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LAREDO HOUSING AUTHORITY

Serving. Collaborating. Empowering.

Personnel Policy

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Introduction

Personnel Policies and Procedures are developed and implemented to advance the goals of the Housing Authority of the City of Laredo (hereinafter referred to as PHA) by defining the rights and responsibilities of management and employees through consistent and equal application of policies while giving full consideration to employee morale and welfare.

The success of any organization in achieving its goals depends a great degree upon the caliber of its employees, the policies which govern employment and all other issues related to personnel. A housing authority that has qualified employees who possess the necessary knowledge, skills, and abilities will succeed in its primary mission of providing area low-income families housing that is decent, safe, sanitary, and in good repair, to low-income families in its service area. Well-conceived and written personnel policies enhance a PHA's ability to obtain and retain qualified staff.

Employees have responsibilities as well as rights with respect to the establishment and maintenance of sound worker-management relationships. Recognizing the obligation of the PHA to provide a pleasant work environment and treatment conducive to high worker morale, the employee should be responsible to:

- a) render a full day's work for a full day's pay;
- b) and observe the spirit as well as the letter of the rules and regulations promulgated to govern official conduct.

The purpose of this Personnel Policy is to provide general guidance to the PHA's administrative staff members responsible for processing personnel actions. Those staff members are responsible for implementing the policies and procedures contained in Sections 1 through 13 that follow.

This document, containing the personnel policies and procedures of the Housing Authority of the City of Laredo, as approved by the Board of Commissioners, does not constitute a contract or agreement with any employee or group of employees, and is subject to change by the Board of Commissioners at any time.

All PHA staff are employees "at-will" and nothing contained herein shall in anyway alter such status.

This Personnel Policy supersedes all previous Personnel policies and/or handbooks.

Each employee shall be briefed on the PHA's Personnel Policy and will be provided a copy of this document at the time of initial hire. An acknowledgment form is located at the end of this policy, which shall be signed by the employee and placed in their official personnel file.

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Section 1. Basic Policies

This section presents the PHA's basic policies concerning the employment process. Of particular importance are those areas pertaining to: (1) recruiting and preferences; and (2) equal employment opportunity, sexual harassment, and reasonable accommodation. The latter requires that the PHA comply with requirements of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act (ADA) of 1990, subsequent legislation, and the United States Department of Housing and Urban Development (HUD) regulations.

A. Recruitment and Preferences

1. The Executive Director shall be appointed by the PHA as prescribed in the By-Laws of the PHA. The Executive Director shall also be the Secretary of the Board of Commissioners of the PHA and shall exercise such duties as set forth in the By-Laws. The Executive Director, with prior consent or approval from the Board of Commissioners, has authority to establish or abolish positions or classes of positions within the organizational structure.

2. The PHA shall announce by appropriate means all vacancies to be filled and shall maintain a public posting of current employment opportunities. Each announcement, insofar as practicable, shall specify the title, salary, nature of the job, and the required qualifications.

The PHA shall take positive steps to assure that recruitment publicity is effectively disseminated among employees as well as to the broader labor market. Exceptions to this provision shall be:

- a) positions in which returning military veterans, whose positions have been abolished during their absence, are qualified to fill;
- b) entry level positions which may be filled by resident applicants who possess minimum qualifications for the job, or demonstrate the potential to perform the duties with a combination of formal and on-the-job training, and close supervision.

3. Each announcement shall state that the Laredo Housing Authority is an Equal Opportunity/Affirmative Action/Veterans/Disability Employer. All information submitted with the application is subject to verification. Depending upon the nature of the vacancy and administrative requirements, applicants may be required to undergo written, oral, performance, physical ability, background medical checks, and/or other evaluation procedures as reasonably related to job requirements, and as permitted by law.

Any false information given by an applicant or an unfavorable driver's record, for persons applying for positions which require a driver's license, shall be grounds for voiding an application and/or an appointment and/or termination at any time.

4. All applicants shall file written applications, on forms provided by the PHA, setting forth their experience and qualifications. If all other factors are equal, preference will be given to applicants in the following order:

- A. Qualified regular full-time employees (seniority given first consideration);
- B. Qualified veteran status;
- C. Qualified public housing residents and Section 8 program residents;
- D. All other qualified applicants.

With respect to administering a veteran's preference, for each announced open position, if applicable, the PHA shall interview according to the following.

- I. If six or fewer applicants are chosen for an interview, an applicant qualified for veteran's preference must be interviewed.
- II. If more than six applicants are interviewed, 20% of the interviewees must claim veteran's preference.
- III. For an announced open position that does not yield applicants who qualify for a veteran's employment preference, (I) and (II) do not apply.

5. All applicants shall be disqualified from consideration for employment if the individual:

- (1) does not meet the qualifications deemed necessary for performance of the duties of the position involved;
- (2) has made a false statement of material fact on his/her application or supplements thereto;
- (3) has committed or attempted to commit a fraudulent act at any point in the evaluation process;
- (4) is not a legal resident of the United States at the time application is made; and
- (5) is not authorized to work in the United States. An applicant may be disqualified from consideration based upon other reasonable grounds relating to job requirements.

6. Qualification standards for employment will include education, experience, skills, and abilities necessary to adequately perform the job.

B. Criminal Background Checks

The PHA strives to provide the safest possible environment for employees, residents, and visitors. In an effort to maintain a safe environment the PHA shall conduct criminal background checks on all applicants that are finalist for any position within the PHA. Investigative inquiries may be conducted, including consumer credit, criminal convictions, motor vehicles, and other reports. These reports may include information pertaining to character, work habits, performance, education, and experience along with reasons for termination of employment from previous employers. Procedures for obtaining applicant's criminal history background information and keeping all records relating to the background checks shall be established and maintained by the Administrative Assistant/Personnel.

The following procedural steps shall be followed:

1. Notification of the background screening requirements will be posted on bulletin boards and shall be included in information provided to applicants prior to their interview.

Please refer to the document "Privacy Act Rules of Conduct" here.

2. Any individual to whom an offer of a position is made shall be required to provide the necessary information used to conduct a criminal history background check and sign the consent form prior to being appointed. Information will be given to each applicant on the following:

- a) Consequences of failing to submit to the criminal background check;
- b) Reasonable means used to maintain confidentiality of the information resulting from the criminal background check.

3. Criminal history background check results will be reported in a timely manner and will be revealed only to those persons authorized by the Executive Director as having a need-to-know of the information.

4. A prospective employee who declines the consent to the criminal history background check shall have the conditional offer withdrawn and shall be subject to disqualification from consideration for a period of one year for the effective date of the disqualification action.
5. Any prospective employee who provides false information required to perform a criminal history background check shall be subject to disqualification from employment/selection.
6. If a prospective employee has reason to believe that ethical standards were not adhered to in deriving the applicant's criminal background check, the result may be appealed in writing to the Administrative Assistant/Personnel within fourteen (14) calendar days of receiving written notice of the results.
7. Criminal background checks include only prior convictions. Each prospective employee with conviction(s) on his/her record will be considered on a case-by-case basis for appointment. The Administrative Assistant/Personnel will take into consideration the department the applicant applied for, the nature and gravity of the offense, and the time that has passed since the conviction. Any applicant that is not appointed because of a prior conviction may appeal the decision in writing to the Administrative Assistant/Personnel within fourteen (14) calendar days of receiving written notice of the decision.

C. Pre-Employment Physical Examination

1. A PHA may not conduct or seek to make an inquiry as to whether an applicant is disabled or the nature or severity of the disability.
2. A pre-employment physical examination may be required for specific jobs provided that all entering employees in the job classification must take such an examination regardless of whether or not they are handicapped. Normally, this is only done for maintenance personnel or individuals whose duties require physical exertion. The scope of the medical examination should be limited to the physical requirement of the position. All information obtained with respect to pre-employment physical examinations shall be kept confidential. This is an allowable cost to the PHA.

D. Training and Supervision

The PHA shall encourage career employment by providing opportunities for the development of the abilities of employees through an adequate training program, and by assisting employees in improving their efficiency through sound performance evaluations.

E. Motor Vehicle Report (See "Use of Authority's Vehicles and Equipment - Driver Evaluation Program")

A Motor Vehicle Report will be obtained on all persons hired for jobs requiring operation of a vehicle. (See Accident Prevention & Safety Plan for LHA.)

F. Newly Hired Employee Orientation

All newly hired employees will participate in an orientation, which will include an explanation of the policies and procedures for the PHA and completion of the necessary forms for employment. (See Accident Prevention & Safety Plan for LHA.)

G. Employment At-Will

The State of Texas is an "At-Will" state. Therefore, all persons are employed at-will and should have no expectation of continued employment, promotion, or any personnel benefits except as required by federal or state law. This means the PHA can end the individual's employment at any time, with or without notice and with or without cause. Employees are also free to discontinue their employment at any time when they feel such a change may be in their best interest.

The only exception to this policy is for employees who have a written contract with the PHA, which outlines specific benefits, terms and/or conditions of employment.

Nothing in this Personnel Policy shall be construed so as to alter an employee's status as an employee at-will.

By accepting employment, the employee agrees to conform to the policies and regulations of the PHA. Any agreement that changes an employee's at-will status must be in writing and must be signed by the Executive Director and approved by the Board of Commissioners. No administrative staff or representative of the PHA has any authority to enter into an agreement for any specific period of time or to make any agreement regarding an employee's length or condition of employment.

H. Merit System

1. The employment of personnel and all actions affecting employees such as pay increases, promotions, and transfers, shall be based solely on merit, ability, experience, and qualifications.
2. Qualifications for available positions will be clearly stated in all position announcements.
3. Merit increase should be based on employee evaluation on or about their anniversary date.

I. Equal Employment Opportunity, Persons with Disabilities, and Sexual Harassment

1. Summary

The PHA will comply with and implement all applicable laws, regulations, Executive Orders, and rules that pertain to Equal Employment Opportunity, Employment of Persons with Disabilities, Reasonable Accommodation, Sexual Harassment, and other personnel matters.

2. Equal Employment Opportunity (EEO) Requirements

- a) The PHA will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, familial status, age, disability, or veteran status.

The PHA will take affirmative action to ensure that applicants for employment and employees of the PHA are treated properly, without regard to race, color, creed, religion, sex, age, disability, national origin, familial status or veteran status.

Such action will include but not be limited to, the following: employment, promotions, demotions, or transfers; recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; and selection for training including apprenticeship.

The PHA will insert the preceding two paragraphs (modified only to show the particular contractual relationship) in all of its contracts in connection with the development or operation of any development, except contracts for standard commercial supplies or raw materials and contracts referred to in the Annual Contributions Contract (ACC), Section 12. The PHA will also require all such contractors to insert a similar provision in their subcontracts, except subcontracts for standard commercial supplies or raw materials.

The PHA will post notices provided by the Federal government, setting forth the provisions of this non-discriminatory clause, at all of its housing developments, in conspicuous places available to employees and applicants for employment.

- b) The PHA agrees that it will bind contractors with equal opportunity requirements as outlined in the PHA's Procurement Policy with respect to its employment practices when it participates in federally assisted construction work.
- c) The PHA will apply equal employment opportunity to all personnel actions, including but not limited to recruiting, hiring, upgrading, promoting, demoting, transferring, layoffs, and terminating. The Executive Director is the EEO Counselor. See attached "EEO Policy and Complaint System".

3. Nondiscrimination Based on Disability in Federally-Assisted Programs and Activities

- a) No qualified individual with disabilities will be subjected to discrimination in employment under any PHA program or activity that receives Federal financial assistance from HUD.
- b) A disabled person with a mental or physical impairment that substantially limits one or more of the individual's major life activities:
 - 1) is expected to be of long-continued and indefinite duration;
 - 2) substantially impedes the person's ability to live independently; and
 - 3) is of such a nature that such ability could be improved by more suitable housing conditions.
- c) The PHA will not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or employment status because of disability.
- d) The prohibition against discrimination in employment will apply to the following activities:
 - 1) recruiting, advertising, and the processing of applications for employment;
 - 2) hiring, upgrading, promoting, awarding of tenure, demoting, transferring, layoffs, terminating, right of return from layoff, injury or illness, and rehiring;
 - 3) rates of pay, or any other form of compensation and changes in compensation;

- 4) job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
 - 5) leaves of absence, sick leave, or any other leave;
 - 6) fringe benefits available by virtue of employment, whether or not administered by the PHA;
 - 7) selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absences for training;
 - 8) employer-sponsored activities, including social or recreational programs; and
 - 9) any other term, condition, or privilege of employment.
- e) The PHA will not participate in a contractual or other relationship that has the effect of subjecting qualified applicants with disabilities or employees with disabilities to discrimination prohibited by Federal regulations. The relationships referred to in this paragraph include relationships with employment and referral agencies, labor unions, organizations providing or administering fringe benefits to employees of the PHA, and organizations providing training and apprenticeship programs.
 - f) The PHA will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant with disabilities or employee with disabilities, unless the PHA can demonstrate that the accommodation would impose an undue hardship on the operation of its program.
 - g) The PHA will not deny any employment opportunity to a qualified disabled employee or applicant because of the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.
 - h) The PHA will not use any employment test or other selection criteria that screens out or tends to screen out individuals with disabilities or any class of individuals with disabilities unless:
 - 1) the PHA demonstrates that the test score or other selection criteria, as used by the PHA, is job-related for the position in question; and
 - 2) the appropriate HUD official determines that alternative job-related tests or criteria that tend to screen out fewer individuals with disabilities are unavailable
 - i) The PHA will select and administer tests concerning employment to ensure that, when administered to an applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
 - j) Except as provided in paragraphs I. and m., below, the PHA will not make a pre-employment inquiry or conduct a pre-employment medical examination of an applicant to determine whether the applicant is an individual with disabilities or to determine the nature or severity of a disability. The PHA may, however, make pre-employment inquiry into an applicant's ability to perform job-related functions.
 - k) When the PHA is undertaking affirmative action efforts, voluntary or otherwise, the PHA may invite applicants for employment to indicate whether and to what extent they are disabled, if the following conditions are met:
 - 1) the PHA states clearly that the information is being requested on a voluntary basis;
 - 2) that the information will be kept confidential;

- 3) that refusal to provide the information will not subject the applicant or employee to any adverse treatment; and
- 4) that the information will be used only in accordance with Federal regulations.
- l) The PHA may condition an offer of employment on the results of a medical examination conducted before the employee's entrance on duty, if:
 - 1) all entering employees in that category of job classification must take such an examination regard less of disability; and
 - 2) the results of such examination are used only in accordance with Federal regulations.
- m) Information concerning the medical condition or history of the applicant will be collected and maintained on separate forms that are accorded confidentially as medical records, except that:
 - 1) supervisors and managers may be informed of restrictions on the work duties of individuals with disabilities and may be informed of any necessary accommodations;
 - 2) first aid and safety personnel may be informed if the condition might require emergency treatment; and
 - 3) government officials investigating compliance with Federal regulations will be provided relevant information upon request.

4. Sexual Harassment

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal, physiological, or physical conduct of a sexual nature that can be reasonably determined to constitute the following unlawful behavior:

- a) submission to the conduct is required as either an explicit or implicit term or condition of employment; or
- b) submission to or rejection of the conduct is used as a basis for employment decisions affecting the employee; or
- c) the conduct has the purpose or effect of substantially interfering with work performance, or of creating an intimidating, hostile, or offensive work environment.

Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to performance, such as taking or refusing to take personnel action, including the promotion of employees who submit to sexual advances, and the refusal to promote employees who resist or protest sexual overtures.

A PHA supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee who behaves in this manner in the process of conducting PHA business is engaging in sexual harassment.

An employee who participates in deliberate or repeated, unsolicited verbal comments, gestures, or physical conduct of a sexual nature and which are unwelcome and create an offensive and hostile work environment is also engaging in sexual harassment.

It is the policy of the PHA that sexual harassment is unacceptable conduct in the workplace and will not be condoned. Personnel management within the PHA will be implemented free from

such harassment. All PHA employees will avoid conduct which undermines these principles. At the same time, it is not the intent of the PHA to regulate the social interaction or relationships freely entered into by PHA employees.

Each supervisor is responsible for maintaining the workplace free of sexual harassment. This duty includes explaining this policy to all employees and assuring all employees and client groups that they are not required to endure insulting, degrading, or exploitive sexual treatment.

Complaints of possible sexual harassment will be processed according to the guidelines in the PHA's Equal Employment Opportunity (EEO) Policy attached to this policy.

5. Responsibility for EEO/Affirmative Action (AA) Compliance

The Executive Director is responsible for ensuring that all PHA construction contracts include the appropriate EEO/AA language, including language pertaining to discrimination because of disability or age.

The Executive Director's position description is written to include this additional responsibility.

J. Politics

All members, officers, and employees of the PHA whose employment as such constitutes their principal employment, are subject to the provisions of Section 12 (a) of the Hatch Act, as amended and specifically Federal Statute 5 U.S.C. 1501 and 1502 et. Seq. Employees shall not use their offices for political purposes, solicit or receive political contributions from other employees or from development occupants, be candidates for election to partisan public office or take an active part in political campaigns, or use political influence in connection with their employment status and other provisions under the Act. Employees shall be free to vote as they choose. If any individual is doubtful as to his/her status under the Hatch Act, he/she may present the matter in writing to the appropriate department or agency of the United States Government.

1. The restrictions prohibit:

- a) use of official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- b) directly or indirectly coercing, attempting to coerce, commanding, or advising a state or local officer or employee to pay, lend, or contribute anything of value to any party, committee, organization, agency, or person for political purposes;
- c) the employee from being a candidate for elective office in a partisan election.

2. Persons exempt from 5 U.S.C. Section 1502: Section 1502 is not applicable to persons whose positions with the PHA do not constitute their principal employment. Although the question as to which is the "principal employment" is to be determined by the Special Counsel of the Merit Systems Protection Board, in general, if substantially more than half of the employee's or member's time is devoted to other employment and substantially more than half of his/her income is derived from other employment, he/she is not subject to the restrictions.

3. Certain officers may hold two public positions, one subject to and one exempt from certain provisions of 5 U.S.C. 1501, et seq. This person is subject to all the political activity restrictions of Section 1502 if their employment with the PHA is their principal employment as defined in paragraph b. An officer or employee of the PHA who is in doubt as to whether he/she is subject to or exempt from any of the provisions of Section 1502 may present the matter in writing for consideration to the Office of the Special Counsel, U.S. Merit Systems Protection Board, 1615 M St. N.W., Washington, D.C. 20419.

4. Participation in the following types of political activities is prohibited:

- a) soliciting political contributions from co-workers or subordinates;
- b) soliciting political support for a party faction or candidate from co-workers or subordinates;
- c) becoming a candidate for nomination or election to any public office, which is to be filled in an election in which party candidates are involved.

5. Exceptions to Political Restrictions: Section 1502 expressly reserves the right of officers or employees to vote as they may choose and to express their opinion on political subjects and candidates. Section 1502 does not prohibit any state or local official from being a candidate in an election if none of the candidates are to be nominated or elected at such election as representing a party whose candidates for Presidential election received votes in the last preceding election at which Presidential electors were elected.

6. Enforcement Jurisdiction and Procedures: Anyone who has reason to believe that an officer or employee of a PHA has committed a violation of 5 U.S.C. 1501 et. seq. should report such violation to the nearest HUD Field Office.

K. Nepotism

Per the Annual Contributions Contract (ACC) and the Texas Nepotism law, the PHA may not hire an employee in connection with a Low-Rent or Section 8 program within the 2nd degree (defined in the ACC as spouse, mother, father, brother, sister, or child of a covered class member, whether as a full blood relative, or as a "half" or "step" relative, e.g., a halfbrother or stepchild) if the prospective employee is an immediate family member belonging to one of the following class members: Commissioner, Executive Director, Deputy Executive Director, other top administrative employee. This shall remain in effect throughout the class member's tenure and for one (1) year thereafter. This includes:

- a) any present or former member or officer of the governing body of the PHA. This does not apply to any former resident commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policymaking position with the PHA;
- b) any employee of the PHA who formulates policy or who influences decisions with respect to a PHA development(s);
- c) any public official, member of the local governing body, or state or local legislator, who exercises functions or responsibilities with respect to a PHA development(s) or the PHA itself.

No employee shall be the direct supervisor of an employee to whom he/she is related.

The requirements of this subsection may be waived by the PHA's Board of Commissioners for good cause, if providing such waiver is permitted by HUD.

L. Anti-Fraternization

In order to establish a comfortable work environment and protect the employees and agency from unlawful sexual harassment, and in order to avoid conflicts of interest, misunderstandings, or the appearances to favoritism, the following policy has been adopted:

Relationships that appear to compromise the integrity of supervisory authority or that may be perceived as generating partiality or unfairness are considered against policy. This may include dating, romantic involvement, undue familiarity, or close family relationships among employees, residents, vendors, or contractors.

Supervisory positions may include direct supervision or indirect and may be related to any financial controls, document control, quality and property controls, personnel, and loss and prevention controls or related positions. Relatives shall include immediate family, regardless of relation by blood or marriage.

The Housing Authority of the City of Laredo does not wish to intrude into the private lives of its employees. However, relationships which appear in this manner will be subject to impartial investigation and may result in remedial actions including reassignment of duties, limitation of job functions and/or access to confidential information, and disciplinary action including and up to possible termination.

Any clarification needed on this policy should be directed to the Executive Director.

M. Authority to Affect Personnel Actions

The authority to appoint, promote, demote, and terminate personnel, shall be vested in the Executive Director . Personnel action(s) relating to key employees (an employee designated by the PHA to a particular government contract as a key employee to that contract), may be determined by the Executive Director based upon the recommendation of the Executive Director. (The Board of Commissioners returned the authority back to the Executive Director in March 3, 2009).

All manager and director proposed new hire positions must be approved in advance by the Board of Commissioners.

N. Authority to Establish Procedures

All personnel policies, amendments, or additions must be approved by the PHA's Board of Commissioners: In directing and coordinating the work of the entire PHA to assure effective and economical accomplishment of its assigned objectives, the Executive Director is authorized to pay wages, establish personnel policies and procedures, and to make changes whenever

necessary. Personnel policies and procedures and any necessary administrative interpretations, clarifications, or changes shall be documented and shall automatically become part of this PHA's Personnel Policy as an attachment.

O. Resident Employment

The PHA will use resident employment, as funds are available, as a prime vehicle for resident upward mobility. Such employment helps the resident expand future employment opportunities, and increase income to the point where they may eventually be able to afford housing in the private market. See attached "Section 3 Plan".

II. Organization

A. Organization Plan

B. Employment Status Categories

C. Probationary Period Requirements

D. Recommended Public Housing Management Certification and Other Certification

E. Position Descriptions

Section 2. Organization

The PHA shall be organized in a manner that provides for effective and efficient use of all staff members. Policies concerning the PHA's organization plan, type of positions, probation requirements, and employee position descriptions are outlined below.

A. Organization Plan

1. The PHA will have an organizational structure that encompasses all job classifications for its management and operational units including Executive, Administrative, Financial, Housing Management, Maintenance, Section 8 programs, and Resident Services.
2. The organizational structure will be documented in an organization chart and the structure and chart will be designed to:
 - a) clearly outline areas of authority and responsibility;
 - b) promote and increase efficiency in providing services and responding to the general public; and
 - c) inform employees of their place or role in the overall organization.

B. Employment Status Categories

1. Regular Full-Time: The regular administrative staff and maintenance staff of all the PHA's housing programs regularly scheduled to work forty (40) hours per week. All regular full -time employees shall be legal citizens or residents of the United States.
2. Regular Part-time: An employee who is regularly scheduled to work less than forty (40) hours per week. Part-time employees may be scheduled for less than a full work week as determined by the PHA.
3. Temporary, and/or Seasonal: Employees appointed to these positions perform various or specialized tasks of a temporary nature and are hired for a specific period of time and/or job. Determination for the need of temporary staff is made by the Executive Director and may be based on documented need submitted by managers and supervisors. Incumbents shall not be eligible for compensation due to absence from work or benefits (i.e. holidays, annual, or sick leave benefits, etc.), except for Workers' Compensation, unemployment insurance, and Social Security, as detailed in Section 12 of this policy. At the end of the agreed period of temporary appointment or when the work assignment is completed, the incumbent shall be separated from the PHA, unless employment is extended by written approval of the Executive Director. Compensation shall be computed at hourly rates. All temporary and seasonal employees shall be legal citizens or residents of the United States.

Force account labor personnel are considered to be temporary, subject to continued project funding and the availability of work. Incumbents in these positions are provisional employees whose wage rates are governed by the Davis-Bacon Wage Act.

Part-time employees work less than 35 hours a week or less.

4. **Age Requirements:** Persons under the age of eighteen (18) shall not be considered for regular or temporary employment unless they have had their minority status legally removed (i.e. legally married, emancipated minor, etc.). Persons under the age of eighteen (18) that are covered under an approved government-sponsored youth training program are exempt from this provision.

C. Probationary Period Requirements

1. **Probationary Period:** All newly hired employees must successfully complete a six (6) month probationary period prior to becoming a regular full-time employee eligible for all benefits of the PHA.

The probationary period shall be used to closely observe and evaluate the work and performance of new employees and to encourage adjustment(s) to their jobs. Only those employees who satisfactorily meet the performance standards during the probationary period shall be retained. At the end of the probationary period, successful employees will be entitled to full benefits, including sick leave, annual leave, and grievance procedures. Annual leave may not be used by new employees during this probationary period.

Time spent as a temporary, monthly, or hourly employee may be counted as probationary when considering an employee in this status for a regular full-time position. The probationary period may be extended beyond the six (6) month period only with prior approval of the Executive Director, and if it is determined that the additional period will substantially benefit the PHA. Similarly, an employee may be terminated prior to the end of the probationary period.

2. **Probation Resulting from Transfer or Promotion:** Any regular full-time employee who changes position (whether through promotion or transfer at his/her request to a different kind of position in the same grade) shall serve a six (6) month probationary period from the date of appointment to the new position. Continued employment in the new position shall be contingent upon satisfactory performance during the probationary period. Evaluation of the employee's performance will be made during this period. An employee who assumes, without prejudice, a position of a lower grade will not be required to serve a probationary period and his/her status shall remain as before.

A regular employee whose probationary period results from a promotion and/or transfer, which is not prompted by the employee, may use his/her annual (vacation) leave during this period.

3. **Non-Qualification:** Probationary employees may be separated from the PHA or transferred at any time during the probationary period when: (1) their performance and/or quality of work are judged insufficient to merit continuation in the position, and/or (2) when insufficient work is available to warrant an additional employee. When a newly promoted employee does not qualify for the new position, he/she may be demoted to his/her old position, provided such position is still available.

4. **Appeal:** Newly hired employees that fail the probationary period have no right to the appeal process, except on grounds of illegal discrimination, in which case the employee may appeal to

the Executive Director within fifteen (15) days following notice of failure to qualify. The decision of the Executive Director shall be final. Recently promoted probationary employees wishing to appeal disqualification from the new position may follow the regular appeals procedure outlined elsewhere in this policy.

D. Recommended Public Housing Management Certification and Other Certifications

It is the policy of the PHA that the Executive Director and Public Housing Managers and/or Development Managers be certified under the Public Housing Management Certification Program as sanctioned and, at present time, recommended by HUD.

However, it is the policy of the PHA that all personnel be certified for their respective positions, if such certification is available, and there are adequate funds for said training.

Note: This policy may not apply to those employees who are presently in certifiable positions not required to be certified by HUD. New and promoted employees, after the approval of this policy, will be affected by this policy.

1. Public Housing Management Certification or "Other" Certifications must be obtained from a HUD sanctioned institution such as the NAHRO, Texas Housing Association, National Center for Housing Management, Institute of Real Estate Management, etc.

2. While it is a prerequisite for employment, these applicants/employees (especially the Executive Director) should have their certification upon employment and/or promotion to such positions. Those without the certification will be allotted twelve (12) months to be certified.

Procedure:

- a) Upon employment and/or promotion, the Executive Director and Public Housing Managers and other certifiable employees will provide the PHA a copy of their HUD-approved Public Housing Management or Other Certifications.
- b) Those not certified will be officially informed of the Public Housing Management and "Other" Certification Policy requirements.
- c) Certification Cost.
 - 1) If funds are available, the PHA may pay for the employee's initial training and certification examination cost.
 - 2) If necessary, the PHA may pay for a second certification examination cost.
 - 3) The employee may enroll for the training and/or certification examination at his/her own expense after (1) and (2) above.
- d) The employees who are unable to obtain the required certification within the twelve (12)-month period, the individual will not be able to continue in the position. The PHA may transfer the employee to a vacant position not requiring the certification. If such a position is not available, the employee may be terminated.

E. Position Descriptions

1. The PHA will have a Position Description for each of its job classifications.

2. The position descriptions will show the applicable management or operational unit's immediate supervisor, duties, and responsibilities, qualification standards for the position and other related matters such as complexity of the work, work environment, etc.
3. All regular full-time employees will be provided a copy of the position description applicable to their job classification.
4. The position descriptions will be updated periodically to ensure compliance with changes in HUD rules and regulations or changes or realignments in duties and responsibilities.
5. The position descriptions will be used by the PHA rating officials when making evaluations of job performances as prescribed in the PHA's Employee Performance Evaluation System.

III. Compensation

A. Determination of Salary or Wages

B. Salary Ranges

C. Pay Period

D. Changes in Compensation

E. Employee Pay Deductions

Section 3. Compensation

The wages and salaries of PHA technical and maintenance staff, and administrative employees are based on those paid similar employees working for other PHAs, including other organizations in the PHA's area. PHA policies concerning determinations of wages and salaries, salary ranges, pay periods, and changes in compensation are outlined below.

A. Determination of Salary or Wages and Commissioners' Expenses

1. For technical staff and maintenance personnel whose rates are set pursuant to the Annual Contributions Contract, appropriate compensation rates shall, at a minimum, be paid on the basis of prevailing wages of public entities located in the PHA's service area, as determined by the Labor Relations Division of the United States Department of Housing and Urban Development (HUD), and as determined by the Board of Commissioners to be consistent with a fair wage for the duties performed by an employee, and economic conditions, as permitted under contracts with the Department of Housing and Urban Development.

2. All administrative staff salaries shall, at minimum, be comparable to local public entity's practice. Public entities, as referenced here, may consist primarily of the municipal or county government and/or such local bodies as public schools, public hospitals, or other institutions supported by public funds.

Comparability is determined in the following manner:

- a) identify local public entities with job classifications that are similar to those of the PHA;
- b) identify job classifications that are comparable by reviewing and analyzing pertinent records such as job descriptions and pay data;
- c) document the comparable positions and calculate the comparability salary rates;
- d) fringe benefits are excluded in making comparability surveys.

The comparable compensation rates as well as all wages and salaries are subject to the approval of the Board of Commissioners based upon the recommendations of the Executive Director and further subject to budget limitations.

The PHA may determine comparability or use consultants to conduct salary comparability surveys and studies.

3. Under Part A Section 14(8), of the Annual Contributions Contract it states "No funds of any project may be used to pay any compensation for services of members of the HA Board of Commissioners". Compensation for the travel and related expenses of Commissioners is permitted. Special Circular Letter Number 93-033 prohibits PHA Commissioners from receiving per diem, per state law. All expenses paid to Commissioners shall be actual, documented by receipt, and within limits stated in this policy.

B. Salary Ranges

For personnel, other than those classified as maintenance and/or force account labor, minimum and maximum rates of pay shall be established by the Board of Commissioners for each class of position, based upon the results of the salary comparability study. Initial appointments shall generally be made at the minimum rate of a class salary range, unless due to temporary budget restrictions or during an employee's probationary period it is necessary for the rate to be less than the minimum rate of a class range. At the Executive Director's discretion, a newly hired employee or initial appointment may be classified at a higher rate than the maximum due to prior experience, qualifications, etc. The salary ranges shall be subject to revision from time-to-time by the Board of Commissioners to reflect changes in responsibility, economic conditions, or for other valid reasons such as revealed by a comparability study.

C. Pay Period

Regular full-time, part-time, temporary, and "force account" employees shall have biweekly pay periods during the calendar year (January-December). Pay dates will be on Fridays unless those dates fall during a holiday. If so, pay dates will be on the day prior to a holiday. Any erroneous overpayment does not confer the right of retention and shall be automatically adjusted from any accrued pay whenever such error is detected or through a collection process if employment has since terminated.

Non-Administrative personnel shall be paid at their respective hourly rates for all hours worked and all hours taken as paid leave.

Temporary Employees shall be paid on the basis of stipulated hourly rates. Payment shall be made by check and the pay period may coincide with regular PHA's payroll period.

D. Changes in Compensation

1. Cost of Living: All regular full-time employees are entitled to receive cost of living increases in the base salary of a specified amount when authorized by a decision of the Board of Commissioners, on the recommendation of the Executive Director, subject to budget limitations and prevailing funding guidelines.

2. Comparability Adjustments: Based upon the results of a salary comparability study the employee may receive an adjustment to his/her base salary.

3. Merit Increases: Merit increases in an employee's pay within the PHA's salary schedule shall be authorized by a decision of the Executive Director. A merit increase shall not be based on the amount of time an employee has been in a certain pay step.

Pay increases, if any, will be based upon an annual evaluation of each employee's job performance. These evaluations will be made in accordance with the policies and procedures contained under the PHA' s policy on Employee Performance Evaluation Systems.

E. Employee Pay Deductions (see also in Section 12, Other Matters, B. "Employee Benefit Programs")

Employees have the opportunity to participate in various plans offered by the Authority. Employees may elect to pay for the cost of participating in those plans by payroll deductions. Before any deductions from employees' wages are made, other than those required by law such as Social Security, income tax and state unemployment tax, or a court-ordered deduction, employees must authorize the deduction in writing. Forms for authorizing a deduction are available in the Administrative office. No deduction will be made without written authorization.

Each payment of wages that employees receive will include a statement of the deductions that have been made from the employees' gross earnings to arrive at the net amount of the wage payment. Should employees need a more comprehensive explanation of the reason for a deduction or the deducted amount was calculated, they should contact the Administrative office during regular business hours.

IV. Changes of Employment Status

A. Promotions

B. Demotions

C. Transfers

D. Suspensions

Section 4. Changes of Employment Status

A PHA staff member's employment status can change based on certain conditions. The following policies pertain to those conditions, which include promotion, demotion, transfer, and suspension.

A. Promotions

Consistent with efficient operation, vacant or newly created positions shall be filled when possible at the discretion of the Executive Director, by the promotion of qualified regular full-time employees, as set forth in Section 1., paragraph A.2.

B. Demotions

An employee may be subject to demotion under the following conditions:

1. If the employee has been found unsuitable for his/her present position but may be qualified or able to give satisfactory service in a lower paying position.
2. If the position has been either abolished or reallocated to a lower paying class and he/she cannot be transferred to a position of equal pay. It shall be clearly indicated on all personnel records that the transaction in no way reflects on the employee's performance or ability.

C. Transfers

1. An employee may be transferred within the organization, as far as practicable, to a position where his/her highest skills will be best utilized.
2. When a transfer of an employee is necessary, due to organizational changes, every effort shall be made to place the affected employee in a position, which will permit him/her to retain their current salary.
3. In making a transfer within the organization, due consideration shall be given by the Executive Director to the desires of the employee involved.

D. Suspensions

1. An employee may be suspended from duty without pay by the Executive Director: (1) for a period not to exceed a six (6) month period for disciplinary reasons; and (2) for an indefinite period pending the investigations of charges which, if substantiated, could result in the dismissal of the employee from the PHA. Prior to the suspension, the employee must be given a notice which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance or conduct. The notice of suspension shall be permanently retained in the employee's official personnel file.

2. The employee must be given an opportunity to respond to the notice of suspension in the presence of the person who signed the notice. Unless another staff member is designated in writing, the Executive Director is the only person authorized to sign the suspension notice.

V. Termination of Employment Implemented Employee Exit Interview Form 5/18/2010

A. Dismissals

B. Resignations

C. Termination Pay

D. Reduction in Force

E. Incapacity

F. Final Paycheck

G. Letter of Service

Forms: Employee Exit Interview Form May 2010

Section 5. Termination of Employment Implemented Employee Exit Interview Form 5/18/2010

The following policies describe the manner in which employment with the PHA may be terminated.

A. Dismissals

An "at-will" employee may be dismissed, by the Executive Director, from the PHA at any time with or without notice and with or without cause.

A probationary employee may be dismissed, without the right to appeal, while serving their six (6)-month probationary period. Under these circumstances, the employee will not be entitled to receive:

- (1) paid sick and annual leave;
- (2) other PHA benefits received by a regular full-time employee; and
- (3) grievance procedure, until he/she has satisfactorily completed the probationary period.

Any regular full-time or probationary employee may be dismissed after receiving three (3) written reprimands (except in cases of extreme offenses). No sick leave or annual (vacation) leave will be paid by the PHA to those employees who are terminated.

B. Resignations

An employee who desires to resign from his/her employment with the PHA should give a minimum of ten (10) working days notice in writing to the Executive Director. If the employee so desires he/she may set forth his/her reasons for resigning. A resigning employee shall not be entitled to any pay increase pending, or not yet approved by the Board of Commissioners, or by HUD.

An employee who resigns from employment with the PHA in good standing shall receive all compensation due him/her in salary. An employee who is dismissed or who resigns without submitting notice of resignation at least ten (10) working days in advance of the effective date of the resignation shall not be considered to have left his/her employment with the PHA in good standing and is not entitled to benefits.

An employee resigning without the ten (10) working days notice shall be ineligible for reinstatement, but may be considered for future employment on a competitive basis with other applicants for employment.

A regular full-time employee who has completed ten (10) years or more of continuous service with the PHA shall be paid for all accrued annual leave, not to exceed thirty (30) days.

C. Termination Pay

Except where the dismissal is for cause, an employee who resigns his/her employment in good standing (giving at least 2 weeks or 10 working days notice) shall be paid in a lump sum for any

accumulated annual leave, less any debts owed to the PHA. An employee resigning or being terminated from employment with the PHA, other than for cause, shall receive all compensation due him/her in salary and unused accrued annual leave. (As per Section 7-D, Sick Leave, 3.f. Accrued unused sick leave hours are not compensated at separation of employment from the PHA.) Calculation of termination pay for annual leave and holiday(s) will be at the base rate of pay being received by the employee at the time of separation from the PHA.

Unauthorized Payments: Payment for accumulated annual leave shall not be made to an employee unless such employee is being officially separated from employment of the PHA. Transfers between housing entities under the jurisdiction of the PHA or between entities and administrative or maintenance components does not constitute an official separation from employment with the PHA.

D. Reduction in Force

1. If it is necessary to reduce personnel, the selection of employees to be retained shall be based primarily on their relative efficiency and the continuing need for the position they hold. Other things being equal, length of service may be given consideration.

2. Whenever possible, at least two (2) weeks notice, prior to dismissal for reduction in force, shall be given to an employee, except for temporary employees or persons employed for a specific period of time or job, and other employees being dismissed at will.

E. Incapacity

An employee may be separated from employment with the PHA for incapacity due to medical reasons arising from a non-occupational illness or injury when the employee, as an individual, no longer meets the standards of fitness required for the position and cannot perform essential job functions with reasonable accommodations. A finding of incapacity shall not be considered disciplinary action and shall not deny an employee the use of accrued sick leave and/or other benefits.

F. Final Paycheck (See also "Termination Pay")

In order to receive a final paycheck without additional deductions an employee must return, to his/her supervisor, his/her employee policy manual(s), uniforms (if applicable), and any other items or PHA equipment that he/she has been issued. This includes tools, equipment, manuals, literature, keys, name tags, written confidential information or other valuable PHA property supplied for the purpose of assisting the employee in the performance of his/her work. The PHA will deduct the cost of any missing items from a separate accrued annual leave check before the final paycheck is prepared. At the time of issuance, an employee authorization form will be signed by the employee and placed in their official personnel file. The authorization form will serve as an account for the use and return of these items. Regular full-time employees with less than ten (10) years of continuous employment with the PHA will not be compensated for accrued sick leave upon separation from employment with the PHA. Regular full-time employees who

have completed ten (10) years or more of continuous employment with the PHA shall be paid accrued sick leave as per item B of this section.

G. Letter of Service

A letter of service stating duties performed and salary paid for a former PHA employee must be approved and signed by the Executive Director or his/her designee.

VI. Work Hours and Record Keeping

A. Work-week

B. Work-day

C. Office/Shop Operating Hours

D. "On-Call Duty"

E. Lunch Period

F. Rest Periods

G. Release Time for Employee's Functions

H. Time and Attendance Records

I. Overtime/Compensatory Time Revised 1/6/2009

J. Child Labor

K. Change of Address

Section 6. Work Hours and Record Keeping

The following provisions of employment are hereby implemented:

A. Work-week

Work-week: A work-week consists of seven (7) consecutive twenty-four (24)-hour periods, or 168 hours. The PHA's work-week starts at 12:01 AM Sunday and ends midnight the following Saturday.

B. Work-day

Work-day: Except for employees who are working a special schedule, the regular work-day is from 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM, Monday through Friday with an interim unpaid one-hour lunch period. These time frames may be modified by the Executive Director when necessary in order to accommodate a special work schedule. For maintenance personnel the eight (8)-hour work-day shall be distributed as necessary to provide adequate coverage of maintenance operations, and a schedule of work hours or shifts shall be prominently posted.

C. Office/Shop Operating Hours

Office/Shop Operating Hours: All administrative offices and maintenance shops shall remain open to transact business from 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM each regular work-day.

D. "On-Call Duty"

"On-Call Duty": The PHA's maintenance employees may be assigned on-call duty. On-call duty shall be on weekends and after 5:00 PM on regular working days. The employee will be expected to be available by telephone, two-way radio or pager to perform emergency duties during his/her duty assignment. As compensation, the employee shall be paid for actual hours worked. The employee shall be paid time and one-half. Maintenance employee's assigned on-call duty must satisfactorily complete a full week's duty to be eligible for the above pay. Such pay will be included in the same payroll period with the Saturday ending on-call duty. No compensation will be provided to exempt management staff.

E. Lunch Period

Lunch Period: The standard lunch period is 12:00 Noon through 1:00 PM. This time frame may be modified when necessary to accommodate a special work schedule. The Executive Director may schedule employee lunch and rest periods in a staggered manner to assure that PHA personnel are available during the PHA's operating hours to assist residents and customers. An employee shall not be permitted or allowed to work in lieu of a lunch period to accrue overtime compensation unless pre-approved by management.

F. Rest Periods

Employees may be permitted two (2) 15-minute rest periods each regular work-day (with pay) for the purposes of relaxation and refreshment in order to sustain a high level of job productivity. Rest periods must be taken at or in close proximity to the employee's work location or station. Rest periods shall not be used for personal business, such as shopping, paying personal bills or expenses, or home visitation. Rest periods are authorized to be taken at approximately 10:00 AM and 3:00 PM and shall not be taken in conjunction with a lunch period or the start or end of a work-day. The PHA assumes no liability for a rest period not taken due to a work assignment. The rest period is not a right.

G. Release Time for Employee's Functions

Release time is defined as any period of time during regular working hours when regular full-time employees are released from their job assignments to attend an employee's function that has been determined to be in the best interest of the PHA and its employees. All periods of release time shall be explicitly approved in advance by the Executive Director or a predesignated representative.

1. Work in Lieu of Release Time: The time during which an employee is released to attend an employee function and offices are closed does not constitute a holiday. Temporary employees shall not be paid for time loss during the release period. Permission to have a temporary employee work during such release time period must be obtained from the Executive Director.

2. Partial Day Functions: In the event of release time for a partial function, regular fulltime employees not attending on their own volition will be appropriately charged annual or sick leave for the period of the function. Employees who are absent longer than this release time period shall be appropriately charged annual/sick leave for all time absent between 8:00 AM and 5:00 PM.

3. Mandatory Function: In case of release for a mandatory function, regular full-time employees who are absent without notifying the PHA shall be treated in accordance with provisions of Unauthorized Absence in Section 7 of this policy.

H. Time and Attendance Records

Each employee shall maintain a bi-weekly time record (timecard/sheet) showing hours, or portions thereof, worked each day. At the end of each bi-weekly time period, the employee shall sign the bi-weekly time-cards/sheets, thereby attesting to its accuracy. The time-card/sheet shall also be signed by the employee's immediate supervisor. All signed time-cards/sheets shall be turned in each week by the employee to their immediate supervisor or the Executive Director.

Time and attendance reports and related documents will be maintained on all employees by their immediate supervisor. Records will be made available for inspection by the employee, if requested.

I. Overtime/Compensatory Time

The earning and usage of overtime or compensatory time is as follows:

Rates and methods of compensation for Executive, Administrative, Professional, and Computer Related Occupations are fixed or established by the PHA, except as otherwise mandated by Section 13(a)(I) of the Fair Labor Standard Act (FLSA) defined by Regulations, 29 CFR Part 541. The Act establishes minimum wages, overtime pay and record keeping requirements for "non-exempt" employees. Accordingly, all positions in the Executive, Administrative, Professional, and Computer Related Salary Schedule have been categorized as either "non-exempt" or "exempt".

1. Non-Exempt: Non-Exempt employees shall receive compensatory time.

2. Exempt: Exempt employees are those persons, who occupy Executive, Administrative, Professional, and Computer-Related job classifications that are not covered by overtime provisions of the FLSA. Exempt employees do not qualify for compensatory time.

Overtime work shall not be performed by all employee without being approved in advance by the Executive Director, (or his/her designee) and/or the employee's immediate supervisor.

- a) Maintenance employees are those who are appointed or classified in the maintenance salary schedule. Minimum rates of pay for the overtime hours worked for these employees are fixed annually by the U. S. Department of Housing & Urban Development. All maintenance employees, including foremen, shall receive overtime pay (only) for all hours worked in excess of forty (40) hours during a work-week for all hours worked in excess of forty (40) hours during a work-week.
- b) force account employees appointed by or classified to building construction or supportive type job classifications in the Capital Funds Program (CFP) are covered by the Fair Labor Standards Act and minimum wages are established in accordance with the Davis-Bacon Act and related laws. These employees shall receive overtime pay for all hours worked in excess of forty (40) hours during a work week.

3. Accrual and Use of Compensatory Time: The maximum accrual of compensatory time shall be twenty-four (24) hours and compensatory time off shall be taken within thirty (30) days after it is earned unless waived by the Executive Director. Such time off must be taken within the fiscal period that it was accrued and upon the approval of the supervisor. In the event compensatory time cannot be granted because of its adverse effect on the work unit, the employee may be compensated by payment in lieu of compensatory time off. In this instance, the rate of pay shall be one and one half (1-1/2) times the employee's regular rate of pay. Such payment must be justified in writing and have the prior written approval of the Executive Director.

4. Work on Weekend or Holiday: An employee who performed work for the PHA on a Saturday, Sunday, or an official standard PHA holiday shall be compensated at the employee's regular rate of pay, except that overtime or compensatory time pay provisions shall be applied for all time worked during the work-week in excess of the first forty (40) hours.

J. Child Labor

Child labor is governed by provision of the Fair Labor Standard Act (FLSA) which is designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions that are considered detrimental to their health or well-being. As stated previously, unless the minor is participating in a government-sponsored work experience program, the PHA will not employ any person under the age of eighteen (18).

K. Change of Address

All employees of the PHA are required to furnish the Finance Manager with all of their addresses and telephone numbers, for emergency purposes. This information will be used strictly for PHA business. If the employee changes his/her mailing address and/or telephone number, they shall notify the Finance Manager within three (3) working days of the change. This is important in the event there is a need to mail the employee any information or contact him/her on short notice. An emergency telephone number is also required.

VII. Absence from Work (see Appendix A: Family and Medical Leave Policy-FMLA)

A. Unauthorized Absence

B. Holidays

C. Annual (Vacation) Leave Revised 8/4/2009

D. Sick Leave Revised 8/4/2009

E. Maternity Leave

F. Paternity Leave

G. Bereavement Leave

H. Administrative Leave

I. Jury Duty or Court Leave

J. Voting Leave

K. Injury Leave

L. Military Leave

M. Personal Leave Without Pay

N. Inclement Weather

Section 7. Absence from Work (see Appendix A: Family and Medical Leave Policy-FMLA)

A. Unauthorized Absence:

Unauthorized absence is defined as the absence of an employee from scheduled work without approved leave. Any failure to report to work on time is considered unauthorized absence without pay. Sick leave and emergency leave not reported to the immediate supervisor within thirty (30) minutes after scheduled starting time shall be considered unauthorized absence unless sufficient evidence is presented to show that the emergency or sickness was of such a nature as to make personal reporting impossible or difficult. A call from a spouse, parent, or child is not acceptable unless the employee is physically unable to make the call. The employee's failure to report to work without notice is a serious matter and will not be tolerated. If the employee fails to report to work without notification, he/she will be considered to have abandoned his/her position and the employee's employment may be terminated at the discretion of the Executive Director. Unauthorized absences include the following:

1. **Tardiness:** Not being on time for work or not returning on time from scheduled office breaks, release time, and lunch periods.

No employee will clock in, sign in, or punch in on any other employee's timecard/sheet. If this occurs, disciplinary action or reprimand will be taken against that individual or both individuals, unless the employee is not aware that another employee signed in for him or her.

All employees are expected to arrive at work on time. If an employee is late to work, he/she must promptly notify his/her immediate supervisor. Repeated tardiness in reporting at the start of each work-day, returning from lunch, or office break may subject an employee to termination.

2. **Late Call-Ins/Late Reports:** This is a failure to call in to the office and/or speak to your immediate supervisor within thirty (30) minutes after the scheduled starting time of the work-day. If an employee is going to be late to work he/she should notify his/her immediate supervisor before the scheduled starting time. Repeated tardiness in reporting at the start of each work-day, returning from lunch, or from rest periods, or from release time, may subject an employee to disciplinary actions up to and including dismissal.

3. **General Provisions Regarding Unauthorized Absence:** An unauthorized absence as described previously, including tardiness, will be considered absence without leave and for payroll purposes will be shown on the employee's time and attendance record as leave without pay unless the employee can provide an explanation or documentation acceptable to their immediate supervisor and/or the Executive Director. If the reason for the tardiness is deemed acceptable, the time may be charged to the appropriate paid leave category.

B. Holidays

The PHA has established thirteen (13) official standard holidays with full pay by regular full-time employees. The observance of holidays by temporary and part-time employees shall be

without pay. Personal Holiday will not be paid to those employees who are terminated from their employment with LHA, 11/21/2011

1. Official Standard Holidays are as follows::

<u>Authorized Day</u>	<u>When Observed</u>
New Year' s	January 1st.
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran' s Day	November 11
Thanksgiving Day	Fourth Thursday in November Friday after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
Personal Holiday	Scheduled & Approved by Supervisor

2. Other Holidays: Employees desiring to observe religious or other holidays, not coinciding with official holidays, may be authorized by the Executive Director to use accrued annual leave or compensatory time, or may be granted time off without pay.

Employees will be given each holiday off work consistent with the maintenance of essential PHA functions. Supervisors will ensure that eligible employees, who cannot observe the official standard holiday due to working schedules or on-shifts, receive time off for the full number of holidays.

If applicable, such time off shall be granted within the (30) day period following completion of work that prevented observance of the holiday as scheduled.

An employee must work a full scheduled workday immediately preceding and following the holiday or be on approved annual leave to be entitled for holiday pay. *This provision does not apply where the supervisor has approved an employee 's request for leave without pay due to the lack of accrued annual leave.

If a holiday falls on Saturday, the preceding Friday shall be observed as a holiday providing that Friday is not also a holiday, If so, the preceding Thursday shall be observed as a holiday, If a holiday falls on Sunday, the following Monday shall be observed as a holiday providing that Monday is not also a holiday. If so, the following Tuesday shall be observed as a holiday.

C. Annual (Vacation) Leave:

Annual leave is provided as a benefit so that employees may have a period of rest, relaxation, and recreation with pay. Annual leave can be mutually beneficial if properly utilized by employees.

1. Annual leave may be granted for the following reasons:

- a) Scheduled vacation
- b) Emergency unscheduled annual leave requested by call-in because of a critical situation, which could not have been foreseen or prevented by the employee.

2. Annual Leave Accrual: Annual leave credits shall accrue only for regular full-time employees. Employees shall receive vacation leave on the basis of four (4) hours per two-week pay period of service, or thirteen (13) working days per calendar year of service. Any debts owed by employee to the Authority may be deducted from the employee's vacation pay at any time.

Annual leave shall not accrue for any pay period during which an employee is on injury leave or in a non-pay status over fifty percent (50%) of the standard number of working hours for his/her type of job.

3. Annual Leave Carryover: Annual leave carryover will be in accordance with the following provisions:

- a) Unused annual leave may be carried over to the following calendar year, but, employees shall not accrue over (30) working days. Accumulations of leave over the 30-days carry over must be used or forfeited. Additional days are not taken into consideration in determining the 30-days maximum balance.
- b) Effective the first regular working day of the year, all accumulated annual leave in excess of the maximum carryover amount will be forfeited automatically.

4. Administration of Annual Leave:

- a) Annual leave must be requested on a leave request form and approved by the Executive Director.
- b) The Executive Director will approve requested annual leave giving due consideration to both the needs of the PHA and the interest of the employee. Requests for annual leave must be submitted at least fifteen (15) calendar days in advance of the desired effective date of the scheduled annual leave.
- c) Employees of the Laredo Housing Authority must wait after their 6-month probationary period to begin accumulating their sick and annual leave. 10/12/2011.
- d) Employees will be encouraged to use a substantial portion of their annual leave each year. An employee may be paid for unused annual leave to the maximum accrual amount upon termination, resignation, retirement, or in case of death to the employee's beneficiary.
- e) Annual leave will be charged only for the time during which the employee would ordinarily have worked. Leave will be earned at the pay rate to which the employee is entitled while on leave.
- f) Employees being transferred, promoted, or demoted shall retain accrued annual leave as provided herein.
- g) Official holidays occurring during a vacation will not be charged to annual leave.
- h) Annual leave shall not be advanced to employees.
- i) Annual leave credits are not transferable between employees.
- j) An employee who is hospitalized while on vacation may, with written verifiable confirmation, request that time hospitalized be charged to sick leave, providing that adequate sick leave hours were accrued prior to the effective date of the annual leave/hospitalization.

- k) Part-time employees shall earn annual leave in proportion to the hours worked and years of service. Temporary employees shall not earn annual benefits.
- l) Employees hired on or before the fifteenth (15th) day of the month or separated on or after the sixteenth (16th) day of the month shall receive full annual leave credit for the month. Those employees hired after the fifteenth (15th) day of the month receive no annual leave credit for the month.

D. Sick Leave

Sick Leave: Sick leave is provided to assure continuation of salary for employees during a period of personal illness or disability. Sick leave is a privilege to be exercised only as needed to assure the employee's well-being and to provide income protection. Employees are encouraged to accumulate sick leave to prevent loss of pay should a prolonged illness occur. Sick leave may be granted for absences from work duty because of medical care for: Personal Illness, Employee's spouse, and Employee's dependent child(ren), including those who are disabled. This includes both routine and emergency health care appointments.

1. Sick Leave Accrual: Sick leave credits shall accrue only for regular full-time employees. Sick leave for full-time regular employees will be earned at the rate of four (4) hours sick leave per pay period computed at straight time or thirteen (13) working days per year of employment.

New employees may not take sick leave and no sick leave credits shall be earned, until their six (6) month probationary period has been completed.

Sick leave shall not accrue for any pay period during which an employee is on Injury Leave, or in a non-pay status over fifty percent (50%) of the standard number of working hours for his/her type of job.

2. Sick Leave Carryover: Employees are allowed to accumulate unlimited amount of sick leave credits and the amount of days to be carried over is not limited.

3. Administration of Sick Leave:

- a) Sick leave may be granted in increments less than one-half day. 8/4/2009
- b) No employee may be granted sick leave in excess of the amount accumulated.
- c) If an employee has no accumulated sick leave, annual leave may be used. If both sick leave and annual leave are exhausted, the employee shall be placed on unpaid personal leave. Personal leave may be approved at the discretion of the Executive Director.
- d) Any use of sick leave in excess of three (3) consecutive days must be approved by the Executive Director and shall be supported by proof of illness, injury, or medical care upon the employee's return to work.
- e) An employee must notify his or her immediate supervisor or the Executive Director within thirty 30~minutes of the scheduled starting time of the workday to report absence because of illness, injury, or medical care. Phone calls made by relatives or persons other than the employee will not be accepted and will result in the employee being charged with an unauthorized absence, unless the employee can provide sufficient evidence to show that the

emergency or illness was of such a nature that it would make personal reporting impossible or difficult. An employee must maintain daily contact with his/her immediate supervisor or the Executive Director during the absence. Exceptions to this daily call-in may be made by the Executive Director when an employee is hospitalized, on extended sick leave, or when the treating physician has rendered in writing an estimated date of return to work. However, the employee should still contact his or her immediate supervisor or the Executive Director at least once a week during the absence.

- f) Accrued unused sick leave hours are compensated at separation of employment from the PHA.
- g) Any use of sick leave in excess of three (3) consecutive days must be approved by the Executive Director and shall be supported by proof of illness, injury, or medical care upon the employee's return to work.
- h) Any employee who has illness in his/her immediate family (defined as husband, wife, children, or the employee's father or mother) may take sick leave to cover such emergencies. The PHA will allow eligible employees up to three (3) consecutive days pay/per year.

The term "illness" as used in reference to the employee's immediate family shall not be construed to include routine medical and dental examinations or visits, except when such examination has been performed by a specialist as recommended by the family doctor and written or other acceptable proof has been provided to the Executive Director.

The PHA may request the employee to submit the name of his/her relative who is ill, his/her relationship, nature of his/her illness, attending doctor's name and/or treating hospital.

E. Maternity Leave back to top

It is our policy to treat pregnancy, childbirth, and related medical conditions according to the leave requirements outlined in the Family and Medical Leave Act (FMLA) and the Pregnancy Discrimination Act (PDA). Absences from work because of pregnancy will be considered as sick leave and will be subject to the same provisions as sick leave. Pregnancy and its complications will not; in any way jeopardize an employees continued employment, benefits or promotion opportunities.

1. An employee who becomes pregnant is required to:

- a) Notify her immediate supervisor of her condition immediately upon confirming the pregnancy;
- b) Submit to her immediate supervisor a written statement from her physician specifying the estimated delivery date and the estimated date that the employee should cease working; and,
- c) Submit to her immediate supervisor a written statement from her physician if the initial estimated dates are changed.

2. If an employee's pregnancy prevents her from properly performing her duties, or causes a hazard to person or property prior to taking maternity leave, and the employee refuses to take leave, the Executive Director may place her on annual leave, sick leave, or absence without pay status until such time as she is certified by her physician that she is able to return to work.

3. Maternity leave shall be allowed for childbirth, adoption of newborn, miscarriage, and complications connected with pregnancy which renders the employee incapable of performing the work assigned in a satisfactory manner.
4. Employees who are granted a maternity leave will be eligible for the same sick leave benefits received by employees suffering from illness or other disabilities.
5. An employee on maternity leave shall contact her supervisor within ten (10) days after the birth of the child or termination of the pregnancy to determine the date that she will return to work.
6. In the event of prolonged absence due to pregnancy the position of the absent employee may be filled by a temporary appointment for an additional period up to twelve (12) weeks.
7. An employee on maternity leave who uses up all accrued sick leave benefits may request annual leave and/or maternity leave without pay. Requests must be made by the employee to her immediate supervisor at least fourteen (14) days prior to expiration of the leave period or extension thereof. The Executive Director will approve or disapprove the request. If annual leave is exhausted, the employee will be placed on leave without pay for thirty (30) days. In this case, the PHA's contribution to the employee's fringe benefits package will discontinue unless the employee continues to contribute the employee share of the premium owed.

F. Paternity Leave

The PHA will grant paternity leave to male employees for the purposes of assisting or caring for his newborn and/or the mother of his newborn.

1. An employee who requests paternity leave is required to:
 - a) Notify his immediate supervisor of the condition immediately upon confirming the pregnancy;
 - b) Submit to his immediate supervisor a written statement from the attending physician specifying the estimated delivery date and the estimated date that the woman should cease working; and,
 - c) Submit to his immediate supervisor a written statement from the attending physician if the initial estimated dates are changed.
2. Paternity leave shall be allowed for childbirth, adoption of newborn, miscarriage, and complications connected with pregnancy.
3. Employees who are granted a paternity leave will be eligible for the same sick leave benefits received by employees suffering from illness or other disabilities.
4. An employee on paternity leave shall contact his supervisor within ten (10) days after the birth of the child or termination of the pregnancy to determine the date that he will return to work.

5. In the event of prolonged absence due to paternity leave the position of the absent employee may be filled by a temporary appointment for an additional period up to twelve (12) weeks.

6. An employee on paternity leave who uses up all accrued sick leave benefits may request annual leave and/or paternity leave without pay. Requests must be made by the employee to his immediate supervisor at least fourteen (14) days prior to expiration of the leave period or extension thereof. The Executive Director will approve or disapprove the request. If annual leave is exhausted, the employee will be placed on leave without pay for thirty (30) days. In this case, the PHA's contribution to the employee's fringe benefits package will discontinue unless the employee continues to contribute the employee share of the premium owed.

G. Bereavement Leave

The PHA will grant regular full-time employees bereavement leave when there is a death in the "immediate family". The PHA defines "immediate family" as: Spouse, Son or Daughter (including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.), Parent, Stepparent, Parent-in-law, (or other individual who stands in loco parentis to the employee.), Sibling, Stepsibling, Sibling-in-law, Grandparent, Grandchild or Dependent which employee serves as a caregiver.

The employee will be required to submit a copy of the death certificate, obituary or other appropriate documentation within fifteen (15) upon returning to work.

1. The PHA will allow eligible employees up to three (3) consecutive day's pay of bereavement leave per qualifying immediate family member. These days will not be charged to annual or sick leave and are not cumulative.
2. Bereavement leave in excess of three (3) days must be taken either from the employee's accumulated annual leave or be charged to leave without pay.

H. Administrative Leave

1. The Executive Director must approve all Administrative Leave.
2. A department head or immediate supervisor may recommend to the Executive Director that an employee be granted administrative leave. Examples of administrative leave include but are not limited to: Blood Bank donations, work hours lost on the day of an on the job injury, power failure, bomb threat, reduced work-day by administrative directive, etc. Approval may also be granted by the Executive Director for education or training which is directly related to the employee's position and which can only be attended during regular working hours. Time charged to administrative leave will be shown as regular time worked.

I. Jury Duty or Court Leave

1. Leave must be approved in advance by the Executive Director and must be supported with proof of a summons calling the employee to jury duty. Upon completion of jury duty, the employee must submit to his/her immediate supervisor a release from duty notice issued by the court. Employees summoned for jury duty will continue to receive full pay for the entire period

of service, therefore any payment received for jury service, must be turned over to the PHA. Payment by the Court to the employee for travel expense at the prevailing rate may be retained by the employee.

2. Time off work for court appearances to serve as a witness in any civil or criminal litigation shall not be compensated by the PHA, and the employee must arrange for time off from work without pay or use accrued annual leave or personal leave for such appearances. Payment by the Court or litigants to the employee for travel expense at the prevailing rate, or other compensation, may be retained by the employee.

J. Voting Leave

The Executive Director shall authorize a one (1) hour time off from work with pay for each employee so the employee may exercise his/her right to vote in any election or referendum. Leave must be approved in advance by the Executive Director.

K. Injury Leave

A regular full-time employee may be placed on unpaid Injury Leave for up to six (6) months from the date of the injury or illness as long as the employee is expressly certified as unable to work by the PHA physician or the employee's attending physician.

1. Administration of Injury Leave: The first seven (7) days of absence due to an occupational injury is charged to sick leave or annual leave if no accrued sick leave is available. In the event an injured employee has no accrued sick leave or annual leave, he/she will be placed in "Leave Without Pay" status during this period. Beginning on the eight (8th) day of continuous disability, qualified employees may be placed on Injury Leave which is a special leave status and is not charged to sick or annual leave. However, an employee shall not accrue annual or sick leave while on injury leave status.

Absences due to non-occupational injuries, as determined by a qualified medical practitioner, do not qualify for the Injury Leave. Similarly, absences due to occupational injuries do not qualify for the Injury Leave if it has been determined by a PHA accident review committee that the injury was caused by the injured employee's negligence, misconduct, failure to follow written or verbal safety policies/procedures, or failure to use or wear the appropriate safety devices or equipment.

2. Administration of Injury Leave:

- a) All injuries must be reported in accordance with the PHA's Accident Reporting Procedures.
- b) An injured employee may elect to consult a physician of his/her choice other than the PHA's physician. In either event, the physician's certification of illness or injury may be submitted on any form used by the physician as long as it contains the required information for determining the employee's work status, including but not limited to, diagnosis, plan of treatment, and prognosis for return to work (if disabled).

- c) If the work status of an employee is questionable following a work-related injury, a full and complete examination by the PHA's physician may be required and the result(s) considered final except for any appeal process allowed under the Workers' Compensation law.
- d) An employee must notify his/her immediate supervisor of any changes in his/her medical or work status no later than the next work day after such changes occur.
- e) An employee injured on the job will not be permitted to return to work until a qualified medical practitioner has determined that he/she is physically able to perform his/her regular work duties or other clearly defined work duties of a productive nature.
- f) Employment may be terminated should an employee fail to return to work after the physician's release. In this case any further benefits under the Workers' Compensation Act would be determined by the Industrial Accident Board. Supervisors will contact the Executive Director to ensure that an employee has been released by a qualified medical practitioner before allowing the employee to return to work.
- g) Temporary and Part-Time Employees: In the event a temporary or part-time employee is injured while engaged in the actual performance of his/her duties, and is temporarily incapacitated as a result of such injury, resulting in time off from work, he/she will be authorized leave without pay for up to sixty (60) days. The employee will receive and keep Workers' Compensation in accordance with the Texas Workers' Compensation Act.
- h) Except as otherwise provided by the Family and Medical Leave Act, an employee who remains on leave longer than six (6) months due to injury or illness, whether work related or not, shall be administratively terminated.

L. Military Leave back to top

A regular full-time employee who enters into active service of the Armed Forces of the United States shall be granted a leave of absence from the PHA for the initial period of active service for which ordered or volunteered. The leave of absence may be continued for ninety (90) days following discharge or for hospitalization continuing after discharge and related to the military service for a period of not more than one (1) year.

A regular full-time employee who is a reservist of the Armed Forces or a member of the National Guard engaged in active duty or training shall be allowed up to fifteen (15) working days leave each calendar year without loss of pay or annual leave if ordered to duty or while engaged in training.

1. This leave is to be arranged in advance with proper documentation to the Executive Director. The employee shall make a request to the Executive Director for Military Leave by submitting a copy of the military orders (call to service) along with a personnel action request form.
2. This leave is granted to an employee annually to attend required military training and does not accumulate.
3. Voluntary duty for training will be charged to annual leave, or authorized leave without pay if the employee has no accrued annual leave.

4. Employees may retain any compensation they receive for their military service in addition to the salary they receive from the PHA.
5. The employee shall be entitled to be reinstated to his/her former position of like status and pay provided:
 - a) He/she presents, prior to departure, both evidence of military orders (call to service) and affirmation of intention to return to employment upon separation from military service; and
 - b) The employee is willing to report to work within ninety (90) days after discharge or after hospitalization continuing after discharge for a period of not more than one (1) year; and
 - c) He/she is physically and mentally fit for employment. If, by reason of disability, the employee is not fit for a position of like status and pay, even with reasonable accommodation, but is qualified to perform duties of a lower grade position, such other position will be offered if a vacancy exists; and
 - d) The employee is willing to accept a lesser position if there has been a reduction in force during his/her absence.
 - e) If the employee received a discharge other than Honorable, re-employment shall be at the discretion of the Executive Director.

M. Personal Leave Without Pay

Personal leave is of primary benefit to the employee and shall be interpreted as a privilege rather than a right. Such leave shall be considered without prejudice to the interest of the employee and in accordance with the welfare of the PHA and by approval of the Executive Director.

1. All accrued annual and sick leave, if applicable, will be used before personal leave will be approved.
2. Leave without pay may be granted to an employee, by the Executive Director, when such leave is for medical and maternity reasons, not to exceed twelve (12) weeks.
3. The request shall state the length of time desired for the leave and the reason therefore.
4. No employee shall be granted leave without pay to take a position with another employer unless it is clear that the PHA's best interest is to be served by such a leave.
5. Sick leave and annual leave will not accrue when an employee is in a leave without pay status. An employee will not be compensated for any holiday, which occurs during the period of leave without pay.
6. If an employee has not accumulated sick or annual leave to cover an illness or personal emergency, he/she may request leave without pay. Such absences will be subject to the same provisions as sick and annual leave in terms of requesting the leave and recording it on the employee's time and attendance records.

7. Types of Personal Leave Without Pay

- a) Short-term Personal Leave: May be authorized for a period not to exceed sixty (60) consecutive working days. Such leave must be requested by the employee, recommended by the employee's immediate supervisor, and approved by the Executive Director. The period of short personal leave may not be extended.
- b) Long-term Personal Leave: May be authorized in accordance to the Family Medical Leave Act (FMLA) for a period not to exceed six (6) months. Such leave must be requested by the employee, recommended by the employee's immediate supervisor, and approved by the Executive Director.

8. Except otherwise provided by the Family Medical Leave Act, an employee who fails to return to work after remaining on leave six (6) months or more shall be administratively terminated.

N. Inclement Weather

The Executive Director or his/her designee shall make the decision whether or not to allow employees who live in and outside the city to leave early. In case of a city or state emergency, the PHA shall follow the City's policy for keeping offices open or closed and try to adhere to keeping vehicles off the street during the state of emergency. Employees will receive their regular wages if the PHA offices close. Force account will abide by departmental policy with regard to rain days.

VIII. Health and Safety

A. Working Conditions

B. Safety Pointers

C. Blood-Borne Diseases

D. Hazardous Material

E. Accidents

F. Occupational Disability

G. Vehicular Accidents

Section 8. Health and Safety

The PHA shall take all reasonable measures to provide for the health and safety of its employees while they perform authorized work duties and provide for leave for employees injured while performing assigned work. Employees shall be covered by Workers Compensation Insurance. The Policy here-in shall be considered in conjunction with the Accident Prevention & Safety Plan of the LHA.

A. Working Conditions

1. All work areas shall be arranged in a manner designed to promote safety and prevent accidents.
2. Employees that perform hazardous tasks shall be provided necessary safety equipment such as goggles, safety belts, etc.
3. First-aid kits shall be maintained in appropriate readily accessible locations for use in treating minor injuries or illnesses.
4. The PHA's offices and vehicles are designated non-smoking workplaces and will be monitored to ensure compliance by employees, applicants, visitors, residents, and the general public.

B. Safety Pointers

1. Know your job.
2. Be alert to unsafe conditions or unsafe employees--report both to supervisor.
3. Keep all tools, machines, and equipment in good working condition.
4. Cooperate with fellow employees.
5. Offer constructive suggestions on safety.
6. Practice on-the-job housekeeping.
7. Ask your supervisor if you are in doubt.
8. Don't forget about safety when you leave work.
9. If you are injured, no matter how slightly, immediately report it to your immediate supervisor who will notify the Executive Director.

It is the intent of the PHA to make all jobs as safe as possible. All employees are required to take every reasonable precaution to prevent accident to themselves, their fellow employees, and the public. Strict adherence to all safety rules and regulations is expected.

Any employee who violates a safety rule will be subject to disciplinary action. BE SAFETY CONSCIOUS.

C. Blood-Borne Diseases

1. General Information

a) Purpose

The PHA will make every effort to provide its employees a workplace that is free from recognized hazards that may cause death or serious physical harm. In providing services to the residents of the PHA, employees may come in contact with serious diseases that can be transmitted by blood-borne pathogens. It is important that both residents and employees are protected from the transmission of such diseases.

The purpose of this policy is to comply with Federal regulations and to establish a comprehensive set of rules and regulations governing the prevention of potential occupational exposure to Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), the Human Immunodeficiency Virus (HIV-Aids), and other blood-borne diseases.

b) Coverage

Occupational exposure to blood-borne pathogens may occur in many ways, including needle sticks, cut injuries, or blood spills. Although most PHA employees do not think of themselves as at risk for blood-borne diseases, there are many daily tasks that potentially place them at risk. These tasks include:

- 1) cleaning any unit where blood is present;
- 2) giving first aide to an injured person;
- 3) picking up needles or trash containing needles;
- 4) working sewage;
- 5) transporting infectious clean up supplies to be disposed of or laundered;
- 6) cleaning public restroom areas;
- 7) cleaning common areas in buildings and grounds where blood or other infectious material may be present;
- 8) assisting in remove of a deceased resident from their unit;
- 9) being exposed by another infectious individual through hostile acts;
- 10) any work involving body fluid or blood contact.

The purpose of this policy and related training program is not to alarm the employees of the PHA, but to make them responsibly aware of the risks they may encounter and to equip them to react professionally in the face of those risks.

c) Administration

The Executive Director will appoint one of the PHA's employees as a part-time Safety Officer. The Safety Officer will administer this policy. The Safety Officer will be responsible for the following tasks:

- 1) Developing, implementing, and maintaining an effective blood-borne disease plan subject to the provisions of Federal and State law relating to Occupational Safety and Health Administration (OSHA) regulations.
- 2) Permanently maintaining records of all employees and incidents subject to the provisions of this program.
- 3) Coordinating, monitoring, and documenting all training activities undertaken in support of this plan.
- 4) Compiling a list of all jobs in which employees have potential occupational exposure to blood-borne diseases.
- 5) Ensuring that there are complete health and immunization records for all employees.
- 6) Investigating all incidents of exposure, notifying all employees who were exposed and ensuring that all reports are completed and any necessary followup medical care is made available.
- 7) Providing exposed employees with access to post-exposure follow-up and counseling.

2. General Policies and Procedures

a) Policy Statement

All blood and other body fluids are potentially infectious and can transmit several diseases. For this reason, all PHA employees should take particular care when there is potential exposure. These precautions have been termed "universal precautions" and stress that employees should behave as though there is the possibility of exposure at all encounters.

b) General Guidelines

General guidelines that shall be used by everyone include the following;

- 1) Think carefully when responding to emergencies and exercise common sense when there is possible exposure to blood or other potentially infectious materials that require universal precautions.
- 2) Keep all open cuts and abrasions covered with adhesive bandages that repel liquids.
- 3) If hands are contaminated with blood or other potentially infectious materials wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or hand-washing facilities are not available, then use a waterless antiseptic and cleaner according to the manufacturer's recommendation for the product.
- 4) All workers shall take precautions to prevent injuries caused by needles. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, or removed from disposable syringes. After they are found, disposable syringes and needles shall be placed in puncture resistant containers for disposal.
- 5) The puncture resistant container shall be located as close as practical to the use area.

- 6) The PHA will provide gloves, protective glasses, and other necessary equipment of appropriate material and quality for use when needed.

3. Training

a) Employees at Risk for Exposure

Employees believed to be at risk for exposure shall receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation.

b) New Employee at Risk of Exposure

During the orientation period, all new employees at risk of exposure will be trained on the risks of blood-borne diseases associated with their position.

4. Records and Reports

Exposure Reporting

All employees who are exposed to blood or body fluids during the performance of work duties must report the incident to protect themselves and the public. The employee must notify the Safety Officer and make sure that the proper report is prepared. Using the information in the report, the Safety Officer will determine the best course of action to follow.

5. Management of Potential Exposure

a) Hepatitis B Vaccinations

The PHA shall offer all employees at risk of exposure a Hepatitis B Vaccination free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntary. All employees have the option of being vaccinated by their own physician and using their personal physician for any post-exposure treatment and follow-up described in this policy. When a personal physician is used, the employee must submit to the Safety Officer records of all treatment or vaccinations received.

If any employee does not receive the vaccinations, that refusal shall be documented in writing and placed in the employee's file. The refusal can be rescinded at any time.

b) Reporting Potential Exposures

Employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HN or HBC infections (i.e. needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):

- 1) Notify the Safety Officer and immediate supervisor of the contact incident and details thereof.
- 2) Complete the appropriate on-the-job injury reports and exposure forms.

- 3) Make arrangements for the employee to be seen by a physician as with any job-related injury. The PHA will make blood testing available to all workers who have had a documented on the job exposure and may be concerned they have been infected with HIV. A blood sample should be drawn from the employees and tested for Hepatitis and the antibody to Human Immunodeficiency Virus (HIV antibody). Testing should be done at a location where appropriate pretest counseling is available Post-test counseling and referral for treatment should also be provided.

c) Disability Benefits

Entitlement to worker's compensation benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined as with any other work related injury in accordance with applicable State law.

6. Confidentiality

All medical information and records are confident under State and Federal laws. Any employee who disseminates such confidential information in regard to a victim or suspected victim of communicable disease is in violation of such laws and could be subject to serious disciplinary and/or civil action.

D. Hazardous Materials

1. Purpose

The purpose of this policy is to inform the employees of the PHA about possible hazards connected with materials in their workplace an about proper handling of materials used in PHA operations.

2. Scope

This implementation of this policy will ensure that PHA employees are aware of any potential hazards connected with any materials to which they may be exposed in the course of their work. In order to accomplish this, the PHA will ensure that:

- a) A current list of all hazardous chemicals or materials being used by the PHA is maintained at the main office;
- b) All containers of hazardous materials stored and used at the PHA are appropriately labeled;
- c) All PHA employees are trained to recognize and interpret labels, warnings, and signs that are attached to containers; and
- d) All PHA employees are trained to understand the content of the material safety data sheets (MSDS) provided for each hazardous substance and recognize possible risks to health and the potential for physical harm.

3. Listing of Hazardous Chemicals

The PHA will maintain a list of all hazardous chemicals used on-site.

The designated Safety Officer will insure that material safety data sheets are requested and obtained from the supplier of any new product ordered by the PHA. The Safety Officer will maintain a master listing of all hazardous materials and MSDS for all materials.

4. Labels

Materials received at the PHA must have intact, legible labels. These labels must include the following:

- a) The name of the hazardous substance(s) in the container;
- b) A hazard warning; and
- c) The name and address of the manufacturer or other responsible party.

5. Training

A Safety Officer will be appointed by the Executive Director and the Safety Officer will insure that all employees at sites where hazardous materials are kept or used receive training on hazardous material handling.

The training program will include the following:

- a) The location and availability of the MSDS and files.
- b) Methods and procedures that the employee may use to detect the presence or accidental release or spill of hazardous materials in the work area, including proper clean up.
- c) Precautions and measures employees can take to protect themselves from the hazardous materials.

Annual training will be conducted for all employees at the PHA who deal with hazardous materials.

Each new or newly transferred at-risk employee will be trained in the handling of hazardous materials on the first working day at the new work site.

Training must be conducted for all employees when any new chemical or hazardous material enters the work site. This training must occur before the chemical or hazardous material is used by the employee.

After each training session, the trainer will certify a roster of all participants. Included with the roster will be a list of all hazardous material included in the training.

6. Health, Safety and Emergency Procedures

The following information will be available in the procurement office for local health and jurisdictional authorities, if requested or required:

- a) A list of all hazardous materials used on authority sites.
- b) The location of stored hazardous materials of 55 gallons (500 pounds) or more, and special procedures for spill control and/or clean-up for specific hazardous substances if necessary.

- c) Unusual health and environmental hazards (both air and water) that may result from the release of specific quantities of hazardous substances.

Annual training will be conducted for all employees at the PHA who deal with hazardous materials.

Each new or newly transferred at-risk employee will be trained in the handling of hazardous materials on the first working day at the new work site.

Training must be conducted for all employees when any new chemical or hazardous material enters the work site. This training must occur before the chemical or hazardous material is used by the employee.

After each training session, the trainer will certify a roster of all participants. Included with the roster will be a list of all hazardous material included in the training.

E. Accidents

All accidents or injuries, regardless of their severity, must be reported immediately to your immediate supervisor who will notify the Executive Director. Failure to report an accident is a violation of the PHA's policy and may complicate any recovery under Workers' Compensation. The PHA accident report form is available from the immediate supervisor and must be used to start the report process. The employee may also have to fill out other forms or reports, but these will be provided to him/her as necessary. All job-related accidents or injuries which occur away from an employee's work station or normal work location, whether or not they result in loss of work time, must also be reported to the immediate supervisor who will notify the Executive Director.

F. Occupational Disability (also see in Section 7, Absence From Work, L. Injury Leave)

If an employee is injured on the job and a qualified medical practitioner removes him/her from duty for a period in excess of seven (7) working days, beginning on the eighth (8th) day the employee will be paid Workers' Compensation as established by the Workers' Compensation law.

G. Vehicular Accidents

All PHA automobiles and trucks are covered by public liability and property damage insurance. Accidents shall be reported immediately to the police and to the employee's immediate supervisor who will notify the Executive Director. An employee shall not leave the scene of the accident before reporting the accident except when an employee is leaving the scene for emergency medical treatment is necessary. Failure to report an accident is a violation of the PHA's policy and may subject the employee to disciplinary action, up to and including termination, and/or liability for the damages caused to PHA vehicles.

IX. Employee Conduct and Discipline

A. Attendance

B. Appropriate Appearance Revised 6/2/2009

C. Work Standards

D. Consideration for Smokers and Non-Smokers

E. Violence in the Workplace

F. Disruption in the Workplace

G. Inspections

H. Internet and Electronic Mail

I. Use of Cell Phones While Driving

J. Personnel Problems

K. Solicitation

L. Conflict of Interest

M. Outside Employment

N. Community or Other Service Positions

O. Outside Interests and Business Activities

P. Membership of Employees Labor Union or Other Employee Organization

Q. Grounds For Discipline

R. Types of Discipline

Section 9. Employee Conduct and Discipline

The PHA's employees are expected to comply with pertinent policies pertaining to attendance, appearance, work standards, behavior, and personal financial obligations. Failure to comply with such policies may require the PHA to take disciplinary action against an employee. Those policies and possible disciplinary measures are outlined below.

A. Attendance

The PHA expects employees to be at work on time and to work a full day. Employees should attempt to contact their immediate supervisor before 7:00 a.m. to report their absence from work. If the immediate supervisor cannot be reached, the employee must call their respective administrative office by 8:00 A.M. In the event of failure to comply with the call in procedures, the employee will be charged on the payroll as leave without pay.

A time clock shall be used for recording hours worked. Time worked is all the time actually spent on the job performing assigned duties. Each employee shall be responsible for their individual time card and making sure time worked is accurately recorded. Tampering, altering, or falsifying time records, or recording time on another employee's time record (i.e. clocking in for another employee), will result in disciplinary action up to and including dismissal. Employees shall clock in no earlier than 15 minutes before start of a workday and no later than fifteen minutes after the end of a workday.

Any overtime work must be approved before it is performed.

Disciplinary action for Tardiness:

- a) First Offense - Verbal warning and instructions*
- b) Second Offense - Written reprimand and instructions*
- c) Third Offense - One hour deducted from pay
- d) Fourth Offense - One-day suspension without pay and possible termination

*For tardiness in excess of 15 minutes, one half hour will be deducted from vacation pay

With the start of the new calendar year, an employee will be given the opportunity to correct his/her tardiness problem. Therefore, the disciplinary steps will begin anew. However, prior year disciplinary actions may be retained by the supervisor for performance evaluation purposes and for determining termination of employment should the employee again be cited with a fourth offense.

Absenteeism increases the workload of other employees and affects the quality of service to the public. An employee is absent for purposes of this sub-section if he or she fails to report to work for an entire work day or leaves work prior to the scheduled quitting time, and such absence has not been excused, or the payment of sick leave has been denied. In addition to not being paid for

the time absent, employees shall be subject to counseling by the immediate supervisor and progressive discipline for accrued absences as follows:

- a) First Offense - Written Reprimand
- b) Second Offense - Three (3) Days Suspension-Without Pay
- c) Third Offense - Ten (10) Days Suspension - Without Pay
- d) Fourth Offense - Up to And Including Termination

Employees may be excused by the Executive Director for absences for legitimate reasons if the proper notification procedures are met. The PHA reserves the right to deny approval of otherwise legitimate excuses for employees who demonstrate a pattern of such absences.

B. Appropriate Appearance Revised 6/2/2009

The Agency's dress and grooming requirements are intended to promote a safe working environment and to project a professional image both to our clients and those with whom we work. There are specific requirements based upon individual jobs and work areas, the following guidelines briefly outline the dress and grooming standards all employees and volunteers must observe. It should be noted that these guidelines are in addition to the specific rules outlined in any existing Agency safety manuals.

1. All employees must maintain a clean and neat appearance, observe daily personal hygiene, and use good judgment in determining appropriate dress and grooming.
2. Appropriate attire is defined as clothing that is suitable for maintaining the professional image of the office or site environment in which the employee works.
3. Employees should consider each day's activities when determining what to wear. The following factors should be taken into consideration when determining appropriate dress.
 - a) The nature of the work,
 - b) Safety considerations, such as necessary personal protective equipment when working near machinery or in hazardous areas.
 - c) Employees who are hosting or attending meetings with clients, residents, or the public should dress in a manner suitable to the occasion.
 - d) Traditional business attire may be appropriate in meetings with the public or with members of other organizations, which business casual attire may be more appropriate in settings where Housing Authority residents/clients routinely wear more casual apparel.
 - e) When in doubt, employees are encouraged to confirm the dress code before meeting with outside vendors, clients, community leaders, and the like, and then dress accordingly.
4. Uniforms: Maintenance employees and other personnel specified by management in regular full-time employment will wear a distinctive uniform shirt while on duty. Shirts are issued to appropriate employees at no cost. The employee is responsible for proper care and laundering of the uniform shirt. Use of complete uniforms, boots, and other garments is required as specified by management.

5. Hair, mustaches and beards should be clean and well groomed. Hair that may become a hazard while working should be restrained with an appropriate items such as band, cap, or helmet as prescribed by the manager.

6. Examples of dress and grooming that are specifically prohibited:

- a) Poor hygiene (infrequent bathing, shampooing, failure to apply deodorant, etc.);
- b) Any dirty, torn, worn out, see-through, cut-off, unhemmed, or inappropriately tight, short, or revealing clothing;
- c) Garments that expose cleavage, midriff, and lower back while standing, reaching, bending;
- d) Athletic shoes (e.g., running, walking, tennis shoes);
- e) T-shirts, tube tops, or tank tops with spaghetti straps (unless work as a shell under appropriate shirt or jacket)
- f) Pants that hang off the hips (pants should be work at waistline), pants that have low-hanging inner seams;
- g) Overalls;
- h) Hair painting;
- i) Sports clothing and beachwear such as seats, shorts, leggings, swimsuits, tennis outfits, tennis shoes, cleats, sweatbands, thongs, or flip-flops etc.
- j) Hats, caps, bandanas worn as a hat, hoods, etc. will be worn inside building except as required by specific assignments or job duties. Exceptions will be maintenance, construction, or inspection staff whose ordinary duties require entry to and from field/buildings.
- k) Sleepwear (such as pajamas tops and bottoms, slippers) and undershirts worn alone;
- l) Any garment that has the appearance of an undergarment;
- m) Clothing more appropriate for evening or leisurewear (e.g. excessively short skirts, low-cut tank or halter tops muscle shirts, tops or backless, dresses, blouses, sheer clothing, clothes with spaghetti straps, etc.)
- n) Clothing, and/or accessories displaying sexually suggestive, lewd, or obscene language, profanity, or reference to prohibited conduct, violence, gang activity, inappropriate slogans or inappropriate advertising/symbols (e.g. beer, guns, tobacco, controlled substance, political advertisement, etc.);
- o) Tattoos and piercing, other than ear piercing, should be completely covered at all times; and
- p) Non-mainstream jewelry, items, and accessories that are deemed inappropriate for a professional workplace (e.g. dog collars, spiked wristbands, metal hair picks/combs, billfold chains, nose rings, and eyebrow rings, etc.).

7. Exceptions to Dress and Grooming code standards may be made as appropriate for medical or religious accommodations and for employees involved in physical activity as required by job duties (e.g. site coordinators, maintenance workers, construction workers, etc.)

8. Management will ask employees who do not meet Agency dress standards to go home to make appropriate changes. The Agency will not compensate the employee for any time missed because of failure to comply with this policy.

9. The final decision regarding appropriate dress and safety standards is the responsibility of the employee's Department Director, unless otherwise determined by the Executive Director.

10. The Agency reserves the right to determine proper dress and grooming and reserves the right to amend this policy at any time.

11. Violations of this policy may result in disciplinary action.

C. Work Standards

1. It shall be the duty of each employee to maintain a high standard of cooperation, efficiency, achievement, and economy in his/her work for the PHA. The supervisor shall be responsible for organizing and directing the work of their employees to achieve these objectives.

2. If work habits, behavior, performance and/or personal conduct of an employee fall below appropriate standards of courtesy, cooperation, and professionalism, the immediate supervisor should point out the deficiencies at the time they are observed. Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action. However, nothing in this section shall preclude immediate formal action, up to and including termination, as provided elsewhere in these policies and rules whenever the interest of the PHA requires such action or it is appropriate.

The following is a non-conclusive list of behaviors that the PHA considers unacceptable. Any employee found engaging in these behaviors will be subject to disciplinary actions including warning, reprimand, demotion, layoff, or dismissal:

- failure to be at the work place. ready to work, at the regular assigned starting time;
- willfully damaging, destroying, or stealing property belonging to fellow employees, residents or the PHA;
- fighting or engaging in horseplay or disorderly conduct;
- refusing, complaining, or failing to carry out any instructions of a supervisor;
- leaving your work station during work hours (except for reasonable personal needs) without permission from your immediate supervisor;
- ignoring work duties or loafing during working hours;
- coming to work under the influence of alcohol or any drug, or bringing alcoholic beverages or drugs onto PHA property;
- intentionally giving any false or misleading information to obtain employment or a leave of absence;
- using threatening or abusive language;
- smoking contrary to established policy or violating any other fire protection regulation;
- neglectfully and/or willfully or habitually violating safety or health regulations;
- failing to wear clothing conforming to standards set by the PHA;
- being tardy or taking un-excused absences from work;
- not taking proper care of, neglecting, or abusing PHA equipment and tools;
- using PHA supplies, equipment, and property in an unauthorized manner;
- possessing firearms or weapons of any kind on PHA property;
- speaking negatively regarding the PHA to other employees, clients, or visitors;
- failing to make reports required under this Policy;
- violating any of the provisions of this policy by action or inaction as applicable.

3. An employee who is arrested and convicted of any crime, whether it is related to his/her employment or not, may be subject to discipline, suspension, or termination.

D. Consideration for Smokers and Non-Smokers

It is the policy of the PHA to comply with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well being of its employees. Smoking is prohibited inside all PHA facilities and vehicles. Designated areas are provided outside the building for smoking.

Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers with regard to the smoking policy. The PHA will not accept responsibility for non-smoking employees who allow themselves to be subjected to second-hand smoke. Employees who violate this smoking policy will be subject to discipline, up to and including termination.

What employees do outside of working hours and off PHA premises will not be the basis of any disciplinary action. Nor will the PHA pursue a policy of discharging employees or refusing to hire applicants because they are smokers. Smokers have a special obligation to keep smoking areas litter-free, (i.e. PHA cars, designated smoke areas).

E. Violence in the Workplace

1. Zero Tolerance

The PHA has a zero tolerance for violence. If an employee engages in any violence in the workplace, or threatens violence in the workplace, employment will be terminated immediately. No talk of violence or joking about violence will be tolerated.

"Violence" includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of the PHA to ensure that everyone associated with the PHA, including employees, residents, clients, and visitors, never feels threatened by any employee's actions or conduct.

2. Workplace Security Measures

In an effort to fulfill this commitment to a safe work environment for employees, residents, clients, and visitors, access to the PHA's property is limited to those with a legitimate business interest.

3. All Weapons Banned

The PHA specifically prohibits the possession of weapons by any employee while on PHA property. This ban includes keeping or transporting a weapon in a vehicle in a parking area whether public or private. Employees may be also prohibited from carrying a weapon while performing work-related services off the PHA's premises.

Weapons include guns, knives (except work-related), explosives, and other items with the potential to inflict harm. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

4. Reporting Violence

It is every employee's responsibility to prevent violence in the workplace. Reporting what is seen or heard in the workplace could indicate that a co-worker is in trouble. Employees may be in a better position than management to know what is happening with other co-workers.

The PHA requires employees to report any incident that may involve a violation of any of the PHA's policies that are designed to provide a comfortable and safe workplace environment. Concerns may be presented to the employee's immediate supervisor. Failure to report violence in the workplace could result in disciplinary action.

All reports will be investigated and information will be kept confidential to the extent allowable by law.

F. Disruptive Behavior in the Workplace

1. Purpose

The PHA wants to promote a safe, cooperative, and professional environment, and to prevent or eliminate, to the extent possible, conduct that:

- Disrupts the operation of the PHA;
- Affects the ability to others to do their jobs;
- Interferes with an individual's ability to work competently; or
- Adversely affects the employee's confidence in the Authority's ability to provide quality service.

2. Examples of Disruptive Conduct

Unacceptable disruptive conduct may include, but is not limited to, behavior such as:

- a) Attacks - verbal or physical - leveled at other co-workers, supervisors, allied professionals, residents, or visitors that are personal, irrelevant, or beyond the bounds of fair professional conduct;
- b) Impertinent and inappropriate comments (or illustrations) made in employee records, resident files, or other official documents, impugning the quality of service of this PHA or attacking the character, practices, procedures or policies; and
- c) Non-constructive criticism that is addressed to its recipient in such a way as to intimidate, undermine confidence, belittle, or imply stupidity or incompetence.

3. Examples of Categories of Disciplinary Actions/Disruptive Behaviors

- a. Absence without call (i.e. failure to notify)
- b. Breach of confidentiality
- c. Careless acts
- d. Encouraging violations
- e. Falsification of records
- f. Fraudulent statements
- g. Harassment
- h. Menacing/assault
- i. Misconduct
- j. Off-duty misconduct
- k. Ignoring/breaking safety rules
- l. Sleeping on the job
- m. Solicitations and distributions

4. Documentation

Documentation of disruptive conduct is critical because it ordinarily is a pattern of inappropriate conduct rather than just one incident that leads to disciplinary action. Any supervisor, employee, resident, allied professional, or visitor may report potentially disruptive conduct.

5. Documentation should include

- a) The date and time of the questionable behavior;
- b) A statement of whether the behavior affected or involved a co-worker, resident, or particular service in any way, and, if so, the name of the employee;
- c) The circumstances that precipitated the situation;
- d) A description of the questionable behavior that is limited to factual, objective language;
- e) The consequences, if any, of the disruptive behavior as it relates to our coworkers, residents, customer service and/or company operations; and
- f) A record of any action taken to remedy the situation, including the date, time, place, action, and name(s) of those intervening.

G. Inspections

Desks, telephones, computers, and other workplace equipment, furnishings and furniture, are the property of the PHA. The PHA reserves the right to enter or inspect the employees work area, including but not limited to, desks, computers, computer storage disks, and other workplace equipment, furnishings and furniture, with or without notice.

The fax machine, copier, and mail systems, including e-mail, are intended for PHA business use. Personal business should not be conducted through these systems and equipment. Under conditions approved by the Executive Director, telephone conversations may be monitored and voice mail messages may be retrieved in the process of monitoring customer service.

Any private conversations overheard during such monitoring, or private messages retrieved, that constitute threats against other individuals can and will be used as the basis for disciplinary action up to and including termination.

H. Internet and Electronic Mail

The PHA respects the individual privacy of its employees and their working environment within its offices. However, employee privacy does not extend to the employee's work-related conduct or to the use of agency provided equipment or supplies. Staff must be aware that unauthorized use of these facilities may affect their privacy in the workplace and appropriate action to address this issue shall occur.

Background:

The Internet is comprised of thousands of interconnected networks that provide digital pathways to millions of information sites. Users of this facility have worldwide access to Internet hosts and their associated applications and databases. Access to the Internet provides offices and agencies with the opportunity to locate and use current and historical data from multiple sources worldwide in their decision making process. Employees are encouraged to develop skills necessary to effectively utilize these tools in the performance of their jobs.

Management Rights to Access Information:

The contents of Internet sites visited and any E-mail messages received for legitimate business purposes will be considered as shared documents to be utilized within the agency. Although an employee may have an individual password to access these systems, it belongs to the agency and should not be considered as "personal" or "belonging" to the employee. Therefore, an employee should not assume that E-mail messages are confidential. Management reserves the right to conduct random audits of an employee's usage of Internet sites or E-mail.

Office Use of E-mail and Internet sites:

It should be noted that the PHA E-mail system and access to Internet websites is to be used for official agency business. Employees shall not use the PHA's Internet/E-mail software systems for non-office related purposes in any way that may be seen as insulting, disruptive, or offensive by other persons, or harmful to morale. If an employee should have any doubt as to what would constitute allowed use of E-mail or website access, the individual should address the concern with his/her immediate supervisor. Any instance of improper use of these "tools" which becomes disruptive to the office environment will be addressed by disciplinary action according to personnel policies of the PHA.

As a rule, non-allowed emails include: cartoons, jokes, or gossip; personal propositions or love letters; ethnic or racial slurs; sexually-explicit messages, solicitation for personal or commercial ventures; or any other message that can be construed to be harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin, or religious or political beliefs.

Unsolicited E-mail transmissions with content as listed above, received by PHA employees should be deleted from the respective files. Attachments on unsolicited Emails should also not be opened to prevent any "virus" contamination of our Working Software Systems.

Employees should refrain from using the Internet to visit informational sites, which are not work-related sites and do not contribute to the work environment, professional development, or research assistance for office related activity. Continued use and access to non-work related sites by an employee, which affects their productivity of work will be considered cause for disciplinary action.

Any questions or concerns about this policy should be referred to an employee's immediate supervisor for further clarification.

I. Use of Cell Phones While Driving

1. Purpose

The use of a cell phone while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of Authority vehicles and the operation of private vehicle while an employee is on work time and conducting business.

2. All Cell Phone Usage

Employees must adhere to all federal, state, or local rules and regulations regarding the use of cell phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees may use hands-free cell phones to make business calls, but only in emergency situations. Such calls should be kept short and should the circumstances warrant (e.g. heavy traffic, bad weather etc.), the employee should locate a lawfully designated area to park to continue the call.

3. Company Provided Cell Phones

Unless otherwise authorized, PHA provided cell phones must be used only for business purposes. In addition, employees should use a PHA provided cell phone only when a less costly alternative does not exist. Employees must fully reimburse the company for any personal use of a PHA provided cell phone.

4. Rationale

The PHA is committed to providing a good working environment and service to the public. To that end, cellular phone use should be kept to a minimum and conducted in designated areas only. If cellular phones must be used in the building, users should be respectful of others by following the guidelines and policies outlined below.

5. Guidelines

If cellular phone use is necessary in the building, please follow the guidelines below:

- Turn cellular phone ringer off or set to "silent" upon entering the building.
- Use designated areas only (see list below).
- Move immediately to a designated area when placing or receiving calls.
- Be courteous to others by keeping your voice at a low volume.

6. Designated 'Cellular Phone Use' Areas

Due to the wide variety of services available in the building, it is necessary to have specific areas designated 'quiet office' space. Because of this, cellular phone use is allowed only in common office areas such as Break rooms, foyers, and in stairwells and landings. Cellular phones are prohibited in all other areas of the building.

7. Disruptions

Though cellular phone use is allowed in specific areas (see list above), it is important to remember that using cellular phones in a loud or disruptive manner is prohibited in the building of the PHA. When disruptive behavior is identified a supervisor or the Executive Director will take the appropriate steps to discontinue the disruption as outlined in this Policy.

8. Exceptions

In certain circumstances, staff may need to use cellular phones or two-way radios to conduct business. If this must occur in quiet areas, every effort will be made to keep disruptions to a minimum.

9. Discipline

Violation of this policy will subject an employee to disciplinary action up to and including immediate termination.

J. Personnel Problems

All employees shall report immediately to the Executive Director any physical or verbal abuses, threats, etc. made by residents, applicants, employees, or the general public. These incidents will be processed by the Executive Director.

K. Solicitation

Solicitation of funds by PHA employees for anything of value for any purpose whatsoever shall not be permitted on the job. The PHA may allow for one annual charitable drive for such

organizations as United Way and contribution to such an annual drive will be entirely voluntary. No employee may be required to make any contribution or be penalized or rewarded in any way for his or her response to the solicitation.

L. Conflict of Interest

The public has a right to expect high standards of integrity and conduct from those in its service. Any conduct or activity which is or gives the appearance of being motivated by a desire for private gain, either for the employee or those with whom the employee has family or business ties, or who engages directly or indirectly in any financial transaction as a result of primarily relying on, or in the relaying of, information not available to the general public, is prohibited. An employee who is an officer, director, agent, or member of or owns an controlling interest in any corporation, firm, partnership, or other business entity which has business dealing with the PHA shall file a sworn statement disclosing such interest and shall refrain from participation in selection or supervision of any such business dealings.

M. Outside Employment

No employee shall engage in outside employment, which interferes with his/her duties with the PHA.

An employee shall not engage in outside employment where such employment would create a conflict of interest or the appearance of a conflict of interest. Outside employment may be cause for disciplinary action up to and including include dismissal, when it results in poor performance, conflict of interest, absenteeism, tardiness, or refusal to work overtime when ordered to for the maintenance of essential PHA services, or when it adversely affects the interests of the PHA or the residents. Outside employment includes consulting, business ownership activity and self-employment.

N. Community or Other Service Position

An employee engaged in a community or other service position must not conduct work related to that position during regular working hours for the PHA.

O. Outside Interests and Business Activities

Administrative employees and maintenance employees desiring to participate in certain outside activities must first secure clearance from the Executive Director. This requirement is based on the need to determine whether the proposed activity is in the best interest of the PHA. When, in the opinion of the Executive Director and Counsel, there is a conflict of interest or the appearance of such conflict, the employee will be offered the option to resign either from the outside activity or from his/her position with the PHA.

Interest in Property, Contractors, or Vendors: No employee shall knowingly have any interest, direct, or indirect, in any property included in any project of the PHA, nor shall he/she knowingly have any interest, direct, or indirect, in any contract for materials or services to be

used by the PHA. If such interest was acquired prior to his/her employment, or if his/her knowledge of such interest is subsequent to his/her employment, he/she shall promptly disclose the same in writing to the PHA.

P. Membership of Employees in a Labor Union or Other Employee Organization back to top

It is the purpose of this document to state administrative policy and to clarify the legal position of the PHA and its employees regarding membership in any group (labor union or other employee organization). This policy reflects the provisions of the Statutes of the State of Texas.

1. Right to Join or Maintain Membership in Labor Union or Other Employee Organizations:

Any employee of the PHA may join or maintain membership in a labor organization or other employee organization, if he/she so desires. The PHA neither discourages nor encourages these activities, nor does membership or non-membership in a labor union or employee organization affect the employee's standing or rights as an employee of the PHA. There shall be no undue influence, coercion, intimidation, or pressure of any kind from any Board Commissioner, official, employee of the PHA or other person.

- a) PHA employees who choose to participate in organizing or other labor union-type activities are required to conduct such activities on their own time and not during regularly assigned working hours.
- b) Use of PHA premises: Permission to use outside common areas or PHA meeting room space for labor union activities, or solicitation and/or distribution of labor-type materials, must be secured by the Executive Director. Permission shall not be unreasonably withheld as long as such activities do not interfere with any employee's performance of his/her assigned work duties or with other scheduled uses of the PHA facilities.
- c) Notices of labor union or other employee group meeting may be posted on official employee bulletin boards of the PHA. Use of other bulletin boards on the PHA's premises for posting notices or other literature by the labor unions or other organized employee groups will not be permitted.

2. Right to Strike or Picket

Under Texas law, PHA employees have no right to strike, picket, or take any action which interferes with the ordinary and orderly conduct of the PHA's business and its service to residents and the public.

3. Collective Bargaining Prohibited by Law

The right to bargain collectively was created by United States Law and granted to employees of private industry and business. However, it is declared to be against public policy of the State of Texas, or of a County, City, Municipality, other subdivision of the State, or the PHA, to enter into a collective bargaining contract with a labor organization.

3. No written questionnaire regarding employee participation or membership in a labor organization shall be undertaken by Board Commissioners or staff of the PHA.

Q. Grounds for Discipline

Disciplinary action (see paragraph R. below) may be administered by the Executive Director as he/she determines to be appropriate. The following non-inclusive list of actions may be grounds for disciplinary action: illegal, unethical, abusive, or unsafe acts; violation of rules, regulations, policies or procedures; insubordination; inefficiency; neglect or abandonment of duties; participation in prohibited political activity or solicitation; abuse of sick leave or other benefits; tardiness or absence without leave; falsification of official documents or records; suspension or revocation of Driver's License and/or failure to report such actions; and unauthorized use of or disclosure of official information.

R. Types of Discipline

The type of discipline applied shall be consistent with the nature of the offense or deficiency. Formal discipline includes:

1. Oral and/or Written Reprimand

An employee may be reprimanded orally or in writing. The reprimand shall describe the deficiency or infraction involved and shall state the likely consequences of further unsatisfactory performance or conduct by the employee. The reprimand shall be permanently retained in the employee's official personnel file.

2. Suspension Without Pay

- a) An employee may be suspended without pay as provided by Section 4, Changes of Employment Status, paragraph D. Such action may be initiated and approved in advance by the Executive Director. A notice of suspension must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance or conduct. The notice of suspension shall be permanently retained in the employee's official personnel file. An employee suspended for disciplinary reasons will not accrue vacation or sick leave during the period of suspension.
- b) When employees are under investigation for a criminal violation, or awaiting hearing or trial for alleged criminal violation, they may be suspended without pay for the duration of such investigation and/or while awaiting and during the time of such trial when such suspension is deemed to be in the best interests of the PHA and/or the public. If the employee is cleared and/or acquitted of such charge, he/she shall be entitled to normal active status as a PHA employee, and shall be credited with vacation and sick leave accrued during the period of suspension and shall be paid full salary for the period of suspension.

3. Demotion

An employee may be subject to demotion under the following conditions:

- a) If the employee has been found unsuitable for his/her present position but may be qualified or able to give satisfactory service in a lower paying position.

- b) If the position has been either abolished or reallocated to a lower paying class and he/she cannot be transferred to a position of equal pay. It shall be clearly indicated on all personnel records that the transaction in no way reflects on the employee's performance or ability.

4. Dismissal

- a) A probationary employee may be dismissed, without the right to appeal, at anytime during their six (6)-month probationary period. The employee will not be entitled to receive: (1) paid sick and annual leave; (2) other PHA benefits received by a regular full-time employee; and (3) grievance procedure.
- b) Any employee may be dismissed at will. No sick leave or annual (vacation) leave will be paid by the PHA to those employees who are terminated. If the employee is acquitted of all charges or if all charges are dismissed, he/she shall be entitled to return to nonnal active status as a PHA employee and shall be credited with vacation and sick leave accrued during the period of suspension. He/she shall also be paid full salary for the period of suspension.

X. Voluntary Grievance Procedure

A. Purpose

B. Procedures

Section 10. Voluntary Grievance Procedure

A. Purpose

The PHA desires to give its employees fair treatment. Commensurate with its financial ability, the PHA wishes to pay wages, provide retirement benefits, grant employee benefits, and otherwise create conditions of employment comparable to those given employees by local public agencies, private business and industry, and as permitted under PHA contracts with the Department of Housing and Urban Development.

The purpose of this voluntary grievance procedure is to provide employees an orderly process for the prompt and equitable resolution of complaints. The PHA intends that, whenever feasible, complaints be resolved at the lowest possible administrative level.

A complaint under this procedure shall include grievances concerning an employee's wages, hours, or conditions of work. Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability shall proceed under the EEO Complaint Process. A complaint must specify the individual harm alleged.

Any employee may present a grievance to or register a complaint with the PHA about wages, hours of work, conditions of work or any other matter, including administration of policy that he/she believes to be unfair or contrary to his/her best interests.

1. Grievances may be presented by individual employees personally or through a representative that does not claim the right to strike. It is the desire of the PHA to correct legitimate grievances insofar as it can do so within the PHA's limits. Correction of legitimate grievances will be applied uniformly to all employees without regard to membership in an employee organization.

2. In presenting a grievance, an employee must follow the procedures set forth in the grievance procedure approved by the Board of Commissioners and published in this PHA's Personnel Policies.

When the Executive Director determines that two (2) or more individual complaints are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the complaints.

Employees who allege unlawful discrimination in retaliation for reporting a violation of law to an appropriate authority shall invoke this policy not later than fifteen (15) days after the date the alleged violation occurred or was discovered by the employee or should have been discovered by the employee through the use of reasonable diligence. This type of complaint shall begin at Level Two. If the complaint is not resolved at that level, the Executive Director shall ensure that the matter reaches the Board of Commissioners expeditiously. Time lines for the employee and the PHA, set out in this policy, may be shortened to ensure that the Board of Commissioner's final decision is made within thirty (30) days of the initiation of the complaint.

If an employee alleges in writing specific facts that, if true, would constitute a violation of the employee's common law, statutory, or constitutional rights, the Executive Director or Executive Director's designee shall investigate the allegations. If the employee does not accept the resolution at the Level Two and requests a Board of Commissioner's hearing, the Executive Director shall schedule a hearing at Level Three.

Neither the Board of Commissioners nor the administration shall unlawfully retaliate against any employee for bringing a complaint under this policy.

Complaints shall be heard in informal administrative conferences. All complaints arising out of an event or related series of events must be addressed in one complaint. An employee is precluded from bringing separate or serial complaints concerning events about which the employee has previously complained. Costs of any complaint shall normally be paid by the non-prevailing party.

In resolving complaints, time is of the essence. All time limits shall be strictly complied with, unless extended by mutual consent. All references are to calendar days. The appropriate administrator at each level shall respond to the employee within ten (10) days of a complaint conference. Written complaints shall receive a written response. The employee has seven (7) days after receiving a response to appeal to the next level. The complaint shall be considered concluded if the employee does not appeal within the time limit.

B. Procedures

Level One

Any employee having a complaint shall meet with their immediate supervisor within fifteen (15) days of the time the employee first knew, or should have known, of the event or series of events causing the complaint. At this meeting, the employee shall submit the complaint in writing.

Level Two

If the outcome of the complaint conference at Level One is not to the employee's satisfaction, the employee may meet with the Executive Director or his/her designee, within seven (7) days after receiving the response to discuss the complaint.

At or prior to the conference with the Executive Director, the employee shall submit a written description of the decision or action complained of, the date it occurred, the remedy sought, and the date the employee conferred with their immediate supervisor. The Executive Director may obtain written and/or personal participation by immediate supervisor and any other employees, or parties with relevant information.

Level Three

If the outcome of Level Two is not to the employee's satisfaction, an employee may submit a written request to the Executive Director to place the matter on the agenda of a future Board of

Commissioner's meeting. Such a request shall be submitted no later than seven (7) days after receiving the response from the Executive Director. If the grievance involves a separation from employment with the LHA, or a demotion with a reduction in wages or benefits, the reasons for such actions shall be provided to the employee by the Executive Director in writing.

The Executive Director shall inform the employee of the date, time, and place of the meeting. The Board Chair may set reasonable time limits on complaint presentations. The Board of Commissioners shall listen to the complaint and after doing so will render its decision by vote may read or listen to presentations from others with information relevant to the complaint.

Delegation

The Board of Commissioners may delegate listening to an employee's grievance, as well as, reading or listening to presentations from others with information relevant to the complaint, to a grievance committee composed of a member or multiple members of the Board of less than a quorum, which committee shall issue a written recommendation to the full Board, who will act on the recommendation, and issue its decision by vote.

Executive Session

If the complaint involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the complaint, it shall be heard by the Board in executive session, unless the employee bringing the complaint requests it to be heard in public.

If the complaint involves complaints or charges against another employee, the Board in executive session shall hear it, unless the employee against whom charges have been brought requests it to be heard in public.

If the complaint involves complaints or charges against another employee that are incidental to the complaining employee's appointment, employment, evaluation, reassignment, duties, discipline, or dismissal, it shall be heard by the Board in executive session, unless the employee bringing the complaint, or the other employee, request it to be heard in public.

If the complaint involves complaints or charges against another employee and the other employee is the subject of the complaint, it shall be heard by the Board in executive session, unless the employee complained about requests it to be heard in public.

XI. Travel Policy

A. Purpose

B. Authority to Travel

C. Travel Advances and/or Reimbursements

D. Miscellaneous Expenses

E. Non-Allowable Expenses

Attachments:

Section 11. Travel Policy

A. Purpose

1. To set forth guidelines for commissioners, employees, and PHA residents who travel on behalf of the PHA. Travel shall be in the best interests of the PHA. Examples include, but are not limited to the following: travel for training purposes, travel to attend meetings or conferences, travel to make presentations, travel to other cities or agencies to review housing-related programs and travel as a result of being elected as an officer in a professional organization. (All travel must be related to PHA business).

2. To prescribe the PHA's payment policy for travel advances or reimbursement for reasonable expenses which are incurred in the course of authorized travel by commissioners, employees, or PHA residents. Every effort shall be made to minimize travel costs. All travel will be subject to the availability of funds in approved budgets.

B. Authority to Travel

1. Prior approval is an integral part of this travel procedure and shall be in compliance with the Federal Labor Standards Act (FLSA) requirements.

2. A "Request for Authority to Travel" form shall be completed and approved in order for anyone to travel and/or to receive a travel advance. Travel not involving an overnight stay may be approved by the Executive Director (or in his/her absence, by his/her designee). All other travel (limited to the Continental United States) shall be approved by the Board of Commissioners, normally in advance of the travel date. However, in the event that the time and schedule of the travel does not allow prior authorization, the fact and nature of the travel shall be presented to the Board of Commissioners at its next meeting for ratification. In such cases, the Executive Director or his/her designee, shall determine the necessity and approve such travel. Travel for training should take precedence over that for conventions.

C. Travel Advances and/or Reimbursements

It shall be the policy of the PHA to provide for the reasonable expenses of those authorized to travel. That provision shall take the form of payment through "advances" for estimated travel expenses and/or "reimbursement" for actual expenses. An advance and/or reimbursement shall be limited to the Federal published per diem rates, unless there is sufficient written justification for exceeding such rates. All expenses must be documented by receipts.

Per diem shall be calculated based upon the following.

Travel which exceeds six (6) hours per day shall be paid at the rate of one fourth (1/4) of the per diem amount for each of the periods listed below, or fraction thereof:

12:01 a.m. - 6:00 a.m.

6:01 a.m. - 12:00 Noon

12:01 p.m. - 6:00 p.m.

6:01 p.m. - 12:00 Midnight

Expenses for lodging, meals, tips, and miscellaneous authorized expenses will be reimbursed at actual cost if reimbursement is based upon the "actual" method, and does not exceed the Federal published per diem rate. Meal costs must be reasonable for the locale. When departure and return is such that no expense for overnight lodging is incurred, the actual cost of meals or other incidental business expense, will be paid, based upon the receipts submitted.

The choice of method of transportation shall be left to the discretion of the authorized traveler. However, reimbursements will be at the lower of the best available air fare or mileage. Advance purchases are encouraged when required to obtain the best fares.

1. Commercial airline (best available air fares shall be authorized). A local air carrier shall be utilized whenever possible. Airport limousines, taxis or public transportation shall be used whenever feasible. Car rentals are not authorized unless extenuating circumstances require car rental. If warranted, however, the traveler must use the most economical rental plan available. (Receipts required.) Note: In the event of a cancellation that results in a monetary penalty to the authority, the traveler will be responsible for reimbursement to the authority. Should it be necessary to cancel a confirmed airline reservation due to illness or emergency, the traveler will be required to present written documentation of such cause such as a physician's statement.

2. When parking a vehicle (such as at an airport or at the hotel), the cost of parking will be advanced based on an estimate, or actual if known.

3. The PHA will pay for the use of a personal vehicle at the IRS approved reimbursable mileage rate, based on signed records of actual mileage but not to exceed best available air fare. If the traveler uses his/her personal vehicle, no food or lodging shall be paid by the PHA beyond the time it would take for someone to travel by air to and from the destination.

4. Tips/gratuities will be advanced at \$10.00 per day whether paid in conjunction with the purchase of meals or other purposes. Tips shall not be reimbursed if the payment is cause to exceed the Federal published per diem rate.
5. Telephone calls shall be reimbursed only for Authority business and only upon the presentation of receipts.
6. When possible, authorized PHA employees should use PHA vehicles. PHA vehicles are to be used for PHA business only. If a PHA-owned vehicle is used, the gas and oil will be charged to the PHA on a PHA credit card by an authorized credit card user. The receipt for all such purchases will indicate the mileage, vehicle number, and identification and signature of the purchaser.
7. Car rentals may be authorized by the Executive Director but only when such use is beneficial to the Authority. In such case, the lowest cost rental agency should be utilized.
8. Properly documented and signed statements will be accepted in lieu of unattainable receipts for expenses of \$15.00 and under such as cab fare, etc.

In the case where actual allowable expenses described herein exceed previous advances, the PHA will reimburse based upon receipts (but only to the extent of the published Federal per diem rate) unless otherwise justified. In the event that actual allowable expenses described herein are less than advanced, the traveler must reimburse the PHA at the time the travel expense voucher is submitted and no later than thirty (30) days following return from the trip.

Special Note:

Special Circular Letter Number 94-043 prohibits PHA Commissioners from receiving per diem per state law. All expenses paid shall be actual within limits stated in this policy. SEE ATACHMENT A

D. Miscellaneous Expenses

The cost of additional training material purchases may be reimbursed only with a receipt and only if the material cannot be ordered through the PHA's normal purchasing procedure (such as with an authorized purchase order).

E. Non-Allowable Expenses

1. Entertainment (in-room movies, live shows, personal tours, etc.);
2. Alcoholic Beverages;
3. Laundry and Valet Services;
4. Tobacco products;
5. Personal Phone Calls;
6. Other personal items, e.g. hygiene, toiletries, etc.