

**REVISED**

10:59 am, Feb 16, 2017

















































































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 not 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 setting 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.