



HOUSING AUTHORITIES CITY OF EUREKA & COUNTY OF HUMBOLDT



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COUNTY OF HUMBOLDT HOUSING AUTHORITY REGULAR COMMISSION MEETING AGENDA

Monday – February 14, 2022
12:00pm

Housing Authority Office
735 W. Everding Street, Eureka CA 95503

Participate Via Zoom Meeting
Join Zoom Meeting at <https://us02web.zoom.us/join> or call (669) 900-6833
Meeting ID: 816 6080 6932 Passcode: 480585

(a) Roll Call

Elizabeth Conner, Chairperson
Maureen Fitzgerald, Vice Chairperson
Sylvia Derooy, Commissioner
Kaylen Escarda, Commissioner
Leslie Zondervan-Droz, Commissioner

- (b) Public Comment: This time is reserved for members of the public to address the Committee relative to matters of the Housing Authority of the County of Humboldt not on the agenda. No action may be taken on non-agenda items unless authorized by law. Comments will be limited to five minutes per person and twenty minutes in total.

Page(s)
3 - 4 (c) Minutes from the Regular Session of January 10, 2022
Recommendation: Staff recommends the Commissioners approve minutes.

- (d) Bills and Communications: None.

- (e) Report of the Secretary: The report of the Secretary is intended to brief the Commission on items, issues, key dates, etc., that do not require specific action, and are not separate items on the Board of Commissioners Agenda.

(e1) Covid-19 Updates
(e2) Occupancy and Leasing Report
(e3) HCV Utilization Reports

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6 - 10



The Housing Authorities are Equal Housing Opportunity Organizations



(f) Reports of the Commissioners: This time is reserved for Commissioners to share any relevant news or Housing related endeavors undertaken by Commissioners.

(g) Unfinished Business: This time is reserved for any business that has been carried over from previous meetings/discussions.

(h) New Business:

11 - 73 (h1) Resolution 481

Updated Personnel Policy

Recommended Board Action: Accept and Adopt for Approval

74 - 78 (h2) City of Eureka Housing Authority Repositioning Plan Executive Summary (for discussion)

(i) Closing Comments: Any other business to properly come before the Commission

(j) Executive Session (if necessary)

Adjournment

The Commissioners of the County of Humboldt Housing Authority met in a Regular Session on Monday, January 10, 2022, at 12:00 p.m. This Session was held via conference call and Zoom with the Commissioners due to the Covid-19 pandemic.

Chairperson Conner called the meeting to order at 12:02pm

(a) Roll call

Commissioners Present: Chairperson Conner, Vice Chairperson Fitzgerald, Commissioner Derooy, Commissioner Escarda, Commissioner Zondervan-Droz

Commissioners Absent: None

Staff Present: Churchill, Humphreys, Wiesner

Public Present: None

(b) Public Comment – None heard.

(c) Minutes of the Regular Session of November 08, 2021.

Motion to approve the minutes of the meeting of November 08, 2021 by Commissioner Derooy

Second – Commissioner Escarda

AYES: Conner, Fitzgerald, Derooy, Escarda

NAYS: None

ABSTAIN: None

Chairperson Conner declared the motion carried and the November 08, 2021, minutes approved.

(d) Bills and Communications: None

(e) Report of the Secretary:

(e1) Covid-19 Updates: Secretary Churchill briefs the Commissioners that the Housing Authority front lobby is still open Tuesday, Wednesday, and Thursday from 10:00am – 3:00pm. Anyone who enters the lobby is required to wear a mask. We continue to monitor the Covid office protocols to keep our employees safe.

(e2) Occupancy and Leasing Report: Secretary Churchill briefs the Commissioners on this report.

(e3) HCV Utilization Reports: Secretary Churchill updates the Commissioners on the report, noting that some EHV vouchers were added and the open EHV Specialist position was filled. Secretary Churchill notes that we are just under 96% of budget utilization. Our Housing Advocate is working with our referring agencies to get people assisted with Housing Authority programs.

(f) Reports of the Commissioners: None.

(g) Unfinished Business: None.

(h) New Business:

(h1) Programs Overview & Updates (informational): Secretary Churchill provides a review of the County of Humboldt Housing Authority programs and offerings. Secretary Churchill also briefs the Board on the several programs and preferences that the County of Humboldt Housing Authority has added over the past few years.

(i) Closing Statements: None heard.

There being no further business to come before the Commissioners, the meeting was adjourned at 1:12p.m.

Secretary

Chairperson

Occupancy and Leasing Report

Month: December 2021

City of Eureka Housing Authority County of Humboldt Housing Authority

Program	Total Units Available	Vacant Units 1st of Month	# Units Leased 1st of Month	Move-outs During Month	Move-ins During Month	Wait List End of Month
Eureka						
Public Housing	196 *	19 *	177	1	2	402
Eureka Family Housing	51	3	48	0	0	451
Eureka Senior Housing	22	2	20	0	0	151
	269		245			
Humboldt						
Housing Choice Vouchers	1217	N/A	818	6	8	1123
VASH Vouchers	73	N/A	23	0	0	N/A
Mainstream vouchers	75 ***	N/A	18	0	5	N/A
Project Based Vouchers						
PBV-VASH - Bayview Heights (Eureka)	22 **	N/A	21	0	0	N/A
PBV-HCV - Bayview Heights (Eureka)	3 **					
PBV-HCV - Sorrell Place (Arcata)	5 **	N/A	N/A	N/A	N/A	N/A
Emergency Housing Vouchers (EHV)	182 ‡	N/A	N/A	N/A	N/A	N/A ‡
	1577		880			
Vouchers issued but not under contract, end of month (aka "Searching")						21

*Total PH units is 198; 2 units are exempted for EPD use and Boys & Girls Club and are unavailable for tenant rental

**25 Project Based VASH Vouchers at Bayview Heights Veteran's housing at 4th & C Street, Eureka; contract signed 6/30/2020.
Modified in 2021 to meet project requirements; 22 VASH PBVs and 3 non-VASH for veterans who don't meet HUD-VASH requirements.
5 Project Based HCV vouchers set-aside for Sorrell Place extremely low income units at 7th & I Street, Arcata; December 2021

*** Mainstream vouchers were awarded December 2020. Funding began April 2021; initial referrals from CoC partners began April 2021.

‡ No PHA waitlist for EHV's; all are issued based on referral from HHHC. Referrals began 9/2021.

HOUSING AUTHORITY - COUNTY OF HUMBOLDT
For the month of December 2021

HAP (per VMS):	January	February	March	April	May	June	July	August	September	October	November	December	Total
HUD Budget Authority Income (HAP)	479,338.00	479,338.00	487,982.00	498,296.00	498,296.00	511,513.25	511,513.25	511,513.25	511,513.25	498,812.00	498,815.00	498,815.00	5,985,745.00
HUD Additional VO Funding	2,311.00	2,311.00	1,502.00										6,124.00
Less: HUD Recapture				(8,812.00)	(35,512.00)	(23,454.25)	(26,086.25)	(26,086.25)	(26,215.25)	(13,514.00)	(72,271.00)	(9,860.00)	(241,811.00)
Draw from HUD-held reserves													-
Other HAP income	724.50	492.00	473.00	568.53	977.83	504.00	736.50	1,259.00	410.00	1,636.50	201.50	869.17	8,852.53
HAP expenses	(479,279.00)	(478,083.00)	(476,524.00)	(476,313.00)	(475,888.00)	(475,507.00)	(479,006.00)	(477,440.00)	(476,721.00)	(480,425.00)	(483,648.00)	(481,969.00)	(5,740,803.00)
Surplus (Deficit)	<u>3,094.50</u>	<u>4,058.00</u>	<u>13,433.00</u>	<u>13,739.53</u>	<u>(12,126.17)</u>	<u>13,056.00</u>	<u>7,157.50</u>	<u>9,246.00</u>	<u>8,987.00</u>	<u>6,509.50</u>	<u>(56,902.50)</u>	<u>7,855.17</u>	<u>18,107.53</u>
% Total income utilized	99.36%	99.16%	97.26%	97.20%	102.61%	97.33%	98.53%	98.10%	98.15%	96.00%	96.92%	96.45%	99.69%
% Budget Authority utilized	99.99%	99.74%	97.65%	95.59%	95.50%	92.96%	93.64%	93.34%	93.20%	96.31%	96.96%	96.62%	95.91%
# of Households Assisted	884	875	875	873	873	868	865	864	864	862	866	857	10,426
Average HAP Payment	542.17	546.38	544.60	545.60	545.12	547.82	553.76	552.59	551.76	557.34	558.48	562.39	550.62
ADMIN & OPERATIONS (per G/L):													
Administrative Fee income (HUD)	59,042.00	59,042.00	88,927.00	71,351.00	60,767.00	61,187.00	61,187.00	61,187.00	65,105.00	61,187.00	50,283.00	50,283.00	749,548.00
HUD Additional AF Funding													
Other Admin income	1,258.96	2,360.92	2,118.13	3,405.65	3,522.28	1,907.80	4,817.93	2,742.83	1,950.36	3,233.39	1,803.11	2,476.81	31,598.17
Port-in HAP income	5,586.00	5,622.00	5,607.00	5,607.00	5,475.00	5,559.00	5,567.00	6,291.00	7,122.00	7,879.00	7,688.00	7,730.00	75,733.00
Port-in HAP expense	(5,586.00)	(5,622.00)	(5,607.00)	(5,607.00)	(5,447.00)	(5,559.00)	(5,567.00)	(6,291.00)	(7,122.00)	(7,879.00)	(7,688.00)	(7,730.00)	(75,705.00)
Operating expenses	(12,101.42)	(35,844.74)	(63,285.28)	(55,715.64)	(79,701.64)	(55,260.44)	(90,736.87)	(41,032.25)	(50,546.63)	(56,754.46)	(58,900.16)	(36,442.41)	(636,321.94)
Surplus (Deficit)	<u>48,199.54</u>	<u>25,558.18</u>	<u>27,759.85</u>	<u>19,041.01</u>	<u>(15,384.36)</u>	<u>7,834.36</u>	<u>(24,731.94)</u>	<u>22,897.58</u>	<u>16,508.73</u>	<u>7,665.93</u>	<u>(6,814.05)</u>	<u>16,317.40</u>	<u>144,852.23</u>
Remaining HAP Cash	12,452.15	15,867.15	25,068.15	52,595.67	38,133.50	43,639.50	51,082.35	61,129.00	72,303.00	72,853.50	15,677.00	21,048.17	
Remaining Non-HAP Cash	403,339.44	407,808.52	429,909.14	435,987.25	411,761.59	423,386.58	434,278.58	434,152.44	429,234.35	421,847.01	407,229.22	375,699.46	
Total HCV Cash	<u>415,791.59</u>	<u>423,675.67</u>	<u>454,977.29</u>	<u>488,582.92</u>	<u>449,895.09</u>	<u>467,026.08</u>	<u>485,360.93</u>	<u>495,281.44</u>	<u>501,537.35</u>	<u>494,700.51</u>	<u>422,906.22</u>	<u>396,747.63</u>	
Cash Increase/(Decrease)	(2,196.03)	7,884.08	31,301.62	33,605.63	(38,687.83)	17,130.99	18,334.85	9,920.51	6,255.91	(6,836.84)	(71,794.29)	(26,158.59)	

A Higher than expected Admin Fee. May be recaptured in the future.

B Additional AF Income due to 2020 HUD reconciliation.

C Decrease due to HAP recapture and annual Yardi license expense.

D Decrease due to HAP recapture.

HOUSING AUTHORITY - COUNTY OF HUMBOLDT
Mainstream Vouchers Only
For the month of December 2021

HAP:	April	May	June	July	August	September	October	November	December	Total
HUD Budget Authority Income (HAP)	44,260.00	44,261.00	44,261.00							132,782.00
HUD Additional VO Funding										-
Less: HUD Recapture										-
Draw from HUD-held reserves										-
Other HAP income										-
HAP expenses						7,679.00	12,043.00	15,166.00	16,925.00	51,813.00
Surplus (Deficit)	44,260.00	44,261.00	44,261.00	-	-	7,679.00	12,043.00	15,166.00	16,925.00	184,595.00
% Total income utilized	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	39.02%
% Budget Authority utilized	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	39.02%
# of Households Assisted						15	18	24	27	84
Average HAP Payment						511.93	669.06	631.92	626.85	616.82
ADMIN & OPERATIONS (per G/L):										
Administrative Fee income (HUD)										-
HUD Additional AF Funding										-
Other Admin income										-
Port-in HAP income										-
Port-in HAP expense										-
Operating expenses				(38.30)		-	(957.56)	(959.07)	1,075.37	(879.56)
Surplus (Deficit)	-	-	-	(38.30)	-	-	(957.56)	(959.07)	1,075.37	(879.56)
Remaining HAP Cash	44,260.00	88,521.00	132,782.00	132,782.00	132,782.00	127,368.00	113,372.00	97,966.00	79,915.00	
Remaining Non-HAP Cash				(38.30)	(38.30)	(38.30)	(472.32)	(1,308.77)	-	
Total Mainstream Voucher Cash	44,260.00	88,521.00	132,782.00	132,743.70	132,743.70	127,329.70	112,899.68	96,657.23	79,915.00	
Cash Increase/(Decrease)	44,260.00	44,261.00	44,261.00	(38.30)	-	(5,414.00)	(14,430.02)	(16,242.45)	(16,742.23)	
				A	B	C	C	C	C	

Negative cash due to timing difference of
A program start and receiving administrative funds
based on lease-ups.

No change in cash from prior month due to
B timing of lease-ups. MSV lease-ups expected to
start 09/2021.

Cash decrease due to timing of HUD stopping
MSV payments. Expecting cash to increase
C when payments continue in 2022.

HOUSING AUTHORITY - COUNTY OF HUMBOLDT
Emergency Housing Vouchers Only
For the month of December 2021

HAP:	July	August	September	October	November	December	Total
HUD Budget Authority Income (HAP)	104,554.00	104,554.00	104,554.00	104,554.00	104,554.00		522,770.00
HUD Additional VO Funding							
Less: HUD Recapture							
Draw from HUD-held reserves							
Other HAP income							
HAP expenses	-	-	-	-	-	3,983.00	3,983.00
Surplus (Deficit)	<u>104,554.00</u>	<u>104,554.00</u>	<u>104,554.00</u>	<u>104,554.00</u>	<u>104,554.00</u>	<u>3,983.00</u>	<u>526,753.00</u>
% Total income utilized	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.76%
% Budget Authority utilized	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.76%
# of Households Assisted							
Average HAP Payment							
ADMIN & OPERATIONS (per G/L):							
Administrative Fee income (HUD)	16,431.00	16,431.00	16,431.00	16,431.00			65,724.00
HUD Additional AF Funding							
Other Admin income	83.98	316.18	6,301.10	6,300.25	6,139.74	500.00	19,641.25
Port-in HAP income							
Port-in HAP expense							
Operating expenses	(83.98)		(6,301.10)	6,300.25	6,179.84	6,005.76	12,100.77
Surplus (Deficit)	<u>16,431.00</u>	<u>16,747.18</u>	<u>16,431.00</u>	<u>29,031.50</u>	<u>12,319.58</u>	<u>6,505.76</u>	<u>97,466.02</u>
Remaining HAP Cash	104,554.00	209,108.00	313,662.00	418,216.00	522,770.00	517,956.00	
Remaining Non-HAP Cash	<u>407,647.02</u>	<u>423,761.84</u>	<u>434,037.55</u>	<u>444,325.95</u>	<u>437,882.75</u>	<u>433,079.39</u>	
Total Emergency Housing Voucher Cash	512,201.02	632,869.84	747,699.55	862,541.95	960,652.75	951,035.39	
Cash Increase/(Decrease)	512,201.02	120,668.82	114,829.71	114,842.40	98,110.80	(9,617.36)	
	A	B	B	B	B		

A Initial funding to start program

B Increase due to timing of receiving funding before initial lease-ups.

HOUSING AUTHORITY - COUNTY OF HUMBOLDT
For the month of December 2021

Section 8 Program
County of Humboldt

Housing Assistance Payments

Month	Income	Expense**	% Expended
January	\$ 480,062.50	\$ (479,279.00)	99.84%
February	482,141.00	(478,083.00)	99.16%
March	489,957.00	(476,524.00)	97.26%
April	490,052.53	(476,313.00)	97.20%
May	463,761.83	(475,888.00)	102.61%
June	488,563.00	(475,507.00)	97.33%
July	486,163.50	(479,006.00)	98.53%
August	486,686.00	(477,440.00)	98.10%
September	485,708.00	(476,721.00)	98.15%
October	486,934.50	(480,425.00)	98.66%
November	426,745.50	(483,648.00)	113.33%
December	489,824.17	(481,969.00)	98.40%
Year to Date Total	\$ 5,756,599.53	\$ (5,740,803.00)	99.73%

Administrative and Operating Expenses

Month	Income	Expense	% Expended
January	\$ 60,300.96	\$ (12,101.42)	20.07%
February	61,402.92	(35,844.74)	58.38%
March	91,045.13	(63,285.28)	69.51%
April	74,756.65	(55,715.64)	74.53%
May	64,289.28	(79,701.64)	123.97%
June	63,094.80	(55,260.44)	87.58%
July	66,004.93	(90,736.87)	137.47%
August	63,929.83	(41,032.25)	64.18%
September	67,055.36	(50,546.63)	75.38%
October	64,420.39	(56,754.46)	88.10%
November	52,086.11	(58,900.16)	113.08%
December	52,759.81	(36,442.41)	69.07%
Year to Date Total	\$ 781,146.17	\$ (636,321.94)	81.46%

Households Served

Month	Number of Households Leased	Average Housing Assistance Payment
January	884	\$ 542.17
February	875	546.38
March	875	544.60
April	873	545.60
May	873	545.12
June	868	547.82
July	865	553.76
August	864	552.59
September	864	551.76
October	862	557.34
November	866	558.48
December	857	562.39

** Note that prior month HAP expenses/counts are subject to revision based on periodic retroactive adjustments.

Housing Choice Vouchers

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
January	945	966	939	918	888	931	985	913	889	917	918	903	882	866	884
February	935	960	936	911	884	933	983	906	901	921	919	898	894	867	875
March	921	953	940	910	881	944	977	899	908	923	918	896	897	861	875
April	927	953	935	909	883	945	979	896	920	928	919	908	895	859	873
May	929	930	932	903	907	949	977	890	920	927	917	905	895	850	873
June	929	911	935	895	892	944	976	890	922	930	914	898	892	853	868
July	937	922	936	885	900	940	969	891	929	924	919	895	882	873	865
August	969	923	931	880	902	938	962	891	929	923	917	888	879	872	864
September	967	924	926	884	903	944	956	896	931	927	913	888	872	883	864
October	971	937	923	880	898	953	946	897	918	934	906	888	866	888	862
November	979	934	917	879	912	968	939	900	913	928	903	887	881	890	866
December	995	940	919	885	922	973	927	890	910	925	902	882	877	887	857
Average	950	938	931	895	898	947	965	897	916	926	914	895	884	871	869
UML's	11,404	11,253	11,169	10,739	10,772	11,362	11,576	10,759	10,990	11,107	10,965	10,736	10,612	10,449	10,426

Mainstream Vouchers

	<u>2021</u>														
January															
February															
March															
April															
May															
June															
July															
August															
September															15
October															18
November															24
December															27
Average															21
UML's															84

Emergency Housing Vouchers

	<u>2021</u>														
January															
February															
March															
April															
May															
June															
July															
August															
September															
October															
November															
December															4
Average															4
UML's															4

Total All Voucher Programs

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
January	945	966	939	918	888	931	985	913	889	917	918	903	882	866	884
February	935	960	936	911	884	933	983	906	901	921	919	898	894	867	875
March	921	953	940	910	881	944	977	899	908	923	918	896	897	861	875
April	927	953	935	909	883	945	979	896	920	928	919	908	895	859	873
May	929	930	932	903	907	949	977	890	920	927	917	905	895	850	873
June	929	911	935	895	892	944	976	890	922	930	914	898	892	853	868
July	937	922	936	885	900	940	969	891	929	924	919	895	882	873	865
August	969	923	931	880	902	938	962	891	929	923	917	888	879	872	864
September	967	924	926	884	903	944	956	896	931	927	913	888	872	883	879
October	971	937	923	880	898	953	946	897	918	934	906	888	866	888	880
November	979	934	917	879	912	968	939	900	913	928	903	887	881	890	890
December	995	940	919	885	922	973	927	890	910	925	902	882	877	887	888
Average	950	938	931	895	898	947	965	897	916	926	914	895	884	871	894
UML's	11,404	11,253	11,169	10,739	10,772	11,362	11,576	10,759	10,990	11,107	10,965	10,736	10,612	10,449	10,514

County of Humboldt Housing Authority

Board of Commissioners Meeting

February 14, 2022

Agenda Item H1

Memorandum

To: Commissioners

From: Cheryl Churchill, Executive Director

Subject: Personnel Policy Update

BACKGROUND AND HISTORY:

The Agency's employee Personnel Policy was comprehensively reviewed for updates December 2021. The updated (draft) document has been amended to reflect updates to California law. The Policy was reviewed by the Agency's attorney and updates to the policy were based on the attorney's recommendations.

SIGNIFICANT CHANGES:

SB 579: Kin Care Provision

On October 11, 2015, Governor Brown amended the California kin care provision (SB 579) to require employers to allow employees to use one-half of their accrued sick leave to care for a family member. Additionally, effective January 1, 2016, "family members" was updated to include expanded definitions. Further, this adds that sick leave may be taken for incidents of domestic violence, sexual assault, stalking or related absence. While the Agency has followed these updates in practice and a memo was issued timely to all staff regarding this change, it has not been codified via an update to the Personnel Policy until now.

CFRA: California Family Rights Act

This act provides eligible employees the opportunity to take unpaid, job-protected leave for up to 12 weeks within a 12-month period. Section 413 of the Personnel Policy reflects the addition of this leave policy.

FEHA: Fair Employment and Housing Act

Updates have been included to the policy against Harassment, Discrimination and Retaliation, to further specify protected classifications and define harassment. This is included in section 900 of the Personnel Policy.

STAFF RECOMMENDATION:

Adopt a resolution approving changes to the Personnel Policy to be in compliance with updates to California state law.

Note: The Personnel Policy will also go before the City of Eureka Housing Authority Board of Commissioners (scheduled for 2/22/2022) for approval before final adoption.

PERSONNEL POLICY

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and County of Humboldt**

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ARTICLE 1. GENERAL PROVISIONS

SECTION 101. PURPOSE

101.1 It is the mission of the Housing Authorities to provide, in a cost-effective manner, housing services to families and senior citizens of low and moderate income. These services include safe, decent, and sanitary housing and related aids to improve the economic and social well being of our clientele.

The Authorities believe that a qualified and responsive staff is essential to the accomplishment of this mission.

The provision of a qualified and responsive staff requires policies for employee hiring, training, career development, job classification, salary administration, retirement, fringe benefits, leaves, discipline, and related activities to ensure that personnel are recruited, selected, and employed in an objective, impartial, fair and consistent manner in accordance with their ability and desire to assist in the accomplishment of the mission.

101.2 The Secretary/Executive Director is responsible for the implementation of this Personnel Policy.

SECTION 102. EQUAL EMPLOYMENT OPPORTUNITY

102.1 The Authorities maintain an on-going commitment to the principles of equal employment opportunity.

102.2 The Housing Authorities of the City of Eureka and County of Humboldt do not discriminate in admission or access to employment or treatment in employment.

It is the policy of the Authorities to comply with State and Federal anti-discrimination laws and to ensure that individuals with covered disabilities, of which the Authorities are aware, are provided reasonable accommodations to the extent required by law.

While the employee's opinions regarding accommodation are welcome, the Housing Authorities are free to choose among effective accommodations and may choose one that is less expensive and easier to provide.

The examples in these General Provisions cannot cover the range of potential accommodations, because every reasonable accommodation must be determined on an individual basis. To determine what is a reasonable accommodation, the following factors will be taken into consideration:

- A. the specific abilities and functional limitations of a particular applicant or employee with a disability; and

- B. the specific functional requirements of a particular job.

SECTION 103. ORGANIZATION AND ADMINISTRATION

103.1 Authority to effect personnel actions in accordance with these policies shall be vested in the Executive Director.

103.2 Personnel of the authorities shall be categorized as follows:

- A. Regular Position shall mean a position encompassing duties which are continuing in nature, which are regularly planned, established, and budgeted for within the Authorities. Regular Position Employees are eligible for benefits and have access to the grievance and disciplinary appeal procedures.
- B. Acting Position shall mean any employee required to perform the position of another classification for an entire pay period or longer shall be classified as Acting in the classification and paid as if he/she had been promoted to the classification for the length of time the duties are performed. The employee shall revert back to his/her Regular position upon termination of the required duties in the Acting capacity. Acting Position Employees are eligible for benefits and have access to the grievance and disciplinary appeal procedures
- C. Temporary Position shall mean a position having duties assigned to it which are generally considered as supplemental to normal work loads and geared to ensure proper functioning of the administrative and other management requirements of the Authorities. Any temporary employee shall retain this status until such event the employee is hired as Regular; the probationary period shall begin with the effective date of such action.

Employees assigned to temporary positions may not accrue seniority or other special benefits other than those required by law.

Temporary employees are at will, and they serve at the pleasure of the appointing authority. As such, temporary employees may be terminated without cause and do not have access to the grievance and disciplinary appeal procedures.
- D. Full-Time Position shall mean a position that normally requires a minimum of 40 hours per week. Full-time positions are eligible for benefits and have access to the grievance and disciplinary appeal procedures.
- E. Part-Time Position that requires 30 hours or more per week is eligible for retirement, medical, Housing Authority benefit dollars, life insurance and leave benefits and has access to the grievance and disciplinary appeal procedures. Housing Authority benefit dollars and leave benefits will be pro-rated in accordance with the number of hours worked.

Part-Time Position that requires 20 hours or more, but less than 30 hours per week are eligible only for medical benefits (\$16.00 per month). This position is not eligible for retirement, Housing Authority benefit dollars, life insurance or leave benefits and has access to the grievance and disciplinary appeal procedures.

Part-Time Position that requires less than 20 hours per week is not eligible for any benefits and has access to the grievance and disciplinary appeal procedures.

- F. Regular Employees shall mean an employee who has completed the probationary period in his or her full-time position and is occupying a position established on a continuing basis as distinct from a temporary employee who is occupying a positional on a seasonal or intermittent basis or part-time employee.
- G. Probationary Position shall mean a position which shall serve as a working test period during which time an employee is required to demonstrate his or her ability to perform the duties of his or her position. Probationary positions are entitled to employee benefits, subject to termination without cause and without access to the grievance and disciplinary appeal procedure.

103.3 Personnel Files

The Authorities shall maintain a personnel file for each employee. Employees shall have the right to review their personnel file, authorize review by their representative and shall be allowed copies of materials contained therein, to the extent required by law. Employees who wish to review their personnel file must give their supervisor reasonable advance notice. The Authorities will authorize review of personnel files to take place within a reasonable time of the request, at reasonable intervals and at reasonable times. The Authorities reserve the right to prohibit reviews during times when it needs the employee to render service. No material shall be inserted into the employee's personnel file without notice to the employee.

The personnel files of employees shall be considered confidential. The Authorities shall only release information from personnel files when lawfully ordered to do so or when written permission to release information has been provided by the employee. The only information that will be released about a former or existing employee without written authorization by the employee shall be limited to (a) verification that the employee worked or works for the Authorities, and (b) dates of employment; and (c) position(s) held.

All employee medical information shall be kept in separate, confidential files. Employee medical information is any information that identifies the employee and pertains to his or her medical history, mental or physical condition or treatment.

Each employee is responsible for informing the Authorities of any changes in relevant personal information, including phone number, address, emergency contacts and names and number of dependents.

ARTICLE 2. EMPLOYMENT

SECTION 201. RECRUITMENT

- 201.1 A recruiting program shall be conducted, based upon current and projected staffing needs. The recruiting efforts shall be carried out in a timely manner. Recruitment shall be tailored to various job classes to be filled and shall be directed to appropriate sources in order to attract an adequate number of candidates for consideration. Recruiting publicity shall be carried out through appropriate media for a reasonable period of time and to ensure sufficient opportunity for the appropriate segment of the labor market to apply and be considered for employment on the basis of abilities and potential.

Announcements shall indicate that the Authorities are equal opportunity employers who do not discriminate in admission or access to employment or treatment in employment. Announcements shall also include the essential functions of the job and the examination requirements.

When filling a vacant position, promotions from within the Authorities may be considered and approved without having to publish the vacancy through appropriate media.

SECTION 202. SELECTION AND EXAMINATION

- 202.1 Persons desiring employment shall file written application setting forth their qualifications for employment and other information as may be required.
- 202.2 Selection for employment shall be through open competition. Selection techniques shall be impartial and relate to subjects designed to maximize objectivity and validity through evaluation of applicant qualifications necessary to perform the essential functions of the job with or without accommodation and for successful job performance and career development.
- 202.3 Selection procedures may include, but are not limited to: written tests, personal interviews, performance tests, physical agility tests, evaluation of work experience and training, medical examination, successful completion of prescribed training, consideration of past or existing employment with the Authorities, or any combination of these or other evaluations. The probationary period shall be considered an extension of the examination process. The Authorities shall only require a physical or psychological examination of applicants to whom they extend a conditional offer of employment.
- 202.4 Selection procedures shall be designed to ensure that they relate to the essential job functions of each position.

- 202.5 Eligibility lists shall be created in accordance with the provisions of this Section and may contain the names of one or more persons eligible for employment or promotion.

Appointments may be made from the eligibility list to appropriate positions. Eligibility lists may be valid for a period not to exceed one (1) year. Names may be removed from the eligibility list for the following reasons.

- A. On evidence that the eligible applicant cannot be located by postal authorities. Failure to reply within five (5) working days to a letter requesting information as to availability for appointment, or failure to notify the Executive director of any change of address resulting in the return of letters without forwarding by the U. S. Postal Service, will be considered grounds for removal. With such evidence, on submission of a request giving acceptable reasons as to why the Notice was not returned or change of address not filed, the Executive Director may restore the name of an eligible candidate to the eligibility list.
 - B. Upon receipt of a written statement from the eligible applicant declining appointment and stating that he or she desires his or her name to be removed from the employment list.
 - C. Upon request of the Executive Director after a determination has been made by the Executive Director that the candidate does not meet the job-related standards.
- 202.6 No vacancy or new classification shall be filled prior to the closing date established for applications, nor shall interviews be conducted prior to the closing date.
- 202.7 A position which is vacant may be filled at a lower or higher classification level provided that the individual hired will be required to perform the level of duties assigned to that classification.

SECTION 203. MEDICAL STANDARDS

- 203.1 Following a conditional offer of employment, the Authorities, require all candidates, in order to be eligible for employment, to pass a physical and/or psychological examination, the extent of which shall relate to the essential functions of the job and necessary to ensure the Authorities' efficient operations, in accordance with the law and other standards generally followed by public agencies. The results of any such examination will be used to determine the applicant's/employee's ability to perform essential job-related functions, with or without reasonable accommodation.
- 203.2 The Executive Director may require an employee to provide a medical certificate stating that the employee can perform all of the essential functions of the employee's position, with or without reasonable accommodation in the following circumstances: (a) pursuant to federal, state or local law; (b) pursuant to any rule or policy of the Housing Authorities; or (c) when in the reasonable discretion of the Executive Director it is

necessary to determine an employee's capacity to perform the essential functions of his or her position.

- 203.3 In the event the applicant or employee is unable or able to perform the essential functions of his or her position, only with reasonable accommodation, the Executive Director shall engage in an interactive process with the applicant or employee to determine whether a reasonable accommodation is available. The Housing Authorities are not required to create an employment position that would not otherwise be created, or discharge, promote or transfer another employee or to grant any other accommodations that would impose an undue burden upon the Authorities.
- 203.4 When an employee is required to provide a medical certificate pursuant to Section 203.3 above, the Housing Authorities select the health care provider and pay for the medical examination.

SECTION 204. PROBATION PERIOD

- 204.1 Each new or newly promoted regular employee shall serve a probationary period of one year commencing with the first day of their employment or promotion. The probationary period shall be regarded as part of the selection process and shall be utilized for closely observing the work of new employees, for securing their effective adjustment to their positions and for rejecting any probationary employee whose performance does not meet acceptable standards of work. If the overall employee performance is acceptable, with the recommendations of the supervisor and no significant deficiencies, the employee will be made permanent upon the approval of the Executive Director.
- 204.2 New probationary employees shall have all rights under these Personnel Policies including full and complete access to the grievance procedure, except for instances of disciplinary action as defined in Section 506 and termination. The probationary employee may be terminated during the probation period without cause and without right to a hearing or an appeal.
- 204.3 An employee who is promoted and demonstrates unsatisfactory performance during the promotional probationary period, may, at the discretion of the supervisor and approval of the Executive Director, be demoted back to a vacant position in the classification, at a range and step from which she/he came, if there is a vacancy, or terminated from employment.
- 204.4 Newly promoted permanent employees shall have all rights under the Personnel Policies including full and complete access to the grievance procedure during the promotional probationary period, except in the case of demotions or terminations, in which case there is no right to any appeal.

SECTION 205. PERFORMANCE EVALUATION

- 205.1 Evaluation procedures and forms shall be standardized for all employees.
- 205.2 An evaluation will be performed for each employee in accordance with Section 204 (Probation) and each anniversary date thereafter.
- 205.3 Confidentiality shall be provided during employee evaluations and conferences.
- 205.4 An employee may respond in writing to his/her performance evaluation. Employees may not use the grievance procedure to challenge performance evaluation commentary or ratings.

SECTION 206. SENIORITY AND LAY-OFFS

- 206.1 An employee may be laid off for the following reasons: a shortage of work; lack of funds; material change in duties or organization; or in the interests of economy, to reduce staff of the Housing Authorities
- 206.2 Seniority for lay-off purposes is defined as the total length of continuous paid employment and authorized absence in a given job classification together with employment in a higher job classification.
- 206.3 The Housing Authorities will generally determine layoffs by classification in the following order. Within each classification, the Executive Director, in his or her discretion, will determine order of layoff according to documented best work performance. The Executive Director's determination as to who has the best work performance is not subject to appeal to the grievance procedure.
 - A. All temporary employees.
 - B. All probationary employees.
 - C. All acting employees.
 - D. All regular part-time employees.
 - E. All regular full-time employees.
- 206.4 Employees who are laid off may transfer or demote to a position in a classification for which they are qualified to hold and can perform, with or without reasonable accommodation.

Employees "bumped" as described in the foregoing paragraph will, for purposes of this Article, be treated as notified of lay-off and the same rights will apply.

206.5 The names of permanent employees laid-off shall be entered upon a re-employment list in the inverse order that they were laid-off. The person ranking the highest on the re-employment list for a particular classification shall be considered for any vacancy that occurs for which they are qualified and retains the right to fill the first vacancy that occurs in the classification from which he or she was laid-off.

206.6 Employees shall lose their seniority for the following reasons:

A. Discharge

B. Resignation

C. Failure to return to work when recalled from lay-off as set forth in the recall procedure.

D. Failure to return to work after expiration of a formal, approved leave of absence without prior notice to the Authorities.

E. Retirement.

F. Lay-off for a continuous period of two years.

206.7 Employees subject to lay-off shall be given at least ten working days written notice prior to the effective date of lay-offs. It shall be clearly stated on all papers prepared in connection with the lay-off that the transaction in no way reflects on the employee's performance, except that performance will be considered in determining order of lay-off.

ARTICLE 3. COMPENSATION AND BENEFITS

SECTION 301. HOURS OF WORK

- 301.1 Section 301.1 - Full-time employees shall normally work Monday through Thursday from 8:00 a.m. to 5:30 p.m. Fridays will alternate between an off day and work hours from 8:00 a.m. to 4:30 p.m., except that FLSA-exempt employees are expected to work as needed to fully perform their job duties. The workweek begins on the working Friday at 12:01 p.m. which allows for forty (40) hour work weeks.**
- 301.2 Employees shall be granted and may take a rest period of fifteen (15) minutes during each four (4) hours of work. Rest periods shall be considered as time worked for pay purposes. Rest periods may not be combined with other rest periods or the lunch period. Additionally, rest periods must be preceded and followed by regular work time.
- 301.3 Lunch periods shall be scheduled for all employees working over five (5) hours per day and are typically one-half (1/2) hour but may be modified to provide a longer period as appropriate. Lunch breaks are considered off-duty breaks, meaning employees shall be relieved of all duties and are not required to remain on the work premises. Employees shall not be paid for lunch periods.
- 301.4 Employees who are unable to take a required rest break or lunch break or whose rest or lunch break is interrupted for a work reason shall immediately report the occurrence to Human Resources and provide the reason for the occurrence.

SECTION 302. PAY PLAN

- 302.1 Basic Pay Plan: The Basic Pay Plan consists of assignment of classifications to the ranges listed on the salary schedule. Employees shall be paid within the ranges assigned to their classifications in accordance with the following provisions.
- A. The first step in each range is the minimum rate and shall be the hiring rate for the classification. In cases where it is difficult to secure qualified personnel or a person of unusual qualifications is employed, the Executive Director may approve appointment at a higher step.
 - B. The second step shall be paid after the completion of twelve (12) months of satisfactory service at the first step with the recommendation of the employee's supervisor and not significant deficiencies. Significant deficiencies shall be defined as two or more rating factors on evaluation form rated unacceptable.
 - C. The third, fourth and fifth step shall be paid at the completion of twelve (12) months of satisfactory service at each preceding step, as reflected by the annual evaluation with recommendation of supervisor and no significant deficiencies.

Significant deficiencies shall be defined as two or more rating factors on the evaluation form rated unacceptable.

- 302.2 All classifications shall be assigned to salary ranges by the Board of Commissioners. The Pay Plan may be amended from time to time as circumstances require.
- 302.3 Skill level promotions, if any, will take place, annually. Reviews will be done on or before the employee's anniversary date, and any resulting increase in pay will be effective the first date of the pay period following the employee's anniversary date. If, in any year, an employee does not receive a skill level promotion on his or her anniversary date, the employee may request a special evaluation to be performed six (6) months later by requesting a skill level promotion. If the promotion is approved, the anniversary date will be changed to coincide with the effective date of the promotion. Promotion to a new skill level will not be allowed while an employee is on probation. The employee may only request a skill level promotion when his/her probation is complete. The probationary period for a new skill level is one (1) year. If an employee performs unsatisfactorily during the probationary period, he/she shall revert back to his or her last classification, range, and step.

SECTION 303. PREMIUM PAY

- 303.1 Overtime is authorized work performed by FLSA (Fair Labor Standards Act) non-exempt employees in excess of a normal forty (40) hour week or in excess of nine (9) hours during a Monday to Thursday workday, or eight (8) hours during a Friday workday. Double time is authorized work performed by FLSA non-exempt employees in excess of twelve (12) hours in a workday. The start day and time of each work week shall be Friday at noon (1200 hours).**
- 303.2 Overtime work must be specifically authorized in advance by the Department Supervisor. Overtime credit shall be computed for each one-quarter (1/4) of an hour.
- 303.3 In lieu of overtime pay, where eligible, an employee may receive comp time if the supervisor and employee agree to the comp time before the extra work begins, and if the comp time is utilized in the pay period in which it was earned.
- 303.4 For FLSA exempt positions, including, but potentially not limited to, Executive Director, Director of Finance, Administration and Technology, Finance and Administration Manager, Maintenance Supervisor, Housing Programs Supervisor, and Executive Assistant, in lieu of premium pay, sixty-four (64) hours of Management Leave will be granted annually, on January 1st of each year, to be utilized to take time off. Management Leave is subject to an accrual maximum of sixty-four (64) hours; accordingly, on January 1 of each year, Management Leave will accrue up to, but not to exceed, sixty-four (64) hours. For purposes of example only, if an exempt employee has a Management Leave balance of twenty (20) hours on January 1, that employee will only receive forty-four (44) Management Leave**

hours for that year. Management Leave cannot be converted into cash, except as may be required by law at the time of employment separation. For newly hired or designated FLSA exempt employees, the first year's Management Leave will be prorated as of date of hire, promotion or designation.

- 303.5 Employees who are on call shall be compensated at the call back rate for the time that they are called back to work. The call back rate shall be equal to the employee's overtime rate and shall adhere to the requirements of Section 303.3. The employee who is on call shall be so designated by their immediate supervisor.

SECTION 304. HEALTH AND LIFE INSURANCE

- 304.1 The Authorities currently provide a health plan for eligible employees, the cost of which is shared by the Authorities and the employee.
- 304.2 Eligible dependents of employees and dependents of retirees may be placed on the health plan at the employee's option, at cost to the employee.
- 304.3 A Retiree, for the purpose of determining health benefits only, is defined as an employee who has been employed by the Housing Authorities for a minimum of ten years and is 55 years of age or older at the time of retirement. A retiree is eligible to participate in the Housing Authority's health plan upon approval of the health plan carrier. The cost borne by the Housing Authorities and the retiree will be determined from time to time.
- 304.4 A Survivor of a retiree, for the purpose of determining health benefits only, is defined as the spouse of the retiree or a dependent of the retiree who is eighteen years or younger and is a full-time student.

SECTION 305. DISABILITY

- 305.1 The State Disability Insurance program is funded by employee contributions and affords the benefits to employees unable to work due to non-job-related illness or injury.
- 305.2 Employees receiving Disability Insurance payments shall have the option of:
- A. Receiving only the Disability payment while on injury leave; or
 - B. Requesting that his/her accrued sick leave be charged for an amount of pay, which added to the Disability pay, would be equal to the employees' regular gross pay; or
 - C. When sick leave has been exhausted, the employee may elect to have vacation time pay the difference which will result in payment equal to the employee's regular gross pay.

SECTION 306. WORKER'S COMPENSATION

- 306.1 The California Housing Workers' Compensation Authority (CHWCA) Insurance Fund is

funded entirely by Housing Authorities. It affords medical, hospital, death and other benefits in case of injuries received on the job.

306.2 Employees receiving Workers' Compensation payment shall have the option of:

- A. Receiving only the Workers' Compensation payment while on industrial injury leave; or
- B. Requesting that his/her accrued sick leave and or annual leave be charged for an amount of pay which, added to the Workers' Compensation pay, would be equal to the employee's gross pay.

While the employees are receiving Workers' Compensation benefits, the Housing Authorities will continue to pay its share of the employee's health insurance premium for a period not to exceed one (1) year from the time of the industrial injury so long as they are still employed by the Housing Authorities.

SECTION 307. UNEMPLOYMENT COMPENSATION

307.1 This is a fund established to afford protection for those unemployed but able and available for work. The Authorities pay a tax on gross wages and salaries into this fund as prescribed by State Law.

SECTION 308. RETIREMENT SYSTEM

308.1 The Authorities have entered into a contract with a firm designated by the Housing Authorities to provide retirement benefits for designated Housing Authorities' employees.

308.2 The plan may be revised by the Board of Commissioners or the State Legislature.

308.3 The Housing Authorities shall contribute a portion of the cost of employee retirement benefits in accordance with the provisions of contract between the Housing Authorities and the firm selected that has been designated by the Authorities to administer the retirement plan and to invest the retirement funds.

SECTION 309. DEFERRED COMPENSATION

309.1 The Housing Authorities offer a Deferred Compensation plan to employees. This plan gives the employee the opportunity, through payroll deductions, to have a portion of income, in an amount determined by law, to be deferred before state and federal income taxes and deposited in an account to be invested in any or all fund options as directed by the employee.

SECTION 310. HOUSING AUTHORITIES BENEFIT DOLLARS

310.1 The Housing Authorities will, from time to time, designate a benefit dollar amount for each employee. This amount is to be used at the discretion of the employee to pay for

health, life and/or dental and/or vision coverage for himself/herself and his/her dependents. Any remaining benefit dollars will be contributed by the employee to the Housing Authorities deferred compensation plan.

ARTICLE 4. LEAVE

SECTION 401. HOLIDAYS

401.1 Holidays defined. The dates listed below shall be considered holidays for regular full-time Housing Authority employees who shall be entitled to take the leave with no deduction in pay:

1. January 1 - New Year's Day
2. Third Monday in January - Martin Luther King Day
3. February 12 - Lincoln's Birthday
4. Third Monday in February - Washington's Birthday
5. March 31 - Cesar Chavez Day
6. Last Monday in May - Memorial Day
7. June 19 - Juneteenth
8. July 4 - Independence Day
9. First Monday in September - Labor Day
10. September 9 – California Admission Day
11. Second Monday in October - Columbus Day
12. November 11 - Veteran's Day
13. Fourth Thursday & Friday in November - Thanksgiving Day and the Friday following Thanksgiving Day
14. December 25 - Christmas Day
15. Good Friday (Friday before Easter) from 1:00 to 5:00 P.M.

401.2 Every day or part of a day appointed by the President, Governor, or Board of Commissioners to be a holiday.

401.3 When a holiday as identified above falls on a Sunday, the following Monday shall be observed as a holiday.

When a holiday as identified above falls on a Saturday, the preceding Friday if designated as a regular workday shall be taken off. If the Friday is a day off, the preceding regular workday shall be taken off.

- 401.4 Holidays which fall while an employee is on annual leave or sick leave shall be counted as a holiday and not charged to annual or sick leave.
- 401.5 In order to be eligible for holiday pay, an employee must be either at work or paid leave of absence on the regularly scheduled workday immediately preceding the holiday or day observed in lieu of the holiday. No employee who is on suspension or unpaid leave of absence on either the regularly scheduled workday immediately preceding or immediately following the holiday or day observed in lieu of the holiday shall receive compensation for said holiday or day observed in lieu of the holiday.

SECTION 402. ANNUAL LEAVE

- 402.1 Subject to the accrual requirements in Section 402.3 below, each employee shall be entitled to an annual paid vacation which will be accrued in the following manner:

<u>Years of Service</u>	<u>Length of Vacation</u>
1st and 2nd	96 working hours per year
3rd and 4th	104 working hours per year
5th and 6th	112 working hours per year
7th and 8th	128 working hours per year
9th and 10th	136 working hours per year
11th and 12th	144 working hours per year
13th and 14th	152 working hours per year
15th and 16th	160 working hours per year
17th and 18th	168 working hours per year
19th and over	176 working hours per year

- 402.2 An employee who desires to take accrued leave must submit reasonable advance notice to his/her supervisor of the dates. Approval of requested leave shall be determined by the supervisor after due consideration of employee convenience, administrative requirements, accrued leave requests already submitted by other employees, work performance, seniority, and any other factors that the supervisor deems appropriate.
- 402.3 An employee may only accrue annual leave according to the schedule of hours designated in the second column.

<u>Years of Service</u>	<u>Maximum Hours of Accrual</u>
Less than 5 years	240
5 to 9 years	280
10 or more years	320

- 402.4 An employee whose service is terminated shall be entitled to receive the equivalent amount of pay for annual leave accrued but not taken. Such payment shall be made in a lump sum on the effective date of termination or within the time required by law, whichever is later.
- 402.5 Notwithstanding the 402.1, above, annual leave shall not vest with any employee during his or her probationary period and, accordingly, may not be used during a new employee's probationary period.

SECTION 403. SICK LEAVE

- 403.1 Payments on account of sickness shall be granted an employee of the Authorities who by reason of a qualifying reason described in Section 403.3, below, is unable to perform regular duties. The purpose of this regulation is to provide a measure of security and to aid an employee in the event of illness, and it is not intended to mean that sick leave shall be considered as an additional leave. A doctor's statement is required for any period of sick leave over 3 days.
- 403.2 It shall be the responsibility of each employee, absent from duty on account of sickness, to notify his/her supervisor as soon as possible on the first day of absence. If an employee reports an absence for a reason described in Section 403.3, below, the Housing Authorities will assume the employee is requesting a deduction be applied against his or her paid sick leave balance consistent with this policy unless he or she advises his or her supervisor otherwise.
- 403.3 Sick leave may be used only for the diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's family member. For purposes of this policy, "family member" means any of the following: (1) a child which means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status; (2) a 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; (3) a spouse; (4) a registered domestic partner; (5) grandparents; (6) grandchildren; and, (7) siblings. Sick leave may also be used by an employee who is a victim of domestic violence, sexual assault or stalking for related absences that are due to: seeking medical attention or treatment; psychological counseling; obtaining services from a domestic violence shelter, program or rape crisis center; safety planning; or seeking judicial relief arising from domestic violence, sexual assault, or stalking.

Limitations: Note that per California law effective January 1, 2000, up to one-half of an employee's annual leave accrual is permitted to be used to care for family members. The maximum number of employee sick leave hours that an employee may use to care for a family member is the lesser of (1) all of the employee's accrued unused sick leave, or (2) forty-eight hours (48 hours), the sick leave that would be accrued during six months

at the employee's regular annual rate of accrual.

- 403.4 Each employee shall be entitled to sick leave which will be accrued at a rate of 96 hours per year, computed on the basis of 8 hours for each full month of service and prorated for each fraction thereof. Except that an employee stops earnings and accruing sick leave once he/she has accrued a maximum of 1000 hours and does not begin to earn sick leave again until after his/her sick leave balance drops below the (1000 hours) cap.
- 403.6 An employee who becomes ill while on vacation and desires to claim sick leave rather than vacation leave must notify his/her supervisor as soon as possible after the hour on which he/she desires sick leave compensation to begin. If, after recovery from an unexpected illness while on vacation, the employee wishes to extend his/her vacation period, such request may be granted at the discretion of the Authority.
- 403.7 For employees whose initial date of hire is prior to May 1, 2009, unused sick leave is payable at 100% of the current rate of pay at time of separation, and for that amount accrued above 1000 hours on December 31st of any year, only after completion of ten years of service. Prior to completion of ten years of service any accrued sick leave will have no reimbursement value.**

For those employees whose initial hire date is May 1, 2009 or later, maximum sick leave accrual is limited to 1000 hours, and no compensation will be paid for any amount accrued in excess of 1000 hours as of December 31st of any year. Unused sick leave (not to exceed 1000 hours) is payable at time of separation on the basis of the following schedule:

0 through 14 years	0%
15 through 19 years	50%
20 through 24 years	75%
25 and more years	100%

- 403.8 Additional Family Leave: Employees who are eligible for sick leave will be allowed leave of absence with full pay, not to exceed thirty-two (32) hours per year for the diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee's family member consisting of a parent, child, spouse, or registered domestic partner. Unused employee family sick leave shall not be accumulated from year to year.
- 403.9 Sick leave may be used during a new employee's first 90 days with the Housing Authorities with approval of the Executive Director.
- 403.10 Any full-time employee who has used five days (45 hours) or less of sick leave (for any reason) by December 15th of each year will be given an extra day as paid annual leave. In compliance with Section 504 of the Rehabilitation Act of 1973 and to ensure there is no disparate treatment for disabled/handicapped individuals, sick leave use that is

directly related to a disability/handicap will not be used in the bonus day calculation. For the purposes of calculating days used, the calculation for the year will commence on December 16th of a year and run through December 15th of the succeeding year. Employees may only accrue one bonus day. Employees must use the bonus day between December 15 and December 31 of the year in which it is granted. Those employees who fail to use the bonus day on or before December 31, shall be compensated for the bonus day at their regular rate of pay in the following pay period.

SECTION 404. EDUCATIONAL LEAVE AND TUITION REIMBURSEMENT

- 404.1 It is the policy of the Authorities to encourage employees to take professional growth, college courses and special training courses which will better enable them to carry out their present duties and/or will prepare them for increased responsibilities.
- 404.2 Employees who enroll in such approved courses will be reimbursed by the Authorities for full tuition costs upon successful completion of the course, which is generally considered to mean with a grade of "C" or better.
- 404.3 Employees are eligible to participate in the program provided:
- A. The employee gains prior approval from the Authorities; and
 - B. The employee is not receiving reimbursement from any governmental agency or private source; and
 - C. The training undertaken is directly related to the employee's occupational area and has demonstrated value to the Authorities.
- 404.5 Employees shall receive full immediate reimbursement for tuition upon submittal of proof indicating satisfactory completion of the course.
- 404.6 The costs of books, supplies, application fees, graduation fees, or related items are not eligible for reimbursement. In the case of accounting staff only, the cost of text books required by the course study shall be reimbursed by the Housing Authority upon successful completion of the course.

SECTION 405. MILITARY LEAVE

- 405.1 An employee who leaves his/her position to enter military service in time of war or any period of national emergency as declared by the President in connection with national defense or by reason of being drafted, shall be carried on the rolls in a military leave status.
- 405.2 Upon the employee's honorable discharge from military service, he/she shall be entitled

to be re-employed to a position in which he/she would have been employed had there been no interruption for military service, or a position of like seniority, status, and pay for which the employee is qualified. If the employee is not qualified for one of these jobs, the Authorities will make reasonable efforts to qualify him/her. If these reasonable efforts fail, then the employee will be restored to his/her same position or to a position of like seniority, status, and pay. To be re-employed, the employee must timely apply for re-employment with the Authorities in the time required by law for his/her particular length of service. For details regarding statutory time requirements for re-application, employees should see the Executive Director.

- 405.3 Military Leave of Absence with pay, in accordance with the number of calendar days each calendar year permitted by existing State and Federal law, will be granted to permanent employees who are reservists of the Armed Forces or members of the National Guard engaged in active duty, training or military aid to enforce the law.

SECTION 406. COURT LEAVE

- 406.1 Any employee, in court as a witness or on jury duty, is entitled to court leave and such absence shall not be construed as annual leave or leave without pay. If the court leave is for purposes related to Authority employment, the time spent will be considered work time for purposes of overtime compensation. If the court leave is for personal or non-Authority related purposes, the time spent will not be considered work time for purposes of overtime compensation.
- 406.2 Any fees, except travel pay, collected by the employee for jury duty shall be collected by the Authorities from the employee, except that such fees collected shall not be in excess of the salary earned by the employee in the same period. However, the employee may elect to take annual leave or leave without pay and retain the fees.
- 406.3 Before court leave is granted, the employee must submit a copy of the official summons to the payroll department prior to the beginning date of such duty or service.
- 406.4 The Authorities will not discriminate against any employee participating in jury service or appearing in court as a witness.

SECTION 407. LEAVE WITHOUT PAY

- 407.1 Leave of absence without pay may be granted to permanent employees for a period not to exceed one year for the following reasons:
- A. Leave for illness, injury, or disability beyond that covered by paid sick leave, including workers' compensation cases.
 - B. Maternity leave. The employee may elect to use earned sick leave and/or annual

leave during the maternity leave. The employee may request a leave of absence without pay for time in excess of that granted under the Housing Authorities' Pregnancy Disability Leave.

- C. Paternity leave. The employee may elect to use earned sick leave and/or annual leave during the paternity leave. The employee may request a leave of absence without pay for time in excess of that granted under the California Family Rights Leave, and Pregnancy Disability Leave policies.
 - D. Education or training which will assist the employee to receive promotional opportunities.
 - E. Leave for temporary employment.
 - F. Leave to seek public elected or appointed office.
 - G. Other personal reasons which do not cause inconvenience to the Authority.
- 407.2 The Authority may, in exceptional cases, extend a leave for an additional period not to exceed one year. Only one extension may be granted and only in cases of illness or disability of the employee.
- 407.3 Immediately prior to, or at the time of return to active duty from illness or disability leave, the employee shall submit a statement from a physician certifying as to his/her physical and/or mental ability to resume the duties of his/her position.
- 407.4 When an employee has been granted leave without pay and desires to return before the expiration date of such leave, the employee may be required to give reasonable notice not in excess of 15 calendar days.
- 407.5 Failure to report for active duty after a leave of absence has expired or has been disapproved or revoked or any other failure to report for duty as scheduled may at the option of the Authorities, be considered an automatic resignation following due process procedures.
- 407.6 A leave of absence for any of the reasons stated in 407.1 above may be revoked by the Authorities upon evidence that the cause for granting leave was misrepresented or had ceased to exist.
- 407.7 Accumulated sick leave may not be granted to any employee while in "leave without pay" status. Employees returning to work following leave without pay shall not forfeit the sick leave accumulated prior to commencement of the "leave without pay" period.
- 407.8 Employees may not accrue annual or sick leave credits while on "leave without pay", except as otherwise required by law.

- 407.9 Premiums required under the Authorities' health programs, retirement, and workers' compensation shall not be paid by the Authorities while the employee is in "leave of absence without pay" status, **except as otherwise required by law.**

SECTION 408. UNAUTHORIZED LEAVE

- 408.1 Absence without proper authorization or approval may be considered sufficient cause for suspension or dismissal of the employee.
- 408.2 If an employee is absent without proper authorization, deductions shall be made from his/her pay for the period of absence in full compliance with the Fair Labor Standards act.

SECTION 409. BEREAVEMENT LEAVE

- 409.1 Employees may be granted up to forty-eight (48) hours of paid bereavement leave to be used in case of death in an employee's immediate family (spouse, son, daughter, father, mother, brother, sister, grandparent, grandchild, or the corresponding relation by affinity). Whether bereavement leave will be granted, and the amount that will be granted, will be determine at the Authorities' discretion.**

SECTION 410. PREGNANCY DISABILITY LEAVE

- 410.1 Under the California Fair Employment and Housing Act (FEHA), if you are disabled by pregnancy, childbirth or related medical condition, you are eligible to take a pregnancy disability leave (PDL). If you are temporarily disabled by pregnancy or a related medical condition, you also are eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties for the duration of your pregnancy, if this transfer is medically advisable and can be reasonably accommodated.
- 410.2 The PDL is for period(s) of actual disability caused by your pregnancy, childbirth or related medical conditions up to four months (or 88 workdays for a full-time employee) per pregnancy.
- 410.3 The PDL does not need to be taken in one continuous period of time but can be taken on an as-needed basis.
- 410.4 Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth would all be covered by your PDL.
- 410.5 PDL is unpaid leave.

- 410.6 You may be required to obtain a certification from your health care provider of your pregnancy disability or the medical advisability for a transfer. The certification should include:
- A. the date on which you became disabled due to pregnancy or the date of the medical advisability for the transfer.
 - B. the probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and
 - C. a statement that, due to the disability, you are unable to work at all or to perform any one or more of the essential functions of your position without undue risk (i) to yourself, (ii) to the successful completion of your pregnancy, (iii) to other persons, or a statement that, due to your pregnancy, the transfer is medically advisable.
- 410.7 Although PDL is unpaid, at your option, you can use any accrued vacation, sick leave or other accrued paid time off as part of your pregnancy disability leave.
- 410.8 Reinstatement: Upon the expiration of pregnancy leave and the Authorities' receipt of a written statement from the employee's health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position so long as it was not eliminated for a legitimate business reason during the leave.
- 410.9 If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in content, status, pay, promotional opportunities and geographic location to the employee's original position.
- 410.10 If upon return from leave the employee is unable to perform the essential functions of her job because of a physical or mental disability, the Authorities will initiate an interactive process with the employee in order to identify potential reasonable accommodations.
- 410.11 An employee who fails to return to work after the termination of her leave loses her reinstatement rights.
- 410.12 An employee who is on pregnancy-related disability leave will accrue employment benefits, such as sick leave, vacation leave, and seniority only when paid leave is being substituted for unpaid leave, and only if the employee would otherwise be entitled to such accrual.

SECTION 411. TIME OFF FOR VICTIMS OF VIOLENT CRIMES OR DOMESTIC ABUSE

- 411.1 An employee who has been a victim of crime or domestic violence may take time off to:
- 1) appear in court to comply with a subpoena or other court order as a witness in any

judicial proceeding; 2) seek medical or psychological assistance; or 3) participate in safety planning to protect against further assaults.

An affected employee must give the Authorities reasonable notice that he or she is required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide the Authorities with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid unless the employee uses accrued time off.

SECTION 412. SCHOOL-RELATED LEAVE

- 412.1 An employee who is a parent, guardian or grandparent with custody of a child in a licensed day care facility, kindergarten or grades 1-12 inclusive, may request unpaid time off to visit that facility or school as described below.

School Activities: An employee may take off up to 8 hours without pay each month (up to a maximum of 40 hours each calendar year), to participate in the activities of the facility or school, provided that the employee gives reasonable notice to the Authorities of his or her proposed absence. An employee may utilize his or her existing accrued vacation time or other accrued paid time off. The Authorities require the employee to provide documentation from the school or licensed day care facility, within 5 days of the leave, as proof that the employee participated in the school or licensed day care activities on a specific date and time.

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

School Leave - Suspension: An employee who is the parent or guardian of a child who has been suspended from school, and who the school has directed to attend the child's school, may have unpaid leave for this purpose. The employee should alert his or her supervisor as soon as possible so that alternative arrangements may be made. The employee may utilize his or her accrued vacation time.

SECTION 413. CALIFORNIA CFRA LEAVE POLICY

- 413.1 Purpose/Objective.** The California Family Rights Act (CFRA) provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave employees may use under this policy is twelve (12) weeks within a 12-month period. For more information regarding leave under this policy, employees should contact human resources.

413.2 Eligibility. To be eligible for CFRA leave, employees must:

- A. Have worked at least twelve (12) months for the Authorities in the preceding seven years (limited exceptions apply to the seven-year requirement).
- B. Have worked at least 1,250 hours for the Authorities over the twelve (12) months preceding the date the leave would commence.

All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility.

413.3 Conditions Triggering Leave. CFRA leave may be taken for any of the following reasons:

- A. To care for or bond with a newborn child.
- B. To care for or bond with a child placed with the employee and/or the employee's registered domestic partner for adoption or foster care.
- C. To care for an immediate family member (employee's spouse, parent, registered domestic partner, child or registered domestic partner's child of any age, sibling, parent-in-law, grandparent, or grandchild) with a serious health condition.
- D. Because of the employee's serious health condition that makes the employee unable to perform his or her job (with the exception of pregnancy, which is covered under Pregnancy Disability Leave and does not run concurrently with CFRA).
- E. A qualifying military exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child (of any age) or parent in the United States armed forces, as specified in Section 3302.2 of the Unemployment Insurance Code.

413.4 Definitions. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider, and either prevents the employee from performing the functions of his or her job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing-treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider, or one visit to a health care provider and a continuing regimen of care; an incapacity caused by a chronic condition or permanent or long-term conditions; or absences due to multiple treatments. Other situations may also meet the definition of "continuing treatment."

413.5 The 12-Month Measurement Period. The Authorities measure the period of twelve (12) months in which leave is taken by measuring backward from the date an employee uses CFRA leave.

413.6 Intermittent or Reduced-Schedule Leave. Eligible employees may take CFRA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member.

Employees who require intermittent or reduced-schedule leave must try to schedule their

leave so that it will not unduly disrupt the Authorities' operations. Intermittent leave is permitted in intervals of at least one hour or at the same intervals as provided in Authorities' sick leave policy, whichever increments are smaller.

413.7 Interaction with Paid Leave. Depending on the purpose of the leave request, employees may choose (or the Authorities may require employees) to use accrued paid leave (such as sick leave, vacation or paid time off) concurrently with some or all of the CFRA leave. To use paid leave concurrently with CFRA leave, eligible employees must comply with Authorities' normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice).

Employee paid-leave accruals (paid time off, vacation, sick leave) will continue while paid leave is used during periods of CFRA absence and in accordance with those individual policies.

Employee paid-leave accruals will not continue during unpaid periods of CFRA absence or when only disability payments are being received.

413.8 Maintenance of Health Benefits. If employees and/or their families participate in the Authorities' group health plan, the Authorities will maintain coverage during CFRA leave on the same terms as if employees had continued to work. If applicable, employees must make arrangements to pay their share of health plan premiums while on unpaid leave. In some instances, the Authorities may recover premiums it paid to maintain health coverage or other benefits for employees and/or their families. Use of CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of leave under this policy. Employees should consult the applicable plan document for information regarding eligibility, coverage and benefits.

413.9 Procedures. When seeking leave under this policy, employees must provide the following to Human Resources:

- A. Thirty (30) days' notice of the need to take CFRA leave if the need for leave is foreseeable, or notice as soon as practicable in the case of unforeseeable leave and in compliance with the Authorities' normal call-in procedures, absent unusual circumstances.
- B. Medical certification supporting the need for leave due to a serious health condition affecting the requesting employee or an immediate family member within fifteen (15) calendar days of the Authorities' request for the certification (additional time may be permitted in some circumstances). Failure to do so may result in delay of the commencement of leave or denial of a leave request. Second or third medical opinions may also be required when allowed.
- C. Periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work.
- D. A return-to-work release before returning to work if the leave was due to the employee's serious health condition.

413.10 Employer Responsibilities. To the extent required by law, the Authorities will inform employees whether they are eligible for leave under CFRA. Should employees be eligible

for CFRA leave, the Authorities will provide them with a notice that specifies any additional information required, as well as their rights and responsibilities. the Authorities will also inform employees if leave will be designated as CFRA-protected and, to the extent possible, note the amount of leave counted against employees' leave entitlement. If employees are not eligible for CFRA leave, the Authorities will provide a reason for the ineligibility.

413.11 Job Restoration. Upon returning from CFRA leave, employees will typically be restored to their original position or to an equivalent position with equivalent pay, benefits and other employment terms and conditions.

413.12 Failure to Return After CFRA Leave. If an employee fails to return to work as scheduled after CFRA leave or if an employee exceeds the 12-week CFRA entitlement, the employee will be subject to the Authorities' other applicable leave of absence, accommodation and attendance policies. This may result in termination if the employee has no other Authorities-provided leave available that applies to the continued absence. Likewise, following the conclusion of the CFRA leave, the Authorities' obligation to maintain the employee's group health plan benefits ends (subject to any applicable COBRA rights).

ARTICLE 5. PERSONNEL ACTIONS

SECTION 501. PROMOTION

- 501.1 Notice of openings that present promotional opportunities for employees will be posted in appropriate work locations for at least three (3) working days prior to selection.
- 501.2 When an employee is promoted, the employee shall be placed on such a step of the new range so as to receive a salary increase of at least five percent (5%) over the salary formerly received. The employee's anniversary date shall change to coincide with the effective date of promotion.

SECTION 502. CHANGES IN STATUS

- 502.1 When an occupied position is reclassified upward, the incumbent's salary shall be affected as provided in 501.2, Promotions.
- 502.2 When an occupied position is reclassified downward, the incumbent shall be: (a) placed on the step of the new range so as to receive the same salary they were receiving under the old range; or (b) placed on the step of the new range next higher than their present salary if their present salary is between steps of the new range; or (c) Y-rated, if above the fifth step of the new range and shall remain unchanged until such time as general salary range adjustments increase the salary for their new classification to a range which encompasses the Y-rated salary. The employee's anniversary date shall remain unchanged.
- 502.3 When an employee transfers to a position in a different job classification with the same salary ranges as their current position (lateral change), they shall continue to receive their current salaries and their anniversary date shall remain unchanged.
- 502.4 When a salary range adjustment occurs, an employee shall be placed on the same step within the new range as he occupied within the old range. Anniversary dates remain unchanged when salary range adjustments occur.
- 502.5 On the event an employee is promoted, demoted, reclassified, transferred, or their salary is upgraded, said actions shall be made effective at the beginning of a pay period.

SECTION 503. DEMOTIONS

- 503.1 When employees are demoted, their salary shall be adjusted so that: (a) they occupy the same step in the new lower range as they did in the previous range; or (b) if employees had previously served in the lower classification, they shall be placed on such step as they would have progressed to if they had remained at that lower classification.

503.2 In the case of demotion, the employee's anniversary date shall not change.

SECTION 504. RESIGNATION

504.1 An employee who desires to terminate his employment shall submit a written resignation at least two weeks before intended resignation date.

Failure to submit a written resignation at least two weeks prior to departure from the Authorities= service may result in a notation to the employee=s personnel file that he or she did not leave the Authorities= service in good standing.

504.2 In case of the death of an employee, his estate shall be paid all wages or salaries and annual leave accrued, the amount of same to be determined as though the employee has voluntarily terminated his/her employment.

504.3 Employees occupying the position of Executive Assistant, Director of Finance and Administration, Maintenance Supervisor and Housing Programs Supervisor who desire to terminate their employment shall submit a written resignation at least sixty (60) days before intended resignation date.

SECTION 505. RETIREMENT

505.1 An employee planning to retire shall submit a written notice at least thirty (30) days before the effective date of retirement.

SECTION 506. DISCIPLINARY ACTIONS

506.1 Standard for Discipline. Disciplinary measures may be taken for any good and sufficient cause. The extent of the disciplinary action taken shall be commensurate with the offense, provided that the prior employment history of the employee may also be considered pertinent. An employee, who is not exempt from discipline under Article 103, shall be subject to disciplinary action:

A. Violating Housing Authorities' policies, ordinances, rules, or regulations;

B. Failure to maintain job performance standards;

C. Lack of cooperation and courtesy;

D. Insubordination;

E. Carelessness;

- F. Failure to prepare and/or maintain prescribed records (i.e., falsifying, concealing, misusing, mutilating or removing records);
- G. Willful or negligent damage of Housing Authority property;
- H. Theft of Housing Authority property or property of others;
- I. Conviction or commission of a crime affecting job performance however, conviction is not a prerequisite to disciplinary action;
- J. Absence without leave;
- K. Fraud in securing employment;
- L. Conviction of a felony or misdemeanor involving moral turpitude;
- M. Conduct unbecoming a public employee or reflecting discredit upon the Housing Authorities;
- N. Abuse of sick leave.

506.2 Range of Disciplinary Action. The type of disciplinary actions included under this Policy are Verbal Reminders, Written Reminders, Contemplation Leave, Suspensions Without Pay, Involuntary Demotion, Reduction in Pay, and Termination. For each type of disciplinary action, certain steps and due process procedures must be followed. A supervisor who is considering a disciplinary action should discuss the circumstances of the situation with the Executive Director before taking any action unless the particular situation requires immediate action. A supervisor is not required to take disciplinary actions in sequential order. Depending upon the specific circumstances of the violation, the supervisor should determine which action(s) is (are) appropriate. Notwithstanding anything in this Personnel Policy, employees who are exempt from the overtime compensation requirements of the FLSA will only be disciplined in accordance with FLSA requirements.

506.3 Progressive Discipline

Disciplinary action may, but is not required to, be taken in progressive steps as follows:

- A. Verbal Reminder: The supervisor holds a verbal reminder meeting with the employee. The purpose of the meeting is to explain the employee's conduct or acts which are in violation of Housing Authority rules, policies or practices and to remind the employee of the behavior that is expected in the future and the consequences of not meeting the performance expectations of the supervisor.
- B. Written Reminder: The supervisor prepares a written reminder. The written reminder shall constitute notice of the infraction(s) including the time and circumstances. The

supervisor will hold a written reminder meeting with the employee.

1. Employees who have received written reminders are entitled to the following due process:

- a. The opportunity to present a written response to the written reminder and to have their written response considered before the written reminder is placed in the employee's personnel file. The employee must submit any written response to the Executive Director, or a designee, to be forwarded to the issuer of the written reminder for consideration.
- b. The employee has five (5) business days from receipt of the written reminder in which to write a response and/or request and informally meet with the person issuing the reminder to discuss its contents. The issuer of the reminder will then consider the response, and based upon that consideration, either withdraw the written reminder or submit it to the Executive Director, or a designee, to be placed in the employee's personnel file. The employee's written response, if any, will be placed in his or her personnel file.

C. Contemplation Leave (Discipline): Any employee may be placed on a one-day contemplation leave with pay to allow the employee time to consider the expectations of the supervisor.

In implementing a contemplation leave, the supervisor will follow all of the steps listed under the written reminder section of this Article. In addition, the supervisor will include in the memo to the employee an explanation that the purpose of the contemplation leave is for the employee to consider the expectations of the supervisor. The employee may, at his/her option, prepare a written statement concerning the supervisor's expectations.

When the employee returns from the contemplation leave, the employee may, at his/her option, meet with the supervisor and discuss the expectations of the supervisor. The supervisor will review any statement prepared by the employee. The employee shall be warned that failure to comply with the reasonable expectations of the supervisor may be grounds for discipline up to and including termination.

D. Suspension Without Pay: An employee may be suspended without pay for up to thirty (30) calendar days. When placing an employee on suspension without pay, the supervisor shall follow all of the steps listed under the Notice of Intent to Impose Discipline (Section 506.4), Predisciplinary Conference (Section 506.5) and Appeal Rights (Section 506.6) sections of this Policy.

FLSA-exempt employees may only be suspended in increments of one or more workdays). An FLSA-exempt employee who believes he or she has been disciplined in violation of this rule may contact the Executive Director and an

investigation will be conducted and appropriate action taken if necessary.

- E. Involuntary Demotion: An employee may be demoted to a classification, having an overall lower salary range, for which the employee is qualified. When demoting an employee, the supervisor shall follow all of the steps listed under Notice of Intent to Impose Discipline (Section 506.4), Predisciplinary Conference (Section 506.5) and Appeal Rights (Section 506.6) sections of this Policy.
- F. Reduction in Pay: An employee may be reduced in maximum salary rate. When reducing the maximum salary of an employee, the supervisor shall follow all of the steps listed under Notice of Intent to Impose Discipline (Section 506.4), Predisciplinary Conference (Section 506.5) and appeal Rights (Section 506.6) sections of this Policy.
- G. Termination: When it is necessary to terminate an employee, the supervisor shall follow all procedures for Notice of Intent to Impose Discipline (Section 506.4), Predisciplinary Conference (Section 506.5) and appeal Rights (Section 506.6) sections of this Policy.

506.4 Notice of Intent to Impose Discipline

- A. Notice of Intent Required: A Notice of Intent shall be given to the employee whenever the Housing Authorities intend to discipline by suspension without pay, reduction in pay, or demotion to a classification with a lower salary range, or termination.
- B. Content of Notice of Intent: The Notice of Intent shall inform the employee of the disciplinary action intended and the effective date of the intended action. Further, it shall set forth the nature of the infraction(s), any previous disciplinary actions taken, how the employee's conduct has had an adverse impact on the Housing Authorities' or department's operation, all materials upon which the action is based, and notification that the employee has the right to respond orally or in writing to the Executive Director within five (5) business days from the date of issuance of the Notice of Intent if personally served or ten (10) days if served by mail.

Whether delivery is made in person or by mail, the Notice of Intent shall contain a "statement of delivery or mailing" indicating the date on which the Notice of Intent was personally delivered or deposited in the United States mail. Such date of delivery or mailing shall be the "date of issuance" of the Notice of Intent.

506.5 Response to Notice of Intent

- A. Written Response to Notice: The employee shall be entitled to respond in writing to the Notice of Intent. Such response must be received by the Executive Director, or a designee, within five (5) business days from the date of

issuance of the Notice of Intent if personally served and ten (10) days if served by mail. After review of an employee's timely response, if any, the Executive Director, or a designee, shall notify the employee in writing of any action to be taken as described in subsection (D) below. Such action to be taken may not include discipline more severe than that described in the Notice of Intent; however, the Housing Authority may reduce such discipline without the issuance of a further Notice of Intent.

- B. Predisciplinary Conference: An employee who receives a Notice of Intent may request a conference on the Notice of Intent. The request for such a conference shall be delivered to the Executive Director, or a designee, within five (5) business days of the issuance of the Notice of Intent if personally served and ten (10) days if mailed. Upon the receipt of a request for a conference, the Executive Director, or a designee, shall schedule a conference to take place within five (5) business days with the employee and supervisor to review the proposed action and allegations.
- C. Suspension With Pay Pending Determination of Disciplinary Action: An employee may be placed on suspension with pay pending an employee's response to the Notice of Intent and a determination by the Executive Director, or a designee, of the disciplinary action.
- D. Executive Director Determination: Within five (5) business days following the conclusion of the conference, the Executive Director, or a designee, shall issue and deliver to the employee a written statement of his/her decision to uphold, modify or reject the proposed disciplinary action.

506.6 Appeal Rights.

Regular employees may appeal disciplinary actions of suspensions without pay for more than five (5) days, reduction of pay, demotions or termination to the Arbitration Committee, or its designee, by filing a written request to the Executive Director, or a designee, within ten (10) business days after service of Notice of Disciplinary Action if personally served and fifteen (15) days if served by mail. Within twenty (20) business days thereafter, the Arbitration Committee or its designee, shall conduct an evidentiary conference on the matter and may continue the conference where appropriate. Within ten (10) business days of the close of the conference, a written statement of decision shall be issued. The decisions of the Arbitration Committee shall be final and binding.

- A. The conference shall not be conducted in accordance with the technical rules relating to evidence and witnesses but shall be conducted in a manner most conducive to the determination of the truth. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper admission of such evidence over objection in a court of law.

- B. Hearsay evidence may be used for the purpose of explaining any direct evidence but shall not be sufficient in itself to support a finding, unless it would be admissible over objections in civil action.
- C. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- D. Irrelevant evidence and unduly repetitious evidence shall be excluded.
- E. The conference shall be recorded. The Arbitration Committee, or its designee, shall send its written statement of decision, along with a proof of service of mailing, to each of the parties and to each party's representative.

506.7 Placement in Personnel File

Official disciplinary action documents shall be placed in the employee's personnel file in the personnel office.

506.8 Employee Acknowledgment.

Whenever a disciplinary action is taken, the employee may be asked to acknowledge the document by signing that it was received.

506.9 Investigatory Leave.

An employee may be placed on an investigatory leave with pay to allow his/her supervisor time to fully review the facts of an alleged violation.

506.10 Emergency Suspension.

An employee may be removed from the workplace immediately without pay pending an investigation because of an employee's apparent gross misconduct which has resulted in a potential emergency situation, including, but not limited to, situations which may endanger life or property. Such removal shall not exceed forty-eight (48) hours, at which time the employee shall be given a notice of intent to impose discipline or returned to full-pay status. If no discipline is imposed, the employee will be repaid for any time off without pay.

506.11 Time Extensions.

Any time limitations or requirements as set forth under this policy may be extended or changed by mutual agreement of the parties.

506.12 Delivery of Notice.

When Notice is required, the notice shall be given to the affected employee either by delivery of the notice to the employee in person; or if the employee is not available for

personal delivery, by placing the Notice of Intent in the United States mail, first class, postage paid, and by certified mail, return receipt requested, in an envelope addressed to the employee's last known home address. It shall be the responsibility of the employee to inform the personnel office, in writing, of his current home address and of any change in such address, and the information so provided shall constitute the employee's "last known address". Such personal delivery or mailing shall be presumed to provide actual notice of the affected employee.

SECTION 507. ALLOCATIONS, RECLASSIFICATION AND REVISIONS

507.1 Allocation, Reclassification

The initial classes established in the classification plan may be amended, combined, or revised by the Executive Director in accordance with the rules and regulations.

Whenever it becomes necessary for a new position to be established, the department supervisor shall first submit, in writing, to the Executive Director the duties of that position and after a thorough investigation, the Executive Director may then recruit to fill the position with concurrence by the Board of Commissioners. The Executive Director may reclassify a new or already created position of a different classification when the duties of that position have changed materially enough to warrant such reclassification. Reclassification shall not be used to avoid restrictions placed on demotions or promotions.

507.2 Employee Request for Reclassification

An employee who considers his/her position improperly classified due to material differences in duties performed, level of expertise required to perform said duties, must submit his request for reclassification in writing to his immediate supervisor who shall review and request, and upon making the necessary comments and recommendations shall forward it to the Executive Director. If in the opinion of the Executive Director there is merit to the request, he/she shall follow the steps outlined in 507.1 to reclassify the position. If, on the other hand, Executive Director determines the request not to be justified, he shall so advise the employee immediately. He shall also advise the employee of his right to appeal under the grievance procedure as outlined in Article 6 of these rules and regulations.

ARTICLE 6. GRIEVANCES

SECTION 601. GRIEVANCES

601.1 Purpose

The Housing Authorities recognize a mutual obligation on the part of the administrative, supervisory, and non-supervisory employees to promote and provide efficient and continuous service to the public. Employee morale is an important factor in maintaining a high level of public service and the administration has a responsibility to provide an orderly method for processing grievances in the interest of obtaining fair and equitable solutions.

601.2 Rules and Regulations

- A. An employee shall have the right to present a grievance arising from his/her employment in accordance with the rules and regulations of this policy.
- B. All parties so involved must act in good faith and strive for objectivity, while endeavoring to reach a solution at the earliest possible step of the procedure. The aggrieved employee shall have the assurance that filing a grievance will not result in reprisal of any nature.
- C. The aggrieved employee shall have the right to be represented or accompanied by a person of the employee's choice if the complaint is not resolved at the informal level as provided in step 1 of the Grievance Procedure. This representation may commence when the grievance is presented in writing, to the department supervisor, as provided in Step 2 of the Grievance Procedure.
- D. The processing of a grievance shall be considered as official business and the employee and his/her representative shall have reasonable time and facilities allocated. The Authorities will make reasonable accommodation where necessary to help disabled/handicapped persons overcome difficulties they may have in performing the essential elements of processing a grievance. The use of office time for this purpose shall not be excessive nor shall this privilege be abused.
- E. Certain time limits in the Grievance Procedure are designed to settle a grievance quickly. It is realized, however, that occasionally the parties concerned may be unable to comply with the established limitations. In such instances the limitations may be extended upon the mutual agreement of all parties concerned.
- F. Failure of the aggrieved employee to file an appeal within an agreed time limit for any step of the procedure shall constitute abandonment of the grievance. Management personnel involved shall abide by the prescribed time limits. Failure to file an appeal by the aggrieved employee without good cause shall be considered an automatic ruling

against the grievant.

- G. Any person responsible for conducting any conference, meeting, or hearing under the formal Grievance Procedure shall give due and timely notice to all persons concerned.
- H. Standard grievance forms will be made available through individual division, the personnel office, and each certified employee organization.
- I. When two or more employees experience a common grievance, they may initiate a grievance which shall be presented to the department supervisor at Step 2 of the procedure. If the employees work in separate divisions, the grievance shall be presented to the Executive Director as in Step 3 of the procedure.

601.3 Definitions

- A. Arbitration Committee: This committee shall consist of three (3) members selected by agreement of the Executive Director and the aggrieved employee to include one Commissioner and two Management staff, or two Commissioners and one Management staff.
- B. Day/Calendar Day: A Calendar day. The time period for grievance purposes begins on the first day following the day the grievance is filed or submitted to the next following step. When the time period for a given step in the grievance procedure ends on either a weekend or a holiday, it shall be automatically extended to the next regular workday.
- C. Department Supervisor: The administrative supervisor or acting supervisor of the Department involved or a designated representative.
- D. Employee: An individual appointed by the Executive director of the Housing Authorities to any permanent position within the Housing Authorities.
- E. Executive Director: The Executive Director of the Housing Authorities or designated representative.
- F. Grievance: A grievance is a complaint relating to any phase of an employee's employment or working conditions which the employee believes has been adversely affected because of:

A misapplication of a Memorandum of Understanding, Resolution of the Boards of Commissioners, the written policies relating to the employment of the individual or alleged infringement of an employee's personal rights (i.e., discrimination, harassment), except that the grievance process is not a substitute for the disciplinary imposition and appeal procedures set forth in Article 506 of these Policies.

- G. Immediate Supervisor: The individual, who assigns, reviews, or directs the work of an

employee and who is not in a job classification in the same certified representation unit as the grievant.

- H. Representative: The person selected by the employee to appear along with the employee in the presentation of a grievance.

601.4 Grievance Procedure

Step 1:

When an employee becomes aware that a problem exists, the employee shall discuss the matter informally with their immediate supervisor. This discussion shall be sought by the employee no later than fourteen (14) calendar days after the alleged problem occurred or was discovered. The provisions outlined in Step 2 and 3 do not act to restrict the employee or the immediate supervisor from seeking advice and counsel when it appears that settlement can be reached informally.

Step 2:

If within seven (7) calendar days a mutually acceptable solution has not been received during Step 1, and the employee wishes to pursue the grievance, the employee shall submit the grievance in writing on the standard grievance form, to the Department Supervisor with a copy to the Executive Director, no later than the end of the seventh calendar day. The Department Supervisor will hear the grievance and render a written decision within seven (7) calendar days of receipt of the formal grievance from the employee.

Step 3:

If the employee is dissatisfied with the decision of the Department Supervisor, he/she may within seven (7) calendar days of the reply, request a review by the Executive Director. The Executive Director shall review the grievance and render a decision within seven (7) calendar days after receipt of the request for the review.

Step 4:

If the employee is dissatisfied with the decision of the Executive Director, he/she may, within seven (7) calendar days of that decision, request that the grievance be presented to an Arbitration Committee for review. The Arbitration Committee shall meet and hold an evidentiary hearing at the earliest possible date and render its written decision within fifteen (15) calendar days of the hearing. The Arbitration Committee's decision and/or determination shall be final and binding.

Step 5:

This step applies only to management, professional and confidential employees. Management, professional and confidential are defined as Executive Director, Maintenance Supervisor, Housing Programs Supervisor, Director of Finance and Administration and Executive Assistant.

Upon request within seven (7) calendar days from receipt of notice of the Grievance

Arbitration Committee's decision by either Management or the employee, the Boards of Commissioners may at their discretion, grant an appeal of the Grievance Arbitration Committee's determination. The appeal shall consist

of a review of the transcript of the Grievance arbitration Committee hearing and determination.

The appealing party must indicate why the Grievance Arbitration Committee's determination is inappropriate based on the record of the proceeding and the rules and regulations governing the hearing. The party requesting the appeal shall bear the cost of providing the record of the proceeding. The determination of the Boards of Commissioners shall be final and binding.

ARTICLE 7. SAFETY

SECTION 701. SAFETY

- 701.1 It shall be the policy of the Authorities to provide a safe place to work, using the Occupational Safety and Health Act (OSHA) standards as the guide.
- 701.2 A Safety Coordinator shall be designated and be responsible for the administration of the Section, coordination of safety activities, and the safety program throughout the Authorities. He/she shall have the authority to stop employees from performing unsafe work.
- 701.3 Employees are required, as a condition of employment, to observe all safety regulations and requirements given verbally or in writing by the properly constituted authorities. An employee, in addition to guarding his/her own safety and the Housing Authorities' property, shall do everything possible to safeguard his/her fellow workers and other people affected by his/her work. An employee shall report immediately to his/her supervisor any accident, illness, or disease occurring to him/herself arising out of employment and shall, if observing, report any apparent unsafe condition to his/her supervisor.
- 701.4 A joint Labor-Management Safety Committee will be formed. The Committee will set forth and recommend safety guidelines.
- 701.5 Employees who are required to drive as a part of their job duties, must, as a condition of employment, be insurable under the normal automobile insurance premium of the Housing Authorities' liability insurance.

ARTICLE 8 MISCELLANEOUS

SECTION 801 OUTSIDE EMPLOYMENT

801.1 Conditions

Employees of the Authorities are permitted to pursue outside employment or activities only when all of the following conditions are met:

- A. Employees shall not engage in any employment, activity or enterprise for compensation which is inconsistent, incompatible in conflict with or inimical to his or her duties as an officer or employee or with the duties, functions, or responsibilities of his or her appointing authority or the department in which he/she is employed for the Authorities.
- B. Definition of Outside Employment or Activity: Outside employment or activity is any work performed, on a paid or volunteer basis, by an Authorities employee outside of his or her Authorities employment.
- C. The Executive Director shall determine, in his/her sole discretion, those outside activities which are inconsistent with, incompatible to or in conflict with, the duties of officers or employees for the Authorities. An employee's outside employment, activity or enterprise will be prohibited if it:
 - 1. Involves the use for private gain or advantage of his/her local agency time, facilities, equipment and supplies, or the badge, uniform, prestige or influence of his or her local agency office or employment.
 - 2. Involves receipt or acceptance by the officer or employee of any money or other consideration from any person or entity other than the Authorities for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her Authorities employment or as a part of his or her duties as an Authorities officer or employee.
 - 3. Involves the performance of an act in other than his/her capacity as an Authorities officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the officer or employee or any other officer or employee of the Authorities.
 - 4. Involves such time demands as would render performance of his or her duties as an Authorities officer or employee less efficient.
 - 5. Exposes the employee to conditions in which there is a substantial danger of injury or illness to the employee.

6. Every Authorities employee at the time of adoption of this policy or at the time of appointment shall be provided with a copy of this policy and a notice of those prohibited outside activities.
7. Any Authorities officer or employee violating this rule, including engaging in prohibited activities, shall be subject to disciplinary action.

801.2 Request to Pursue Outside Employment or Activity

Personnel desiring to pursue outside employment, activity or enterprise for compensation shall submit a written application to the Executive Director on a form provided by the Authorities stating the following:

- A. Type or nature of employment, activity, or enterprise for compensation.
- B. Name of prospective employer.
- C. Location of employment, activity or enterprise including physical and mailing address and telephone.
- D. Time period of engagement in the outside employment or activity, including days and hours and average number of hours per week that will be spent in the outside employment, activity, or enterprise.

The Executive Director's decision will be based on the factors contained in this policy. A notation regarding the Executive Director's decision will be placed in the employee's personnel file. This request shall be re-submitted when any of the required information changes or when the time period on the application expires.

801.3 Revocation of Approval to Pursue Outside Employment or Activity

Authority to engage in off-duty employment shall be revocable at any time with or without cause by the Executive Director.

801.4 Employee Political Activities

Under the provisions of the Hatch Act, it is unlawful for an employee to take active part in partisan political campaigns during work time and employees may not solicit other employees for political contributions.

OUTSIDE EMPLOYMENT OR ACTIVITY APPLICATION

The purpose of this application is to comply with the Authorities Outside Employment or Activity Policy. A copy of the policy is attached. The Executive Director must approve outside employment or activities by an employee or officer. Authorities' employment is considered the primary job for each employee of the Authorities. Self-employment is considered outside employment.

EMPLOYEE: _____

Type or nature of employment, activity, or enterprise for compensation: _____

Name of Prospective Employer: _____

Location of Employment: _____

Telephone Number/Mailing Address of Outside Employer: _____

Average number of hours per week of outside employment or activity and time period of employment or activity: _____

TERMS AND CONDITIONS OF OUTSIDE EMPLOYMENT OR ACTIVITY

- A. The Authorities reserve the right to require that outside employment or activity be terminated at any time the Authorities deem such termination appropriate in the sole exercise of his/her discretion.
- B. Worker's Compensation Insurance provided the employee through the Authorities shall not in any way be construed as transferable to cover outside employment. To the extent such coverage is required for outside employment, the other employer shall bear all responsibility and obligation to provide such coverage for the employee at all times of outside employment.
- C. The employee shall not engage in any employment or outside activity in violation of the Authorities. A Outside Employment or Activities Policy. Questions concerning possible conflicts of interest or policy violation(s) shall be directed to the Executive Director and any opinion issued concerning a possible conflict of interest shall be final and binding on the employee.
- D. By authorizing outside employment or activity, the Authorities assume no liability whatsoever for acts or omissions of employees while performing duties in connection with outside employment or activity and the employee and the other employer shall hold harmless, indemnify and defend the Authorities from any claim or suit alleging such liability.

SECTION 802. TRAVEL

- 802.1 Commissioners, staff, as well as others carrying out assignments for the authorities, will be reimbursed for travel expenses necessary to the economic and efficient operation of the Authorities.
- 802.2 Travel outside the state of California shall be authorized in advance by the appropriate Board of Commissioners as essential to the operation of Housing Authority programs.
- 802.3 Travel outside the jurisdiction of the Authorities, but within the State of California shall be authorized in advance by the Executive Director.
- 802.4 Travel within the jurisdiction of the Authorities shall be authorized in advance by the appropriate department supervisor provided the expenses incurred are for mileage, meals, and registration expenses at meetings within the Authorities= jurisdictions for mileage.
- 802.5 Attendance at meetings or conferences within the jurisdiction of the authorities of which meal or registration expenses will be incurred shall be authorized in advance by the Executive director.
- 802.6 The Executive Director shall be responsible for auditing all approved travel reimbursement requests and shall determine whether the expenses claimed are actual and necessary.
- 802.7 Reimbursement for transportation expenses may be approved only for the cost of the most direct travel route and least cost mode (tourist class air accommodations) available under normal conditions and for actual time spent in the conduct of Authorities business and in going and returning there from.
- 802.8 Reimbursement may be approved for the actual and necessary cost of meals while traveling. Excessive rates that are not justified may be reduced by the Executive Director.
- 802.9 Reimbursement for room accommodations shall be made in addition to a per diem allowance in the amount of thirty dollars (\$30) per day for living expenses.
- 802.10 Other travel expenses which may be reimbursed shall include registration fees, rented automobiles (if justified), bus or taxi fares, parking, official telephone calls, secretarial services and other expenses that can be justified as necessary for the Authorities' business. Other expenses shall be documented by a listing of each item, date, place and amount. Purchase of personal items, alcoholic beverages, entertainment expenses and other personal services shall not be allowed for reimbursement.
- 802.11 All claims for reimbursement of per diem allowance over and above the \$30 per day shall be supported by receipts and/or other documentation of actual expenses. Other expenses shall be documented by a listing of each item, date, place and amount.

802.12 The Authorities will reimburse employees or Commissioners for the use of their personal vehicle on Housing Authority business where pre-authorized at the effective Internal Revenue mileage rate.

802.13 The Executive Director's benefit package will include a monthly automobile allowance of \$400 for business use of his or her personal automobile plus the appropriate FICA, SDI and Income Tax withholding costs. The Executive Director's share of these provisions will be subtracted from the monthly automobile allowance. The Authorities will reimburse the Executive Director for the use of his or her privately owned automobile, for any business conducted out of the county at the effective Internal Revenue mileage rate.

802.14 The use of company owned vehicles by employees for personal use is only authorized for commuting between the employee's home and the Housing Authority sites.

The value of the use of company owned vehicles by employees will be determined using Internal Revenue Service Guidelines.

The value of the use of company owned vehicles will be reported on the employee's W-2 at the end of the year.

802.15 Those employees who must use their private vehicles for Housing Authority business and therefore, need to carry business use insurance on their private automobile will be reimbursed for the premium difference between personal use and business use automobile insurance.

Those employees to be reimbursed will be required to maintain a good driving record; provide the Housing Authority a copy of their driving record; provide a premium quote showing the difference between the private use premium and the business use premium; and provide proof of insurance with the Housing Authority named as additional insured on the policy.

SECTION 803 EMPLOYMENT OF RELATIVES

803.1 A. Definitions:

The following definitions apply to this Policy:

1. A Relative means spouse, domestic partner, child, stepchild, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law or sister-in-law.
2. A Spouse means two persons who have a valid marriage and who are wife and husband.
3. A Supervisory relationship means one in which one exercises the right to control,

direct, reward or punish another by virtue of the duties and responsibilities assigned to his or her Authorities appointment.

4. A Employee for purposes of this section only, is one who receives an Authorities payroll check for services rendered.

B. Policy as to Relatives

The Executive Director has discretion not to appoint, promote or transfer a person to a position within the same department in which the person's relative already holds a position, when such employment would result in any of the following: (1) A direct or indirect supervisory relationship; (2) The two employees having job duties which require performance of shared duties on the same or related work assignment; (3) Both employees having the same immediate supervisor; or (4) A potential for creating an adverse impact on supervision, safety, security, morale or efficiency that is greater for relatives than for unrelated persons..

C. Policy as to Spouses

If two Authorities employees who work in the same department become spouses, the Executive Director has discretion to transfer one of the spouses to a similar position in another department. Although the wishes of the spouses will be given consideration, the Executive Director retains sole discretion to determine which spouse is to be transferred based upon the Authorities; needs, operations or efficiency. Notwithstanding any provision in these Rules, any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal. If continuing employment of both spouses cannot be accommodated in a manner the Executive Director finds to be consistent with the Authorities' interest in the promotion of safety, security, morale and efficiency, then the Executive Director retains sole discretion to separate one spouse from the Authorities employment. Absent the resignation of one spouse, the less senior spouse will be separated. Notwithstanding any provision in these Rules, any such separation is not considered to be disciplinary and is not subject to any grievance or appeal.

SECTION 804. EMPLOYEE ORGANIZATIONS

- 804.1 It is the purpose of the authorities to promote the improvement of personnel management and Employer-Employee relationship by providing a uniform basis for recognizing the right of Authorities' employees to join organizations in their employment relationship with the Authorities. Employee relations resolutions have been adopted by the Boards of Commissioners establishing the policies and procedure for consideration of employees' relations matters regarding wages, hours and other terms and conditions of employment.

SECTION 805 CONFLICTS OF INTEREST

- 805.1 The Authorities comply with all state and federal requirements pertaining to actual or

perceived conflicts of interest and any applicable financial disclosure requirements on the part of employees, officials, or officers. [See the Authorities' Conflicts of Interest Code for additional information.]

SECTION 806. EXCEPTION TO PERSONNEL POLICIES

- 806.1 In case of a conflict between the Personnel Policies and a Memorandum of Understanding, the Memorandum of Understanding shall be the policy in effect for those job classifications covered by that Memorandum of Understanding.
- 806.2 In cases where special programs have provisions which conflict with these Personnel Policies, the provisions of those programs will apply to personnel working in those particular program areas.

ARTICLE 9. POLICY AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION

SECTION 901 PURPOSE

- 901.1 It is the Authorities' intent and the purpose of this Policy to provide all employees, Applicants, volunteers, Commissioners, and contractors with an environment that is free from any form of harassment, discrimination or retaliation as defined in this Policy or state and federal law. This Policy prohibits harassment or discrimination on the basis of any of the following protected classifications, including but not limited to, an individual's race, religion, creed, color, sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity, gender expression, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnicity or national origin, ancestry, uniformed service member status, marital status, age (over 40), medical condition (cancer or HIV/AIDS history or diagnosis), genetic characteristics and physical or mental disability (whether perceived or actual). It is also the policy of the Authorities to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of this Policy.

The protection from discrimination includes the protection from retaliation on any of the above identified protected classifications against an employee for his or her having taken action either as a complainant or grievor, or for assisting a complainant or grievor in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy for a breach of this policy, or for filing a complaint with the Department of Fair Employment and Housing and/or the Equal Employment Opportunity Commission.

- 901.2. The Authorities have zero tolerance for any conduct that violates this Policy. Conduct need not necessarily rise to **meet the definition of legal harassment, discrimination, or retaliation** in order to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this Policy, do not engage in the conduct and seek guidance from a supervisor or the Executive Director.

901.3 **Definitions**

- A. **Protected Classifications:** This Policy prohibits harassment or discrimination because of an individual's protected classification(s). Protected Classification includes **race, religion, creed, color, sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), gender identity, gender expression, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnicity or national origin, ancestry, uniformed service member status, marital status, age (over 40), medical condition (cancer or HIV/AIDS history or diagnosis), genetic characteristics and physical or mental disability (whether perceived or actual).**

- B. Policy Coverage: This Policy prohibits Authorities' officials, officers, employees, volunteers, or contractors from harassing or discriminating against applicants, officers, officials, employees, volunteers, or contractors because: (1) of an individual's protected classification, (2) of the perception that an individual has a protected classification, or (3) the individual associates with a person who has or is perceived to have a protected classification.
- C. Discrimination: This Policy prohibits treating individuals differently because of the individual's protected classification as defined by this Policy.
- D. Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:
1. Submission to the offensive conduct is an explicit or implicit term or condition of employment;
 2. Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or
 3. The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
 4. Examples of what may constitute prohibited harassment include, but are not limited to, the following:
 - (a) Kidding or joking about sex or membership in one of the protected classifications;
 - (b) Hugs, pats, and similar physical contact;
 - (c) Assault, impeding or blocking movement, or any physical interference with normal work or movement;
 - (d) Cartoons, posters, and other materials referring to sex or membership in one of the protected classifications;
 - (e) Threats intended to induce sexual favors;
 - (f) Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
 - (g) Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
 - (h) Prolonged staring or leering at a person;
 - (i) Similar conduct directed at an individual on the basis of a protected classification.
 - (j) Bullying, which means unreasonable behavior that generally is persistent, and that demeans, intimidates and humiliates one or more employees or member of the public. Bullying can take many

forms and includes, but is not limited to: slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using the person as the butt of jokes, verbal assault, making non-verbal threatening gestures, and sonically or physically excluding or disregarding a person in work-related activities.

This is not intended as an exhaustive list of prohibited harassment.

- E. Retaliation: Retaliation against a person (and his or her associates) who reports or provides information about harassment or discrimination is strictly prohibited. Any act of reprisal violates this Policy and will result in appropriate disciplinary action. Examples of actions that might be retaliation against a complainant, witness or other participant in the complaint process include: (1) signaling a person out for harsher treatment, (2) lowering a performance evaluation, (3) failing to hire, failing to promote, withholding pay increases, assigning more onerous work, abolishing a position, demotion or discharge and (4) spreading rumors about a complaint or complainant, (5) shunning and avoiding an individual who reports harassment or discrimination or (6) real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Even where well-intentioned, attempts to insulate or protect a complainant by changing his or her work environment or schedule or duties or by transferring the complainant to another office may be retaliatory. Before a supervisor takes such action, the supervisor should contact the Executive Director.

Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment complaint.

901.4 Reporting of Harassment, Discrimination or Retaliation.

An applicant, employee, officer, official, volunteer, or contractor who feels he or she has been harassed, discriminated against or retaliated against in violation of this Policy should report the conduct immediately as outlined below so that the complaint can be resolved quickly and fairly.

All employees involved in the complaint process may be represented by a person of their choosing at their own expense.

- A. Object to the Conduct: Sometimes an individual is unaware that his/her conduct is offensive. In these situations the offensive behavior may be eliminated by simply informing the offender that the conduct or language in question is unwelcome and offensive and request that it be discontinued immediately.

A person who believes he/she is being harassed, discriminated, or retaliated against is encouraged, but is not required, to use the informal process. When the conduct in question continues after the offending person has been informed it is offensive, or if a person does not feel comfortable talking to the offending person

directly, the employee should make a report in accordance with paragraph B below, or go directly to the formal reporting process.

The formal process is not prerequisite to filing a complaint.

- B. Oral Report: If a person who believes that this Policy has been violated does not want to confront the offending person, he/she should report the conduct to a supervisor, department head or any Authorities management employee. The individual may also seek the advice, assistance or consultation of a supervisor, department head, or any Authorities management employee. Any supervisory or management employee who receives such a report must in turn direct it to the Executive Director.
- C. Written Complaint: An individual who believes this Policy has been violated and does not feel comfortable using the process outlined above may provide a written complaint to a supervisor, department head or any management employee, who in turn must direct the complaint to the Executive Director **or, in the event the Executive Director is the accused, to a Commissioner**. Individuals are encouraged to use the Confidential Complaint Form for this purpose.
- D. Option to Report to Outside Administrative Agencies: Applicants, employees, officers, officials, volunteers, and contractors have the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the phone book as well as on the posters located on the Authorities bulletin boards.

901.5 Authorities Response to Complaint of Harassment, Discrimination or Retaliation:

- A. Investigation: Upon receipt of a complaint of alleged harassment, discrimination or retaliation, the Executive Director **or, in the event the Executive Director is the accused, an ad hoc committee of two Commissioners** will be responsible for coordinating a thorough investigation. The Executive Director may coordinate the investigation with the complainant's department head and/or may hire an outside investigator if the Authorities deem appropriate. The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and shall be determined by the Executive Director.

The Authorities may take interim action to diffuse volatile circumstances, such as placing the alleged perpetrator on paid administrative leave or temporarily transferring the alleged perpetrator. No interim action should be taken to change the complaining individual's working conditions unless the complaining individual voluntarily consents to the temporary change.

The investigator will review the complaint allegations in an objective manner and to the extent that the Authorities deem necessary. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of the interview, and that retaliation against those who report alleged harassment or who participate in the investigation is prohibited.

The Authorities take a practice approach to potential Policy violations and will conduct an investigation if its officers, supervisory or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether or not the recipient of the alleged action or a third party reports a potential violation.

- B. Remedial and Disciplinary Action. If the investigation determines that the alleged conduct occurred and that the conduct violated this Policy, the Authorities will notify the complainant and perpetrator of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violations(s). Any employee or officer determined to have violated this Policy will be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones or ignores potential violations of this Policy, or who otherwise fails to take appropriate action to enforce this Policy. Any official or contractor found to have violated this Policy will be subject to appropriate sanctions.
- C. Closure. At the conclusion of the investigation, the Executive Director shall notify the complainant in general terms of the outcome of the investigation.
- D. Confidentiality. Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate potential Policy violations and take effective remedial action. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor of the Executive Director. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The Authorities will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

901.6. Responsibilities of Employees, Management and Supervisory Employees.

- A. Employees: In order to establish and maintain a professional working environment, while at the same time prevent harassment, discrimination, and retaliation, employees are expected to:

1. Set an example of acceptable conduct by not participating in or provoking behavior that violates this Policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive.
 2. Let fellow employees know when you consider behavior offensive. The Authorities hire people from a wide variety of cultural and ethnic backgrounds and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.
 3. Report harassment, discrimination, or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.
 4. If an employee witnesses harassment, he or she should tell the individual being harassed that the Authorities have a policy prohibiting such behavior, and that he or she can demand that the harasser cease the behavior.
 5. Maintain confidentiality as required by this Policy.
 6. Fully cooperate with the Authorities investigation of complaints made under this Policy.
- B. Managers and Supervisors: In addition to the responsibilities listed above, managers and supervisors are responsible for the following:
1. Implementing this Policy by taking all complaints seriously and modeling behavior that is consistent with this Policy. Direct all complaints to the Executive Director.
 2. Take positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his/her attention.
 3. No department director, supervisor or other employee may retaliate through any action of intimidation, restrains, coercion or discrimination.
 4. Monitoring the work environment and taking appropriate action to stop potential Policy violations.
 5. Following up with those who have complained to ensure the behavior complained of has ceased.
 6. Informing complainants of their option to contact the EEOC and DFEH regarding potential Policy violation.

ARTICLE 10. DRUG FREE WORKPLACE POLICY

10.1 PURPOSE

The Housing Authorities are committed to providing a safe, healthful, and productive work environment. In recognition of the fact that drugs and alcohol hinder an employee's ability to perform duties safely and effectively, to promote drug-awareness in the workplace and in compliance with state and federal laws, the Housing Authorities have established the following Policy regarding the effects of drug and alcohol use in the workplace.

10.2 DEFINITIONS

The following definitions will be applicable for purposes of this Policy only:

- A. Applicant - Any person applying for employment with the Housing Authorities.
- B. Controlled Substance - Any drugs that are classified by the Drug Enforcement Administration (DEA) into the five schedules or classes listed in 21 U.S.C. § 812 on the basis of their potential for abuse, accepted use, and accepted safety under medical supervision.
- C. Drug or Alcohol Testing - The compulsory production and submission of urine by an applicant in accordance with the provisions of this Policy for chemical analysis to detect prohibited drug and/or alcohol use.
- D. Drug Use - Use of a legal drug, illegal drug or controlled substance.
- E. Employee - Any person hired in a regular or probationary capacity to perform a service for the Housing Authorities.
- F. Illegal Drugs - Drugs or controlled substances as specified in the California Uniform Controlled Substance Act (Division 10, of the California Health & Safety Code), which are not legally obtained. Examples include, but are not limited to, cocaine, marijuana, heroin, and PCP. Although the use of cannabis/marijuana is legal under California law, it is illegal under federal law and its use, possession, sale and distribution is prohibited by this policy.
- G. Employee - Any person hired in a regular or probationary capacity to perform a service for the Housing Authorities.
- H. Medical Review Officer (MRO) - A licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history

and other relevant biomedical information.

- I. Legal Drugs - Physician prescribed controlled substances or over-the-counter drugs which are legally obtained and used.

10.3 IMPLEMENTATION

The Housing Authorities and its employees have responsibilities in the implementation of this Policy with the goal of eliminating substance abuse in the workplace.

A. Management Responsibilities

1. The Executive Director and Department Supervisors will fairly and equitably administer and enforce this Policy without prejudice or discrimination in a good faith effort to maintain a workplace free from the effects of substance abuse.
2. The Executive Director and Department Supervisors will adequately educate and train all employees to recognize the attributes, symptoms, and characteristics associated with substance abuse.
3. The Executive Director and Department Supervisors will provide information to all employees as to the dangers and penalties associated with substance abuse, as well as information regarding counseling services which are available.
4. Department Supervisors shall not physically search the employees, nor shall they search the personal possessions of an employee without the consent of the employee in the presence of the Executive Director and another employee. All areas controlled by the Housing Authorities such as desks, lockers and file cabinets are subject to search at any time.

B. Employee Responsibilities

1. It is the responsibility of all employees to cooperate in efforts to protect the life, personal safety, and property of co-workers and the public. Employees shall, therefore, take all reasonable steps to abide by and cooperate in the implementation, administration and enforcement of this Policy.
2. No employee shall possess, consume or ingest alcohol, controlled substances or legal drugs (without a prescription) during work hours or while subject to duty, on breaks or at anytime while on or in Housing Authorities property or in personal vehicles being used for Housing Authorities business.
3. No employee shall report for duty or be subject to duty with a prohibited presence of controlled substances or illegal drug at any level in his or her system.

4. Prior to beginning work, an employee is responsible for notifying his or her supervisor if the employee has ingested any alcohol or is taking any drugs, legal or illegal, which may interfere with the safe and effective performance of the employee's duties or operation of Housing Authorities equipment. Under such circumstances, a signed physician's note verifying the employee's ability to safely perform his or her duties may be required.
5. No employee shall store in a locker, desk, automobile, or other repository on Housing Authorities premises, any illegal drug or alcohol. This Policy is not intended to prevent an employee from possessing alcoholic beverages in sealed containers in his or her personal vehicle, unless the personal vehicle is being used for Housing Authority business. Further, this Policy is not intended to preclude the presentation of alcohol in a sealed container as a gift.
6. An employee must notify the Executive Director or his or her designee within five (5) days of any conviction (including pleas of "no contest" or "nolo contendere") for violations of any state or federal drug statutes. The Housing Authorities must comply with state and federal Drug-Free Workplace Act (41 U.S.C. §§ 702, 703) as a condition of receiving any federal grant funds. Under the Drug-Free Workplace Requirements, the Housing Authorities must notify the appropriate agency providing grant funds of any employee's conviction of a criminal drug statute in the workplace within ten (10) calendar days after receiving notice. This notification must include the employee's name and position title. In compliance with the Drug-Free Workplace Requirements, the Housing Authorities must, within thirty (30) calendar days of receiving notice of a conviction, take appropriate personnel action against such employee, up to and including termination, consistent with the Rehabilitation Act of 1973 and the Americans with Disabilities.
7. An employee shall not participate in the unlawful manufacture, distribution, sale or dispensation of controlled substances, illegal drugs, or alcohol while either on duty or subject to duty, on or in Housing Authorities property or while operating Housing Authorities equipment.
8. An employee shall inform his or her physician that the Housing Authorities must be notified if the employee must take legal drugs that may impair that employee's ability to effectively perform his or her duties or operate Housing Authorities equipment.
9. An employee shall comply with all provisions of this Policy.
10. An employee shall comply with all city, county, state and federal laws regarding drugs, illegal or legal and/or alcohol while subject to duty, on or in Housing Authorities property, in Housing Authorities equipment or while in a Housing Authorities uniform.

10.4 POSSESSION OF ILLEGAL DRUGS OR ALCOHOL ON OR IN HOUSING AUTHORITIES PROPERTY

When a Department Supervisor has a reason to believe that an employee may have illegal drugs and/or alcohol in his or her possession, or in an area jointly or fully controlled by the Housing Authorities, the Department Supervisor shall notify the Executive Director or his or her designee. If the Executive Director or his or her designee concurs that the employee possesses drugs and/or alcohol in violation of this Policy, the Executive Director shall notify the appropriate law enforcement agency. Employees are on notice that all areas controlled by the Housing Authorities, such as desks, lockers and file cabinets are subject to a search at any time.

10.5 PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING

- A. Requirements: After a conditional offer of employment has been made, and before beginning work, all applicants for employment with the Housing Authorities must submit to drug and alcohol testing.
- B. Results: A positive result from a drug and/or alcohol test may result in withdrawal of the conditional offer of employment.

10.6 REASONABLE SUSPICION DRUG AND ALCOHOL TESTING

If an employee acts in such a manner that his/her supervisor or the Executive Director has a reasonable suspicion that the employee is working in an impaired condition or otherwise engaging in conduct that violates this Policy, the employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to satisfactorily explain the behavior, he/she will be requested to take a drug and alcohol test in accordance with the procedures outlined below.

If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

10.7 TESTING PROCEDURE

A. Medical Review Officer (MRO)

An independent certified testing laboratory shall report all chemical analyses directly to the MRO. IF the MRO determines that there is a valid explanation for the positive test results, the MRO shall report directly to the Housing Authorities a negative test result. If the MRO cannot make such a determination, then the MRO shall report directly to the Housing Authorities a positive test result. The MRO has sole discretion to determine whether to report a positive or negative result.

B. Resting Procedure and Results

1. The standards for collections, safeguarding and storage of urine samples shall be

those of the medical facility where the applicant's urine sample is taken.

2. The standards for testing procedures shall be those of the laboratory where the applicant's sample is analyzed.

C. Reporting of Test Results

1. Applicants having a negative test result shall receive a memorandum from the Housing Authorities stating that a prohibited presence of controlled substances and/or alcohol was not detected in the testing.
2. If the chemical analysis shows a drug or drugs or alcohol at prohibited levels, an applicant must provide to the MRO, within 48 hours of request, a valid current prescription for any drug identified in the chemical analysis or any other relevant medical history and biomedical information to determine whether there is a legitimate medical explanation for the results. If a legitimate medical explanation exists, the MRO may report a negative test result. Any prescription must be in the applicant's name.

10.8 DISCIPLINARY ACTION

Disciplinary action, up to and including dismissal, will be taken against an employee's failure to comply with any of the employee responsibilities set forth herein. In accordance with state and federal law, and at the Executive Director's discretion, the employee may enter a drug and/or alcohol treatment program as a condition of continued employment. Subsequent violations of the Policy may also be grounds for disciplinary proceedings, up to and including dismissal.

10.9 AMENDMENT

The Housing Authorities reserve the right to amend this Policy at any time to conform with any city, county, state, or federal requirements.

Resolution 481

Resolution to Approve and Accept
County of Humboldt Housing Authority
Update to Personnel Policy

WHEREAS, the County of Humboldt Board of Commissioners have determined that from time to time it is necessary to make certain changes to the Authorities Personnel Policy; and

WHEREAS, the Personnel Policy has been updated to maintain compliance with changes in California law; and

WHEREAS, all revisions have been reviewed by the County of Humboldt Board of Commissioners; therefore

BE IT RESOLVED, that the County of Humboldt Housing Authority do hereby approve revisions to Personnel Policy.

_____ (Name)	_____ (Name)	_____ (Name)
_____ (Title)	_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)	_____ (Signature)

County of Humboldt Housing Authority

Board of Commissioners Meeting

February 14, 2022

Agenda Item H2

Memorandum

To: Commissioners

From: Cheryl Churchill, Executive Director

Subject: Repositioning Update – City of Eureka Housing Authority

BACKGROUND AND HISTORY:

HUD has procured a contract for technical assistance to explore repositioning options for the City of Eureka Housing Authority and develop a formal repositioning plan. Partners on this contract include Enterprise Community Partners, with Mike Andrews of Structure PDX as lead consultant. When completed, the Plan and its components will be both a roadmap for the City of Eureka Housing Authority's future activity, as well as a marketing tool to pull in potential developers.

Data has been gathered and compiled, from big picture local information down to specific site data. Altogether, the information has been organized into a draft repositioning plan, which is still a work in progress. Because the future plans of the City of Eureka Housing Authority affect the future business of the County of Humboldt Housing Authority, the executive summary from the current (draft) plan is shared here.

STAFF RECOMMENDATION:

Review executive summary and discuss.

Note that the next City of Eureka Housing Authority Board of Commissioners meeting is scheduled for Tuesday, February 22nd at 7:30pm and Mike Andrews, Consultant, will be presenting to that board to answer questions that have arisen during previous meetings and discussions. All public are welcome to attend (via Zoom) for further information.

REPOSITIONING PLAN

City of Eureka Housing Authority (CEHA)



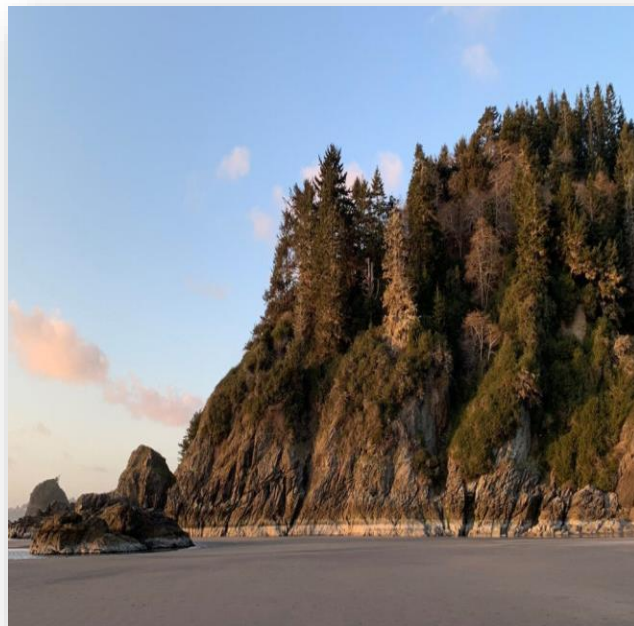
735 West Everding Street
Eureka, CA 95503

707.443.4583
repositioning@eurekahumboldtha.org

Executive Summary

Public housing authorities nationally have been working to repositioning their traditional public housing units. This effort is motivated by several factors:

- 1) Backlog of capital needs have outpaced the ability of public housing funding to keep pace;
- 2) Operating revenue from public housing is uncertain year over year, and in many instances, less than other available options;
- 3) Repositioning public housing can reduce or eliminate administrative requirements and generally ease burdens of operations; and
- 4) Unmet need for affordable housing can be addressed by redeveloping and leveraging public housing assets to provide more housing.



Repositioning means to convert properties owned and operated by public housing authorities to a Section 8 platform. This change can bring more stable and increased revenue to properties. In addition to changing the subsidy type from public housing to Section 8, repositioning can also mean recapitalizing existing properties to address physical needs, or redeveloping sites to create a net increase in units. The outcome of repositioning can include the public housing authorities maintaining ownership and control of original properties.

The City of Eureka Housing Authority (CEHA) has set out to reposition its traditional public housing. This report provides a detailed analysis of CEHA's existing condition and offers a repositioning recommendation that results in more households served and improves the physical and financial soundness of the portfolio.

CEHA is organized as a corporate and public body as defined by California law, to develop, own, and operate affordable housing. CEHA is governed by a volunteer Board of Commissioners. Relevant to CEHA's repositioning plan is the close operational arrangement with the County of Humboldt Housing Authority (CHHA) which administers a Housing Choice Voucher (Section 8) program. CEHA will work closely with CHHA through the implementation of this repositioning plan.

CEHA owns and operates 196 traditional public housing units across 12 separate properties. Among the households served, there are approximately 500 total residents. Median income of households is \$17,604. Over half of the households served have incomes less than 30% of the area median income. CEHA provides a critical housing resource in the City of Eureka.

Buildings in the CEHA portfolio were constructed between 1964 and 1983. Given the age of these buildings, expected capital needs and general maintenance needs exists. Additionally, due to

changes in the zoning code, there are properties with capacity for more units on the same sites. This presents an opportunity to leverage CEHA's land resources for additional units.

An evaluation of physical, financial, and social information related to the CEHA portfolio was completed to understand existing conditions and opportunities available. Details are provided in the body and attachment to this report. This quantitative analysis was used as a basis for recommendations. Additionally, CEHA sought input from community stakeholders with insight and direct experience with affordable housing in the City of Eureka.

Using information gained from analysis and community input, recommendations were developed based on the following 5 policy guidelines:

- 1) Continue to serve very low-income populations in these communities.
- 2) Increase the supply of affordable housing.
- 3) Maintain ownership or control of the properties.
- 4) Improve the physical and financial condition of the properties.
- 5) Partner to optimize public and private resources on behalf of the properties and our residents.

The guidelines provided priority and a basis for repositioning recommendations.

Based on this analysis, the recommendation is for CEHA to reposition the entire public housing portfolio. Implementation of this strategy would rely on a series of applications to the U.S. Department of Housing and Urban Development (HUD), seeking incremental approval for the desired project plan. The table below outlines the recommendations.

Project Order	Name	Application Type	Strategy	Application No.	Project Type	Units		
						Existing	Additional	Future
1	1645 C Street	Section 18	Scattered Site	1	Preservation	3	0	3
2	25-1	Section 18	Obsolescence	2	Redevelop Site	96	78	174
3	Prospect Avenue	Section 18	Obsolescence	3	Redevelop Site	10	6	16
4	C & Clark	Section 18	Obsolescence	4	Redevelop Site	16	42	58
5	Buhne/Union/Summer	Section 18	Obsolescence	5	Preservation & Rehab	13	0	13
6	Spring & Garland	Section 18	Obsolescence	6	Redevelop Site	12	6	18
7	1335 B	Section 18	Very Small	7	Preservation & Rehab	5	9	14
8	2523 Albee	Section 18	Very Small	7	Preservation & Rehab	4	0	4
9	510 W. Harris	Section 18	Very Small	7	Preservation & Rehab	5	0	5
10	330 Grant Street	Section 18	Very Small	7	Preservation & Rehab	5	0	5
11	Albee & Del Norte	Section 18	Very Small	7	Preservation & Rehab	8	0	8
12	131 West Del Norte	Section 18	Very Small	7	Preservation & Rehab	19	14	33
Total						196	154	350

Using HUD's Section 18 Disposition program over a series of seven applications, CEHA will be able to maximize the revenue available to the portfolio by converting to new Section 8 vouchers for each unit and carrying out the desired physical redevelopment plan. Some of the properties don't need significant rehabilitation and/or don't offer an opportunity to increase units. These factors were used

to determine which properties are best suited for Preservation or Redevelopment. Here, Preservation means to keep the existing building, convert the subsidy to Section 8, and complete a needed or desired rehabilitation. Redevelop means to relocate the existing residents, raze the buildings, and develop a new property with more units than previously on the site.

Two fundamental measurable outcomes from this recommendation are: 1) number of housing units owned and controlled by CEHA will increase from 196 units to 350 units, and 2) the weighted average rent received per unit will increase from approximately \$850 per month to \$1,225 per month.

A strategic goal for this repositioning plan was to find a path that would allow CEHA to fully reposition using the Section 18 repositioning tool as opposed to other available tools. Section 18 is the only tool that provides a net new Section 8 voucher for each unit repositioned. Other tools available provide an alternative subsidy, but the value is less. Achieving the new weighted average rent of \$1,225 is only achievable with the Section 18 application type.

Process for implementation will be detailed in this plan. Generally, the HUD process will begin with compiling the information needed to submit application for HUD. The different Strategy types listed above come with their own application requirements. Sequence of the applications is important to the plan. Using the Strategy called Very Small requires CEHA have 50 or fewer units remaining in its traditional public housing inventory at the time of these applications. Therefore, the prior projects must be completed in order to submit these applications.

In addition to the HUD process, CEHA will implement a real estate strategy for each property. Properties involving preservation provide an opportunity for CEHA to complete the tasks needed and increase capacity. For properties involving redevelopment it is recommended CEHA seek a development partner.

CEHA is positioned to make changes to its public housing portfolio that will significantly increase the number of households served and improve the physical and financial position of the portfolio.