or limitations. If the accommodation is reasonable and will not impose an undue hardship on the Authority or constitute a direct threat to the health or safety of the individual or others, or any other lawful exemptions that may apply, the Authority will make the accommodation. The Authority may also propose alternative accommodations. Individuals are required to fully cooperate with the Authority in seeking and evaluating alternatives and accommodations. The Authority may require medical verification of both the disability and the need for accommodation. The Authority will also consider requests for reasonable accommodations for medical conditions related to pregnancy and childbirth where supported by medical documentation.

Employees who wish to request an unpaid leave of absence or who wish to extend a current leave of absence because of a qualifying disability should contact the Human Resources Department regarding proposed accommodation.

Exemptions

For purposes of employment, “individuals with disabilities” does not include:

- Any individual who is a current drug abuser or an alcoholic whose current use of alcohol or drugs prevents the individual from performing the duties of the job in question.
- Any individual whose employment, by reason of current alcohol or drug abuse, would constitute a direct threat to the health and safety of self or others;
- Any individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

Fitness for Performance

To be employed, applicants are required to be mentally and physically fit to perform the duties of the position to which appointed. Determination of the employee’s mental and physical fitness to perform required duties shall be based on a medical examination performed by a physician designated by the

Authority and paid for from Authority funds. Such examination will be based on the performance requirements of the position and shall be conducted after a conditional offer of employment has been made. Subsequent examinations may be required of employee as follows:

- When an employee is assigned to another position with differing requirements.
- When an employee reports for duty following absence due to illness or injury.
- When, in the judgment of the Executive Director or his/her designee, the employee's fitness and ability to perform required duties is impaired or diminished and interfere with the performance of duties or presents a threat to the health, safety and/or welfare of himself/herself or other employees.

Employees rehired or recalled after layoff and employees appointed to temporary, full-time temporary, and seasonal positions may also be required to pass a medical examination to determine fitness to perform the duties of the position to which assigned.

In the event that an employee is found to be mentally or physically unfit to perform his/her required duties, based on the determination of the Authority-designated physician's medical examination, the Executive Director may make a reassignment of duties, place the employee on appropriate leave, or terminate the employee.

Religious Accommodation

The authority will attempt to make reasonable accommodations for employees' observance of religious holidays and sincerely held religious beliefs, including time off for religious holidays and accommodations related to dress and grooming practices, unless doing so would cause an undue hardship on Authority operations. Employees who desire a religious accommodation are required to make the request in writing to their supervisor as far in advance as possible.

Housing Authority Rights

The Authority does not discriminate in employment on the basis of marital or familiar status. Nonetheless, the Authority may refuse to appoint a person to a position where the person's relationship with another employee has the potential to be a conflict of interest.

The Authority does not discriminate in employment on the basis of marital or familiar status. Nonetheless, the Authority may refuse to appoint a person to a position where the person's relationship with another employee has the potential to be a conflict of interest, to have an adverse impact on supervision, confidentiality, safety, security or morale or to be otherwise incompatible with or adverse to the best interest of the Authority. The Authority has the sole discretion to determine the existence of such a potential for adverse impact of conflict of interest.

For the purposes of this policy, familial relationship includes the following relationships: spouse, parent, grandparent, child, grandchild, sibling, aunt, uncle, niece, nephew, or any person with whom the employee has a close personal relationship such as a domestic partner, romantic partner or co-habitant.

In the event that two current employees of the Authority marry or otherwise enter into a familial relationship after they are hired, the Executive Director or designee determines that a potential for adverse impact or conflict of interest as described above exists as a result of that relationship, the Authority will attempt to minimize the potential issues of supervision, safety, security, morale or conflict of interest through reassignment of duties, relocation and/or transfer. If these concerns cannot be minimized to the satisfaction of the Authority, then the employees will be notified that one of them must separate from employment with the Authority. The choice of who will separate from Authority employment will be the employees'. In the event that the employees are unable to make this decision within 30 days of such notification by the Authority, then both employees will be terminated.

Use of Employer Owned and Supplied Equipment

The Authority respects the individual privacy of its employees. However, employees' privacy does not extend to the employee's work-related conduct or to the use of agency-provided equipment or supplies. Employees should be aware that the following guidelines limit their privacy in the workplace.

1. Managements Right to Access Information

The electronic mail system and internet access has been installed by the Authority to facilitate business communications and work-related research. Although each employee has an individual password to access this system, it belongs to the Authority and the contents of email communications are accessible at all times by Authority management for any business purpose. Those systems may be subject to periodic unannounced inspections and should be treated like other shared filing systems. All system passwords and encryption keys must be available to management. An employee may not use passwords that are unknown to his/her supervisor or install encryption programs without turning over encryption keys to his/her supervisor.

All email messages are Authority records. The contents of any email may be disclosed by management within the Authority without employee permission. The employee should not assume that messages are confidential. Back-up copies of email may be maintained and referenced for business and legal reasons.

- a. **Business Use:** Internet services are for legitimate business use only in the course of employees' assigned duties. Incidental and occasional personal use of internet services is permitted, though the Authority reserves the right to monitor and limit all internet access. All materials, information, and software created, transmitted, downloaded or stored on the Authority's computer system are the property of the Authority and may be accessible only by authorized personnel.
- b. **Personal Use of Email:** Because the Authority provides the electronic mail system to assist employees in the performance of the job, it is to be used only for official Authority business. Incidental and occasional personal use of email to communicate with persons whom the employee know is permitted by the Authority, but these messages will be treated the same as other messages. The Authority reserves the right to access and disclose as necessary all messages sent over its email system, without regard to content.

Since all employees' personal messages can be accessed by Authority management without prior notice, they should not use email to transmit any messages that they would not want read by a third party. For example, staff should not use the Authority's email for gossip, including personal information about themselves or others, for forwarding messages under circumstances likely to embarrass the sender, or for inappropriate responses to business correspondence or work situations. The Authority does conduct periodic audits of internal and external email use. In any event, the systems should not be used for cash purposes as soliciting or proselytizing for commercial ventures, religious or personal causes for outside organizations or other similar, non job-related solicitations. If the Authority discovers misuse of the email system, the employee will be subject to disciplinary action up to and including dismissal.

- c. **Viruses:** To protect the Authority system, under no circumstances is staff to download attachments and files from persons or sites unknown to them. If attachments and files not recognized appear in staff email, check with IT Department staff before downloading or clicking on the attachment. Do not enter unfamiliar websites through the Authority internet access without authorization from Administration, or the IT Department.
- d. **Forbidden Content of Email and Internet Communications:** Employees may not use the Authority's email system or the internet in any way that may be seen as insulting, disruptive, or offensive by other persons, or harmful to morale. Examples of inappropriate use include sexually-explicit messages, cartoons, images or jokes, unwelcome propositions or love letters, ethnic or racial slurs, or any other messages, images, or jokes that can be construed to be harassment or disparagement of others based on their sex, race, ancestry, sexual orientation, age, national origina, citizenship, disability, religious or political beliefs or any category protected by federal, state or local law. Any use of the internet, email or any other electronic resource to harass or discriminate is unlawful and strictly prohibited by the Authority. Accessing any stie that is sexually or racially offensive or discriminatory, displaying, downloading or distributing any sexually explicit material or transmitting any of the Authority's confidential or proprietary information or materials is forbidden. Employees may not sue the Authority's email system or internet access to enter, or participate in any "chat rooms" or establish personal relationships.
- e. **Password and Encryption Key Security and Integrity:** Employees are prohibited form the unauthorized use of the passwords and encryption keys of other employees to gain access to the other employee's email messages.
- f. **Copyright Restrictions, Permission Required:** Any software or other material downloaded into the Authority's computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors, or owners of the material. Prior written authorization from the Executive Director,

or his/her designee, before introducing any software into the Authority's computer system. Employees may not download entertaining software or games. If such software is detected on an employee's computer, it will be deleted and discipline may be imposed.

- g. **Authority Representation:** Only authorized employees may communicate on the internet on behalf of the Authority. Employees may not express opinions or personal views that could be misconstrued as being those of the Authority. Employees may not state their affiliation with the Authority on the internet or through any other means of communication unless required as part of their assigned duties. Internet access is limited to staff on an as-needed basis. Internet traffic is regularly monitored. Any violation of this policy will result in disciplinary action, up to and including dismissal.

2. Use of Cell Phones

Employees whose job responsibilities include regular or occasional driving and who are issued an Authority cellular telephone or use their personal cellular telephone for business-related work are expected to put safety first. Therefore, personal and Authority-supplied cellular telephones are not to be used while driving. Employees who receive calls or text messages on a cellular telephone while driving on business-related work, must pull over safely, park, and then either answer the telephone or return the call of the person who attempted to contact them or send text messages. Unless utilizing of a hands-free Bluetooth device in accordance with the law, such employees must also pull over safely, park and then call the person they need to reach if they need to make an Authority related cellular telephone call. Moreover, the employee may not send or review text messages while driving. This policy is in effect for the employee's safety, the safety of others, as well as the safety of the Authority's property.

Employees who are charged with traffic violations, or cause accidents or injuries resulting from their use of personal or Authority-issued cellular telephones while driving will be solely responsible for all liabilities, fines, etc., that result to the extent permissible under the law.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued an Authority-provided cellular telephone for business use or who use their personal cellular telephone for business use, are also expected to abide by the provisions of this policy.

Political Activities

All members, officers, and employees of the Authority shall be subject to the provisions of the federal Hatch Act (Title 5, United States Code, Section 1501 et. seq.). No employee shall be a candidate for public office in a partisan election, use his or her official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office; or directly or indirectly coerce contributions from subordinates in support of a political party or candidate. As private citizens, however, employees, have the rights authorized



under the Hatch Act, including the right to run for public office in a nonpartisan election and the right to contribute money to political organizations and attend political fundraising functions.

All members, officers and employees of the Authority are also subject to the provisions of California Government Code Section 54964, which prohibits the use of Authority funds or resources to support or oppose the approval or rejection of a ballot measure or the election or defeat of a candidate by the voters.

All members, officers and employees of the Authority are also subject to the provisions of California Government Code Section 3204 et seq., which among other things, prohibits the use of official positions to influence elections, solicitation of political contributions from other Authority employees, and the offer of additional employee compensation in exchange for political contributions.

All employees of the Authority shall be subject to the provisions of the Hatch Act, Public Law 252, 76th Congress. Under the provisions of the Hatch Act, employees may not:

- Use official Authority position or influence to interfere with an election.
- Solicit or discourage political activity of anyone with business before the Authority.
- Solicit or receive political contributions (this may be done in certain limited situations by federal labor unions or other employee organizations).
- No employee shall be eligible for appointment or election to any public office (including appointment to a Housing Authority Board, Commission or Committee) when the holding of such office or position would be incompatible or would substantially interfere with the discharge of official duties.
- Engage in political activity while performing work for the Authority, in a Housing Authority office, wearing an official uniform or logo, or using a Housing Authority vehicle.
- Wearing political buttons on duty.

No employee may use Authority time or property in any manner to promote any political issue or candidate, or to solicit funds for any political purpose or to influence the outcome of any election.

Ethics

The successful operation and reputation of the Authority is built upon the principles of fair dealing and ethical conduct of our employees. The Authority's reputation for integrity and excellence requires careful observance to the spirit and letter of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct and personal integrity.

The Authority will comply with all applicable laws and regulations and expect all directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.



In general, the use of good judgment, based on high ethical principles, will guide employees with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed only with the employee's department head, the Executive Director or Director of Business Operations.

Compliance with this policy of business ethics and conduct is the responsibility of every employee. Disregarding or failing to comply with this standard of business ethics and conduct may lead to disciplinary action, up to and including termination of employment. Retaliation against any employee who raises any questions, concerns or complaints concerning the honesty and integrity of our operations is strictly prohibited. Similarly, retaliation is prohibited against any employee who provides accurate information to any law enforcement agency about the commission of any federal or state offense. Any employee who feels that he or she has been retaliated against or threatened with retaliation for these reasons should report the matter immediately to the Executive Director or Director of Business Operations as a signed complaint or on an anonymous, confidential basis.

Conflict of Interest and Incompatible Activities

Authority employees shall abide by the laws and regulations of the State of California concerning incompatible activities and conflict of interest and those federal conflict of interest provisions that become applicable as a result of federal funded projects.

It is the policy of the Authority that all Authority employees shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to their duties, functions or responsibilities of the Authority.

Employees shall not be involved in making, or participate in making, decisions that may result in (1) a material impact on their personal financial position; or (2) preferential treatment to their friends or relatives.

An employee's outside employment, activity, including but not limited to volunteer activity, or enterprise is prohibited if it (1) involves the use for private gain or advantage of Authority time, facilities, information, equipment, or supplies, or the prestige or influence of his or her Authority office or employment; (2) involves receipt of acceptance of any money or other consideration from anyone other than the Authority for the performance of any act which is required or expected to be rendered in the regular duties or hours of employment as an Authority employee; (3) involves the performance of an act in other than his or her capacity as an Authority employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the Authority; or (4) conflict with an employee's work schedule or involves time or other demands that impair or have a detrimental effect on the employee's work performance with the Authority (5) conflicts with the employee's duties and responsibilities or creates an actual conflict of interest or (6) requires the employee to conduct work or related activities on Authority property, during Authority working hours or using Authority facilities or equipment. For purposes of this policy, self-employment is considered outside employment.



An employee may not be the owner of or have a financial interest in property under the Section 8 program.

An employee is prohibited from having a personal or financial interest or benefiting from any project or contract funded during that person's employment and up to one year thereafter. Without the concurrence of the Authority, an employee is prohibited from accepting a contract for personal services from any entity doing business with the Authority during that person's employment and up to one year thereafter.

If any employee finds that he or she has, or is considering the assumption of, a financial interest or outside relationship or employment which might involve a conflict of interest, or if the employee is in doubt as to the proper application of this policy, he or she should promptly make all the facts known to the Executive Director or Director of Business Operations and refrain from any exercise of responsibility in any manner which might reasonably be considered to be affected by any adverse interest.

Nepotism

To the extent possible, no person who is related within the first or second degree to a department head may be appointed in a paid capacity within that department. No person who is related within the first or second degree to a manager or supervisor may be appointed or assigned to a position that is in a direct reporting relationship or within the supervisory line of authority to such manager or supervisor. Relatives within the first or second degree are spouses, life partners, parents, children, grandchildren, brothers and sisters. In order to avoid the appearance of favoritism, or impropriety, department heads are discouraged from appointing relatives within the first or second degree to volunteer assignments within that department. Any such employment shall require prior approval by the Executive Director as necessary to the conduct of the programs of the Authority and shall be reported to the Board of Commissioners.

Payments and Gifts

No salary, wages, expenses or allowances shall be paid except upon the certification of the Executive Director and in accordance with the policies of the Board of Commissioners.

An Authority employee shall not ask for, receive, or agree to receive a gift, gratuity or reward for the performance to his or her duties. All offers of gifts, even if not accepted, shall be reported in writing to the Executive Director. At the discretion of the Executive Director, incidental gifts of informational material or involving food or beverage, such as a calendar or holiday box of candy, may be accepted if they are shared by all employees.

Confidentiality

Authority employees shall abide by the laws and regulations of the State and Federal governments concerning confidentiality of client information. Unauthorized release of or discussion about client information within or outside the Authority is grounds for discipline up to and including dismissal.



Program Participant

Authority employees may participate in programs provided by the Authority if otherwise eligible and no conflict of interest exists as determined by the Executive Director. The conduct of employees as program participants serves as an example to other participants and to the public; an employee's failure to strictly abide by program rules reflects badly on the Authority and harms the public services it provides. Therefore, an employee-participant shall adhere to all applicable program terms and agreements, including the timely payment of rent, and shall at all times be a participant in good standing. Violation of this policy may result in disciplinary action, up to and including dismissal.

Employees may represent their family members who are in or applicants for an Authority program following the same rules and guidelines that are set for all program participants. Employees cannot take any action, make any inquiries, or ask for any preferential treatment that members of the public do not get. When an employee represents a family member in this capacity, the employee may not act on behalf of the Authority in any manner affecting the family member's interest. The employee representing a family member cannot access information or systems not accessible by other Authority clients.

Personal Appearance

The image the Authority projects to its clients is reflected in the appearance of its employees. Employees should look neat, clean and well-groomed and should be dressed appropriately for the business environment. Employees are expected to use good judgment in their appearance and grooming, keeping in mind the nature of the work, their own safety of coworkers, and their need to interact with the public. The Authority encourages to seek the advice of their department head if they have questions regarding appropriate dress or appearance at work. Employees who report to work improperly dressed or groomed may be instructed by their department head to return home to change.

SECTION 2: EMPLOYMENT PROCEDURES

Application: The authority to appoint, promote, transfer, demote and terminate personnel shall be vested in the Executive Director and in such other official as formally designated by the Executive Director. The Executive Director shall have the final say on all personnel decisions including the appointment of the Authority's management staff.

Whenever possible, vacated or newly established positions shall be filled consistent with efficient operations by the promotion of qualified employees.

Notice of all available job openings shall be distributed to designated employee areas prior to or concurrently with scheduled advertising to the public in the community.

Open public recruitment shall be done through appropriate media, for a reasonable time, to assure sufficient opportunity for an appropriate segment of the labor market to apply and be considered for employment on the



basis of abilities and potential. Except for continuous recruitment, public announcement of all position vacancies shall be made at least seven (7) calendar days in advance of the closing date for receipt of applications.

This provision shall not be construed as prohibiting the Authority from making an interim appointment to a vacant position, or temporarily reassigning the duties associated with the vacant position, when the Authority's business needs require that the duties of the position continue to be performed during recruitment for a permanent appointment.

All applicants for employment are required to submit a written application on a form specified by the Executive Director.

Qualifications: The Executive Director shall cause to be prepared a job description for each employment classification, including examples of duties, experience, education and such other qualifications as desirable. The Executive Director may establish an examination procedure to qualify applicants for employment by one or more of the following means: application review, written examination, oral interview, performance test including computer skills and typing, business, and personal references.

Medical Examination: Employees in specific positions may be required, for job related reasons, to take a physical examination after a conditional job offer is made or as a condition of continued employment at the discretion of the Executive Director. Such examination shall be at the Authority's expense and administered by a physician selected by the Authority.

Investigations: The Executive Director may conduct investigations as he or she deems appropriate to verify an applicant or employee's education, training, experience, character or fitness. Pre-employment fingerprinting, and criminal background checks may be required for designated positions. Accordingly, job applicants or employees may be asked to sign certain authorization and release forms. Consistent with legal requirements the Authority reserves the right to require job applicants or employees to sign these forms as a condition of employment.

Appointment: The Executive Director shall, upon appointment, specify the conditions of employment; including position title, salary, vacation leave, benefits, and the category of position.

Immigration Compliance: The Authority is committed to employing only United States citizens and aliens who are authorized to work in the United States and who comply with applicable immigration and employment law. As a condition of employment, every individual must provide satisfactory evidence of his or her identity and legal authority to work in the United States. The most common forms of identification are a driver's license and social security card; however, other official forms of identification can be used.



SECTION 3: CATEGORIES OF EMPLOYEES

There are five (5) categories of employee positions. The policies and procedures herein apply to all categories unless otherwise expressly stated.

Regular: A regular employee is one who has successfully completed the probationary period for a regular position. Such employees shall accumulate credit for sick leave, holiday, and vacation and shall receive health insurance, retirement benefits, and other Authority provided employment related benefits as adopted by the Authority.

Probationary: A probationary employee is one who is appointed to a regular position who shall serve a probationary period equivalent to six (6) months full-time employment from the date of such appointment (i.e., 1040 hours of active paid service, excluding paid sick or vacation time or similar paid non-service hours). The probationary period shall be utilized for closely observing the work of new employees and for securing their effective adjustment to their positions. All probationary employees shall be evaluated as to performance three (3) months and six (6) months after appointment. However, failure of the supervisor to timely complete such evaluations shall not negate the employee's probationary status.

Probationary employees shall have all the rights and privileges of a regular employee, except they shall not receive vacation, sick leave, except as otherwise required by law, retirement benefits, health insurance coverage, holiday pay, or other benefits provided by the Authority, except as required for probationary employment by Federal, State, or local law.

The service of probationary employees may be terminated by the Authority without cause and such termination shall not entitle the employee to an appeal of the termination or other due process hearing.

Upon successful completion of the probationary period in a position, an employee shall become a regular employee in that position.

The probationary period may be extended in writing prior to the completion of the required initial probationary period at the discretion of the Executive Director, up to a total duration of twelve (12) months from the initial date of hire. At the end of the twelve (12) months, the employee will either be given regular permanent employee status or be discharged. There will be no appeal from a discharge of a probationary employee.

Probationary employees are ineligible for participation in the Authority's flexible work schedule plan.

Part-Time: An employee may be appointed to a part-time position at the discretion of the Executive Director. Part-time employees shall be considered separately and their compensation set in accordance with ability, time, and effort involved as determined by the Executive Director. Part-time employees shall have all the rights and privileges of a regular employee except they shall not receive annual leave, sick leave, retirement benefits, health insurance coverage, holiday pay or any of the other benefits provided by the Authority except as required



for part-time employment by Federal or State law. Part-time employees, upon hire, shall be subject to a probationary period of six (6) months.

Temporary: A temporary employee is one who is appointed for a special or temporary purpose on an hourly, per diem, or monthly basis which is expected to last less than 1,000 hours of paid services in a twelve (12) month period. Rates of pay shall be established by the Executive Director for all temporary help. Temporary help shall have all the rights and privileges of a regular employee, except they shall not receive annual leave, vacation pay, sick leave, except as otherwise required by law, retirement benefits, health insurance coverage, holiday pay, or other benefits provided by the Authority, except as required for temporary employment by Federal, State, or local law.

The services of temporary employees may be terminated by the Authority without cause and such termination shall not entitle the employee to an appeal of the termination or other due process hearing.

Seasonal: A seasonal employee is one who is appointed on a seasonal basis. Seasonal employees are considered at-will employees and shall have all the rights and privileges of a regular employee, except they shall not receive annual leave, vacation pay, sick leave, except as otherwise required by law, nor retirement benefits, health insurance coverage, holiday pay, or other benefits provided by the Authority, except as required for seasonal employment by Federal, State, or local law.

The services of seasonal employees may be terminated by the Authority at any time without cause and such termination shall not entitle the employee to an appeal of the termination or other due process hearing.

Long-Term Temporary: A long-term employee is at-will and one is one who is appointed for a special or temporary purpose which is expected to last 1,040 service hours or less than 2,080 service hours; or a temporary employee who has completed 1,000 paid service hours of continuous employment with the Authority.

Commencing with the first day of employment in a long-term temporary position, the employee shall be entitled to begin accumulating credit for sick leave, holidays and vacation, receive health insurance coverage, and is eligible for CalPERS membership. Long-Term Temporary employee may not use accrued vacation time before a six-month period of employment is completed. Long-term temporary employees shall not receive life insurance, long-or short term disability, accidental death and dismemberment insurance, or any other benefits provided by the Authority.

The services of long-term temporary employees may be terminated by the Authority without cause and such termination shall not entitle the employee to an appeal of the termination or other due process hearing.

SECTION 4: PERSONNEL FILES AND EMPLOYEE EVALUATIONS

Personnel Files and Records

Such records shall be kept by the Director of Business Services as necessary for transactions and reference and for making reports showing administrative actions, including name and address of each employee, employment



history of each employee (which shall reflect positions held), employment status, classification, rate of pay and benefits.

It is each employee's responsibility to make sure that the personal data in their file is accurate and up to date. Employees shall report any change of address, phone number, etc. to Human Resources immediately.

Any personnel action affecting the position or status of any employee shall be recorded on a personnel form adopted for the Authority's use and a copy shall be available to the employee for his or her personal records.

The official personnel file of each employee shall be maintained at the Business Services office of the Authority. Copies of all material placed in an employee's official file shall be given to such employee five (5) days prior to placement in the file, except for material obtained as part of the recruitment and selection process. The employee may submit a written response during such five (5) day period which response shall be attached to said material and filed in the employee's official personnel file.

Access to the employee's official personnel file is restricted. Only the Executive Director and persons authorized by the Executive Director (i.e., Director of Business Operations) shall have access to an employee's personnel file. However, the Authority will cooperate with, and provide access to an employee's personnel file, to law enforcement officials or local, state, or federal agencies in accordance with applicable law.

Employees' health or medical records are not included in an employee's personnel file. These records are confidential. The Authority will safeguard them from disclosure and will divulge such information only: 1) as allowed or required by law; 2) to an employee's personal physician upon written request or permission of the employee; or 3) as required for workers' compensation cases.

An employee has the right to inspect and receive a copy of personnel records maintained by the Authority which relate either to an employee's performance or to any grievance concerning the employee. The employee is also entitled to a copy of any document he or she signed pertaining to their obtaining or holding employment.

These records are to be made available for inspection at reasonable intervals and times but no later than thirty business days from the Authority's receipt of a written request from the employee. This time period can be extended by five (5) days upon mutual written agreement.

Copies of records must also be provided to the employee within thirty business days after receipt of a written request from the employee. This period can also be extended by five (5) days upon mutual written agreement. The Authority may charge a fee for copying the records which shall not exceed the actual cost of reproduction.

To either inspect or request copies of the records, the employee must submit a written request to the employer. The Authority must have a request form available for the employee's use and provide it to the employee upon either a written or verbal request. The inspection and/or delivery of copies of the records shall occur at the location where the employee reports to work or at any other mutually agreeable location. The right to inspect



and/or copy is available both to the employee and to his or her representative. A representative is any person authorized in writing by the employee to inspect or to receive copies of the personnel records.

Prior to making the records available for inspection and/or copying, the Authority may redact the name of any non-supervisory employee contained therein.

The Authority is not required to provide the following:

- Records relating to the investigation of a possible criminal offense.
- Letters of reference
- Ratings, reports or records that a) were obtained prior to the employee's employment, b) prepared by identifiable examination committee members, or c) obtained in connection with a promotional examination.

Additional conditions apply to a former employee's inspection requests, which are governed by Public Records Act, Government Code sections 7920 – 7931.

Social Security Number Protection

The Authority has established the following procedures to protect the privacy and security of social security numbers (SSNs) provided to it. This policy applies to SSNs received for any employment-related purpose, including, but not limited to, the evaluation of job applicants; payroll, benefits, and human resources administration; and employment-related investigations.

Access to, and Use of, information or Documents That Contain SSNs

Only authorized employees may access information and documents containing SSNs. Employees authorized to access such information or documents generally will be limited to Department Directors, the Business Services Department, the Payroll Department, and the Executive Director. Authorized employees may access information or documents containing SSNs only on a need –to-know basis and may use such information and documents only for the purpose for which access is permitted.

Disclosures of Information or Documents That Contain SSNs

When information or documents containing SSNs need to be disclosed within the Authority to any person who is not authorized to access SSNs, the SSN should be redacted before the disclosure is made. We will disclose documents containing SSNs outside the Authority only as permitted or required by law or court order. Except when a SSN is disclosed in accordance with a contract that requires the recipient to provide adequate safeguards, SSNs may not be disclosed to a third-party without the prior approval of the Executive Director or the Director of Business Operations. All requests for the disclosure of information or documents containing SSNs (other than requests made by a party to a contract providing adequate safeguards) must be forwarded promptly to the Executive Director or to the Director of Business Operations. Information or documents containing SSNs transmitted to a third party in electronic format should be encrypted or redacted before transmission whenever possible.

Proper Disposal of Documents That Contain SSNS

Paper documents containing SSNs will be shredded before being discarded. SSNs stored on an electronic medium, such as hard drives, laptops, and compact disks, will be rendered irretrievable before being discarded or re-issued to an employee who is not authorized to access SSNs.

Penalties for Violation of this Policy

Any employee who becomes aware of, or suspects, a violation of this policy should inform the Executive Director or the Director of Business Operations immediately, so that the Authority may conduct an investigation where appropriate. Violation of this policy will result in disciplinary action up to and including termination of employment.

Employee Evaluations

The primary purpose of written employee evaluations shall be to inform employees about how well they are performing their work and how they can improve their work performance.

Each employee's Department Head, after consultation with the employee's immediate supervisor, shall be responsible for evaluating the employee's performance. No evaluation of any employee shall be placed in any personnel file without an opportunity for discussion between the employee and the evaluator. No less than a "satisfactory" overall evaluation shall occur without prior counseling or notation to the employee concerning areas that need improvement, except in unusual cases such as where severe or egregious performance deficiencies come to light immediately prior to a performance evaluation. Any less than satisfactory overall evaluation shall have documentation or explanation and shall include specific recommendations for improvement and provisions for assisting the employee the employee in implementing any recommendations made. Employees shall have the right to review and respond in writing within 5 business days of their receipt of their evaluation.

Schedule for Employee Evaluations

Employee may be evaluated at any time, and shall be evaluated at least at those intervals indicated below.

Probationary Employees shall have their performances evaluated prior to the end of three (3) months from the date of their employment. The final probationary evaluation shall be performed by the Department Head prior to the end of the established probationary period. Regular employees shall be evaluated at least annually.

Upon promotion or promotional reclassification, an employee shall serve a new probationary period in that classification and shall be evaluated within three (3) months and again at the end of six (6) months of the promotion or reclassification, and annually thereafter. The Executive Director has authority to waive the 6-month probationary period upon promotion or promotional reclassification.

Merit salary increases of up to 5% may be given to employees at the time of a performance evaluation, until the top of their salary range is reached. A performance evaluation of less than satisfactory may result in a merit increase being denied.



All other employees shall be evaluated on a schedule established by the Executive Director, but no less frequently than once every twelve (12) calendar months whenever feasible unless individual circumstances warrant otherwise.

Additional performance evaluations for any employee may be undertaken by the Department Head or Executive Director for sound and justifiable reasons at any time deemed necessary to assist the employee in the effective performance of required duties. Employees who are not maintaining adequate performance standards shall be notified and placed on special evaluation. Such evaluations may not exceed one (1) per month nor continue longer than six (6) months.

Employees who are unsuccessful in attaining an overall performance rating of satisfaction or better during this continuous six-month special performance rating period shall be subject to discipline up to and including dismissal, subject to the appeal rights defined in Section 15.

Disposition of Copies of Performance Evaluations

Two (2) official copies of an employee evaluation shall be made. Whenever an employee is evaluated, the Department Head shall discuss the evaluation with the employee and both parties shall sign it at that time. The employee shall retain one (1) copy, and the second copy shall be submitted to the Director of Business Operations to be included in the employee's official personnel file.

Reviews

An employee who has reason to question any aspect of his or her performance rating may request a consultation with the person making the evaluation review. Should either the evaluator or the employee request, the Executive Director shall review the rating(s) on a performance evaluation. The determination of the Executive Director shall be final and not subject to appeal. The employee may alternatively or additionally attach a written response to his or her evaluation disputing any rating contained therein.

SECTION 5: HOURS OF WORK AND OVERTIME

Hours of Work and Schedules:

Work Week: The normal work week shall be forty (40) hours and consist of five (5) consecutive working days between 12:00 midnight Saturday and 12:00 midnight the following Saturday. The normal weekly work schedules shall be Monday through Friday.

Work Day. The normal work day shall be eight (8) hours within a twenty-four (24) hour period. Normal daily working schedules shall be either from 8:00 a.m. to 5:00 p.m. or 8:30 a.m. to 5:30 p.m. with one (1) unpaid hour for lunch.

Alternative Work Schedules: Other alternate work schedules (AWS) may be assigned to meet the needs of the Authority. Alternate work schedules may vary in the number of hours per day and in the start and end of the



work week, but shall be no more than forty (40) hours per work week. The employee shall be given reasonable advance notice of any change in his or her work schedule unless said change has been deemed an emergency by the Authority or its Executive Director.

Flexible Work Week Schedule: The Authority has established a flexible work schedule plan (“flex plan”). A copy of the plan is available to employees at the Business Services Department. The normal work week in Section 5.A.1 may not apply. The flex plan is subject to the following conditions:

The flexible hour time frame is from to 8:00 a.m. to 6:00 p.m, only;

The flexible hour weekly work schedule shall be an 8½ hour day/75.5 hour bi-weekly schedule and a 9-hour day/80 hour bi-weekly schedule for employees depending upon job classification. This schedule would provide eligible participants with every other Friday off;

There will be an increase in the available public hours of the Authority and no loss in productivity as a result of implementing flexible hours;

The flexible hour work week is limited to those positions where the Executive Director has determined there will be adequate coverage and no loss in productivity.

The Executive Director has the sole and absolute discretion to discontinue any flexible hour work schedule at any time he/she deems necessary,

All non-exempt staff participating in a flexible hour work schedule shall utilize a time clock or computer sign in/out program to track their work hours.

Only regular full-time employees who have not previously been docked in pay more than once in the preceding six (6) months, as a result of an unapproved leave of absence, shall be permitted to participate in the flexible hour work schedule. Employees who become ineligible to participate in the flexible hour work schedule may be permitted to resume participation if they are not again docked in pay, as a result of an unapproved leave of absence, for six (6) consecutive months.

Lunch Periods. During a shift of eight (8) hours employees shall be entitled to one uninterrupted unpaid lunch period of no more than one (1) hour or less than one half (1/2) hour. The time for such lunch periods shall be scheduled for full-time employees at approximately the midpoint of each work shift.

An employee directed to work during his or her normal lunch period shall receive an equivalent time off at a time mutually agreeable to the employee and the Authority within the forty (40) hour work week.

Rest Periods. Each employee shall be at the rate of fifteen (15) minutes during each period of four (4) hours or more. Rest periods are a part of the regular workday and shall be compensated at the regular rate of pay for the employee. Rest periods shall not be accumulated or taken at the beginning or end of a work period, or combined



with the lunch period. The Executive Director may assign such staggered rest periods as may be needed to serve the public.

Overtime.

Definition. Overtime is any authorized time worked in excess of forty (40) hours per week, in a seven (7) consecutive day (i.e. 168 hours) work period for non-exempt employees. Designated employees paid on a salary basis are exempt from overtime.

Authorization. Overtime shall be worked only when requested in advance by a Department Head and approved by the Executive Director, or his/her designee. Working overtime without prior authorization may result in disciplinary action.

Computation.

Time Worked. Paid time off from work for any purpose other than holidays, as described in 3.b., shall not count as time worked for purposes of overtime, including but not limited to: sick leave; vacation; jury duty; any balance of compensatory time; and mandatory leave with pay.

Holidays.

When a holiday falls on an employee's regular work day, the hours of holiday leave shall be counted as time worked for purposes of computing overtime whether the holiday is worked or not, and hours worked on a holiday shall be counted as time worked for purposes of computing overtime. Holidays which occur on a day other than the employee's regularly scheduled work day shall not be counted as time worked for purposes of computing overtime. (For example, if Monday is not an employee's regular day of work and Monday is a holiday, the employee would get paid for the holiday, but the hours would not be considered "time worked" for purposes of computing overtime.)

Rate: Eligible employees shall receive payment for overtime worked in the amount of one and one-half (1 ½) times their hourly rate, except as provided immediately below.

Upon approval of the Executive Director, or his/her designee, employees may receive compensatory time for overtime worked in lieu of overtime pay. Compensatory time shall accrue at the rate of one and one-half hours of compensatory time off for each hour of overtime worked. However, compensatory time accrual is capped at a maximum of 40.5 hours (representing 27 hours of overtime work). An employee who is at or reaches this limit and who works additional overtime shall be eligible for cash overtime compensation only.

Compensatory Time Implementation. If an employee makes a request in writing to the Executive Director or his/her designee to use compensatory time from the employee's balance, and gives reasonable advance notice so that coverage can be arranged and said time off request does not unduly disrupt the operation of the Authority, the request will be granted.

The Authority will not require employees to take compensatory time off for the purpose of avoiding overtime pay.

**Call-Back Duty.**

Defined. Employees who are ordered to return to their work site or another specified work site by the Executive Director or the Department Head following the termination of their normal work shift on a given work shift on a given work day shall be considered to be on call-back.

Responses to phone calls or performing work at home shall not be considered call-back duty.

Travel time to and from the work site shall not be considered time worked.

Compensation. Employees who are called back shall be compensated for the actual time worked at one and one-half (1 ½) times their regular hourly rate, provided that a minimum of two (2) hours of overtime compensation shall be paid for all periods of work less than two (2) hours.

Job Sharing. With the approval of the Executive Director, upon request, two (2) or more employees may share one (1) or more full-time positions; provided however that each such part-time job shall be at least a half-time position, and such job sharing shall not result in an increase in salary or benefit costs to the Authority. All such arrangements shall be made in the best interest of the Authority, shall be at the sole discretion of the Executive Director, and may be terminated by the Executive Director at any time.

Each employee electing to share a full-time position pursuant to this Section may receive Authority contributions for health and welfare benefits on a pro-rated basis.

Alternative Work Schedules. Employee may request alternative schedules. Written requests shall be submitted to the Executive Director and shall state reasons for the schedule. The requests shall be considered and may be granted so long as work flow is not interrupted and public needs are met, as determined by the Executive Director. The Executive Director or his/her designee shall respond to requests in writing within fourteen (14) calendar days. A request that is not approved by the Executive Director in that time shall be denied. All such arrangements shall be made and continue as long as mutually agreed to by the employee(s) and the Executive Director. An alternate work schedule shall commence no earlier than 7:00 am and no later than 5:30 pm. Approval for creation and continuation of alternate work schedules lies wholly within the sole and complete discretion of the Executive Director. Where an alternative work schedule is approved, the Executive Director in his or her sole discretion may designate a specific overtime workweek or work period in accordance with the Fair Labor Standards Act for purposes of calculating overtime hours for employees working the alternate work schedule.

Lactation Accommodation. The Authority provides a supportive environment to enable breastfeeding mothers to express their breast milk during work hours. The Authority will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. If the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be



unpaid. Where unpaid breaks or additional time are required, the employee will work with her supervisor regarding scheduling.

The Authority will make reasonable efforts to provide employees with a private location for lactation, other than a toilet stall, for the employee to express milk. This location may be the employee's private office, if applicable. Employees should discuss with their supervisor, or any other member of management, or Human Resources representative the location to express their breast milk and for storage of expressed milk and to make any other arrangements under this policy.

Attendance

Employees of the Housing Authority are expected to be punctual and regular in attendance. Maintaining good attendance is a condition of employment and is an essential job function. Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized Housing Authority business. Late arrival, early departure or other unapproved absences from scheduled hours are disruptive and subject the employee to disciplinary action. When employees will be late for work, unable to attend work, or need to depart early, the department supervisor must be informed as far in advance as possible so alternative arrangements can be made to ensure the ongoing productivity of the Housing Authority. If an employee requires an early departure from work the employee must have supervisory approval.

If employees are unable to report for work on any particular day and have not given prior notice, the employee must call and speak to the department supervisor or next appropriate contact within the 15 minute period before the employee is scheduled to begin working for that day (Department managers may issue more specific guidelines). Leaving voicemails should be avoided, if a voicemail is left, a follow-up call must be made to the supervisor to ensure its receipt. If the employee will be late to work and does not call within this time frame the employee will be considered to have an unexcused tardy for that day. In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or explanation that is acceptable to Housing Authority management under the circumstances. Employees also must inform their supervisor of the expected duration of any absence. Absent extenuating circumstances, an employee must call in on any day he/she is scheduled to work and will not report to work unless he/she has provided a doctor's note that has specific dates of absences listed.

Excessive absenteeism or tardiness (whether excused or not) will not be tolerated. Depending upon the circumstances, the Housing Authority may require a doctor's note to be eligible for sick time payment.

Disciplinary action may be taken if any patterns in absenteeism are observed. The Housing Authority defines a pattern as a frequent, predictable and observable employee action that repeats itself over time. If employees fail to report for work without any notification to the department supervisor and the absence continues for a period of more than three (3) days, the Housing Authority will consider that the employee has abandoned employment and has voluntarily terminated.



Timekeeping Requirements

Employees are required to record time worked on a time card for payroll purposes. Employees must also notify their supervisor whenever they leave the building for any reason. It is the employee's responsibility to accurately record time spent at work. Employee timecard errors that are not reported to their supervisor during the current pay period will be corrected on the following pay period with the supervisor's approval. If there was an administrative error a replacement check will be issued (if requested) as soon as administratively possible. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

SECTION 6: PAY, CLASSIFICATION, ASSIGNMENT AND EMPLOYEE STATUS

Pay Periods: Employees are paid every other Friday on a bi-weekly bases . If the pay day falls on a holiday, employees will be paid on the immediately preceding regularly scheduled workday. Deadlines for submission of time sheets shall be determined by the Finance Department consistent with efficient operations. Employees who fail to submit completed and accurate time sheets by the determined deadline shall be subject to disciplinary action up to and including dismissal.

If an error is made to an employee's paycheck, it shall be called to the Authority's attention, The Authority will promptly make any corrections necessary. Employees shall review each paycheck and pay stub when they receive it to make sure their pay is correct. If they believe an error has occurred or if they have any questions about their paycheck or pay stub, they should promptly report the matter to the Director of Business Operations.

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

Positions with similar responsibilities and duty requirements shall be grouped into the same class, with a designated salary range as approved by the Authority's Board of Commissioners. Common standards of selection, assignment and salary are applied to the positions within the same class.

Written job descriptions for each position shall be developed and approved by the Executive Director. Such specifications shall be based upon the study of the duties and responsibilities of all positions in the Authority's service and on conferences with the department heads and the employee's concerned or their duly accredited representatives. Each class specification shall set forth the title of the class, a definition of the duties of the class, typical tasks and a statement of the qualifications necessary for efficient performance of the work, and such other pertinent information as may be considered appropriate. A manual of job descriptions will be available to employees and the public at the Business Services department.

Job assignments to specific positions in a class shall be made at the discretion of the Authority's Executive Director. Employees may be given any job assignments and tasks that are deemed by the Executive Director to



be appropriate to their position and employees have no expectation that they are entitled to a particular assignment.

Duties of employees shall include those outlined in the job classification and those which reasonably relate to the job description or classification, as determined by the Executive Director or the Department Head.

New classifications shall be created, abolished, or combined by the Authority as the needs of the Authority change. If the Executive Director proposes a new class or feels that a significant change has occurred in the duties and responsibilities of an existing position and a new class is necessary, such facts and proposed classification shall be presented to the Board of Commissioners for their consideration. The Board at any regular meeting, may create new classes, divide, combine, alter or abolish existing classes or allocate new positions to appropriate classes or reallocate existing positions to other classes. Such allocations shall be based upon the principal that all positions shall be included in the same class if they are a) sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used; b) substantially the same requirement as to experience, knowledge, and ability are demanded of incumbents; c) substantially the same tests of fitness may be used in choosing qualified appointees; and d) the same salary range may be made to apply with equity.

As part of the employee's annual performance evaluation, or at the request of an employee, the Department Head shall review the employee's assignment to ensure that the employee's assigned duties are consistent with his or her classification.

Compensation:

Salary Schedule. All regular and temporary employees shall receive the compensation provided in the personnel and salary schedule for the classification of the position in which they are employed. The Salary Step/Range Chart shall be available for review through the Human Resources Department.

New Employees. Except as otherwise provided, new employees shall be appointed at the beginning point of the salary range in effect for the particular class of position in which the appointment is made. The Executive Director, however, may provide that a particular position be filled at any point within the range with due consideration given to experience and ability.

Salary on Re-employment. Employees re-employed in a class or position from which they were separated in good standing may, upon approval of the Executive Director, be appointed to the same step of the salary range for the particular class of position as the step which they occupied at the effective date of their resignation.

Salary Increases. An employee shall be paid their initial salary at the time of employment for a minimum of six months. Upon completion of six months of satisfactory service, employees are eligible for a salary increase in an amount up to five percent (5%). On each anniversary date of employment thereafter, employees are eligible for a merit salary increase in an amount up to five percent (5%) until they have reached the top of their salary range and shall require the approval of the Executive Director upon recommendation of the employee's immediate supervisor. Standards of performance shall become progressively higher as the employee advances through the salary range. In case of inferior work, lack of application, or indifference, increase in salary may be



withheld. The withholding of an increase in salary is not a demotion and there shall be no right of appeal. Salary increases for all employees shall not be considered automatic but shall be based upon merit as documented by satisfactory work performance evaluations.

Anniversary Date Defined. The initial anniversary date of an employee is that date upon which an employee begins paid service in his/her initial probationary position.

Educational Incentive Plan. Employees who complete approved job-related education or training will be entitled to an educational incentive equivalent to one half percent (1.5%) of base salary, effective the first day of the month following the satisfactory completion of approved training units. An approved training unit consists of the satisfactory completion by an employee on his/her own time of either the equivalent of any approved, job-related, three (3) units semester course in any accredited community college, college, university or business school or the verified completion of thirty-two (32) hours of an accredited training course, community service class, or seminar that is job-related.

- a. The term "approved training plan" shall mean a training plan developed by and between each employee and his or her immediate supervisor which has been approved by the Executive Director and which identifies each employee's job-related training program. The development of an approved training plan may be initiated by each employee's immediate supervisor or by each employee upon written request to his or her immediate supervisor with a copy to the Executive Director.
- b. "Satisfactory completion of a training unit" shall mean a grade of "C" or better or obtaining a course "certificate" verifying completion.

The educational incentive shall be effective retroactively to the first day of the month following actual completion of an approved training unit or sequence of units providing and on the condition that the employee provides his or her supervisor with verification of satisfactory, completion no later than sixty (60) days following the actual completion of an approved training unit or sequence of units. In the event verification of satisfactory completion is not received by the employee's supervisor within sixty (60) days period of time, then the effective date of any such salary increase shall be deferred until the first day of the month following receipt of verification.

An employee may earn an additional education incentive by completing additional approved training units, but no employee shall be entitled to a total incentive more than 3% of base salary.

Employees shall have the option of receiving reimbursement for books and tuition upon successful completion of course work, or receiving one-half ($\frac{1}{2}$) of that amount at the commencement of course work and the remainder upon successful completion of the course work. If employees choose the latter option, they shall reimburse the Authority for all funds advanced by the Authority within thirty (30) days of withdrawal or unsuccessful completion. The Authority's obligation for reimbursement for books and tuition shall be limited to a maximum sum of One Thousand Dollars (\$1,000.00) per employee in any calendar year.



The educational and training incentive plan for employees is a salary incentive plan. Employees will be encouraged, but not required, to participate. Failure to participate in this plan will not be reflected on any employee's performance evaluation and will not, by itself, be grounds to deny eligibility for a merit salary increase.

Probationary Conditions: No Authority employee shall attain regular status in any position without first having successfully completed the required probationary period. Authority employees shall serve in probationary status under the following conditions.

New hires and rehires to regular positions shall serve an initial probationary period up to a total duration of twelve (12) months from the initial date of hire, or six months from the date of appointment by the Executive Director.

Employees reassigned to a different position through promotion, demotion, reclassification or transfer shall serve in probationary status for a period of six (6) months from appointment in the new position, unless probationary period is waived at the discretion of the Executive Director.

Performance evaluations shall be conducted during the probationary period as provided in Section 4.

Promotion: Vacated or newly established positions shall be filled to the fullest extent, consistent with efficient operations, by the promotion of qualified employees. Promotion of individuals shall be based on consideration of the following factors: qualification, the quality of service previously rendered (including but not limited to quality of work, absenteeism and tardiness record, compliance with work rules), seniority, and the recommendation of the Department Head.

All current staff shall be notified of such position openings in the manner mentioned above in Section 2. Any employee may request a promotion to any vacant position prior to its being publicly advertised. Any promotion may require that the qualifications of the employee being considered be determined by criteria appropriate to the position, as determined by the Executive Director.

Regular Employees. Upon promotion to a position of higher classification a regular employee shall serve in a probationary status up to a total duration of six (6) months from the initial date of hire. During the probationary period, if the employee is released or seeks reinstatement to the previous position for reasons other than misconduct, he or she shall be entitled to reinstatement in the formerly held classification, if available; or in the alternative a lower class, if available, for which the employee qualifies and chooses to accept.

Probationary Employees. Upon reassignment to a position of higher classification (promotion), a probationary employee shall begin to serve a new probationary period, unless waived at the discretion of the Executive Director. If a probationary employee is released from the new position, reinstatement to a lateral or lower classification may be considered; if available, however, the decision to so reinstate is a matter in the sole discretion of the Executive Director.



Promotions of individuals to vacant positions on a temporary acting basis may be made at the discretion of the Executive Director during the period of recruitment for said position, as indicated in Section 2.

Demotion: The demotion of an employee shall be limited to the following three conditions: when the Authority deems it necessary (1) in order to provide the best possible services for the Authority's program: (2) to assist the employee to make appropriate adjustments in the responsibility level or performance of his/her duties: or (3) due to re-organizational priorities brought about by a change in the nature of services provided, lack of work or lack of funds.

Downward adjustments of any position or class of positions shall be considered demotions and shall take place only as a result of the conditions set forth herein. Such action may be considered non-disciplinary or disciplinary, provided, however, that disciplinary demotions of regular employees shall be for cause only and shall comply with the disciplinary procedures set forth in Section 15. A disciplinary demotion shall be supported by a less than satisfactory performance evaluation or other documentary evidence of cause for discipline. In both instances the Authority shall retain its right to "Y-Rate" classified employees into existing or proposed positions providing it does not displace another more senior regular classified employee.

Non-disciplinary demotions caused by re-organizational priorities, as determined by the Executive Director, may result in the reassignment of an employee to a class having a lower salary range. The Authority shall retain the right to "Y-Rate". In addition, the affected employee shall be given preferential consideration for openings in his or her classification.

A reassignment to a regular position at a lower salary range due to non-disciplinary administrative demotion or voluntary demotion shall entitle the employee to a salary step in the lower range which corresponds in dollar amount to that which was held in the higher range, provided that in no case shall the new pay level exceed the maximum salary for the lower classification.

"Y-Rating" adjustments are defined as follows: When an employee is reassigned to a lower classification having maximum rates which are less than the dollar amounts at the previous classification, the employee's salary shall remain at the previous level (Y-Rate) until such time as future salary increases bring the salary range of the employee's new class up to a point where the Y-Rate falls within such range. At that point, the employee is no longer Y-Rated, and assumes the salary step in the new class.

Working Out of Classification: "Working out of classification" shall mean an assignment of duties authorized in writing by the Executive Director on a temporary basis, where all or a significant portion of the duties performed are at a higher classification than the classification of the employee assigned the new duties. All "out of classification" assignments 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 and leave relief.

An employee, other than a management employee, shall perform such duties at his/her current rate of pay for a period of not more than ten (10) consecutive working days, (80) hours. An employee performing such duties



for more than ten (10) consecutive working days shall have his/her salary adjusted upward for the period the assignment is in effect, beginning with the eleventh (11th) consecutive working day (81 hours) of such work.

Exception: if the employee was notified prior to the assignment that the period would extend for more than twenty (20) consecutive working days (160 hours), the employee shall have his/her salary adjusted upward for the entire period the assignment is in effect, beginning immediately.

Compensation for an employee required to work out of classification will be at the first step of the higher range or at a step within that range which will provide at least a five percent (5%) increase over his/her regular salary, whichever is greater.

Working out of classification is contingent upon the needs of the Authority. All such assignments shall be subject to the prior written approval of the Executive Director.

Nothing in this section shall prohibit any in-service training or professional development programs, properly identified as such, from establishing training stations or positions 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 express consent.

If an out of classification assignment has not been approved by the Executive Director in writing, no employee may expect or claim entitlement to out of classification pay.

SECTION 7: EMPLOYMENT RELATED BENEFITS

Pension Plan. All regular permanent employees shall be covered by the Public State Employee's Retirement System (PERS). It is compulsory that such employees become members of PERS upon employment and authorize the Authority to deduct designated contributions for same.

Life Insurance: The Authority shall provide group life insurance coverage. Life insurance shall be limited to regular employees or those who have re-entered probationary status as a result of promotions. See plan documents for details.

Health Insurance: The Authority shall provide to regular employees group medical, dental, and vision insurance coverage and their eligible enrolled dependents. Premium costs shall be shared between the Authority and the employee.

Unemployment Insurance: The Authority shall provide, at no cost to the employee, unemployment insurance coverage. The cost and benefits shall be as mandated by the State of California.

State Disability Insurance: Disability insurance coverage shall be provided through the Authority, with premium costs paid by the employee. The cost of coverage and benefits shall be as mandated by the State of California.



Worker's Compensation Insurance: The Authority shall provide, at no cost to the employee, State of California mandated Workers' Compensation coverage. The level of benefits will be in accordance with the Workers' Compensation laws of the State of California.

SECTION 8: HOLIDAYS

The following are established as holidays for all employees except those employed on a temporary or part time basis:

January 1 - New Year's Day
Martin Luther King's Birthday – 3rd Monday in January
Washington's Birthday – 3rd Monday in February
Memorial Day – Last Monday in May
Juneteenth – June 19th
Independence Day – July 4th
Labor Day – 1st Monday in September
Veteran's Day – November 11
Thanksgiving Day – 4th Thursday in November
Day after Thanksgiving
Christmas Eve – December 24th
Christmas Day – December 25th
Three Floating Holidays

All other days of mourning or holiday as may be proclaimed by the Governor of the State of California or the President of the United States. Lunar New Year (Date varies based on lunar calendar), Genocide Remembrance Day (April 24), and Native American Day (Fourth Friday in September), as proclaimed by the California Governor, do not qualify.

If a holiday falls on a Sunday, the following Monday shall be observed. When a holiday falls on a Saturday, the preceding Friday shall be observed.

Employees who are required to work on a holiday shall be compensated at the overtime rate time of one and one half (1½) for each hour worked.

SECTION 9: VACATION

Initial Vacation Period: Regular full-time employees shall accrue up to five (5) days of paid vacation leave upon completion of their probationary period of employment.

Vacation Accrual: Following completion of their probationary period, all regular full-time employees shall accrue paid vacation leave as follows:

- Ten days from the first (1st) year through the third (3rd) year of employment;
- Sixteen (16) days from the fourth (4th) year of employment through the eighth (8th) year;
- Eighteen (18) days from the ninth (9th) year of employment through the twelfth (12th) year;
- Twenty-one (21) days from the thirteenth (13th) year of employment and thereafter.

Accrual periods shall not be interrupted by illness, accident, forced lay-off of less than fifteen (15) days or by an approved leave of absence. Vacation days may be split and/or taken at a time desired by the employee with the prior approval of the Executive Director or designee. The employee may only use the amount of vacation leave accrued at the time vacation begins. Vacation payment shall correspond with the number of hours taken in vacation leave.

Limitation On Accrued Vacation: Subject to the provisions of “D” below, employees may accumulate no more than thirty (30) days vacation time in each calendar year. For employees with more than thirty (30) days of accumulated vacation time on December 31st of any calendar year, no additional vacation leave will be accumulated or earned until all excess accumulated vacation leave is used. The provisions of this subparagraph shall not apply if a vacation leave request was submitted by an employee prior to October 1st of a calendar year and was denied.

Vacation Buy Back: Employees who have accrued over eighty (80) hours of vacation time, may elect to take up to one hundred (100) hours of the accrual in equivalent pay which is payable quarterly on the first pay period in March, June, September and December. If at the commencement of any fiscal year, the Authority either projects a budget deficit or suffers an inability to meet mandated reserve requirements in any of its programs, it may unilaterally void this election for that particular fiscal year. In such an event, the affected employee(s) may accumulate one (1) additional week vacation leave for that year only.

Administrative Leave: In addition to the current vacation leave provisions the following classifications shall receive forty (40) hours of administrative leave on January 1st of each year.

- Administrative Office Supervisor/Clerk of the Board
- Director of Property Management
- Director of Finance
- Finance Division Manager
- Director of Rental Assistance Division
- Director of Business Operations
- Facilities Division Manager
- Director of IT

In addition to the current vacation leave provisions, the following classifications shall receive forty (40) hours of administrative leave on January 1st of each year which is not subject to cash-out.

- Accounting Supervisor
- Administrative Analyst
- Rental Assistance Division Manager



- Housing Inspection HMIS Supervisor
- Site Maintenance Supervisor

Use of Accrued Sick Leave: Subject to the availability of accumulated sick leave, all employees who have completed twenty-five (25) years of employment, may use up to five (5) days of sick leave as vacation leave.

Payment of Accrued Vacation Upon Separation: Upon termination of employment, employees shall receive 100% of all unused vacation leave as salary.

SECTION 10: SICK LEAVE

Accrual of Sick Leave: Sick leave shall accrue at the rate of one work day for each month of service (twelve (12) days per year). Eligibility for use of sick leave shall commence upon completion of an employee's probationary period (three (3) months of continuous service).

No Limitation on Accrual: There is no limit on the amount of sick leave which employees may accumulate.

Purpose of Sick Leave: Employees are allowed to use sick leave in the case of their own illness or in the event of illness in the employee's immediate family. The term "immediate family" shall mean mother, father, husband, wife, registered domestic partner, son, daughter, step-son, step-daughter, foster-son, foster-daughter, sister, brother, grandparents, grandchildren, father-in-law, mother-in-law, brother-in-law, and sister-in-law. Leaves for family illness shall normally be limited to three working days per calendar year, but may be extended for reasons held to be sufficient by the Executive Director. The Authority may require a physician's certificate or other evidence, either as a condition of continuing an employee on sick leave status, or as a requirement of returning to work. The Authority retains the sole discretion to determine by reasonable means the validity of any sick leave used by an employee at any time.

Doctor and Dental Appointments: Accumulated sick leave may be used by employees for their own doctor and dental appointments or to take members of the employee's immediate family to a doctor or dentist.

Notification Requirements for Sick Leave: When employees need to take sick leave the following notification procedures apply: Employees who are unable to report for work due to illness shall notify their immediate supervisor at least forty-five (45) minutes before the time scheduled for them to report. In the event the immediate supervisor is not available, the employee shall leave a message with the person designated by the supervisor for sick leave notification purposes.

Notification in all cases shall be given daily unless either of the following exceptions apply:

- An emergency exists in which notice is not possible to give. In such a case, the notice shall be given as soon as possible;
- The employee has either provided a note from his or her physician indicating the anticipated duration of sick leave absence or sick time has been approved in writing by the employee's immediate supervisor prior to the employee's absence from work.

Paid Sick Leave Law: Effective July 1, 2015, California’s Paid Sick Leave law requires the Authority to provide paid sick leave to employees under the following conditions:

- An employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the Agency.
- An employee is only allowed to use up to a maximum of three (3) days or 24 hours of paid sick leave in a 12-month period.
- An employee can only accrue paid sick leave up to a cap of six (6) days or 48 hours ongoing. Any unused accrued paid sick leave does carryover year to year while continuously employed.
- For the employee’s own diagnosis, care, or treatment of an existing health condition or preventative care.
- For the diagnosis, care, or treatment of a “designated person”, meaning any other person the employee identifies at the time they request sick leave, limited only by a restriction that the employee may have only one (1) “designated person” in a 12-month period
- For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee’s family member, including: Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stand in loco parentis.), Spouse or Registered Domestic Partner, Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), Grandparent, Grandchild, Sibling.
- To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - A temporary restraining order or restraining order.
 - Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.
 - To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
 - To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
 - To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
 - To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.



An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.

Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the Agency.

If an employee separates from the Agency employment and is re-hired by the Agency within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the Agency before any paid sick leave can be used.

Application of Accrued Vacation Time Upon Exhaustion of Accrued Sick Leave: An employee's accrued vacation time will be applied to their sick leave when their accrued sick leave time has been exhausted. This use of vacation time will automatically apply unless the employee notifies the Business Services Department in writing that he/she chooses not to use accrued vacation for such purpose.

Utilization of Sick Leave While on Vacation: An employee who becomes bedridden or is hospitalized due to illness or injury while on vacation may have such days charged to sick leave. In such case the employee must request use of the sick leave for such purpose and furnish either a certificate issued by a licensed physician or other satisfactory proof that the employee was, in fact bedridden or hospitalized.

Prohibition on Use of Sick Time: Employees shall not be entitled to sick leave while absent from work due to the following causes:

- Disability arising from any sickness or injury purposely self-inflicted or caused by their willful misconduct.
- Sickness or disability sustained while on a leave of absence other than an employee's regular vacation.

SECTION 11: TIME OFF FROM WORK

Family and Medical Leave (FMLA) and California Family Rights Act (CFRA)

The Authority will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. Although the federal and state laws sometimes have different names, the Authority refers to these types of leaves collectively as "FMLA Leave". No greater or lesser leave will be granted than those set forth in such state or federal laws. In any case, Employees will be eligible for the most generous benefits available under applicable law.

Regular employees who have been employed for at least one (1) continuous year and who have worked at least 1,250 hours in the year preceding the request for leave will be granted a medical or family care leave of absence



without pay for a maximum period of twelve (12) weeks. Reasons for which leave may be granted are: the employee's own serious health condition that makes the employee unable to perform the functions of his or her position, for the birth, adoption or serious illness of a child, or the placement of a child for foster care; or to care for a parent or spouse/registered domestic partner who has a serious health condition.

Authority employees in "key positions" (i.e., highest paid 10% of Authority employees) may not be returned to their former or equivalent position following a leave if keeping such a position available will cause substantial economic injury to the Authority. This fact-specific determination will be made by the Authority on a case-by-case basis. The Authority will notify such "key employees," and explain to them their rights, if the Authority contemplates denying reinstatement. The "key person" distinction applies only under the FMLA, and will only be relevant if an employee is on leave solely covered by the FMLA and not the CFRA.

The 12-month period during which the 12 weeks of leave is based on a 12-month period measured forward from the first day of a proposed leave date. This leave is pursuant to the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). In most situations, except pregnancy, these leaves run concurrently and may overlap with other leave or benefit laws. Further information regarding these leave of absence laws is available from Human Resources.

Requests for leave must be submitted in writing to, and approved by the employee's supervisor. At least one (1) week prior to returning to work, employees must notify their supervisor and Human Resources of their intent to resume work.

Employees who request leave because of their serious health condition or that of their child, parent or spouse/registered domestic partner, must present a physician's certificate along with the request for leave. Per CFRA, employees are allowed to take leave to care for grandchildren, grandparents, siblings and parents-in-law, as well as a "designated person" identified at the time the employee requests leave (as with the sick leave law, only one "designated person" in a 12-month period), who have a serious health condition. The certificate must set forth the date when the condition commenced, its probable duration, an estimate of the time needed for care and a statement that the condition warrants the leave. Before returning to work after a leave of absence based on an employee's own medical condition, a written statement from a physician, stating his/her ability to return to their regular duties and any limitations, is required.

The Authority will maintain employees' group insurance coverage during their leave of absence. However, employees will be required to make payments for their share of the premiums, as well as for dependent coverage, if applicable. Failure to make timely payment for coverage may result in cancellation of that coverage. Employees should consult Human Resources regarding continued coverage.

Vacation and sick leave do not accrue during an FMLA leave of absence. An employee whose leave of absence is to care for a family member, registered domestic partner or the birth or adoption of a child, will be required to use any accrued annual time, and may be requested to use accrued sick leave. If the leave is because of the employee's own serious health condition, subject to applicable law, he/she must use accrued sick leave, and may be requested to use accrued vacation. Any paid vacation or sick leave used will count towards the maximum twelve (12) weeks per year and will not increase the total number of days of leave allowed.

Failure to return to work as scheduled at the end of a leave will be considered abandonment of employment and termination shall follow.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. The CFRA also covers military-related qualifying exigencies to the same extent as the FMLA, as well as where an employee's domestic partner is on active duty.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. Employees who request qualifying exigency leave to spend time with a military member on rest and recuperation leave may take up to fifteen (15) calendar days of leave.

Pregnancy Disability Leave (PDL): If an employee is disabled by pregnancy, childbirth or related medical conditions, or a condition related to these areas, she may take an unpaid pregnancy disability leave (PDL). The PDL covers any period(s) of physician-certified disability of up to four months (17.3 workweeks) per pregnancy. For employees who work part-time or do not work a regular schedule, the PDL covers the amount of time she would typically work in a four-month period. Employees are also eligible to transfer to a less strenuous or hazardous position/duties, if such a transfer is medically advisable and can be reasonably accommodated. At the end of the leave, an employee will be reinstated in the same or a substantially equivalent position unless her position has been eliminated because of a change in business conditions or operations.

The PDL does not need to be taken in one continuous period of time but can be taken on an as-needed basis. Time off needed for prenatal care/postnatal care severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, childbirth, loss or end of pregnancy, or recovery from childbirth or loss or end of pregnancy, doctor-ordered bed rest, would all be covered by PDL. Employees will be required to obtain a certification from their health care provider of her pregnancy disability or the medical advisability for a job modification or transfer. Before returning to work after a disability leave of absence, a written statement from her physician, stating her ability to return to their regular duties and any limitations, is required.

Employees will be required to make monthly payments for their portion of insurance coverage during their leave of absence. Failure to make timely payment for coverage may result in cancellation of that coverage. Employees

who wish to take an unpaid disability leave of absence, should consult Human Resources regarding continuous coverage. At their option, employees can use any accrued vacation leave or other accrued time off as part of their PDL before taking the remainder of their leave as unpaid leave. The Authority may require that they use up any available sick leave during their leave. Employees may also be eligible for State Disability Insurance for the unpaid portion of their leave. This leave may run concurrently with applicable state medical and/or family leave.

This is intended as a summary of this benefit only. Employees who want more information regarding their eligibility for a leave, the impact of the leave on their seniority and benefits, and the Authority's policy for other disabilities, may contact the Human Resources Department.

Coordinating Pregnancy Disability Leave and CFRA Leave

This unpaid California Family Rights Acts (CFRA) leave is separate and distinct from the right to take pregnancy disability leave which is explained in the preceding section of this handbook. For employees who take a leave for the birth of a child, the basic minimum duration of the leave is two (2) weeks. The leave must be concluded within one (1) year of the birth of the child. There is no requirement that either the employee or the child have a serious health condition to take CFRA leave. The maximum possible combined unpaid leave is four (4) months for pregnancy disability if medically required, which runs concurrently with the FMLA, if an employee qualifies, plus twelve (12) work weeks to care for the newborn child based on the CFRA. CFRA leave may overlap with the Paid Family Leave described below.

Employees who want more information regarding their eligibility for an unpaid CFRA leave, the impact of the leave on their seniority and benefits and coordination with pregnancy disability leave, may contact the Human Resources director.

Paid Family Leave: The Paid Family Leave (PFL) Law provides workers with a maximum of eight (8) weeks of partial pay during any twelve (12) month period, while taking time off from work to bond with a newborn baby, newly adopted or foster child, or to care for a seriously ill parent, parent-in-law, child, sibling, spouse, grandparent, grandchild or registered domestic partner.

Employees are not eligible to use paid family leave benefits for their own illnesses and injuries, but State Disability insurance benefits may be available under those circumstances. Most workers will receive approximately 55% of an employee's pre-taxed weekly wages, up to a weekly maximum as specified by law. An employee must use accrued leave time, if any, up to two (2) weeks before being eligible to receive paid family leave benefits. Although it is not required, employees have the option of using their sick time before being eligible for or while receiving paid family leave benefits; however, an employee's election to use such time may reduce the amount or make the employee ineligible for paid family leave benefits.

To receive benefits, an employee must obtain forms from the California Employee Development Department ("EDD"), and file a claim with the EDD. The Authority will make every effort to return an employee to the same or a similar job; however, the Authority cannot guarantee reinstatement. The Authority will not retaliate against any employee who requests or takes Paid Family Leave.



Note that PFL time-off may run concurrently with both CFRA and FMLA leaves depending on the nature of the leave and the employee's eligibility for CFRA and FMLA leaves.

Domestic Violence, Sexual Assault, Stalking or Other Crime: Pursuant to Labor Code sections 230 and 230.1, Employees who are victims of violence, assault, domestic violence, sexual assault, stalking or other crime shall be given time off without pay as necessary to prepare for and attend court proceedings, receive medical treatment, and to obtain necessary service to remedy a crisis caused by domestic violence, sexual assault, or stalking. Time off from work is also extended to employees who are not the victims of a crime but are related to such victims, including a spouse, registered domestic partner, child, stepchild, brother, stepbrother, child of registered domestic partner, sister, stepsister, mother, stepmother, father, or stepfather, spouse's or domestic partner's parent. If this situation arises, the Authority will work with employees to determine whether there are any reasonable accommodations that would enable them to perform their job duties without causing undue hardship to the Authority.

Employees who are victims of domestic violence, sexual assault, stalking, or other serious crime shall be given time off without pay as necessary for seeking medical attention, seeking assistance or services from a domestic violence shelter, program or rape crisis center, obtaining psychological counseling or participant in activities designed to ensure the victim's safety and well-being. Employees who take time off are required to provide their immediate supervisor with reasonable advance notice unless such notice is not feasible. Employees must also provide documentation to their supervisor, such as a police report indicating they were a victim of domestic violence, a restraining order or any other evidence certifying a court appearance or documentation from a medical professional, health care provider, domestic violence advocate, or counselor that they are undergoing treatment for physical or mental injuries or abuse.

Victims of domestic violence, sexual assault, stalking or other crime may use any available vacation leave, personal leave or compensatory time off while on such leave. The total time taken typically may not exceed twelve (12) weeks and is not in addition to unpaid time provided under the Family and Medical Leave Act (FMLA).

Visits to Child's School: Employees will be given unpaid time off if they are a parent or guardian of a student and have been summoned to appear at the student's school under the Education Code. In such an event, employees must provide reasonable notice and documentation of the appearance to their supervisor.

Employees who are parents, guardians or grandparents with custody of a child in a licensed day care facility or in kindergarten through grade 12, may take up to 40 unpaid hours (no more than eight hours per calendar month) for each child during each school year to participate in the child's school activities. Employees must give reasonable notice to their supervisor. Employees may apply accrued paid time off benefits to this leave. If two eligible employees want to take the same leave to attend the same child's activity, the Authority will grant leave to the employee who makes the first request, and may grant leave to the second employee if business circumstances permit it to do so.



Literacy Assistance: Employees, who desire to participate in an adult literacy education program, should contact Human Resources for assistance with locating and enrolling in a program. The Authority will keep the request confidential and will not retaliate against any employee seeking literacy assistance.

Volunteer Firefighter, Peace Officer, and Rescue Personnel: Employees who are volunteer firefighters, reserve peace officers or emergency rescue personnel, may take all necessary unpaid time off from employment to perform their emergency duty. They may also take up to 14 days of unpaid leave each calendar year for the purpose of engaging in fire, law enforcement or emergency rescue training. They must provide as much advance notice as possible to their supervisor and also provide documentation of the need for leave.

Civil Air Patrol Leave: Employees who are members of the California Civil Air Patrol are entitled to time off to serve when called. They will be reinstated to their former position when their service is complete. To request a leave of absence, an employee must submit documentation of service to his/her supervisor.

Organ and Bone Marrow Donation Leave: Employees who are organ or bone marrow donors may take up to thirty (30) business days of paid leave in any twelve consecutive months for organ donation, and up to five (5) business days of leave in any twelve consecutive months for marrow donation. To take the leave, employees must provide a written verification that they are an organ or bone marrow donor and that there is a medical necessity for the donation. Employees are required to exhaust up to five days of accrued sick or vacation leave for bone marrow donation, and up to two (2) weeks of earned and unused sick or vacation leave for organ donation. To be eligible for this leave, employees must provide medical certification of their need for a leave and a written release to return to work at the conclusion of the leave. Benefits will continue to accrue and the absence will not be considered a break in service. The Authority will pay its usual share of insurance premiums during the leave.

Jury Duty: Employee who receive a jury summons, should immediately notify their supervisor. Any employee in court for regularly called jury duty or to appear as a witness in court, other than as a litigant, is entitled to judicial leave and absence with pay. This shall not be construed as annual leave or leave without pay. Before judicial leave is granted the employee must submit a copy of the official summons to their supervisor prior to the beginning date of such duty or service. Upon return from judicial leave, the employee must present proof of service to their supervisor.

The pay of any employee who has received a subpoena as a witness or a summons for jury duty will be continued at the regular rate. Exempt employees will not incur any reduction in pay for a partial week absence due to jury or witness duty. All reimbursements received shall be turned over to the Authority to be credited against regular salary. Payment by the Court to the employee for travel expense at the prevailing rate may be retained by the employee.

The Authority expects employees who are excused from jury duty during their working hours to immediately return to their job.

Witness in Judicial or Other Proceeding: Employees who are subpoenaed to serve as a witness in a criminal or civil proceeding are given the time off as required by law. In addition, crime victims, their immediate families, and their registered domestic partners may take leaves of absence from work to attend judicial proceedings. Employees may use accrued vacation leave time, or compensatory time that is otherwise available, or unpaid leave time.

For non-exempt employees, the time off is without pay. For exempt employees, the time off is with pay as necessary to comply with state and federal wage and hour laws; however, exempt employees who are absent for a full workweek will not be paid for that week. The employee must provide the employer a copy of the notice of each scheduled proceeding.

Voting: Any employee who does not have sufficient time outside of working hours to vote in a statewide election may request up to two paid hours off to vote at either the beginning or end of their shift. Employees must notify their supervisor of the need for voting leave within two working days prior to when they vote. Employees must present a voter's receipt to their supervisor within two working days following their vote.

Military Leave: Employees who are required to serve in any branch of the Armed Forces of the United States or are engaged in state military service are given the necessary time off, and shall be carried on the rolls in a military leave status. Upon honorable discharge from such service, employees will be reinstated to existing or equal status within ninety (90) days or before the expiration of any statutory right to re-employment.

Military leave with pay in accordance with federal and state law shall be granted to employees who are reservists of the Armed Forces. Military orders should be presented to Human Resources, and arrangements to leave made as early as possible before a departure. Employees are required to give advance notice of their service obligations to the Authority unless military necessity makes this impossible. Employees must notify Human Resources of their intent to return to employment based on requirements by law.

Employees have the right to elect to continue their existing plan coverage for themselves and their dependents for up to 24 months while in the military. In the event they do not elect to continue coverage during their military service, they shall be entitled to be reinstated in the health plan when they are reemployed.

Family Member Military Leave – Section 395.10: Employees who are spouses/registered domestic partners of members of the Armed Forces when their spouse/registered domestic partner is home on leave from deployment from an area of “military conflict” may receive a maximum of 10 days unpaid leave. Military conflict is defined as a period of war declared by Congress or deployment authorized by the federal Armed Forces Code.

Note that other military-related leaves are available to eligible employees in connection with the federal Family and Medical Leave Act, as described herein.

Bereavement: An employee may be granted up to a total of five (5) days bereavement leave by the Executive Director, with no charge against sick leave, in the event of a death in the employee's immediate family. For purposes of this section, the term “immediate family” shall mean mother, father, husband, wife, registered



domestic partner, son, daughter, step-son, step-daughter, foster-son, foster-daughter, sister, brother, grandparent, grandchildren, father-in-law, mother-in-law, brother-in-law, and sister-in-law, aunt, uncle, niece, and nephew.

In exercising his/her discretion with respect to granting bereavement leave, the Executive Director shall consider the employee's time involved in making funeral arrangements, the distance involved to attend a funeral or memorial service, and the nature of the relationship between the decedent and the employee.

Upon a death in the employee's immediate family, the employee shall make all reasonable efforts to promptly contact the Department Head, Director of Business Operations to submit a request for Bereavement Leave to be approved by the Executive Director.

Leave Without Pay: Upon written request from an employee and subsequent approval by the Executive Director, a leave of absence without pay or benefits may be granted to any regular full time employee, 1) When the employee has been ordered to duty with the Armed Forces for a period of time exceeding thirty (30) days, 2) Illness or disability, including pregnancy-related disability, not covered by sick leave, 3) Education or training which will materially benefit the Authority, and 4) any other reason which is deemed to be acceptable by the Executive Director.

At least thirty (30) days prior to the expiration of an approved leave of absence without pay or benefits, the employee shall notify the Authority of his/her intention to return to work. If the leave of absence without pay was granted for a period of time which does not exceed six (6) months, the employee on leave shall be entitled to return to the position he/she vacated upon his/her return to work. If the leave of absence without pay was granted for a period in excess of six (6) months, the employee on leave shall be given consideration for returning to his/her former position, however, there shall be no guarantee of reassignment to that position or salary.

In the event an employee wishes to return to work prior to the expiration of his/her leave of absence without pay, that employee shall give the Authority thirty (30) days prior written notice of his/her intention to return to work.

In the event a regular, full-time employee is transferred or promoted on a temporary basis for the duration of a leave of absence, such appointment shall have no effect on the status of the employee so promoted or transferred, and he/she shall be entitled to all rights and benefits that would be provided him/her had he/she not been temporarily promoted or transferred.

Employees shall not accrue sick leave or vacation leave while on a leave of absence without pay. Employees granted a leave of absence without pay of less than six (6) months shall retain any sick leave or any vacation leave accrued as of the commencement of the leave of absence without pay.

An approved leave of absence without pay which is not in excess of fifteen (15) days shall count as service for the purpose of determining an employee's date of eligibility for increased vacation leave accrued pursuant to



Section 8B. The granting of a leave of absence without pay in excess of fifteen (15) days will postpone the employee's date of eligibility for increased vacation accrual in accordance with Section 8B by the amount of time of approved leave of absence without pay in excess of fifteen (15) days.

The employer portion of all insurance premiums regularly paid by the Authority shall continue to be paid by the Authority for a period of sixty (60) days of an employee's approved leave of absence without pay, following the month in which the employee last contributed to the payment of insurance premiums by way of payroll deductions. Said payment shall be subject to the further condition that the employee has exhausted his/her accumulated sick leave and accumulated annual vacation leave.

An approved leave of absence without pay shall run concurrently with any Family Medical Leave Act leave granted by the Authority. Once FMLA/CFRA leave has been exhausted, a review of an employee's leave of absence without pay will be evaluated by the Executive Director to determine whether Medical Separation is necessary.

SECTION 12: LAYOFF, REORGANIZATION, REDUCTIONS IN SCHEDULED HOURS AND FURLOUGHS

Reorganizations and Reductions in Employee Staffing. When required, a reorganization or reduction in employee overhead may be accomplished by layoffs, the mandatory involuntary reduction in hours, voluntary part time schedules or short-term furloughs without pay. The Executive Director will determine the method to be used for reorganizations and to reduce employee overhead.

Definitions

Layoff. A layoff is the involuntary permanent separation of an employee from the Authority because of lack of work, lack of funds, reorganization of positions or duties, or other reasons determined by the Executive Director to be in the best interest of the Authority.

Furlough. A furlough is the involuntary temporary separation of an employee from the Authority because of lack of work, lack of funds, or other reasons determined by the Executive Director to be in the best interest of the Authority. A furlough may be implemented to cover several non-continuous periods during the fiscal year. With the exception of the 2-week written notice requirement specified below, the terms of this policy shall not apply to a furlough declared by the Executive Director, which lasts less than four (4) cumulative weeks per fiscal year.

Reduction of Hours. A reduction of hours is a mandatory or voluntary reduction in the number of scheduled hours for a position during a work week either on a temporary or permanent basis. Depending upon the amount of hours worked by the employee, the employee may have part-time status. With the exception of the 2-week written notice requirement specified below, the terms of this policy shall not apply to the reduction of hours.



Decision Process. The executive Director shall have sole and absolute discretion to determine the department in which the reorganization or reduction is to be made and the number and classes of positions to be impacted and the employees to be impacted.

Notice of Action. The Authority shall provide affected employees with twenty one (21) calendar days' notice of the effective date of any action taken pursuant to this policy.

Order of Layoff. When it is necessary to lay off employees, the Executive Director shall prepare or cause to be prepared a list of the order of layoff based on the reasons for the layoff and the needs of the Authority. Generally, but not always, employees working in the affected classes will be selected for a layoff in accordance with the following.

- Temporary employees shall be laid off first;
- Part-time probationary employees shall be laid off next;
- Full-time probationary employees shall be laid off next;
- Regular employees on a performance improvement plan shall be laid off next;
- Regular employees who have received a substandard evaluation (i.e., received an overall rating of needs improvement) on both of their last two performance evaluations before the layoff shall be laid off next;
- Regular employees with a satisfactory evaluation or better on at least one of their last two performance evaluations shall be laid off last.

For all of the above categories of regular employees, layoffs will take place in reverse order of seniority, i.e., the employee with the least seniority, as defined in subsection F below being the first to be laid off. If two (2) or more employees in the same category are subject to layoff and have equal seniority, the determination as to who shall be laid off shall be made on the basis of the earlier hire date seniority and, if that be equal, the determination shall be made by lot drawn by the Executive Director.

Seniority for Purpose of Layoff, Displacement, and Involuntary Reduction in Hours.

Seniority rights for purposes of this policy shall be available only to Authority employees who have attained regular status. Seniority credits for purposes of this policy shall be determined by crediting one seniority point for each full 80 hours of authorized service in a class while in continuous Authority service.

Authorized hours of service are the number of hours formally established for a position by the Executive Director. Hours worked in excess of the number of hours authorized, whether overtime or otherwise, shall not be included in determination of seniority credit. Continuous Authority service is service with the Authority uninterrupted by resignation or involuntary termination. Employees on an authorized leave of absence without pay shall be deemed to be continuously employed by the Authority. However, no seniority credit shall accrue while the employee is on an unpaid leave of absence.

For purposes of seniority under this policy only, an employee who is laid off by the Authority and rehired to a regular position within two (2) years of the date of the layoff shall be deemed to be continuously employed by



the Authority. However, no seniority credit shall accrue while an employee has been laid off and is not working for the Authority.

SECTION 13: RESIGNATION AND RETIREMENT

An employee who desires to terminate his or her employment shall submit a signed letter of resignation or retirement to the Executive Director and the Director of Business Operations at least two (2) weeks prior to the effective date of such resignation or retirement. The Executive Director, or his/her designee, shall have the Authority accept letters of resignation or retirement, and such letters shall be deemed accepted upon receive by the Executive Director or his/her designee, or the Director of Business Operations.

SECTION 14: GRIEVANCES

Grievance Procedure: The Authority recognizes that rapid grievance settlement is desirable and herein establishes a method for such settlement of employee grievances.

This grievance procedure is intended to provide a progressive series of steps through which employee may present grievances, with the aim of resolving grievances at the lowest administrative level consistent with the management representatives' authority. Each employee and/or his/her representative shall be free from restraint, interference, coercion, discrimination or reprisal in utilizing this procedure.

A grievant is an employee with an alleged grievance. A grievance is an alleged misinterpretation, violation, or misapplication of these policies and procedures which affect the wages, hours or working conditions of the employee. Specifically excluded from the grievance procedure are dismissals, suspensions, or other disciplinary actions.

Informal Resolution: Within ten (10) calendar days of the occurrence or discovery of an alleged grievance, the grievant employee may informally discuss the grievance with his or her immediate supervisor.

Formal Grievances. If the grievance is not settled through informal discussion, the grievant may file a formal grievance within twenty (20) calendar days of the occurrence or discovery of an alleged grievance. The formal grievance shall be presented by the aggrieved in writing to his or her department head. The grievance form shall contain information which:

- Identifies the grievant.
- Contains the specific nature of the grievance.
- Indicates the date, time and place of its occurrence.
- States the provision of the policies alleged to have been violated, improperly interpreted, applied or misapplied.
- Indicates the consideration given or steps taken to secure informal resolution including the date of informal discussion.
- States the corrective action desired.



A decision by the Department Head shall be made in writing within ten (10) business days of receipt of the grievance. If the grievant is not satisfied by the department head's decision, he or she may appeal such decision to the Executive Director by filing a written request with the Executive Director within seven (7) business days of receipt of the decision of the department head.

The Executive Director shall render a written decision to the grievant within ten (10) business days of the receipt of the grievant's appeal. Copies of the decision shall be provided to the employee, and the employees' representative, if any. The decision of the Executive Director shall be final.

General Provisions

Time limits specified in the processing of grievances may be waived by mutual written agreement.

If an employee does not present his or her grievance or does not appeal the decision rendered regarding the grievance within the time limits, the grievance shall be considered resolved.

If the department head does not respond within the time limits provided, the grievant may proceed to the next step of this grievance procedure.

In the event either the responding employee and/or designated representative, their supervisor/department head, and/or Executive Director is on paid leave, approved leave of absence without pay or on an assignment out of the jurisdiction for one day or more, the period of response for that party shall be extended for the period of such absence, following notification to the other party within the running time limit. This provision shall not extend the time in which an employee must file the initial formal grievance.

A copy of the grievance form shall be forwarded to the Executive Director when the formal grievance is filed.

In the event of an unusual number of grievances being filed, the Executive Director may consolidate like grievances and/or temporarily suspend grievance processing on a department-wide or Authority-wide basis.

SECTION 15: DISCIPLINARY ACTIONS

Disciplinary Actions.

These procedures relate to the implementation of disciplinary actions against employees whose job performance, actions or behavior fall below acceptable standards. They are designed to provide for the application of progressive discipline where substandard performance or behavior may be corrected. A supervisor may not adversely affect the pay, classification or employment status of an employee for disciplinary reasons by any means or procedures other than provided herein.

Authority. Employees may be reprimanded, dismissed, suspended, reduced in compensation, demoted or otherwise disciplined by the Authority for just cause as provided herein.

Causes for Disciplinary Actions. The following may be considered as causes for discipline.

This list is not exhaustive and discipline may be made for other causes:

1. Violation of any of the Authority's rules, regulations and policies, including but not limited to the Authority's ethical standards and guidelines, a copy of which is available in the Human Resources department.
2. Conviction for a felony or misdemeanor criminal offense which adversely reflects upon the Authority; interferes with the employee's job or work performance; or which involves moral turpitude. Any employee charged with such a felony or misdemeanor may be placed on administrative leave with or without pay, at the sole and absolute discretion of the Executive Director, during the pendency of criminal proceedings. If the employee is acquitted or criminal proceedings are dismissed, the employee shall be reinstated with pay retroactive to the date administrative leave began. Upon conviction or upon guilty plea or upon plea of no contest, disciplinary proceedings as provided for in this Article may commence and if discipline is imposed, all pay accumulated during the period of administrative leave shall be forfeited.
3. Violation of any lawful and reasonable official regulation or order. Failure to comply with any lawful and reasonable directive made and given by an employee's supervisor, where such violation or failure amounts to an act of insubordination.
4. Offensiveness in language or conduct towards other employees, residents of public housing, or the public.
5. Incompetent, inefficient, or negligent performance of an employee's duties in his or her classification; unauthorized use of the Authority's property.
6. Use of threat or attempt to use political influence or other improper influence to secure personal promotion, leave of absence, transfer, change of classification, or merit pay.
7. Inducement or attempt to induce another employee to commit an unlawful act or to act in violation of any lawful and reasonable regulation, order, policy, or directive of the Authority.
8. Acceptance of any fee, gift, item of value or services offered by a person or donor whose intention is to influence the nature of the Authority's services provided to him/her or to improve his/her status in relation to the Authority's operations.
9. Unauthorized leave from duty contrary to the Authority's rules, regulations and policies, or failure to report after leave of absence has been disapproved or revoked or canceled.
10. Submitting to the Authority a fraudulent request for leave of absence with pay.
11. Making any false statements or engaging in any fraudulent conduct or deception, or conspiring with any person in making any false statement, engaging in any fraudulent conduct, or in attempting any deception in any official business of the Authority.
12. Making any false statements or engaging in any fraudulent conduct in order to obtain compensation from the Authority or conspiring with any other employee in fraudulently obtaining such compensation from the Authority.
13. Being under the influence of controlled substances, drugs, and/or alcohol which adversely affects job performance.
14. Selling controlled substances, drugs, and/or alcohol to other employees of the Authority, the Authority's residents, or the public while on duty or on Authority property.

15. Engaging in acts or incidents in which physical violence by an employee was threatened while on Authority business.
16. Engaging in acts which create or cause a safety hazard.
17. Engaging in paid or unpaid, voluntary employment outside of the Authority which interferes with the Authority's operations, or creates a conflict of interest.
18. Possession of firearms or illegal weapons while on Authority business.
19. Failure to report accidents and/or personal injuries which occur on duty.
20. Performing job classification duties for residents of the Authority in exchange for money and/or other goods and services above regular compensation during working hours or after scheduled working hours.
21. Failure to report vehicle accidents, revocation or suspension of driver's license; cancellation of an employee's personal automobile insurance when an employee is required to operate a vehicle on the job; and citations while driving Authority vehicles or while driving personal vehicles on Authority business, if an employee's job requires a driver's license.
22. Failure to use required safety clothing, uniforms, and equipment while performing assigned tasks or violation of applicable safety standards.
23. Conducting personal business on Authority time or using Authority facilities for personal business.
24. Harassment, Discrimination (including Retaliation) of another employee, housing applicant, or tenant of the Authority on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sexual orientation, sex, age, or any other characteristic protected by State or Federal law. The term "harassment" as used herein shall mean and refer to the definition of harassment as set forth in the Authority's "Harassment in Employment Policy", copies of which have been previously disseminated to all employees of the Authority.
25. Habitual lack of punctuality or unexcused absence from work which shall be defined as any unapproved leave without pay.
26. Violation of the Authority's harassment, discrimination or retaliation policies.

Types of Disciplinary Actions.

Oral Reprimand. A formal discussion with an employee about performance or conduct problems. This action may be documented by the supervisor in memorandum form with a copy given to the employee.

Written Reprimand. A written report presented to an employee by the Department Head regarding performance or conduct problems. A copy shall be provided to the employee and a copy shall be filed in his or her official personnel file. Within five (5) business days following receipt of a written reprimand, an employee shall be permitted to file a written response, the original being directed to the Department Head and a copy filed in the employee's official personnel file.

Suspension. An involuntary suspension from work without pay for a period not to exceed six (6) months.

Salary Reduction. A reduction in pay from the employee's current step within a pay range to any lower step within the same range.



Demotion. Reduction from a position in one class to a position in another class having a lower salary range allocation.

Dismissal. Discharge or removal from employment with the Authority.

Disciplinary Action Related to Driving:

In the event that an employee of the Authority, who as a part of his or her job description is required to drive, fails to have a valid California Driver's License or the Authority is notified that said employee is not insurable, the Authority may impose the following discipline:

When an employee's driver's license is suspended for a period of six (6) months or less or the employee is uninsurable for a period of six (6) months or less, the employee shall be placed on a leave of absence without pay until such time as his/her license has been reinstated or said employee has again become insurable.

When an employee's driver's license is suspended for a period of six (6) months or more, or when an employee fails for whatever reason to present the Authority with a valid driver's license within six (6) months, or when an employee is uninsurable for a period of six (6) months or more, then the employee shall be terminated.

When an employee is arrested, while driving an Authority owned vehicle, for driving under the influence of alcohol or drugs, upon conviction therefore, such employee shall be terminated.

In the event that any employee fails to immediately notify his/her supervisor that his/her license has been suspended or that he/she has been arrested for driving an Authority owned vehicle while under the influence of alcohol or drugs, or that he/she has become uninsurable, and such employee continues to drive an Authority owned vehicle, then upon the occurrence of any such events, the employee shall be immediately terminated.

It is understood and agreed that it is the employee's duty and responsibility to immediately notify his/her supervisor that his/her license has been suspended, that his/her license has been reinstated; that he/she is no longer insurable or that he/she is again insurable.

Service of Notice of Intent and Notice of Disciplinary Action. Except in cases of oral or written reprimand, written notice of the disciplinary action shall be served as set forth below. The date of such delivery shall initiate the period in which an appeal may be filed.

When possible, notice shall be served by personal delivery to the employee at the worksite. If personal delivery to the employee at the work site cannot be accomplished, notice of the disciplinary action shall be served by mailing a copy of the notice by (1) personal service, or (2) via regular first-class US mail, postage paid and/or service by certified mail to the employee at the last known address that the employee provided to the Authority. Such mailed notice shall be deemed to have been received by the employee five (5) calendar days after dispatch by the Authority for purposes of computing the time limit for filing an appeal.

Notice of Disciplinary Action.

Except in cases of oral and written reprimand, a written Notice of Intended Disciplinary Action shall be served on the employee at least five (5) business days prior to dispatch of the Notice of Disciplinary Action.

Prior to the effective date of the disciplinary action provided in the Notice of Intended Disciplinary Action, the employee or his or her representative shall have the right and opportunity to respond either orally or in writing to the supervisor or the manager imposing the discipline. At the expiration of the period, if the management employee determines that discipline should be imposed, a written Notice of Disciplinary Action shall be served on the employee.

The Notice of Intended Disciplinary Action and the Notice of Disciplinary Action shall both be filed in the employee's personnel file. Such notices shall state at minimum, the following:

- A statement of the nature of the disciplinary action, and the effective date of the action.
- A statement of the charges which are the cause of the action.
- In ordinary and concise language, the act or omissions, or other reason(s) upon which the charges are based.
- Copies of the documents relied upon to support such charges.
- A statement advising the employee of his or her right to representation.

In a Notice of Intended Disciplinary Action, a statement advising the employee of his or her right to respond to the Notice of Intention, either orally or in writing within five (5) business days of the notice.

In a Notice of Disciplinary Action, a statement advising the employee of his/her right to appeal the Notice of Disciplinary Action through the Disciplinary Hearing Committee to the Executive Director, within seven (7) business days of the notice.

If necessary for the safe and efficient operation of the Authority or the safeguard of public property, as determined by the Executive Director, suspension may be made effective immediately.

Appeal of Dismissals, Suspensions, Reductions and Demotions. Any regular employee subject to these policies and procedures shall have the right to appeal his or her dismissal, suspension, salary reduction or demotion as follows:

Within seven (7) business days after service to him or her of the Notice of Disciplinary Action, the employee may appeal the action through a Disciplinary Hearing Committee to the Executive Director by filing written notice requesting an appeal with the Executive Director. The filing of an appeal shall not stay or delay the disciplinary action.

Upon receipt of the request for the appeal a three-person Disciplinary Hearing Committee shall be selected. The committee shall be composed of Authority employees, one selected by the appealing employee, one selected by



management and third selected by the two selectees. No member of the Committee shall be from the department in which the appellant is/was employed.

Within 30 calendar days from the filing of the appeal, the Committee shall commence a hearing on the matter. Within five (5) business days of completion of the hearing, the Committee shall render an advisory opinion on the appeal to the Executive Director to either affirm, modify, or revoke the order of discipline. The appellant may appear personally, produce evidence, present and cross-examine witnesses, have counsel to represent him or her and be entitled to a public hearing if he or she so requests. If the appellant requests a later hearing date or a continuance, he or she shall be deemed to have waived any claim for additional compensation as a result of the delay in the event the appellant is ordered reinstated or the discipline is reduced.

The Executive Director shall render a written decision on the appeal of the disciplinary action to the appellant within ten (10) business days of the receipt of the Committee's advisory opinion. Copies of the decision shall be provided to the employee, the Committee, the Board of Commissioners, and the employee's representative. The decision of the Executive Director on the disciplinary action shall be final.

Procedure Relating to Criminal Action: The Authority may take disciplinary action when criminal charges are pending against an employee. However, where the facts alleged in the Notice of Disciplinary Action regarding dismissal, demotion, suspension or salary reduction constitute a crime, or where the employee has been charged with a crime arising out of the same transaction, and the employee has appealed the disciplinary action as provided herein, he or she may, at any time at least three (3) business days before the date of the hearing before the Disciplinary Hearing Committee, request a continuance of his or her hearing for a reasonable period to determine whether a criminal charge will be filed or until after termination of the criminal case. Such a request must be accompanied by the employee's written waiver of salary and other employment benefits for the period of that continuance in case the discipline is overturned or reduced.

SECTION 16. MISCELLANEOUS

Professional Growth Program. In so far as practical, it is understood that employees shall be encouraged to take part in Authority workshops and seminars. Employees shall also be allowed travel allowances when attending out-of-jurisdiction conferences with the advance approval of the Authority. At the discretion of the Executive Authority, the Authority may contribute towards the individual membership dues in any professional association which provides professional development and management training required to improve professional management skills for the positions of Finance Director, Director of Business Operations, Facilities Division Manager, Director of IT, Deputy Executive Director, Director of the Rental Assistance Division and Director of Property Management.

Travel Policy. Employees may perform official travel upon authorization by the Board or as authorized by the Chairperson and Executive Director. All travel shall be subject to prior authorization. Employees of the Authority shall be reimbursed for travel expenses in accordance with the Authority's Guideline to Traveling on Official Housing Authority Business, a copy of which is available from the Business Services Division.



Transportation costs shall be paid by the Authority. "Economy Class" shall be the standard mode of transportation. Business related costs such as taxi fare, telephone calls, and similar items necessarily incident to the performance shall be considered reimbursable items.

Use of Private Vehicles. An employee shall be reimbursed for use of a privately owned vehicle for official Authority business based on current rate established under IRS regulations. An employee's commute to and from work is not reimbursable. Reimbursement to the employee shall be made by the Authority monthly, upon submission of a Mileage Expense Voucher by the employee. Reimbursement at the IRS rate shall be deemed to be full compensation for the costs of using private vehicles, including insurance, insurance deductibles, repairs, gas and depreciation, and employees shall be entitled to no additional compensation for the use of their vehicles.

Vehicle Use Requirements:

Liability Insurance. Employees who drive private vehicles shall be required to have general automobile liability and property damage insurance, with limits not to exceed those required by State law, for any vehicle used on Authority business.

Employees who use privately owned vehicles for Authority business are fully and directly responsible for bodily injury and/or property damage to others resulting from such privately owned vehicle use.

Employees who drive any vehicle on Authority business (whether private or Authority-owned) must have a current valid Driver's License and state-required insurance. Employees shall show proof of a current valid Driver's License and insurance upon request of the Authority. Employees who drive on Authority business without a current valid Driver's License and required insurance, shall, in addition to being subject to disciplinary action, not be entitled to mileage reimbursement. By using any vehicle on Authority business, each employee consents to being entered by the Authority into the California DMV's pull notice program.

Rental Cars.

On occasion, it will be necessary to rent a vehicle from an agency while on Authority business. Rental reservations are made by the Administration Department. To protect the Authority from serious liability exposure in the event of an accident while driving a rental car, it is the responsibility of each employee to make certain that insurance coverage is adequate.

In completing the rental agreement form, individuals are asked whether or not they wish to "take" the collision and the medical injury insurance offered by the rental agency. Authority policy is to "accept" the collision and "not accept" or "reject" the medical insurance coverage offered.

Recommendations and References: All requests for employment recommendations and references shall be answered by the Executive Director or his/her designee and shall include the following information only: Title of each position held, beginning and ending dates of service in each such position. If an employee authorizes disclosure in writing, the Authority will also provide rates of pay received for each such position. Narrative references, written or oral, shall not be provided. Employees may retain and provide copies of their



performance evaluations for reference purposes. Employees are prohibited from giving employment references for other employees. Giving such references can result in disciplinary action.

Return of Property: Employees are required to return all Authority property that is in their possession or control in the event of termination of employment, resignation or layoff, or immediately upon request. No information belonging to the Authority may be copied for the employee's use. The Authority may also take all action deemed appropriate to recover or protect Authority property.

Injury and Illness Prevention Program: The health and safety of employees and others on Authority property are of critical concern to the Authority. The Authority strives to attain the highest possible level of safety in all activities and operations. The Authority also intends to comply with all health and safety laws applicable to our business.

To this end, the Authority must rely upon employees to help keep work areas 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 their supervisor immediately; even if they believe they have corrected the problem. If they suspect a concealed danger is present on the Authority's premises, or in a product, facility, piece of equipment, process, or business practice for which the Authority is responsible, employees should bring it to the attention of their supervisor immediately.

Additionally, the Authority has developed a written Injury and Illness Prevention Program (IIPP) as required by law. A copy of the IIPP is available for employees' review from Human Resources. In addition to attending any training required by the Authority, it is an employee's responsibility to read, understand and observe the IIPP provisions applicable to their job.

SECTION 17: SEVERABILITY

If any section, subsection, or other part of this policy is for any reason held to be invalid by a court of competent jurisdiction, such invalid section shall not affect the remaining provisions of this policy.

SECTION 18: REVISION OF POLICY

These policies may be revised or amended at any regular meeting of the Board of Commissioners by a majority vote of the Board of Commissioners.

SECTION 19: MISCELLANEOUS PROVISIONS

Employee Responsibilities

The orderly and efficient operation of the Authority requires that employees accept certain responsibilities. Work rules covering personal standards of conduct and standard operating procedures are necessary to protect the health and safety of all employees, to maintain uninterrupted service and to protect the Authority's property.

The following work rules shall apply to all Authority employees. These rules are not intended to be all inclusive. The Authority may, from time to time, establish additional rules to ensure the effective operation of the Authority.

- a) Employees shall be at their designated work area on time and ready to work.
- b) Employees shall report to and remain at their work area, at work, until the scheduled quitting time consistent with Authority policy.
- c) Employees shall follow all safety regulations including the wearing of safety articles and the use of protective equipment when appropriate. Employees shall immediately report safety hazards, accidents or injury to their supervisor.
- d) Employees shall be responsible for, and not misuse Authority property, records or other materials in their care, custody and control.
- e) Employees shall deal with the public in a courteous and professional manner.
- f) Employees shall immediately report to their supervisor any inability to work and the reason therefore.
- g) Employees shall notify their supervisor whenever there is a change in their personal data affecting their personnel or payroll records.
- h) Employees shall not restrict, interrupt or interfere with the work of other Authority employees outside their assigned duties or Authority.
- i) Employees shall report for and remain at work only in a condition which will enable them to perform their regular duties.
- j) Employees shall perform all work assigned unless performance of such work will constitute a safety hazard which violates established safety standards or law. In such event, employees must notify their supervisor immediately.
- k) Employees shall not engage in conduct that reflects discredit on the Authority.
- l) Employees shall not engage in unauthorized political soliciting or political activity while on duty or while conducting Authority business.
- m) Employees shall not use their position or Authority property for undue personal, or for financial gain other than official salary and benefits. Employees shall not use their position as a means to solicit or conduct personal business.
- n) Employees shall not use their position to coerce other employees.
- o) Employees shall not possess or use unauthorized firearms, weapons, illegal drugs, controlled substances other than those lawfully prescribed or intoxicating beverages while on duty or on Authority premises.
- p) Employees shall not falsify any reports or records. All claims completed by employees shall be true and accurate, to the best of their knowledge.
- q) Employees shall not remove Authority property or the property of other employees without express approval of their supervisor or the owner of such property.
- r) Employees shall not violate any of the laws, statutes or ordinances of federal, state or local government while on duty, on Authority premises or while conducting Housing Authority business.



As soon as it is made known to the employee, all employees shall notify (in writing) the Director of Business Operations of any actual or potential conflict of interest involving the employee's relatives or household members regarding any programs managed or administered by the Authority. Employees are required to follow the notification procedures. Additionally, employees are required to adhere to the Authority's "Code of Ethics and Standards of Conduct Policy" at all times.

Right of Access

The Authority reserves the right of access to individual office/work stations, computers, Housing Authority e-mail accounts, shelves and other company furnished property for documents, files and other Authority property. Access can occur at any time, with or without advance notice, during or outside of working hours by any supervisor, officer or personnel designated by the Authority.

SECTION 20: SMOKING POLICY

General Policy

Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities, including shops, garages, vacant units and storage buildings.

A no-smoking sign shall be posted at each entrance/exit to all Authority-owned or operated buildings.

Smoking shall be prohibited within twenty (20) feet of all main entrances, exits or operable windows except while passing on the way to another destination.

This policy is established in accordance with State of California statute AB13, which is found in California Labor Code 6404.5 and Modesto Municipal Code 5-8.601.

SECTION 21: DRUG AND ALCOHOL ABUSE POLICY

All employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacturing of controlled substances and abusing alcohol on Authority premises. Illegal drug use and alcohol abuse, in the workplace reduces effective job performance, increases absenteeism and endangers safety. Any employee who violates this policy will be subject to disciplinary action, which may include suspension, dismissal or other appropriate personnel action, and may also be required to participate in and satisfactorily complete an approved drug assistance/rehabilitation program. As a condition of hiring, and continued employment, all employees must abide by this Drug Free Workplace policy, and must notify Authority of any drug-related or alcohol-related (e.g., DUI) conviction or plea of guilty, no lo contender, or no contest, no later than five (5) days after same.

Purpose and Intent

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the Authority has no intention of intruding into the private lives of its employees, involvement with drugs and



alcohol off the job can take its toll on job performance and employee safety. The Authority's concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the effect of these substances on employees during working hours, are inconsistent with this objective.

The emphasis of this policy shall be upon education and rehabilitation. To that end, the Authority shall establish and maintain an educational program to inform employees of the dangers of alcohol and drug abuse in the work place. In addition, the Authority shall make known to its employees information on available counseling and rehabilitation services. The Authority recognizes drug dependency and/or alcoholism as illnesses. Those needing help in dealing with such problems are encouraged to do so on a voluntary basis.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employees Assistance Program (EAP). While the Authority will be supportive of those who seek help voluntarily, they will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs. Alcohol or drug abuse will not be tolerated and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of the Authority managers and employees. To that end, the Authority will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the Authority's reputation or property. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination, or in not being hired.

In recognition of the public service responsibilities entrusted to the employees of the Authority, and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the following section addresses the policy against drug and alcohol abuse.

General Policy of Drug & Alcohol Abuse:

It is the Authority's policy that employees shall not be impaired by or have in their biological system, or be in possession, of alcohol or drugs while on Authority property, at work locations, or while on duty or subject to being called to duty, and that employees shall not sell or provide drugs or alcohol to any other employee or person while on duty or subject to being called to duty.

While use of validly prescribed medications and drugs does not violate this policy per se, failure by an employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties, or the operation of Authority equipment, can result in discipline up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from



a qualified physician may be required. Nothing in this policy is intended to unreasonably interfere with an employee's right to privacy for medical conditions.

The Authority reserves the right to search, without employee consent, all areas and property in the Authority which the Authority maintains control or joint control with the employee. Otherwise, the Authority may notify appropriate law enforcement agencies that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the Housing Authority.

Refusal to immediately submit to an alcohol and/or drug analysis when directed by Authority management may constitute insubordination and be grounds for discipline up to and including termination. Such refusal will not interfere with the Authority's ability to take such action(s) as it deems appropriate based upon all the available information in the absence of an alcohol and/or drug analysis.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and may be detained for a reasonable time by the Department Head, the Director of Business Operations, or Executive Director, or his/her designee until he or she can be safely removed from the work site.

The Authority is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped under federal and/or state law.

The Authority has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors or the EAP Counselor for additional information.

Applicable Policy for Drug & Alcohol Abuse Policy:

This policy applies to all employees of and to all applicants for positions with the Authority. This policy applies to alcohol and drugs, including all substances, drugs, or medications, whether legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

Employee Responsibilities for Drug & Alcohol Abuse Policy:

Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use;

Not possess or use alcohol or impairing drugs, including illegal drugs and prescription drugs without a prescription, during working hours or while subject to duty, on breaks, during meal periods or at any time while on Housing Authority property;

Not directly or through a third party sell or provide drugs or alcohol to any person, including employees, while either or both employees are on duty or subject to being called to duty;

Submit immediately to an alcohol and drug test when requested by the Department Head, Director of Business Operations, or Executive Director or his/her designee;



Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of Housing Authority equipment; and

Provide, within 24 hours of request, bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name.

Management Responsibilities and Guidelines for Drug & Alcohol Abuse Policy:

Managers and supervisors are responsible for reasonable enforcement of this policy.

Department Heads and the Executive Director or his/her designee are responsible for contacting the Director of Business Operations immediately in the event of suspicion of a violation of this policy. The Director of Business Operations is the Authority's representative for the purposes of carrying out the provisions of this policy. Nothing herein is intended to supersede the responsibility of the Executive Director or Department head for the supervision of his or her department.

The Department Heads, Director of Business Operations or Executive Director or his/her designee may direct that an employee submit to a drug and/or alcohol test when there is a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called.

The Department Head, Director of Business Operations, or Executive Director or his/her designee, may direct an employee to submit to a drug and/or alcohol test if the employee has been involved in an accident or sustains or causes a work-related injury.

Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

Any of the following, alone or in combination, may constitute reasonable suspicion:

- Slurred speech;
- Alcohol odor on breath;
- Unsteady walking and movement;
- An accident involving Authority property, where it appears the employee's conduct is at fault;
- Physical altercation;
- Verbal altercation;
- Unusual behavior;
- Possession of alcohol or drugs; or
- Information obtained from a reliable person with personal knowledge.



Any Department Head, Director of Business Operations, or Executive Director or his/her designee directing an employee to submit to a drug and/or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.

Any Department Head, Director of Business Operations, or Executive Director or his/her designee encountering an employee who refuses an order to submit to a drug and/or alcohol analysis upon direction shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor should arrange for the employee to be safely removed from the worksite.

The Department Head, Director of Business Operations, or Executive Director or his/her designee shall not physically search the person or employee, nor shall they search the personal possession of employees without the freely given written consent of, and in the presence of, the employee.

The Department Head or Executive Director or his/her designee shall notify the Director of Business Operations or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in areas not jointly or fully controlled by Authority. If the Department Head or designee concurs that there is reasonable suspicion of illegal drug possession, the Department Head may notify the appropriate law enforcement agency.

Physical Examination and Procedure for Drug & Alcohol Abuse Policy:

The drug and/or alcohol test may test for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job, including but not limited to, prescription medications, alcohol, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana, and other cannabinoids. The following describes the method in which the initial test will be conducted, how the sample will be processed after the drug and/or alcohol test is completed, and how a confirmatory test after an initial positive result will be performed.

Results of Drug and/or Alcohol Analysis:

Pre-Employment Physical:

A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standards, duties or responsibilities.

If a drug screen is positive at the pre-employment physical, the applicant must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name, or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

**During Employment Physical or Alcohol/Drug Test:**

A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including termination.

If the drug screen is positive, the employee must provide within 24 hours of request bona fide verification of a valid current prescription of the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action up to and including termination from employment.

If an alcohol or drug test is positive for alcohol or drugs, the Housing Authority shall conduct an investigation to gather all facts. The decision to discipline or terminate will be carried out in conformance with the discipline procedures of the Housing Authority.

Confidentiality of Drug & Alcohol Abuse Policy:

Laboratory reports and test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Director of Business Operations. The reports or test results may be disclosed to Housing Authority management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure. Employees who improperly disclose confidential medical information are subject to discipline.

SECTION 22: HEALTH AND SAFETY**Safety Policy**

It is the policy of the Authority that accident prevention shall be of high importance in all phases of operation and administration. It is the intention of management to provide safe and healthy working conditions. The Authority has established and will enforce an Injury and Illness Prevention Program conforming to all applicable safety and health standards. The prevention of accidents is an objective affecting all levels of the organization and its activities. It is, therefore, a basic requirement that each supervisor make the safety of employees an integral part of his/her regular supervisory function. It is equally the duty of each employee to accept and follow established safety regulations and procedures.

Employees are expected to assist management in accident prevention activities. Unsafe conditions must be reported. Fellow employees that need help should be assisted. All employees are responsible for the housekeeping duties that pertain to their jobs. Any injury that occurs on the job must be reported to management as soon as possible. In no circumstance, except an emergency, should an employee leave a shift without reporting an injury that has occurred.

Safety Communication

It is the policy of the Authority to maintain open communication between management and staff on matters pertaining to safety. Employee thoughts regarding safety are important, and management encourages employees' active participation in the Housing Authority safety program. Employees should feel free to express any safety concerns or suggestions during staff meetings, individually to any supervisor, or in writing by completing a Bright Idea or Close Call form. All safety suggestions will be given serious consideration, and each will receive a response.

In turn, the Authority will provide current safety news and activities, safety reading materials, signs, posters and a bulletin board for easy access to them all.

Safety Training

All new employees will be provided a safety orientation during their initial assignment to the job. The orientation will be conducted by a Safety Committee representative, manager, or supervisor. It will cover Authority safety rules and safe practices required for their job assignment. Employees given a new job assignment will be provided safety training regarding any new hazards. Employees exposed to a new hazard (new machinery, new chemicals, different processes, newly recognized hazard, etc.) will be given appropriate safety training. Records will be kept of all significant training provided. Records will indicate the type of training given, date, the name of the trainer, and the employee's signature.

The Director of Business Operations shall assure that administrators, managers and supervisors receive training to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.

Administrators, managers and supervisors are responsible to see that those under their direction receive training on general work place safety as well as specific instructions with regard to hazards unique to any job assignment. When a supervisor is unable to provide the required training, he/she should notify the Director of Business Operations and request that such training be given to the employee by others.

To ensure that all employees receive appropriate training, all Authority employees will participate in

- Scheduled safety meetings
- Additional training as job duties or work assignments are expanded or changed.
- Other training programs as appropriate.

Further training will be provided whenever employees are exposed to new processes, machinery, equipment chemicals and/or previously unrecognized hazards. Records of all of the above training will be kept by the Director of Business Operations in the Employee Personnel files

Code of Safe Practice

The Authority takes all reasonable measures to protect employees, customers and visitors from accidents. Safety is a cooperative undertaking requiring participation from every employee. Failure by any employee to comply with safety rules will be grounds for corrective discipline. Supervisors shall insist that employees

observe all applicable Authority, State and Federal safety rules and practices and take action as necessary to obtain compliance.

To carry out this policy employees shall:

- a) Report all unsafe conditions and equipment to his/her supervisor or safety coordinator.
- b) Report all accidents, injuries and illnesses to his/her supervisor or safety coordinator immediately.
- c) Complete an incident report for any accident or injury.
- d) Not be allowed on the job while known to be under the influence of intoxicating liquor or drugs.
- e) Not engage in horseplay, scuffling, and/or other acts which tend to have an adverse influence on the safety or well-being of the employees.
- f) Keep means of egress unblocked, well lighted and unlocked during work hours.
- g) Sound alarm and evacuate per protocol policy In the event of a fire.
- h) Upon hearing fire alarm, stop work, proceed to the nearest clear exit and gather at the designated department location.
- i) Attempt to respond to a fire or other emergency only if trained to do so.
- j) Keep stairways clear of items that can be tripped over, and all areas under stairways that are egress routes free of combustibles.
- k) Keep materials and equipment from being stored against doors or exits, fire ladders or fire extinguisher stations.
- l) Keep aisles clear at all times.
- m) Maintain work areas in a neat, orderly manner. Trash and refuse are to be thrown in proper waste containers.
- n) Wipe up all spills promptly.
- o) Always use the proper lifting technique. Never attempt to lift or push an object which is too heavy. You must contact your supervisor when help is needed to move a heavy object.
- p) Never stack material precariously on top of lockers, file cabinets or other relatively high places.
- q) When carrying material, exercise caution in watching for and avoiding obstructions, loose material, etc.
- r) Not stack material in an unstable manner.
- s) Report exposed wiring and cords that are frayed or have deteriorated insulation so that they can be repaired promptly.
- t) Never use a metal ladder where it could come in contact with energized parts of equipment, fixtures or circuit conductors.
- u) Maintain sufficient access and working space around all electrical equipment to permit ready and safe operations and maintenance.
- v) Not use any portable electrical devices that are not grounded or double insulated.



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- w) Ensure all electrical equipment used is plugged into appropriate wall receptacles or into an extension of only one cord of similar size and capacity. Three-pronged plugs should be used to ensure the continuity of ground.
- x) Ensure cords running into walk areas must be taped down or inserted through rubber protectors to preclude them from becoming tripping hazards.
- y) Inspect pallets and their loads for integrity and stability before loading or moving.
- z) Identify contents of pipelines prior to initiating any work that affects the integrity of the pipe.
- aa) Wear hearing protection in all areas identified as having high noise exposure.
- bb) Not use any faulty or worn hand tools.
- cc) Guard floor openings by a cover, guardrail, or equivalent.
- dd) Not enter into a confined space unless tests for toxic substances, explosive concentrations, and oxygen deficiency have been taken.
- ee) Always keep flammable or toxic chemicals in closed containers when not in use.
- ff) Not eat in areas where hazardous chemicals are present.
- gg) Be aware of the potential hazards involving various chemicals stored or used in the workplace.
- hh) Ensure cleaning supplies are stored away from edible items on kitchen shelves.
- ii) Ensure cleaning solvents and flammable liquids are stored away from edible items on kitchen shelves.
- jj) Ensure cleaning solvents and flammable liquids are stored in appropriate containers.
- kk) Ensure that solutions that may be poisonous or not intended for consumption should be kept in well-labeled containers.
- ll) Never leave lower desk or cabinet drawers open that present a tripping hazard. Use care when opening and closing drawers to avoid pinching fingers.
- mm) Not open more than one upper drawer at a time, particularly the top two drawers on tall file cabinets.
- nn) Ensure that files and supplies are stored in such a manner as to preclude injury to personnel when they are moved. Heaviest items should be stored closest to the floor and lightweight items stored above.
- oo) Ensure that equipment such as scissors, staplers, etc., are be used for their intended purposes only and should not be misused as hammers, pry bars, screwdrivers, etc. Misuse can not only cause damage to the equipment but also possible injury to the user.

Security

The Authority has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason (e.g., in parking areas, walkways, entrances/exits and service areas). Report any suspicious persons or activities to Management Personnel. Employees should secure their desk at the end of the day or when called away from the work area for an extended length of time and do not leave valuable and/or personal articles in or around your workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately notify your supervisor when unknown persons are acting in a suspicious manner in or around the facility, or when keys, security passes or identification badges are missing. For additional



information on Authority workplace safety information consult the Housing Authority Injury and Illness Prevention Plan located in your supervisor's offices.

Health and Safety

Every employee is responsible for the safety of him or herself as well as others in the workplace. To achieve our goal of maintaining a safe workplace, all employees must be safety conscious at all times. In compliance with California law, and to promote the concept of a safe workplace, the Authority maintains an Injury and Illness Prevention Program. The injury and illness prevention program is available for review by employees and/or employee representatives in the Human Resources office.

In compliance with Proposition 65, the Authority will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

Ergonomics

The Authority is subject to Cal/OSHA ergonomics standards for minimizing workplace Repetitive Motion Injuries (RMIs). The Authority will take all steps to reduce exposure to ergonomic hazards by means of engineering controls, administrative controls and employee training. This Authority encourages safe and proper work procedures and requires that all employees follow safety instructions and guidelines. The Authority believes that reducing ergonomic risk is a key factor in maintaining an environment of personal safety and well-being, and is essential to our business. We are committed to providing appropriate resources to create a risk-free environment. Employees who have questions about ergonomics should contact their immediate supervisor.



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RESOLUTION NO. 23-24-39

RESOLUTION APPROVING THE PROPOSED AMENDMENTS TO THE HOUSING AUTHORITY'S PERSONNEL POLICIES

WHEREAS, the Board of Commission desires to approve the amendments to the Housing Authority's Personnel Policies, and

WHEREAS, the amendments to the Housing Authority Personnel Policies have been drafted and reviewed by General Counsel and sent to AFSCME for review and comment,

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Stanislaus Regional Housing Authority, that:

1. The Amendments to the Housing Authority's Personnel Policies are approved as the new Housing Authority Personnel Policies.

DULY AND REGULARLY ADOPTED by the Board of Commissioners of the Stanislaus Regional Housing Authority this 23rd. day of October 2024.

On a motion of Commissioner Cheeseman, seconded by Commissioner Ploof, and of the following roll call vote:

AYES: Commissioner Ploof, Commissioner Cheeseman, Commissioner Schweininger, Chairperson Estacio
NAYS: None
ABSTAIN: None
ABSENT: Commissioner Haile, Vice-Chair Hoek

Approved: _____


Chairman

Attest: _____


Secretary

