



PERSONNEL POLICIES & PROCEDURES MANUAL

**Approved for adoption by the Board of Commissioners of
the Montgomery Housing Authority by Resolution 6753
dated March 26, 2024**



**PERSONNEL POLICIES AND PROCEDURES MANUAL
TABLE OF CONTENTS**

DISCLAIMER1

DEFINITION OF TERMS 3-4

SECTION 100-120 MHA'S PURPOSE 5-7

 100 HOUSING AUTHORITY MISSION5

 110 CODE OF ETHICS 5-6

 120 GENERAL PERSONNEL POLICY AND PROCEDURE PURPOSE 6-7

SECTION 200-270 GENERAL PROVISIONS 8-11

 200 PROHIBITION AGAINST DISCRIMINATION8

 210 NEPOTISM.....9

 220 PERSONNEL RECORDS 9-10

 230 POSTING AND VIEWING OF POLICIES AND PROCEDURES10

 240 SMOKE-FREE WORKPLACE.....10

 250 EMPLOYEES' FAMILY IN THE WORKPLACE 10-11

 260 WORKPLACE SAFETY.....11

 270 AVAILABLE FUNDING.....11

SECTION 300-350 EMPLOYMENT PROCESS..... 12-14

 300 GENERAL PROCEDURES12

 310 RECRUITMENT 12-13

 320 RE-HIRE..... 13

 330 STANDARDS FOR SELECTION13

 340 QUALIFICATIONS 13-14

 350 PROBATIONARY PERIODS.....14

SECTION 400-430 SCHEDULED WORK HOURS 15-16

 400 REGULAR WORK HOURS15

 410 TARDINESS.....15

 420 OVERTIME HOURS.....15

 430 GENERAL REPORTING POLICY16

SECTION 500-550 COMPENSATION..... 17-19

 500 COMPENSATION POLICY17

 510 REGULAR PAY17

 520 OVERTIME PAY18

 530 COMPENSATORY TIME18

 540 SALARY PAYMENTS AND EFFECTIVE DATES18

 550 MERIT INCREASE MATRIX.....19

SECTION 600-640 PERFORMANCE EVALUATIONS..... 20-21

 600 PERFORMANCE APPRAISALS20

 610 PAY INCREASE20

 620 PROMOTIONS..... 20-21

 630 SALARY CHANGES.....21

 640 PAYMENT OF SEPARATING EMPLOYEES.....21

SECTION 700-795 EMPLOYEE BEHAVIOR..... 22-34

 700 STANDARDS OF CONDUCT22

 710 CONFLICT OF INTEREST (FRIENDS & RELATIVES)..... 22-24

 720 CHANGE OF STATUS.....24



730 OUTSIDE EMPLOYMENT	24
740 SOLICITATION	24
750 SEARCHES.....	24-25
760 EMPLOYEE APPEARANCE	26
770 POLITICAL ACTIVITY	26
780 WORKPLACE HARASSMENT POLICY.....	26-29
790 DRUG-FREE WORKPLACE.....	29-31
791 COMPUTER/INTERNET USAGE POLICY.....	32-31
792 SOCIAL MEDIA POLICY.....	32-33
793 ETHICS REQUIREMENTS.....	33
794 OBLIGATION OF EXPENSE.....	33
795 CLIENT'S CONFIDENTIAL INFORMATION.....	33
796 FRATERNIZATION POLICY	34
SECTION 800 DISCIPLINARY ACTIONS.....	35-39
SECTION 900 EMPLOYEE GRIEVANCE.....	40-44
SECTION 1000-1080 EMPLOYEE LEAVE AND PAID HOLIDAY.....	45-55
1000 HOLIDAY LEAVE.....	45
1010 ANNUAL LEAVE	46-47
1020 SICK LEAVE	47-48
1030 BEREAVEMENT LEAVE	87
1040 FAMILY AND MEDICAL LEAVE ACT. 45-491050 LEAVE OF ABSENCE (WITH OR WITHOUT PAY).....	49-53
1060 VOTING PROVISIONS	54
1070 JURY DUTY	54
1080 MILITARY LEAVE	54-55
1090 WORKERS COMPENSATION	55
SECTION 1100-1140 EMPLOYEE BENEFIT.....	55-60
1100 HEALTH INSURANCE	55
1110 RETIREMENT PLAN.....	55-56
1120 UNIFORMS	56
1130 EMPLOYEE RECOGNITION PROGRAM.....	56
1140 TUITION ASSISTANCE.....	57-60
SECTION 1200-1250 DRIVING AND TRAVEL AUTHORIZATION.....	61-63
1200 DRIVING	61
1210 USE OF MHA-OWNED/LEASED VEHICLE	61
1220 DISTRACTED DRIVING	62
1230 PASSENGERS IN MHA-OWNED/LEASED VEHICLE.....	62
1240 USE OF EMPLOYEE-OWNED VEHICLE FOR MHA BUSINESS.....	62
1250 TRAVEL POLICY	62-63
SECTION 1300 SEPARATIONS.....	64-65



PERSONNEL POLICIES AND PROCEDURES MANUAL TABLE OF CONTENTS

APPENDICES

APPENDIX I - EQUAL EMPLOYMENT OPPORTUNITY STATEMENT	64
APPENDIX II - EMPLOYEE ACCOMMODATION REQUEST FORM	65A- 65B
APPENDIX III - SMOKING POLICY	66
APPENDIX IV - EMPLOYER'S FIRST REPORT OF INJURY FORM.....	67
APPENDIX V - PERFORMANCE APPRAISAL FORM.....	68A-68F
APPENDIX VI - DRESS CODE POLICY	69
APPENDIX VII - DRUG-FREE WORKPLACE POLICY.....	70A-70M
APPENDIX VIII - COMPUTER/NETWORK/INTERNET POLICIES	71A-71E
APPENDIX IX - RETIREE HEALTH PLAN	72A-72B
APPENDIX X – TRAVEL POLICY	73A-73E
APPENDIX XI - TRAVEL AUTHORIZATION FORM	74
APPENDIX XII – TUITION ASSISTANCE PROGRAM APPLICATION.....	75



THE MONTGOMERY HOUSING AUTHORITY DISCLAIMER

The Housing Authority of the City of Montgomery, Alabama, by resolution of its Board of Commissioners, may modify, alter, amend, supplement, or rescind this Personnel Policy Manual or any section thereof at its sole discretion. The personnel policy manual is not a contract of employment or any other kind of contract.

The Housing Authority manages and maintains conventional public housing and administers the Housing Choice Voucher Program commonly referred to as "Section 8." Funds for the operation of the Housing Authority come from rents and subsidies from the Department of Housing and Urban Development (HUD).

While the employees of the Housing Authority adhere to rules and regulations, other policies, procedures, etc. that govern local and state employees, neither the Mayor nor the City Council has any jurisdiction or control over the Housing Authority and its employees, although we cooperate fully with each other in order to jointly enhance the lives of the citizens of Montgomery.

NON-DISCLOSURE

The protection of confidential business information and trade secrets is vital to the interests and the success of the Housing Authority. Such confidential information includes, but is not limited to the following examples:

- Applicant Information
- Compensation Data
- Financial Information
- Labor Relations Strategies
- Pending Projects and Proposals
- Resident File Information
- Computer Files

All employees may be required to sign a non-disclosure agreement, as a condition of employment. Any employee who improperly uses, or discloses, trade secrets or confidential business information will be subject to disciplinary action, leading up to and including termination of employment and/or legal action, even if he or she does not actually benefit from the disclosed information.



**THIS PAGE
WAS INTENTIONALLY
LEFT BLANK**



DEFINITION OF TERMS

Unless the context requires otherwise, the terms used in these Policies and Procedures shall have the following meanings:

ADMINISTRATIVE EMPLOYEES (Exempt)-have primary duties that directly relate to management policies, and general agency operations, or are of a confidential nature. These classifications are "exempt" from the minimum wage and overtime provisions of the Federal Fair Labor Standards Act.

HOUSING AUTHORITY - The Montgomery Housing Authority.

BOARD OF COMMISSIONERS ("The Board") - A nine-member Board of Commissioners that approves the policies under which the Housing Authority conducts business. A commissioner shall not be employed by MHA during his or her tenure, or for one year thereafter, in a salaried position. Likewise, a member of a commissioner's household and/or immediate family shall not be employed by MHA during the respective commissioner's tenure or for one year thereafter. Such employment would constitute a conflict of interest under Section 515 of the Annual Contributions Contract (ACC). An exception to this ACC limitation would require a waiver from the HUD Field Office.

DAYS - Any reference to days refers to calendar days unless otherwise specified.

TERMINATION - The permanent removal of an employee from the service of the Housing Authority for cause.

EMPLOYEE - Any person hired to perform service for the Housing Authority but shall exclude independent contractors employed to perform specific jobs or tasks.

PRESIDENT/CEO - The President/CEO is the principal staff member of the Housing Authority who is directly responsible for implementing the policies and procedures that guide the day-to-day activities of MHA. He/she is delegated the responsibility to employ, train, supervise, and terminate staff.

EXEMPT EMPLOYEE - Any person employed by the Housing Authority in an exempt position.

FULL-TIME EMPLOYEE - An employee who is employed to work on a full-time basis (generally 40 hours per week, 52 weeks per year).

GRANT-FUNDED EMPLOYEE - An employee who is hired based upon funding from a federal or private grant. This employee is entitled to all benefits; however, the position is only effective as long as the grant funds are available.

IMMEDIATE FAMILY - Spouse, child, parent or sibling of the employee or the employee's spouse, or any other person deemed by the employee's supervisor to be a member of the employee's immediate family.



MANAGEMENT-LEVEL EMPLOYEES (Exempt) - in charge of and manages a department, division, or other organizational unit; has authority to make managerial and supervisory decisions and/or recommendations; customarily exercises discretion and independent judgment. These classifications are "exempt" from the minimum wage and overtime provisions of the Federal Fair Labor Standards Act.

NON-EXEMPT EMPLOYEES - performs work that is not directly related to management policies and is subject to the Federal Fair Labor Standards Act. With proper certification, this designated group will receive, **at the employee's election**, overtime pay or compensatory time at a rate of 1.5 times the normal pay rate for any work performed over 40 hours in the seven-day work week, on holidays, or beyond the employee's normal workday.

NORMAL WORKDAY - The number of hours employees (or groups of employees) are to work within a one-day period.

NORMAL WORK WEEK - The number of hours and days employees (or groups of employees) are to work within one week.

PROMOTION - The transfer of an employee to a position with a higher salary range.

TRANSFER - The transfer of an employee to a position within the same salary range. A transfer does not subject an employee to competitive recruitment and/or testing requirements and does not entail a probationary period in the new reclassification.



SECTION 100-120

MHA'S PURPOSE

100. HOUSING AUTHORITY MISSION

The Montgomery Housing Authority exists primarily to create affordable, sustainable housing while improving the quality of life for families and encouraging independence.

110. CODE OF ETHICS

MHA's reputation and transformation rest solely on the conduct of its employees. Each employee is expected to exhibit the highest ethical standards and to know and adhere to applicable laws, regulations, and policies when representing MHA. Each employee must be sure that his or her personal conduct is above reproach and complies with the highest standards of conduct and business ethics.

A. Non-Discrimination

Employees shall respect all individuals without regard to race, color, sex, sexual orientation, familial status, religion, creed, ethnic or national identity, age, or disability.

Privacy and Confidentiality:

- Employees shall safeguard privacy rights and confidential information.
- Employees shall not use or divulge confidential information gained in the performance of their duties, as a means of making private profit, gain, or benefit.

B. Honesty, Truthfulness, and Integrity

Employees shall conduct their employment activities with the highest principles of honesty, integrity, truthfulness, and honor. To this end, employees are to avoid not only impropriety but also the appearance of impropriety. Integrity also demands that MHA equipment (e.g. office equipment, telephones, computers, autos, etc.) and financial resources (e.g. vendor accounts and credit cards) not be used by employees except for authorized business purposes.

C. Lawfulness and Adherence to Policies

1. Employees shall follow both the letter and intent of laws, regulations, and policies governing MHA.
2. Employees have a legal, moral, and ethical responsibility to report to MHA known or suspected violations of law, regulations, or policy.
3. Employees shall not make, recommend, or cause any action known or believed to be in violation of any law, regulation, or policy.

4. Employees shall not make, recommend, or cause any expenditure of funds known or believed to be in violation of any law, regulation, or policy.

D. Use of Position for Personal Benefit or Gain

1. Employees shall not use their position, as an employee of MHA to force, induce, coerce, harass, intimidate, or in any manner influence any person, including subordinates, fellow employees, or clients to provide any favor, gift, or benefit, whether financial or otherwise, to themselves or others.
2. Employees representing the Housing Authority to third parties shall not allow themselves to be placed in a position in which an actual, or apparent, conflict of interest exists. Such conflict of interest may arise, or appear to arise, by reason of the employees' acceptance of gratuities, favors, or other valuable benefits which could improperly influence, or reasonably be interpreted as improperly influencing sound business decisions. This restriction shall not be interpreted as prohibiting the acceptance of such things as business meals, baked goods, candy, seasonal foods, or similar items given in the spirit of goodwill. All such activities shall be conducted strictly on an arm's length, business basis.

E. Conflict of Interest

1. Employees will exercise great care, in situations in which a preexisting personal relationship exists between an employee, an industry representative or official of an agency, with which the Housing Authority has an existing or potential business relationship. In such a situation, the employee shall immediately report the relationship to management, and, pending further direction by the Housing Authority, the employee shall take no further action associated with the business in which the personal relationship exists. Where there is any doubt as to the propriety of the relationship, the employee shall report the relationship to management to avoid even the appearance of impropriety.
2. Employees shall not engage in outside business activities, either directly or indirectly with a client, customer, vendor, contractor, supplier, or agent of the Housing Authority, or engage in business activities that are inconsistent with, or contrary to, the business activities of the Housing Authority.

If at any time the employee is in doubt, he/she should seek guidance from the Human Resources department.

120. GENERAL PERSONNEL POLICY AND PROCEDURE

It is the purpose of this handbook to provide general guidance for the personnel administration of MHA, but in no shape, manner, or form does it constitute a legal contract binding upon the Housing Authority. These policies are in accordance with the Housing Authority rules and regulations, applicable State statutes, City of Montgomery ordinances, and Federal laws and regulations.

Amendments of any provisions of this Personnel Policy Manual shall be upon Resolution of the Board of Commissioners. The President/CEO shall have primary responsibility for enforcing the



provisions and purposes of the Personnel Policy Manual. Department Heads shall have major responsibility for enforcing the provisions and purposes of this Personnel Policy Manual and any associated procedures. Each employee is individually responsible for following all Personnel Policy Manual provisions and procedures.

A master copy of the Personnel Policy Manual will be kept in the Human Resources office. In the event of a discrepancy among copies, the master copy will be considered the correct copy. Additional official copies of the Personnel Policy Manual will also be held by the Department Heads.



SECTION 200-270 GENERAL PROVISIONS

200. PROHIBITION AGAINST DISCRIMINATION

The employment and advancement of personnel, and all actions affecting personnel, will be based solely on merit, ability, and seniority. It is the intent of the Housing Authority to ensure impartial treatment of applicants and employees in all aspects of personnel administration, and with proper regard for their privacy and rights as citizens.

- A. **EQUAL OPPORTUNITIES WILL BE PROVIDED FOR ALL PERSONNEL.** MHA is an Equal Employment Opportunity Employer and prohibits discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin, or any other non-merit factors. Discrimination on the basis of age, sex or disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration (Appendix I - MHA's EEO Statement).
- B. **MHA WILL NOT DISCRIMINATE AGAINST A QUALIFIED INDIVIDUAL WITH A DISABILITY BECAUSE OF SUCH INDIVIDUAL'S DISABILITY.** All applicants and employees with a known and/or identified disability will be treated in a non-discriminate manner, with regard to job application procedures, hiring or discharge of employees, compensation, advancement, job training, and other terms, conditions, and privileges of employment.
- C. **Pursuant to the Housing and Urban Development Code of Federal Regulations (CFR) #24, 8.10(a), 8.11(a), 8.12(a), and 8.13(a):** NO QUALIFIED INDIVIDUAL WITH DISABILITIES SHALL, SOLELY ON THE BASIS OF DISABILITY, BE SUBJECTED TO DISCRIMINATION IN EMPLOYMENT UNDER ANY PROGRAM OR ACTIVITY THAT RECEIVES FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT. MHA shall make reasonable accommodations to the known physical or mental limitations, as identified on the *Employee Accommodation Request Form* (Appendix II), of any otherwise qualified applicant with a disability or employee with a disability unless MHA can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

210. NEPOTISM

Persons closely related by blood or marriage to any other employee of MHA shall not be hired. If circumstances arise where the employment of a more distant relative is the most beneficial choice for the Housing Authority, prior approval must be obtained in writing from the President/CEO. The supervisor and Human Resources must give valid justification to the President/CEO, stating the circumstances to justify the employment of a relative and/or family member. Any hiring of a relative and/or family member must be reported to the Board of Commissioners. **UNDER NO CIRCUMSTANCES SHALL AN EMPLOYEE BE DIRECTLY SUPERVISED BY A RELATIVE.**

Should an employee become related to another employee, after being hired, within the third degree of consanguinity or affinity, the President/CEO shall take steps to satisfy the following conditions:

- Ensure that those employees are not in direct supervision of each other.
- The President/CEO should observe the foregoing, in the case of temporary employees, whenever practical.

220. PERSONNEL RECORDS

Two files, a personnel file and a benefits file will be maintained on all active employees. Each file shall be maintained by the Human Resources department. Personnel files shall be confidential as permitted by Alabama law and shall not be accessible to anyone other than the President/CEO, Human Resources staff and/or appropriate Management-Level staff that has the expressed approval of the President/CEO. Under **NO CIRCUMSTANCES** will anyone, other than the President/CEO and/or Human Resources staff be granted access to an employee's benefits file.

- A. An employee may, upon request and during work hours, examine his/her own personnel records and may request an explanation of items contained therein.
- B. Each employee shall have the right to review any written statements placed in his/her personnel records and may receive a copy thereof.
- C. No part of a personnel record shall be removed from the Human Resources department unless specifically authorized by the Human Resources department head.
- D. Employees are to refer all requests, from persons or agencies outside the Housing Authority, for personnel information concerning applicants, employees, and past employees to Human Resources. The Housing Authority normally will release personal information only in writing, and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who have a need and authority to know specific employee information. The following general information may be released, to local/state/federal agencies, without obtaining prior permission from the employee:
 1. Employment dates; and
 2. Position(s) held

- E. Falsification of Records:** When an employee applies for employment, he or she is asked to complete an employment application. By submitting the application, the applicant certifies that each answer and all other information furnished is true and correct.
1. The application also states that any incorrect, incomplete, false statements or information furnished by the employee would subject him/her to disqualification or dismissal, at any time.
 2. In addition to the falsification of an employment application, appropriate discipline will also be administered for falsifying any employment forms or documents completed during the new employee's orientation, falsifying documents pertaining to absences from work, falsifying timesheets, falsifying claims about work-related injuries, or any falsification related to his or her employment.

230. POSTING AND VIEWING OF POLICIES AND PROCEDURES

Staff will be notified of all revised and new policies and procedures, via interoffice memorandums and/or email distributions. All employees are expected to be aware of new or revised policies and procedures, to which they are subjected, and are required to provide signatures as acknowledgment.

Once updated, a revised copy of the Personnel Policies and Procedures Manual will be provided to each employee. This copy should serve as a point of reference for all personnel-related issues and each employee is encouraged to contact Human Resources staff for clarification on any section, as needed.

Each employee must read and adhere to the rules and regulations of MHA's Personnel Policies and Procedures Manual. Employees are also expected to observe other rules and regulations that govern MHA, as outlined in MHA's Annual Agency Plan, the Administrative Plan for the Section 8 Voucher Program, the Admissions and Continued Occupancy Policy for the Public Housing Program and/or accompanying documents.

240. SMOKE-FREE WORKPLACE

MHA acknowledges the rights of both smokers and nonsmokers. Since nonsmokers have the right to work in a smoke-free environment, the Housing Authority has adopted an official policy relating to smoking (Appendix III - MHA's Smoking Policy).

Smoking is prohibited in all Housing Authority offices, vehicles, public gathering areas (such as the various resident activity centers), break rooms and restrooms, except in designated smoking areas or those areas exempted in Section 3 of the City of Montgomery Ordinance No. 70-89.

250. EMPLOYEES' FAMILY IN THE WORKPLACE

As a rule, employees' family members should not be in the workplace. However, situations may arise which require the employee to either bring his/her family member to work with him/her or take a day off to tend to their needs. In those instances, the President/CEO, or his/her designee, shall have



the discretion to determine what is in the best interest of MHA and will direct the employee accordingly. The foregoing does not apply to “Bring your Child to Work Day” in that the employee will not require permission to participate with his/her children in this event. **UNDER NO CIRCUMSTANCE SHOULD AN EMPLOYEE ALLOW HIS/HER FAMILY MEMBER TO USE MHA PROPERTY OR EQUIPMENT FOR PERSONAL USE.**

260. WORKPLACE SAFETY

MHA is committed to ensuring the safety of its employees and clients, by maintaining safe working conditions. It has established a Safety Orientation Checklist, which ensures that employees are aware of the responsibilities of both the employee and his/her supervisor to promote a healthy and safe work environment. All employees are required to read the checklist and follow its procedures.

If injured on the job, the employee is required to report the accident to his or her supervisor immediately, when possible, but in all cases no later than 24 hours after the injury has occurred. The supervisor must complete a written report on the accident and/or injury and submit the report to Human Resources within 24 hours of the accident (Appendix IV - State of Alabama Employer's First Report of Injury or Occupational Disease).

270. AVAILABLE FUNDING

The appointment and continued employment of all Housing Authority employees is conditional upon the availability of necessary HUD funding. Reduction in funding may necessitate a Reduction-in-Force.

SECTION 300-350

EMPLOYMENT PROCESS

300. GENERAL PROCEDURES

The President/CEO will authorize all new-hire appointments. (S)He will also approve all changes in classification, wages, and salaries. (S)He shall take final action involving the promotion, demotion, transfer, lay-off, leave of absence, disciplinary action, reduction-in-pay grade, and/or termination of any employee. All appointments are made regarding a specific classification, as opposed to a work location.

To affect the efficient and orderly administration of MHA, Human Resources may disseminate directives, regarding personnel rules and regulations, for the purpose of maintaining proper performance and discipline. These directives, rules, and regulations shall be consistent with local, state, and federal rules and regulations.

310. RECRUITMENT

- A.** When a vacancy occurs, the Housing Authority will solicit qualified applicants to fill that position. Human Resources will contact the Hiring Supervisor to determine the most cost-effective method of recruitment and selection. Only the President/CEO is authorized to approve expenditures relating to the recruitment of potential employees.
1. When a vacancy occurs, the Department Head submits an approved, completed Requisition to Human Resources.
 2. Human Resources will submit resumes and/or applications, of qualified candidates, to the Department Head. The Department Head will select candidates for interviewing from the resumes submitted.
 3. Hiring Managers are responsible for conducting timely, effective interviews of qualified candidates for the position. Human Resources is available for guidance on interview techniques and final candidate selection. Interviewing candidates, who submit a resume only, should complete a Montgomery Housing Authority Job Application.
- B.** As a recruitment incentive, the President/CEO is authorized, but not required, to approve reasonable relocation expenses incurred by a newly hired employee, for whom the President/CEO serves as an immediate supervisor when such employee must relocate his/her residence more than 50 miles to begin work at MHA with Board of Commissioners approval.
1. If an employee, who receives relocation reimbursement from MHA, voluntarily leaves the agency within 12 months of receiving such reimbursement, the employee shall be obligated to reimburse MHA the full amount of all relocation reimbursements previously paid by MHA to the employee.
 2. Each relocating employee shall be presented with a relocation agreement that will set forth the specific obligations of both MHA and the employee in accordance with the requirements of this policy manual. An employee must execute such an agreement and



deliver it to MHA's Human Resources department prior to becoming eligible for or receiving relocation reimbursement.

- C. It is the policy of the Housing Authority to allow existing employees to transfer within and between departments, with the approval of the President/CEO, where such transfers are beneficial to the employees and the Housing Authority.
1. Employees may be transferred from one location to another, within the same or similar classification, with essentially the same qualifications and the same salary grade and level. (i.e., an Assistant Property Manager in Paterson Court may be transferred as Assistant Property Manager at Gibbs Village; a Maintenance Mechanic may be transferred from one community to another; a Clerk II may be transferred as a Clerk II to any other department within the Housing Authority).
 2. Transfers within the same department can be initiated and approved by the department head. Transfers between departments must be approved by the President/CEO.

320. RE-HIRE

A former employee of MHA is eligible to apply for re-hire after a minimum of six months from the date of his or her last employment at MHA. The former employee's record of employment at MHA will be considered as part of the application process.

Human Resources will verify eligibility for rehire, before activating the application. The hiring supervisor will be advised of the former staff member's eligibility for rehire and the requirement to check references, including contacting the previous MHA supervisor before extending an offer of rehire.

330. STANDARDS FOR SELECTION

Only capable and responsible persons of good character shall be eligible for employment. Education and/or training requirements shall be related to the duties and responsibilities of the position to be filled.

The President/CEO shall be responsible for making all original appointments, promotional appointments, upgrades, temporary appointments, provisional appointments, re-employment appointments, or transfers.

MHA believes in recognizing and rewarding stellar performances. Internal employees are encouraged to apply for all vacant positions.

340. QUALIFICATIONS

The Housing Authority is committed to employing only United States citizens and immigrants who are authorized to work in the United States. MHA does not unlawfully discriminate based on citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, as amended in 1990 and 1996, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation to establish identity and employment eligibility. Former employees who are rehired must also complete the form if they have



not completed an I-9 with the Housing Authority within the past three years or if their previous I-9 is no longer retained or valid.

- A. It is the policy of MHA to make "reasonable accommodations", to ensure equal employment opportunity for otherwise qualified persons with disabilities. A person is qualified, if he or she meets the minimum qualifications for the job and can perform the essential functions of the job, with or without reasonable accommodations. The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The Act prohibits discrimination against qualified individuals with disabilities and the Housing Authority shall not discriminate against people with disabilities, regarding any employment practices, terms, conditions, or privileges of employment. The Housing Authority shall provide reasonable accommodation(s) (Appendix II - Employee Accommodation Request Form) which will permit disabled persons to work. Further, any contracts or business arrangements that discriminate against disabled persons are prohibited.
- B. All new employees will be required to submit to a pre-employment drug screen. The cost of the physical examination will be incurred by MHA. In observance of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, MHA will not make a pre-employment inquiry or conduct a pre-employment medical examination of an applicant to determine whether the applicant has pre-existing medical conditions. MHA may, however, make pre-employment inquiries into an applicant's ability to perform job-related functions.
- C. If an employee's duties include the operation of a vehicle, a valid Alabama Driver's License is required, and he/she must be insurable to operate a motor-driven vehicle. MHA will periodically check employees' driving records to ensure continued insurability.

350. PROBATIONARY PERIODS

All newly hired employees shall be subject to an initial probationary period of six months of employment. MHA has no obligation to continue the employment of a probationary employee. At any time during the probationary period, the President/CEO may reject the probationary employee without progressive disciplinary actions, provided notification is given to the employee indicating the reason for removal, and that the probationary employee is not entitled to a grievance hearing. An employee's probationary period can be extended with the recommendation of the Department Head and approval of the President/CEO.

If an employee promoted to a higher class is found unsuited for the work of the class to which promoted, the employee shall be reinstated to the previous position.

- A. An employee whose job description requires that certification be achieved may not pass probation until certification has been achieved.
- B. Newly hired employees or newly promoted employees who do not achieve the required certification by the end of their initial six-month probationary period or the period specified in the job description, whichever is applicable, may be subject to termination (for new hires) or other disciplinary action, leading up to and including termination (for new promotions).



SECTION 400-430 SCHEDULED WORK HOURS

400. REGULAR WORK HOURS

Full-Time Work Week & Housing Authority Business Hours: For all full-time employees, 40 hours shall constitute a normal workweek. Time worked shall be compensated in increments of 15 minutes.

Each full-time employee shall be given a one-hour unpaid lunch period and two 15-minute rest breaks per day. It has been the policy of MHA to allow the accumulation of the two rest breaks at the end of the workday. Accordingly, MHA's business day officially begins at 8:00 a.m. and ends at 4:30 p.m., provided the two 15-minute breaks are not taken. Any exceptions to the regular work hours must be approved by the President/CEO. All full-time employees MUST take a lunch break.

410. TARDINESS

Attendance and punctuality are very important responsibilities of each employee. Services performed by the MHA require employees' complete cooperation in avoiding unnecessary absences or tardiness. All employees are obligated to report to work on time. Employees not at their work sites ready to work at the scheduled time are late.

Employees arriving late for work or leaving their work areas early at the end of a day without documented supervisory approval will have their pay docked based on the amount of time missed on said day. The amount of time docked from pay shall be deemed as follows:

<u>Minutes Late</u>		<u>Time Docked From Pay</u>
8 - 14 minutes	=	15 minutes
23 - 29 minutes	=	30 minutes
38 - 44 minutes	=	45 minutes
53 - 60 minutes	=	1 hour

420. OVERTIME HOURS

Overtime (OT) hours are those hours that exceed forty hours worked during a normal work week. The amount of overtime worked shall be deemed as follows:

<u>Minutes Worked</u>		<u>Amount of OT</u>
8 - 14 minutes	=	15 minutes
23 - 29 minutes	=	30 minutes
38 - 44 minutes	=	45 minutes
53 - 60 minutes	=	1 hour

ALL OVERTIME MUST BE APPROVED IN WRITING AND PRIOR TO THE OCCURRENCE OF OVERTIME, BY THE PRESIDENT/CEO AND/OR HIS OR HER DESIGNEE.

430. GENERAL REPORTING POLICY

An employee unable to report for duty on a workday shall notify his/her supervisor of the fact, within an hour prior to the beginning of that employee's normal workday, unless department rules require an earlier reporting time. Failure to do so, without good cause, may result in disciplinary action, leading up to and including termination. In those cases where the supervisor is not available, the employee shall notify the next level supervisor, up to and including the President/CEO. Notifying anyone else shall not constitute notifying their supervisor and may result in disciplinary action, leading up to and including termination.

- A.** Absence without leave (**minor**) is an unauthorized absence of one workday or less, including repeated tardiness, leaving the job without permission, etc., and is subject to disciplinary action.
- B.** Absence without leave (**major**) is an unauthorized absence of two or fewer consecutive workdays and may result in more severe disciplinary action.
- C.** Absence without leave (**Abandonment of Position**) is an unauthorized absence of three or more consecutive working days and is grounds for automatic termination. To terminate an employee on grounds of job abandonment, a written notice must be sent to the employee on the fourth day, or as soon as possible following the absence. The employee has 10 days, from the date of the notice, to file a written request for a hearing before the Personnel Board, to appeal this decision.

SECTION 500-550

COMPENSATION

500. COMPENSATION POLICY

It is the policy of the Housing Authority to administer salaries, in accordance with the following principles:

- A.** Employees shall be compensated using a pay plan, for both administrative and maintenance employees.
- B.** The salary for all jobs shall fall on the pay plan.
- C.** The pay plan shall be approved by MHA's Board of Commissioners.
- D.** Increases in pay shall not be based on race, color, religion, sex, national origin, disability, age, or any factor other than economic conditions, longevity, or job performance.
- E.** Promotions will be based on qualifications, job performance, and merit, as determined by employee performance evaluations. Seniority or length of service is to be regarded as a factor only when all other factors are equal.

510. REGULAR PAY

Compensation for services performed by employees is set forth in the *Pay Plan for the Montgomery Housing Authority*, established and approved by MHA's Board of Commissioners.

- A.** An employee required to work beyond a normal workday shall be compensated in increments of 15 minutes at regular pay unless such excess time exceeds a normal work week (See Section 400). This paragraph shall not apply to exempt employees.
- B.** An employee shall be compensated a minimum of one-hour, regular time if he/she returns to work prior to the beginning of, or following the termination of, the employee's normal work shift, regardless of whether the employee worked less than one hour, unless such time exceeds a normal work week (See Section 400). All time, more than one hour, shall be compensated in increments of 15 minutes. This paragraph shall not apply to exempt employees.

520. OVERTIME PAY

All overtime shall be paid on time and one-half for non-exempt employees. Overtime will only be paid for work that exceeds 40 physically, worked hours, during the employee's normal work week. Holidays will **not** be included in the calculation of hours worked when determining the 40-hour work requirement.

All maintenance workers, property managers, assistant property managers, and department heads are required to adhere to the emergency on-call schedule. On-call employees will be reimbursed for mileage from home to work location and from work location to home. The mileage rate paid is the rate published by the State of Alabama in accordance with Act 99-362.

- A. When an employee works on a holiday that is listed by the Housing Authority as an approved holiday, that employee shall be paid for eight hours for the holiday, plus straight time, for the actual time worked.
- B. Paid leave time (including holidays) shall **not** be counted as hours worked, for purposes of overtime calculations.

530. COMPENSATORY TIME

Compensatory time is compensation for time worked, in excess of an employee's normal work week, in lieu of being paid. The employee may elect to receive compensatory time (subject to the approval of the President/CEO) or to be paid for work in excess of a normal work week.

Compensatory time shall be compensated by accrual at 1.5 hours-for-hour for non-exempt employees and must be used within one year of accrual. Any compensatory time not used within one year of accrual shall be paid at the employee's rate at the time it was accrued. The Housing Authority may ask an employee to voluntarily take compensatory time off and, if the employee refuses, the Housing Authority may order the employee to use compensatory time at specified times. Compensatory Time must be taken before all other accrued leave, except for sick leave.

According to the Fair Labor Standards Act (FLSA), an employee cannot accumulate more than 240 total hours of compensatory time (480 hours for public safety, emergency response, or seasonal activities).

540. SALARY PAYMENTS AND EFFECTIVE DATES

Employees of the Housing Authority shall be paid every two weeks (bi-weekly). Each pay period consists of 10 workdays. The normal payday is Friday; however, when the payday falls on a holiday, pay will be directly deposited on the last working day prior to the holiday. The legal rates of pay, for payroll purposes, are hourly. Annual rates of pay are listed in the pay plan, for administrative purposes only.

In principle, every effort will be made to ensure the accuracy and timeliness of an employee's pay. However, the Housing Authority is not responsible for events beyond its control or the actions of its employees. Adjustments to employee compensation will normally be made in the following pay period. However, adjustments may be made, depending upon the severity of the error or problem, during the same pay period.



550. MERIT INCREASE MATRIX

To be used in conjunction with an MHA's Pay Plan. Actual merit increases are determined based on the assigned performance factor noted in the table and the employee's position in the salary range. The President/CEO may award one-time payments for exceptional performance(s).

Rating	Exceptional (4)	Exceeds Expectations (3)	Successfully Meets Expectations (2)	Needs Improvement (1)
Rating ►	4.0 – 3.5	3.4 – 3.0	2	1
Percentage Increase	5%	3%	0%	0%

SECTION 600-640

PERFORMANCE EVALUATIONS

600. PERFORMANCE APPRAISALS

Supervisors are required to conduct annual performance evaluations for each employee. When recommending a pay increase, the supervisor must submit supporting documentation and the employee must have an overall rating of "3" or higher on his/her Performance Evaluation (Appendix V - MHA's Performance Appraisal Form), to receive the pay increase. Performance evaluations are intended to assist supervisors in documenting employees' performances and in communicating their appraisals to the employees. Employees who have been under new supervision for six months or less may request that the President/CEO complete their evaluations, with the understanding that it will be based solely on the employee's contributions to completed projects and/or tasks assigned to their respective department as a whole.

- A.** Employees are asked to sign the performance appraisal forms to acknowledge that their work performance has been reviewed by them.
- B.** Signing the performance appraisal form does not signify agreement with the rating.
- C.** Performance appraisals will be prepared by the employee's immediate supervisor and reviewed and approved by the Department Head.
- D.** The annual performance appraisal of the President/CEO will be prepared by the Chair of Montgomery Housing Authority's Board of Commissioners, and he/she may consult with other Board members for input and/or concurrence.
- E.** Any employee who scores a rating of 2 or less on their annual evaluation is subject to a progressive improvement plan that is designed by his/her immediate supervisor, to improve performance.
- F.** If the employee fails to improve his/her work performance after 6 months, then he/she is subject to further disciplinary action leading up to and including termination.

610. PAY INCREASE

All employees are eligible for an increase in salary on his/her anniversary of employment, subject to an annual budget review if his/her performance evaluation supports the recommendation by the supervisor. Pay increases shall not be automatic but shall be dependent upon the approval of the President/CEO.

620. PROMOTIONS

Promotions will be based on qualifications, job performance, and merit as determined by employee performance appraisal. Seniority or length of service is to be regarded as a factor only when all other factors are equal.

620. PROMOTIONS (Continued)

An employee who is promoted (moved to a position with a higher salary range) to a new job classification shall be entitled to the corresponding compensation.

- A. If an employee promoted to a higher class is found unsuited for the work of the class to which promoted, the employee shall be reinstated to the previous position or comparable position.
- B. Time spent under a temporary appointment to a position immediately prior to the official promotion to that same position will be credited as time served in that position.

630. SALARY CHANGES

- A. Any increase or decrease in salary will be effective from the date of entitlement.
- B. All payroll changes shall be approved by the President/CEO or his/her designee.

640. PAYMENT OF SEPARATING EMPLOYEES

Regardless of how an employee separates from MHA (resignation, termination, reduction-in-force), the wages and compensation earned and unpaid at the time of such discharge, less any debts owed to MHA, shall become due and payable.

- A. Accumulated/compensated leave (consisting of accrued vacation and/or personal, sick, and compensatory leave balances) will be paid in lump sum
- B. Pay will be calculated, as prescribed in the Personnel Policies and Procedures manual.

SECTION 700-795

EMPLOYEE BEHAVIOR

700. STANDARDS OF CONDUCT

Employees will conduct themselves in a manner that will preserve public confidence in and respect for the Housing Authority and its programs. See also Code of Ethics, Section 110. Employees will treat all persons with courtesy, impartiality, fairness, and equality under the law. Employees must avoid both actual and seeming conflicts between their private self-interest and public interest. Exploitative relationships with tenants of a personal or business nature are not permissible.

710. CONFLICT OF INTEREST (FRIENDS AND RELATIVES)

In order to ensure that there is no conflict of interest and no appearance of a conflict of interest, no employee shall be involved in any way in any official act, in the employee's capacity as an MHA employee or officer, where said act involves any individual who is a relative, close personal friend and/or associate of the employee, including but not necessarily limited to:

- Determination or redetermination of eligibility for initial or continued occupancy or participation.
 - HQS inspections, Rent Reasonableness, and default/abatement of rent payments.
 - Any act related to continuation or termination of occupancy or participation (such as issuance of notice of intent to terminate lease, eviction, or any similar action).
 - Any act related to the initial employment with MHA for such relative, close friend, and/or associate
 - Any other act that could be construed as a benefit to such relative, close friend, and/or associate (such as a waiver of delinquency charges, change in position on a waiting list, or any similar action).
- A. For the purposes of this section, the following persons will be considered relatives, close personal friends, and/or associates:**
1. A boyfriend/girlfriend.
 2. A present or former roommate.
 3. Anyone to whom one or one's spouse (or boyfriend/girlfriend) feels a personal loyalty or obligation.
 4. Anyone with whom one or one's spouse (or boyfriend/girlfriend) has a financial interest.

5. Anyone to whom one or one's spouse (or boyfriend/girlfriend) owes money or services.
6. Anyone to whom you or your spouse (or boyfriend/girlfriend) were formerly married.
7. Any other person or persons that may cause an employee to feel conflicted in making a judgment on behalf of MHA.

B. For the purposes of this section, the following will not be considered friends:

1. Persons whom you have met through the course of work at MHA consider or refer to you as their friend only because you have been helpful and courteous in the past.
2. Persons with whom you have worked or have gone to school but with whom you do not associate or spend personal time with.
3. Persons to whom you have been introduced, but do not know and you do not associate or spend personal time with.
4. A person to whom you have been estranged.
5. A neighbor to whom you are not close and with whom you do not associate or spend personal time with.

C. For the purposes of this section a "Relative" shall be defined as follows:

1. Spouse (or boyfriend/girlfriend)
2. Child, grandchild, or foster child; child, grandchild, or foster child of spouse (or boyfriend/girlfriend)
3. Father, or father of spouse (or boyfriend/girlfriend)
4. Mother, or mother of spouse (or boyfriend/girlfriend)
5. Grandparent, or grandparent of spouse (or boyfriend/girlfriend)
6. Brother, or brother of spouse (or boyfriend/girlfriend)
7. Sister, or sister of spouse (or boyfriend/girlfriend)
8. Aunt, or aunt of spouse (or boyfriend/girlfriend)
9. Uncle, or uncle of spouse (or boyfriend/girlfriend)
10. Cousin, or cousin of spouse (or boyfriend/girlfriend)
11. Niece, or niece of spouse (or boyfriend/girlfriend)
12. Nephew, or nephew of spouse (or boyfriend/girlfriend)



It is the employee's responsibility to disclose to his immediate supervisor or the President/CEO, whether his/her involvement will constitute a conflict of interest, using these guidelines. Failure to do so may be subject to disciplinary action leading up to and including termination.

If after using these guidelines the employee is unsure if their business relationship with a client or potential employee is in violation of this section, they should consult Human Resources for a final determination.

720. CHANGE OF STATUS

Employees have the responsibility to make sure their personnel records are up to date and should notify Human Resources in writing of any changes in primary information, such as:

- Address and telephone number
- Marital status and number of dependents (for benefits and tax withholding purposes only)
- Legal Name
- Individuals to be notified in the event of accidents
- Beneficiary designations for retirement and/or insurance

730. OUTSIDE EMPLOYMENT

Outside employment is discouraged. Such outside employment must not interfere with the employee's ability to perform his/her Housing Authority job in a satisfactory manner and shall not be in conflict with the goals and reputation of MHA.

740. SOLICITATION

Employees must not solicit other employees for any purpose during working time. This does not include mealtimes. Employees are not permitted to distribute literature of any kind at any time on Housing Authority property unless prior approval has been granted by the President/CEO. People who do not work for the Housing Authority, or are not approved vendors, are prohibited from distributing literature of any kind or soliciting employees for any purpose at any time on Housing Authority property.

750. SEARCHES

Supervisors and security personnel have the authority to request that any employee open for inspection, any package or other container brought to or taken from Housing Authority offices, all work areas, desks, lockers, rest areas and lounges, parking lots, driveways, loading docks, and any vehicle owned or leased by the Housing Authority.



Random searches of Housing Authority property, including lockers and desks, can be conducted at any time when there is reasonable cause to believe that property has been illegally taken or removed. If an employee is found to have illegally taken or removed Housing Authority property without authorization, he or she is subject to discipline up to and including dismissal



Prohibited items or substances will be turned over to law enforcement agencies, when appropriate. Any employee found to be in possession of an item or substance prohibited by this policy will be subject to disciplinary action up to and including dismissal. Any employee who refuses to comply with a search or investigation in accordance with this policy will be subject to disciplinary action leading up to and including termination.

760. EMPLOYEE APPEARANCE

Employees will observe reasonable standards of neatness and good grooming at all times in accordance with MHA'S Dress Code Policy (Appendix VI). It is the policy of the Housing Authority that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

Employees are expected at all times to present a professional, businesslike image. Favorable personal appearance is an ongoing requirement of employment with the Housing Authority. Radical departures from conventional dress (business casual), personal grooming and hygiene standards are not permitted. Certain employees may be required to meet special dress, grooming, and/or hygiene standards, depending on the nature of their jobs, or may be required to wear employer-supplied uniforms.

Employees not meeting the standards of this policy will be required to take corrective action, which may include leaving the premises. Repeated violations of this policy will be cause for disciplinary action leading up to and including termination.

770. POLITICAL ACTIVITY

In accordance with the provisions of the "Hatch Act," employees shall not take an active part in politics or political campaigns during work hours. Additional laws governing political officials and employees are found in Act 2280, Sections 13 and 14, and in Act 83-497, 1983 Regular Session, which is also known as the Equality of Citizenship Act. For additional information and/or clarification, please call (800)85-HATCH.

Refer to Rule X of the City and County of Montgomery Personnel Board Rules and Regulations for a complete synopsis of the State of Alabama rules governing employee Political Activity.

780. WORKPLACE HARASSMENT POLICY

MHA is dedicated to maintaining a work environment that is free from sexual or any other kind of harassment or intimidation, whether committed by or against employees, including officers and supervisors, residents, tenants, and/or visitors. Any form of harassment is a strict violation of *Title VII of the Civil Rights Act of 1964*. MHA will not tolerate any form of harassment based on the following factors: **Race, sex, color, creed, religion, national origin, citizenship, age, disability, marital status, sexual orientation, ancestry, veteran status, socioeconomic status, or any characteristic that is protected by law.**

Examples of "**harassment**" that is covered by this policy include offensive language, jokes, or other physical, verbal, written, or pictorial conduct relating to an individual's race, sex, color, national origin, age disability, religion, sexual orientation, ancestry, veteran status, or any other characteristic

protected by the law that would make a reasonable person feel uncomfortable or would interfere with the person's work performance.

The examples above are not intended to be an all-inclusive list. It is impossible to list every type of behavior that could be considered harassment in violation of this policy. In general, any conduct based on these traits that could interfere with an individual's work performance or could create an offensive environment will be considered harassment in violation of this policy.

A. Prohibition Against Sexual Harassment

Sexual harassment is illegal workplace harassment that occurs due to the sex or gender of the victim. Employees shall not engage in conduct constituting sexual harassment. Sexual harassment can consist of unwelcome sexual advances, requests for sexual favors, demands for sexual favors, or other verbal or physical acts of a sexual or gender-based nature, such as repeated offensive flirting, touching, and graphic comments about an individual's dress or body. Sexual harassment is illegal and is strictly prohibited. The Board will not tolerate any form of sexual harassment.

Examples of Prohibited Conduct (The following are examples of the types of behavior that may be considered sexual harassment in violation of this policy. These are examples and are not intended to exclude other actions that may constitute prohibited harassment):

- “Sexist” comments or behavior (conduct that demeans other individuals because of their sex, even if not vulgar, lewd, or sexually provocative).
- Unwelcome sexual advances - whether they involve physical touching or not.
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Inquiries into one's sexual experiences.
- Discussion of one's sexual activities.
- Promising favorable treatment or threatening unfavorable treatment based on an individual's response to sexual demands.
- Displays of sexually oriented reading materials or pictures, including electronic materials.
- Punishing an employee for complaining about sexual harassment, including but not limited to, any of the above.

B. Harassment Based on Race, Color, National Origin, Age, Sex, Pregnancy, Citizenship, Familial Status, Disability, Status as Veteran, Genetic Predisposition, Religion, Ethnicity, Sexual Orientation, or otherwise.

Harassment based on race, color, national origin, age, sex, pregnancy, citizenship, familial status, disability, status as a veteran, genetic predisposition, ethnicity, sexual orientation, religion, or otherwise deserves special mention and is also strictly prohibited. Examples of the types of behavior that will be considered harassment based on these characteristics include but are not limited to:

- Jokes, slurs, innuendo, epithets, words that degrade an individual or negative comments about these characteristics
- Displays of reading materials, cartoons, drawings, pinups, greeting cards posters, calendars, images, or pictures containing negative material about these characteristics, including electronic materials
- Vandalism or “pranks” based on these characteristics
- Name-calling based on these characteristics
- Punishing an associate for complaining about these types of harassment

Special note regarding religion: It is not a violation of this policy for you to discuss religion or to read or view religious materials at work during non-working time. However, for those who do so, you should be sensitive to and respectful of the different beliefs (or lack of beliefs) of others.

C. Harassing use of MHA Computer, Internet, and Voice Mail Systems

Use of the company computer or Internet system and voice mail system for any harassing purpose (as defined above) will be treated as a violation of this policy.

EMPLOYEE RESPONSIBILITY

MHA cannot resolve matters that it does not know about. Anyone who believes that he or she has experienced or witnessed harassment or retaliation should promptly report such behavior in writing to his or her supervisor. The employee should document all incidents of harassment to provide the fullest basis for investigation should it subsequently become necessary. That is true whether the alleged harasser is an employee, supervisor, or even a non-employee whom the employee has contact with while at work. No employee alleging harassment shall be required to present the matter to the person who is the subject of the complaint. If the supervisor is the subject of the complaint, the employee may go up the chain of command to the Department Head, Human Resources or President/CEO.

INVESTIGATIONS OF HARASSMENT

The supervisor receiving the complaint shall promptly start an investigation of the allegation. The President/CEO must be contacted. The President/CEO and legal counsel will review the completed



investigation for prompt and appropriate action to be taken if warranted. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed, MHA will take such action as is appropriate under the circumstances leading up to and including termination.

NO RETALIATION FOR GOOD-FAITH COMPLAINTS

Employees will not be punished for bringing a good faith report of harassment to MHA's attention or for cooperating in an investigation. If an employee believes he has been retaliated against for making a good-faith complaint of harassment or participating in a harassment investigation, he should immediately contact his supervisor or the President/CEO.

MHA'S COMMITMENT TO AN EFFECTIVE HARASSMENT POLICY

An effective Harassment Policy depends on all employees working together to address this very important subject. MHA will strive to nurture a climate that encourages all of us to contribute our best to the accomplishment of the Housing Authority – by respecting each other's dignity, recognizing each other's merit, and providing equal opportunity for employment, development, and advancement.

790. DRUG-FREE WORKPLACE

MHA is committed to a Drug-Free Workplace. In compliance with the Drug-Free Workplace Act of 1988, the Housing Authority prohibits the use, consumption, sale, purchase, transfer, possession, manufacture, distribution, or dispensation of any controlled substance by any Housing Authority employee, intern, or enrollee in a HUD-funded program during working hours, while on the premises, while representing the Housing Authority, or while at an assigned workplace. The Housing Authority believes that a drug-free workplace will ensure maximum productivity and quality of service to its residents. It also believes that a drug-free workplace is necessary to meet its legal and ethical obligations to its residents and workers and is a matter of sound business judgment. In December 1997, MHA's Board of Commissioners adopted a substance abuse policy. On February 15, 1999, the Board of Commissioners updated the substance abuse policy by adopting the Alabama Drug-Free Workplace Policy (Appendix VII) which deals with prohibitions, training, testing, rehabilitation, and disciplinary actions.

- A. The Housing Authority will, to the best of its ability, work with employees suffering from drug or alcohol abuse or other personal or emotional problems to receive assistance. Any employee seeking such assistance is encouraged to meet with his/her supervisor(s), the President/CEO or his/her designee to discuss the situation before the problem begins to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential by management personnel.

1. The employee's decision to seek assistance before the abuse comes to the attention of management will not be used as the basis for disciplinary action or used against the employee, in any disciplinary proceedings.
 2. Employees who voluntarily request assistance with a drug use problem, and employees who have tested positive for drug use will be required to enter into a written “last chance” agreement with the Housing Authority which includes satisfactory participation in a prescribed drug or alcohol abuse assistance or rehabilitation program approved by MHA's President/CEO for such purposes.
 3. The Housing Authority is not required to pay for this rehabilitation or reimburse the employee for expenses incurred. Failure of an employee to voluntarily participate in a drug or alcohol abuse assistance or rehabilitation program, or to satisfactorily attend the program as set forth in the written agreement between the employee and the Housing Authority, shall result in automatic termination of the employee.
 4. The employee will be subject to periodic drug testing for six months to one year after the date of the “last chance” agreement. Refusal to submit to drug testing will result in automatic termination.
 5. “Last chance” agreements are only available for issues involving the use of drugs, and not for other offenses subject to disciplinary action even if those offenses were caused by or are related to the use of drugs.
 6. An employee will be allowed only one “last chance” agreement. Subsequent confirmation of use of prohibited drugs will result in immediate termination.
- B.** Employees found to be abusing drugs or convicted of any criminal drug statute violation, will be subject to appropriate disciplinary action leading up to and including termination, even for a first offense.
- C.** Employees must notify the President/CEO in writing, of any criminal drug statute conviction for a violation occurring in the workplace, during working hours, or while representing the Housing Authority, no later than five days after such conviction. Any employee found to be in violation of this notification requirement will be terminated.
- D.** The Housing Authority will print and distribute a statement notifying employees of MHA's Drug-Free Workplace Policy and notify the employees in the statement, that as a condition of employment, employees must abide by the terms of this Policy. All employees must sign a copy of this statement acknowledging receipt and understanding of its contents.
- E.** The Housing Authority is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants and employees will be asked to provide body substance samples (such as hair, urine, saliva, breath, blood, or any other) to determine the illicit or illegal use of drugs and alcohol.

Employees are prohibited from using, possessing, transmitting, or selling drugs, and from testing positive for drug use. Possession of paraphernalia used in connection with any drug or substance subject to this rule is prohibited. Containers which may be used to transport or store drugs such as toll boxes, purses, and lockers are subject to inspection while on the property of the Housing Authority.

Drug testing may occur as follows:

1. As part of the pre-employment process.
2. Upon reasonable cause or suspected drug use.
3. Upon return from a leave of absence.
4. As a follow-up to a rehabilitation program.
5. Upon information that an employee has caused or contributed to an accident at work.

Employment decisions will only be made upon the results of a confirmatory test.

Copies of the drug testing policy will be provided to all employees. Employees will be asked to sign an acknowledgment form indicating that they have received a copy of the drug testing policy. Questions concerning this policy or its administration should be directed to Human Resources.

- F.** A supervisor may upon reasonable suspicion and after consulting with the President/CEO or his designee, ask any on-duty employee to submit to an immediate alcohol and drug test. The employee will be immediately taken by the supervisor, or another management employee to the appropriate agency/hospital/clinic for testing. The employee may be immediately removed from duty and assisted in getting home after the drug and alcohol test. When "reasonable suspicion" is the grounds for requiring a drug/alcohol test, the employee shall be placed on leave until the test results are available and a preliminary investigation has been conducted. If the drug test yields a negative result, then the employee will be given the leave with pay. If the drug tests yield a positive result and the positive result is confirmed, the employee shall be placed on leave without pay.
- G.** An employee who refuses to consent to a drug and/or alcohol screening test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action leading up to and including termination.
- H.** An employee whose drug test yields a positive result will be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test. If the second test confirms the positive test result, the employee will be notified by Human Resources. The notice shall identify the particular substance found and its concentration level. At that time, at his/her own expense, the employee may have a third test conducted on the same sample at another laboratory selected by the Housing Authority.
- I.** Confirmed positive test results will subject the employee to disciplinary action leading up to and including termination. Factors to be considered in determining the appropriate disciplinary action include but are not limited to, the employee's work history and job



performance, sick and annual leave history, current job performance, and the existence of past disciplinary actions. An applicant will be provided with an opportunity to meet with Human Resources to comment and provide input regarding the results of any positive test.

791. COMPUTER/INTERNET USAGE POLICY

It is the policy of the Housing Authority to use personal computers to improve communication, provide better access to information, improve service to our clients, enhance the productivity of employees, and lower the overhead cost of delivering services. The security, integrity, and accuracy of information contained in these computers are the responsibility of every employee. Refrain from using social media while on work time or equipment we provide unless it is work-related as authorized by your manager or consistent with the Company Equipment Policy.

Do not use MHA's email addresses to register on social networks, blogs, or other online tools utilized for personal use (Appendix VIII - Computer/Network/Internet Policies).

- a) Employees shall not use MHA computers, phones, software, servers, or email accounts for personal use.
- b) Employees are responsible for their use of MHA's email, server, electronic communications, and public internet access. Any such use shall be consistent with this Policy Manual and all prohibitions set forth herein. Transmitting, accessing, retrieving, or storing any communication or other content of a defamatory, discriminatory, harassing, or pornographic nature is strictly prohibited. No communications or content of a derogatory or inflammatory nature about any individual's race, age, sex, disability, religion, national origin, physical attributes, gender identity, sexual preference, or any other protected class may be transmitted, accessed, or stored.

792. SOCIAL MEDIA POLICY

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's weblog or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with MHA, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates, or otherwise adversely affects members, customers, suppliers, or people who work on behalf of MHA or MHA's legitimate business interests may result in disciplinary action up to and including termination. Employees shall refrain from using social media while on work time or on the equipment we provide unless it is work-related as authorized by your manager or consistent with the Company Equipment Policy. Do not use MHA's email addresses to register on social networks, blogs, or other online tools utilized for personal use.

- a) Employees shall not access social media, for personal use, during work time.

- b) Each employee is responsible for his or her use of social media regardless of when or where such use occurs. Employees are responsible for any use of social media that violates any provision of this Policy Manual regardless of when or where such use occurs.

793. ETHICS REQUIREMENTS

No employee shall accept any gift, gratuity, money, or the promise of same, from anyone, including but not limited to tenants, prospective tenants, or any other individuals who may benefit under any program or project administered by MHA.

This restriction shall not be interpreted as prohibiting the acceptance of baked goods, candy, seasonal foods, or similar items given in the spirit of goodwill. Under no circumstances should any MHA employee or officer ever solicit anything of value, whether within the \$25.00, limit or not, for that respective employee/officer or any relative, close personal friend, and/or associate of the respective employee/ officer. No MHA employee or officer should ever accept any item, gift, or gratuity, the value of which exceeds \$25 per occasion or a cumulative value of \$50 per calendar year. This restriction applies to gifts between employees/officers within MHA.

Under no circumstances should an MHA employee or officer use or disclose confidential information gained as part of the employee/officer/s employment at MHA for the benefit of that employee/officer or any relative, close personal friend, and/or associate of the respective employee/officer.

Under no circumstances should an MHA employee or officer solicit employment with any entity or individual that the respective employee/officer oversaw or regulated during the employee/officer's employment at MHA.

All actions by MHA employees/officer should be in conformity with all applicable Alabama and HUD ethics laws. In the event that an MHA employee/officer is uncertain as to whether any action violates any such applicable laws, that employee/officer should seek immediate guidance from MHA's Human Resources department.

OBLIGATION OF EXPENSE

No employee shall obligate the Housing Authority for the purchase of any equipment, supplies, services or for any other expense, without the prior written approval of the President/CEO or his/her designee(s) through the proper procurement process of the Housing Authority. The unauthorized use of an MHA credit card, gas card, telephone, cellular phone and/or any suppliers' credit accounts for an employee's personal purposes shall be subject to disciplinary action leading up to and including termination. Reimbursement by an employee for such unauthorized use does not preclude the institution of disciplinary action against the employee.

CLIENTS' CONFIDENTIAL INFORMATION

The Housing Authority has certain information about residents that is private. Keeping such records private is a requirement of the Federal Privacy Act. All employees are required to keep information about residents confidential. An employee who divulges unauthorized confidential information may be terminated and may also be subject to certain federal fines or imprisonment.



FRATERNIZATION POLICY

The relationship between Montgomery Housing Authority's (MHA) officers, employees, and tenants/resident should be one of professional cooperation and respect. All MHA officers and employees have a responsibility to conduct themselves in a manner that will maintain an atmosphere that is conducive to the goals of MHA.

It is the policy of MHA that its officers and employees are prohibited from engaging in personal relationships with contractors, tenants and/or residents. Personal relationships may be defined as dating, romantic, sexual and/or otherwise intimate relationships, but are in no way limited to these definitions. MHA adheres to this policy in an effort to prevent favoritism, morale problems, disputes or misunderstandings, potential harassment claims, and inferences of impropriety.

This policy extends to internet chat rooms and social media including, but not limited to Facebook, Twitter, Instagram or similar web sites, cell phones, and all other forms of electronic or other types of communication. This prohibition applies to persons of the same or opposite sex, and it applies regardless of who initiated the communication.

Any supervisor who receives a complaint regarding fraternization shall promptly start an investigation of the allegation. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

If it is determined that inappropriate conduct has been committed, MHA will take such action as is appropriate under the circumstances, including disciplinary action leading up to and including termination.

SECTION 800

DISCIPLINARY ACTIONS

800. DISCIPLINARY ACTIONS

The Housing Authority shall have the following alternatives for disciplinary action:

Reprimands - The supervisor shall under normal circumstances verbally reprimand an employee to warn that employee about unsatisfactory work performance or misconduct. Any verbal reprimand shall be documented and dated by the supervisor, and the documentation shall be placed in the employee's personnel file. The supervisor and/or department head, or the President/CEO may submit a written reprimand to an employee when an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted. A copy of the written reprimand shall be filed in the employee's personnel file.

Suspension - The President/CEO may suspend an employee without pay for cause up to 30 days. Special rules apply to employees who are classified as exempt under the Fair Labor Standards Act. Disciplinary deductions may be made from the wages of those employees, without loss of exempt status, for:

- Partial day deductions or more for a violation of a safety rule of major significance.
- Full-day deductions or more for violations of workplace conduct rules provided that the policy:
 - Covers serious workplace misconduct (not performance or attendance)
 - Is written
 - State violations could result in unpaid disciplinary suspension
 - Applies to all employees
 - Suspensions for other violations must be for a full work week.

Suspensions in excess of 30 calendar days in any fiscal year may be appealed by a regular employee to the Personnel Board. Suspensions of 30 calendar days or less may not be appealed to the Personnel Board.

Demotion - The President/CEO may demote an employee for inefficient performance of duties, for disciplinary reasons, or other good causes to a classification with a lower maximum salary range. A written statement of the reasons for demotion shall be submitted to the employee. A copy of the reason for demotion shall be filed in the employee's personnel file.

Dismissal - An employee may be dismissed by the President/CEO for cause. A dismissal shall be defined as an involuntary separation from employment. A written statement of the reason(s) for the dismissal shall be furnished to the employee affected. A copy of the reason for dismissal shall be filled in the employee's personnel file.

- A. No employee of the Montgomery Housing Authority will be suspended, demoted, or dismissed without the benefit of a formal hearing before the President/CEO, or his or her designee, to consider the facts and circumstances. The employee shall be notified, a minimum of three working days in advance, of a scheduled hearing date, the purpose of the hearing, and the charges that are being made. The employee will have the opportunity to be present at the hearing, present witnesses on his or her behalf, and be represented by legal counsel.

B. Rules and Regulations Governing Penalties for Offenses

In recognition of the fact that each instance differs in many respects from somewhat similar situations, the Housing Authority retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases that may arise in the future. Examples given in any rule do not limit the generality of the rule. The rules and regulations are not to be construed as limitations upon the retained rights of the Housing Authority, but merely a guide.

The Penalties for Offenses are divided into three groups to reflect the degree of severity of offenses. In each group and for each rule, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of service records, and the ability of the employee concerned. In each case, where the penalty is modified from the recommended standard penalties, the reason for such modification will be noted.

1. Group I Penalties for Offenses

Below are disciplinary actions, and rules and regulations violations (but are not limited to), for Group I penalties:

First Offense - Verbal warning and instructions

Second Offense - Written reprimand and instructions

Third Offense - One to four-day suspension without pay

Fourth Offense - Dismissal

- a. Failure to work assigned hours, including overtime; working overtime without prior approval.
- b. Not working, wasting time, and/or loitering.
- c. Taking more than the specified time for meals or rest periods without approval.
- d. Productivity or workmanship not up to required standards of performance.
- e. Mistakes due to carelessness.
- f. Disregarding job duties by loafing or neglecting work during work hours.
- g. Tardiness - reporting to assigned work area after reporting time.

- h. Chronic absenteeism - frequent unexcused absences.
- i. Violating a safety rule or safety practice.
- j. Failure to report an accident or personal injury in which the employee was involved while on the job.
- k. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, demonstrations on the job, or similar types of disorderly conduct.
- l. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
- m. Not getting along with co-workers.
- n. Distributing written or printed material of any description on MHA premises unless authorized by the Department Head or the President/CEO.
- o. Smoking in restricted areas.
- p. Inappropriate dress, grooming, or personal hygiene.
- q. Abuse of telephone privileges; making excessive use of telephones for purposes not related to Housing Authority business.
- r. Posting inappropriate material either on or off the job, which would tend to adversely affect the employee's relationship to his or her job, or his or her co-workers.

2. Group II Penalties for Offenses

Below are disciplinary actions, and rules and regulations violations (but are not limited to) for Group II penalties:

First Offense - Written reprimand and suspension without pay with the approval of the President/CEO.

Second Offense - Dismissal

- a. Sleeping during work hours.
- b. Mistakes due to carelessness that affects the safety of personnel, equipment, tools, or property.
- c. Unauthorized posting on, or removal of any matter from bulletin boards on Housing Authority property.

- d. Use or possession of another employee's tools or equipment without the employee's consent.
- e. Causing materials, parts, or equipment to be lost, damaged, or scrapped due to carelessness.
- f. Gambling or game of chance on Housing Authority property at any time.
- g. Wanton and willful neglect in the performance of assigned duties.
- h. Driving an MHA vehicle without a valid driver's license.
- i. Use of Housing Authority equipment and/or vehicles for personal use.
- j. Abuse of Internet privileges during work hours (i.e., social chat rooms, non-work-related emails, forwarding/composing sexually explicit emails, etc...).
- k. Discourtesy to persons with whom the employee comes in contact while performing his or her duties, particularly supervisors.
- l. Leaving assigned work areas during working hours, and without permission.

3. **Group III Penalties for Offenses**

Below are disciplinary actions, and rules and regulations violations (but are not limited to), for Group III penalties:

First offense - Dismissal

- a. Deliberate misuse, destruction, or damage of any Housing Authority property or property of any employee.
- b. Falsification of personal or Housing Authority records including, but not limited to, employment applications, accident records, purchase orders, timecards, timesheets, educational transcripts, work records, work orders, etc.
- c. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits or worker's compensation benefits.
- d. Insubordination by refusing to perform work assigned or refusing to comply with written or verbal instructions of supervisory personnel.
- e. Unauthorized possession of firearms, explosives, all types of knives or weapons on or off Housing Authority property while on duty as a Housing Authority employee.
- f. Theft or removal from Housing Authority locations, without proper authorization, of any Housing Authority property or property of an employee.

- g. Immoral, unlawful, or improper conduct or indecency either on or off the job, which would tend to affect the employee's relationship to his or her job, or his or her co-workers.
- h. Sexual harassment as described in this policy.
- i. The possession, use, and/or sale of illegal drugs/narcotics and/or alcohol in any form while on duty with the Housing Authority.
- j. Proven incompetence or inefficiency in the performance of assigned duties in his or her position.
- k. Use or attempted use of a political influence or bribery to secure an advantage in any manner.
- l. Threatening, intimidating, or coercing a fellow employee or supervisor (includes abusive language).
- m. Divulging unauthorized confidential information concerning Housing Authority residents.
- n. Failure to return to work, while on jury duty, if the employee is released from jury duty prior to the end of a workday or the work week. Reasonable excuses will be considered.
- o. Refusal to submit to Reasonable Suspicion Testing, as prescribed in the Montgomery Housing Authority Substance Abuse Policy.
- p. Testing positive for a controlled substance, other than medication that is legally prescribed by a physician, provided that said medication is not being abused.
- q. Provoking or instigating a fight or fighting at any time, on or off Housing Authority property, while on duty or breaks.
- r. Workplace harassment.
- s. Bribery; receipt from any person of any fee, gift, or other valuable item, during the course of work, when such fee, gift, or other valuable item is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons or outside vendors.

ANY COMBINATION OF GROUP I, II OR III PENALTIES FOR OFFENSES WILL BE ALL INCLUSIVE WHEN APPLYING DISCIPLINE.



SECTION 900

PROCEDURES FOR EMPLOYEE GRIEVANCE AND PERSONNEL HEARINGS

The Housing Authority maintains an open-door grievance policy that permits an employee to discuss problems, concerns, or grievances with the individuals identified below. If an employee has a problem that relates to his or her job, the employee should inform his or her supervisor, in writing, for appropriate resolution. If the problem continues unresolved or if the problem involves the employee's immediate supervisor and the employee does not feel comfortable discussing the matter with such supervisor, the employee should inform, in writing, Human Resources of the problem immediately. If the employee's problem involves Human Resources or any individual with authority over Human Resources, other than the President/CEO, the employee should immediately inform, in writing, the President/CEO. If the problem involves the President/CEO, the employee should immediately inform, in writing, the Chairman of the Board of Commissioners.

Reports of such grievances should document the pertinent and material facts serving as the basis of the grievance including but not necessarily limited to:

- 1) the nature of the grievance;
- 2) facts relating to the grievance including any witnesses, occurrences, related policies, etc.; and
- 3) the desired remedy or outcome.

Reports of grievances should not be delayed as delays may hinder the ability of MHA to address adequately a grievance or, depending on the circumstances, may call into question the legitimacy of a grievance. Accordingly, it is very important to follow the above procedures without delay.

The employee may be assured that his or her concerns can be submitted without fear of reprisal. However, it is not proper for an employee to complain in bad faith or solely for the purpose of delay or harassment.

It is the desire of MHA to address grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. In addressing grievances, MHA may address grievances with a number of processes, as deemed appropriate based on the circumstances, including but not limited to personnel investigations, personnel hearings, disciplinary measures, re-assignments, reviews, audits, etc. Such listed procedures are neither guaranteed nor exhaustive and should not deter an employee from submitting a legitimate grievance.

PERSONNEL HEARINGS

A full-time, non-probationary employee (“Affected Employee”) must receive written notice (“Written Charges”) setting forth with particularity the charges against him or her and an opportunity to be heard on same prior to any suspension, demotion, or dismissal “for cause” by the President/CEO or his or her designee (“Hearing Officer”). The Affected Employee must request, in writing, a hearing to be heard on the charges against him or her within five business days after receiving Written Charges. Should the employee fail to submit timely such a request (“Request for Hearing”), the President/CEO shall act on the Written Charges and the President/CEO’s decision shall be final.

The President/CEO may serve as the Hearing Officer or designate another individual to serve in such capacity. If the President/CEO designates as the Hearing Officer an individual who is employed by the Montgomery Housing Authority (“MHA”), said individual must be employed in a supervisory position. The Hearing Officer must be impartial and cannot be a subordinate of any person who has recommended the subject suspension, demotion, or dismissal. If the President/CEO requests a Personnel Hearing or if a Personnel Hearing is being utilized to address an employee grievance involving the President/CEO, the Chairman of the Board of Commissioners shall designate the Hearing Officer and shall have the authority to execute a micro-purchase necessary for an independent contractor to serve in such capacity. In all cases, the Hearing Officer must be competent to evaluate the issues presented in the subject hearing.

If an Affected Employee timely submits a Request for Hearing, MHA shall conduct an informal hearing (“Personnel Hearing”) in front of the Hearing Officer, in which the Affected Employee can attend, present witnesses, present evidence, and be represented by legal counsel. MHA shall conduct a Personnel Hearing within twenty days after receiving a Request for Hearing, regarding terminations and/or reductions of pay; MHA shall conduct a Personnel Hearings within ten days, after receiving a Request for Hearing regarding suspensions. The Affected Employee shall be notified in writing of the date of this hearing, at least three business days prior to the hearing. Within ten days after the conclusion of the hearing, the Hearing Officer shall provide written notice of his/her decision to the Affected Employee and MHA that includes a written statement of the reasons for said decision (“Notice of Decision”)

PERSONNEL HEARING PROCEDURE

RIGHTS OF EMPLOYEE

An Affected Employee shall attend the Personnel Hearing, unless excused by MHA, and shall be entitled to:

- a. Be represented by counsel or by a representative of the employee's choice;
- b. Testify under oath;
- c. Present witnesses to testify for employees. If witnesses are to be presented at the Personnel Hearing, the names must be submitted to Human Resources at least three (3) business days prior to the time set for the Personnel Hearing;
- d. Cross-examine all witnesses appearing against the employee;
- e. Impeach any witness testifying at the Personnel Hearing to the extent that the Hearing Officer deems such impeachment pertinent to the Personnel Hearing;

- f. Present such affidavits, exhibits, and other evidence as the Hearing Officer deems pertinent to the Personnel Hearing.

APPEARANCE OF EMPLOYEE

The appearance of the employee shall be required at the Personnel Hearing unless excused by the Hearing Officer. Unexcused absence of the employee at such a hearing may, in the discretion of the Hearing Officer, be deemed a withdrawal of the employee's Request for Hearing. Parties are to exchange witness lists and are to provide documents to be used at the hearing at least three (3) business days in advance of the hearing.

EVIDENCE

Prior to the Personnel Hearing and in order to expedite the hearing process, the parties shall confer in good faith for the purpose of stipulating the uncontested facts. At the beginning of the Personnel Hearing, the parties will be expected to submit their stipulation to the Hearing Officer and/or report on their efforts to reach a stipulation. If no stipulation is reached prior to the Personnel Hearing, the parties may be asked at the hearing to stipulate uncontested facts. The Personnel Hearing shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to relying in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions. The rules of privilege and official or judicial notice shall be effective to the same extent as in civil actions. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.

EXCLUSION OF WITNESSES

Upon request by either party, the Hearing Officer must exclude witnesses not under examination, except that the employee and the representative of MHA may be present throughout the hearing and may testify.

When hearing testimony of scandalous or indecent conduct or a sensitive nature, all persons not having a direct interest in the hearing may be excluded.

TESTIMONY OF EMPLOYEE

In hearings, on dismissals, demotions, or suspensions, the Affected Employee shall not be required to testify but may be cross-examined as to any matter relevant to the hearing if the employee takes the stand voluntarily. In any other type of Personnel Hearing, the Affected Employee, if not testifying on his or her behalf, may be called and examined as if under cross-examination.

BURDEN OF PROOF

In discharge or reduction hearings, the burden of proof shall be on MHA to prove the reasons necessary for a discharge or reduction by a preponderance of the evidence.

FINDINGS AND DECISIONS

The Hearing Officer shall issue his/her Notice of Decision and enter the same into the record of the Personnel Hearing. Unless the decision provides otherwise, it shall be effective immediately.



The Notice of Decision shall be mailed promptly to the petitioner and to any interested party. Except for the correction of clerical error such decision shall be final and conclusive.

RECORD OF HEARINGS

MHA's Human Resources Department shall electronically record all Personnel Hearings.

CONTINUANCES

The Hearing Officer may grant a continuance of any hearing upon such terms and conditions as it may deem proper; including in its discretion the condition that the employee shall be deemed to have waived salary for the period of the continuance. Any request for continuance made less than one (1) business day prior to the time set for the hearing will be denied unless good cause is shown for the continuance.

APPEAL HEARING

Within five business days after receiving a Notice of Decision, a full-time, non-probationary employee may request an appeal of said decision to the Personnel Board by submitting a written notice of appeal ("Notice of Appeal") to Human Resources. An affected employee can only appeal suspensions of 30 days or more, demotions, and dismissals. If an employee fails to submit a Notice of Appeal within five business days after receiving a Notice of Decision, the employee shall be deemed to have waived his or her right to any appeal.

If an Affected Employee timely submits a Notice of Appeal, within twenty days after receiving the employee's Notice of Appeal, MHA shall compile and submit the record of administrative proceedings, including any hearing transcript and evidence submitted at the Personnel Hearing, to the Personnel Board. Within 30 days after receiving the employee's Notice of Appeal, the Personnel Board shall conduct a hearing ("Appeal Hearing") to review the decision of the Hearing Officer. The Appeal Hearing shall be limited to a review of the testimony and evidence submitted at the Personnel Hearing. The Affected Employee and/or the employee's counsel can submit arguments at the Appeal Hearing, but the Personnel Board shall not receive or consider any new evidence or testimony. The Personnel Board shall give deference to the Personnel Hearing decision of the Hearing Officer. A final ruling, either affirming or reversing the decision of the Hearing Officer shall be rendered by the Personnel Board within five days after the conclusion of the Appeal Hearing.

APPEAL HEARING PROCEDURE

NOTICE

The Personnel Board shall set the matter for an Appeal Hearing and shall give notice in writing of the date and place for such hearing. Notice shall be given to both parties at least five business days prior to the Appeal Hearing.

BOARD QUORUM

Two members of the Personnel Board constitute a quorum. In the event of a tie vote, the matter will be rescheduled for hearing before the full Board.



RIGHTS OF EMPLOYEE

When an Appeal Hearing is granted, the employee shall attend, unless excused by the Personnel Board, and shall be entitled to:

- a. Be represented by counsel or by a representative of the employee's choice;
- b. Submit the record of the Personnel Hearing for the Board's review; and
- c. Argue the employee's case.

MHA shall be entitled to the same privileges.

APPEARANCE OF EMPLOYEE

The appearance of the employee shall be required at the Appeal Hearing unless excused by the Personnel Board. Unexcused absence of the employee at an Appeal Hearing may, at the discretion of the Personnel Board, be deemed a withdrawal of the Notice of Appeal.

BURDEN OF PROOF

The Personnel Board shall give deference to the Personnel Hearing decision of the Hearing Officer.

FINDINGS AND DECISIONS

Unless the decision provides otherwise, it shall be effective immediately. Notice of the decision shall be mailed promptly to the Affected Employee and to any interested party. Except for the correction of a clerical error, such a decision shall be final and conclusive.

CONTINUANCES

The Personnel Board may grant a continuance of an Appeal Hearing upon such terms and conditions as it may deem proper; including in its discretion the condition that the employee shall be deemed to have waived any salary for the period of the continuance. Any request for continuance made less than one (1) business day prior to the time set for the hearing will be denied unless good cause is shown for the continuance.

RECORD OF HEARINGS

MHA's Human Resources Department shall electronically record all Appeal Hearings held by the Personnel Board.



SECTION 1000 - 1080 EMPLOYEE LEAVE AND PAID HOLIDAYS

1000. HOLIDAY LEAVE

The following holidays with pay will be observed for all regular employees:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25

Employees shall receive eight hours of holiday pay on any day designated as such and recognized by MHA. Employees on approved leave with pay are considered working, if a holiday falls during their vacation leave, and shall not be charged leave time for that day. To be entitled to holiday pay for an authorized paid holiday, an eligible employee must either be present at work, or on approved leave with pay, on the scheduled workdays immediately preceding and following a paid holiday. If an employee is in a “no pay” status for either of these days, then holiday pay will not be granted.

Holidays falling on Sunday, are observed the following Monday. Holidays, falling on Saturday, are observed the preceding Friday. The President/CEO has the discretion of allowing the preceding Monday or following Friday to be designated as a holiday when official holidays fall on Tuesdays and Thursdays. **When working on a legal holiday becomes necessary, rules for overtime shall apply.**



1010. ANNUAL LEAVE

Annual leave is provided to full-time employees for the purpose of rest and relaxation from their duties, and for attending personal business. Employees are strongly encouraged to use their annual leave.

Annual leave will be accrued for each employee annually, on January 1; however, the employee must request annual leave at least three days in advance of the scheduled leave and the leave must be approved in writing by the employee's immediate supervisor; exceptions must be approved by Human Resources. Annual leave in one year may be taken not in excess of the total amount of annual leave accrued. An employee shall be compensated for earned unused annual leave and at the hourly pay rate at the time of separation. Employees on leave, immediately preceding or pending resignation or retirement, do not accrue leave.

Annual leave shall accrue for all employees who work at least the equivalent of half the normal full-time work week. Each full-time Housing Authority employee, in pay status, is eligible to accrue annual leave as outlined below:

<u>Years of Service</u>	<u>Hours Earned</u>	<u>Carry Over/Pay Out</u>	
<u>Less than 5 years</u> 80 hours biweekly	4	248	hours
<u>5 but less than 10 years</u> 80 hours biweekly	4.5	248	hours
<u>10 but less than 15 years</u> 80 hours biweekly	5	274	hours
<u>15 but less than 20 years</u> 80 hours biweekly	6	300	hours
<u>20 years or more</u> 80 hours biweekly	7	326	hours

**** *Approved absences not specifically covered by other provisions of these rules shall be chargeable to annual leave; to the extent it has been accrued.***

- A. In exceptional circumstances, employees with one or more years of service may be advanced annual leave, subject to approval of the President/CEO. An employee who has taken advanced annual leave beyond that accrued at the time of termination shall make restitution for such leave; either by deduction from any amount owed him/her by the Housing Authority or by cash refund.
- B. Employees in full-time positions who are separated from employment are entitled to payment for any unused accrued annual leave.

To ensure that MHA meets its contractual and business obligations, the President/CEO may request employees to work rather than take their annual leave. If the President/CEO makes such a request and the employee agrees, MHA may compensate that employee for annual leave time worked based



on the discretion of the President/CEO. Decisions to provide such compensation will be applied consistently and fairly.

1020. SICK LEAVE

All employees hired for full-time positions and who work at least the equivalent of half the normal full-time work may be granted sick leave with pay. The use of sick leave may be granted when an employee or an employee's immediate family member is incapacitated by illness, injury, and/or pregnancy from the performance of his/her duties, or whose attendance is prevented by public health requirements. All sick leave granted to an employee is subject to his/her immediate supervisor's approval. In those cases where the supervisor is not available, the employee shall notify the next level supervisor, up to and including the President/CEO. Notifying anyone else shall not constitute notifying his/her supervisor and may result in disciplinary action leading up to and including termination.

Each full-time Housing Authority employee in pay status is eligible to accrue sick leave in the amount of four (4) hours per pay period, which shall be computed as earned but may not be accumulated in excess of 960 hours.

- A. The President/CEO, employee's supervisor, and/or Human Resources department reserves the right to require a doctor's certificate for any period of illness. A doctor's certificate will always be required, in order to return to work, after a period of illness of three consecutive working days or more. If the employee has used sick leave, other than scheduled dentist, doctor, optometrist, etc. appointments for more than the equivalent of the employee's three normal working days in the last three-month period, then a doctor's certificate will usually be required. Accordingly, there are only two medical inquiries that the employer may make in connection with a request for sick leave:
 - 1. A medical inquiry may be made to determine whether or not the employee is still able to perform the essential functions of the employee's job.
 - 2. To determine whether or not the employee will pose a direct threat to health and safety in the workplace due to the employee's medical condition.

- B. Any regular employee terminating service may be compensated for 1/2 of sick leave accrued to the date of separation, not to exceed 360 paid hours. No leave is accrued after the effective date of resignation, dismissal, or retirement. Employees on leave immediately preceding or pending resignation or retirement do not accrue leave.

SICK LEAVE DONATION

A Full-Time employee who has worked for at least 12 months with no more than a seven-year break in employment, and who has worked at least 1,250 hours in the 12-month period immediately preceding the date that sick leave donation is needed, may request a donation of sick leave for the employee, employee's spouse (common law or legal) or dependent minor child who suffers extended illness or disability. The President/CEO may approve the transfer of up to 480 hours of unused sick leave days (within the maximum accrued) from one employee to another employee of equal or lower classification (40-hour maximum transfer from one employee to designated employee) - provided that all other available leave has been used, and such requests are:

1. Made in writing
2. Justified by catastrophic circumstances
3. Recommended by the appointing authority
4. Acted upon prior to leave being used
5. All other available leave has been used

*****Donated leave will be transferred to the sick leave bank as needed. The employee to whom the leave is donated will not be paid for any unused leave upon separation.***

1030. BEREAVEMENT LEAVE

The Bereavement Leave Policy establishes uniform guidelines for providing paid time off to employees for absences related to the death of immediate family members and fellow employees or retirees of MHA.

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor as soon as possible. If an employee leaves work early on the day he or she is notified of the death, that day will not count as bereavement leave. In addition to bereavement leave, an employee may, with his or her supervisor's approval, use any available vacation for additional approved time off as necessary. Employees under discipline for attendance issues may be required to provide documentation with regard to their bereavement leave. Bereavement pay is calculated based on the base pay rate at the time of absence, and it will not include any special forms of compensation, such as incentives, commissions, bonuses, overtime, or shift differentials.

Paid bereavement leave will be granted according to the following schedule:

1. Employees are allowed up to four consecutive days off from regularly scheduled duty with regular pay in the event of the death of the employee's spouse, domestic partner, child, stepchild, parent, stepparent, father-in-law, mother, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, or an adult who stood in loco parentis to the employee during childhood.
2. Employees are allowed one day off from regularly scheduled duty with regular pay in the event of the death of the employee's brother-in-law, sister-in-law, aunt, uncle, grandparent, grandchild, or spouse's grandparent.
3. Employees are allowed up to four hours of bereavement leave to attend the funeral of a fellow regular employee or retiree of the company, provided such absence from duty will not interfere with normal operations of the company.

1040. FAMILY AND MEDICAL LEAVE ACT OF 1993

When a serious illness, a contagious disease, or a childbirth and/or adoption occurs in the employee's immediate family, the employee may receive FMLA leave, which may run concurrently with the employee's paid leave. Immediate family is defined as the spouse or child, father, mother, brother or sister of the employee or the employee's spouse, or any other person deemed by the employee's supervisor to be a member of the employee's immediate family.

The Family and Medical Leave Act of 1993 (FMLA) entitles eligible employees to receive a combination of accrued paid and unpaid Family and Medical Leave (FML), not to exceed 12 weeks in a 12-month period. For care of a covered service member under FMLA, accrued paid and unpaid leave is not to exceed 26 weeks in a 12-month period. FML may be taken as Family Care Leave (FCL) or Medical Care Leave (MCL). The "12-month period" in which the 12-weeks, or 26 weeks for covered service member, of leave entitlement occurs will be defined as the 12-month period measured forward from the date of when any employee's first FMLA leave period begins. It is the duty of the President/CEO to designate the leave as FMLA and, within two days of FMLA leave designation, give written notice to the employee, provided adequate notice was given to the President/CEO.

Family leave: Eligible employees, as defined by the Family and Medical Leave Act (FMLA), are entitled to Family Leave, for a period of up to 12 work weeks in a 12-month period, in accordance with the FMLA. It will be required that any unpaid annual, compensatory time, and/or sick leave if it has been earned, be used first and be counted as part of the 12-week FMLA period before unpaid FMLA leave will be used.

*****When an employee is using FMLA leave to care for a child, spouse, or parent who has a serious health condition, a "significant other" (a person with whom the employee shares a long-term relationship that is similar in nature to that of a spouse) will be considered the same as a spouse.***

A. Definitions:

1. **Eligible employee** - one who has worked for the employer for at least 12 months with no more than a seven-year break in employment, and who must have worked at least 1,250 hours in the 12-month period immediately preceding the date FML begins.
2. **Child** - a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years old or a dependent child. In loco parentis means either day-to-day care or financial support where the employee intends to assume the responsibilities of a parent with regard to a child.
3. **Parent** - a biological, foster, or adoptive parent, stepparent, legal guardian, or employee standing "in loco parentis" to a child.
4. **Spouse** - a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including a common law marriage in States where it is recognized.
5. **Covered Service Member (for purposes of caregiver leave)** - current member of the regular Armed Forces, National Guard, or Reserves, including those on the temporary disability retired list, but not including former members or members on the permanent disability retired list.

B. Family Care Leave (FCL)

FCL may be taken for the following reasons:

1. For the birth of a child and in order to care for that child.
2. For the placement of a child through adoption or state approved foster care.
3. “Qualifying Exigency” (any issues related to a military service member's call to duty) arising out of the service member’s current tour of active duty or because the service member is notified of an impending call to duty of a contingency operation. Qualified exigencies are defined to include the following:
 - a. Short-notice deployment; issues that arise from the fact that a covered military member is called to active duty with notice of seven days or less prior to deployment. This leave can be taken during the seven-day period only.
 - b. Military events and related activities - Leave to attend official military events related to active duty, or to attend family support or assistance programs and informational briefings related to the call to active duty.
 - c. Childcare and school activities - Leave to arrange for alternative childcare for a child (as defined by the FMLA) of a covered service member, to provide childcare on an emergency basis (but not a routine, regular, or everyday basis), to enroll a child of a covered service member in school, or to attend school meetings for the child of a covered service member where the leave is necessitated by the active duty or call to active duty of the covered service member.
 - d. Financial and legal arrangements - Leave to make financial or legal arrangements to address the covered service member’s absence for military duty, or to act as the covered service member’s representative for purposes of obtaining military service benefits. Leave can only be taken to obtain military service benefits while the service member is away on active duty or within 90 days of termination of that active duty.
 - e. Counseling - Leave to attend counseling by someone other than a health care provider for the employee, the covered service member, or a child of the covered service member, provided that the need for counseling arises from the military service.
 - f. Rest and recuperation - Leave to spend time with a covered service member who is on a short-term, temporary, rest and recuperation leave during the period of deployment. This leave is limited to five days for each military rest and recuperation visit.
 - g. Post-deployment activities - Leave to attend post-deployment functions, such as arrival ceremonies or reintegration briefings that occur within 90 days following the termination of active-duty status or to address issues that arise from the death of the covered service member, such as making funeral arrangements.

- h. “Additional activities” - These are not defined by either the FMLA or the regulations. The regulations state that such leave is allowed “to address other events which arise out of the covered military member’s active duty or call to active-duty status *provided that the employer and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave*”. Granting leave for “qualified exigencies” for purposes other than those stated above is at the discretion of the employer.

FCL usage may be subject to the following conditions:

1. All accrued paid annual, personal, compensatory, and sick leave, pursuant to rules for the use of sick leave must be exhausted against FCL for any part of the 12 weeks of leave to which the employee may be entitled under FMLA before being placed on leave without pay. Sick leave may only be used for the birth mother while under a doctor’s care. After she is released to return to work, any additional leave used to care for the healthy child must be personal, compensatory, or annual leave for the balance of the 12 weeks.
2. For 12 consecutive weeks measured forward from the birth or placement of the child.
3. If both spouses are employed by the employer, they are entitled together to a total of 12 weeks (rather than 12 weeks each) for the birth or placement of a child.
4. Intermittent or reduced leave schedule is only allowed for FCL due to a qualifying exigency; certification must be provided and should include a copy of the covered military member’s active-duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or called to active-duty status in support of a contingency operation, and the dates of the covered military member’s active-duty service.

C. Medical Care Leave (MCL)

MCL may be taken for the following reasons:

1. To care for a spouse, child, or parent with a serious health condition.
2. For the serious health condition of the employee.
3. Caregiver Leave for an Injured Service member – This benefit provides 26 weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. A recovering service member is defined as a member of the regular Armed Forces, National Guard, or Reserves who suffered an injury or illness while on active duty that may render the person unable to perform the duties of the member’s office, grade, rank, or rating. Intermittent leave is permitted.

MCL may be taken subject to the following conditions:

1. Serious health condition means illness, injury, impairment, or physical or mental condition of the employee, or of a child, parent, or spouse, which warrants the participation of a family member to provide care during a period of the treatment, or supervision of the child, parent, or spouse and also involves:

- a. An inpatient facility, or
 - b. Continuing treatment or continuing supervision by a health care provider.
2. All accrued paid annual, personal, compensatory, and sick leave must be exhausted against MCL for any part of the 12 weeks and 26 weeks for the care of a covered service member of leave to which the employee may be entitled under FMLA before being placed on leave without pay status.
 3. For 12 weeks measured forward from the first day MCL is used and 26 weeks for the care of a covered service member.
 4. May be intermittent or reduced schedule if certified as medically necessary by the health care provider.

Any employee who is unable to report to work and uses FMLA leave intermittently must contact his/her supervisor within 30 minutes after the beginning of that employee's normal workday unless department rules require an earlier reporting time. If the employee's supervisor is not available, the employee shall notify the next level supervisor, up to and including the President/CEO. The employee's time off should be documented to reflect intermittent leave.

5. A medical certification from the health care provider to support a request for leave for an employee's serious health conditions, or to care for a seriously ill child, spouse, covered service member, or parent is required.
 - a. For the employee's medical leave, the certification must state that the employee is unable to perform the functions of his or her position because of a serious health condition.
 - b. For leave to care for a seriously ill child, spouse, covered service member, or parent, the certification must state that the employee is needed to provide care.
6. The employer may require a second medical opinion at its own expense and periodic recertification. If the first and second opinions differ, the employer, at its own expense, may require the opinion of a third healthcare provider, approved by both the employer and employee. This third opinion is binding.

D. Procedures

Employees must follow specific procedures to request a family or medical leave. The procedures are as follows:

1. When the need for leave can be planned, such as the birth or placement of a child, or scheduled medical treatment, the employee must provide reasonable prior notice, and make efforts to schedule the leave to minimize disruption to department operations.
2. In cases of illness, the employee will be required to report periodically on his or her status and intention to return to work.

3. The employee must request FMLA in writing and submit the request to Human Resources. If possible, the request should be submitted 15 days in advance of the effective date of the leave. The Housing Authority may request medical certification from the health care provider who is treating the health condition of the employee or the employee's immediate family member. Under the FMLA law, MHA is responsible for determining when a qualifying event occurs and designating FMLA leave for the employee, in the event that the employee fails to request the leave.

E. Status of Employee Benefits during Leave of Absence

Any employee who is granted FML under this policy may continue his or her group insurance coverage by arranging to pay his or her portion of the premium contributions during the period of unpaid absence. Employees will continue to be covered under the employer's health benefit plan during FML absences in the same manner as they are covered during active employment, even while on unpaid leave of absence.

1. If an employee elects not to return to work upon completion of an approved unpaid leave of absence, the employee will be required to reimburse the employer for his or her coverage at the COBRA rate less 2%, unless the failure to return to work was for reasons beyond the employee's control.
2. Benefit entitlement based upon length of service will be calculated as of the last paid workday prior to the start of the unpaid leave of absence. An employee on leave will not lose any employment benefits accrued prior to the leave, unless a benefit is used by the employee during the leave, such as accrued paid leave. An employee on FML accrues no additional seniority or employment benefits during any period of unpaid leave.
3. An employee must continue retirement contributions at the same rate, for the period of FML.

F. Employment Restoration

Any eligible employee who takes a leave, allowed under FMLA, will be entitled, upon return from such leave, to be restored to the same position of employment as held when the leave began, or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment, unless the employee would otherwise be dismissed or terminated from employment.

1050. LEAVE OF ABSENCE (WITH OR WITHOUT PAY)

An employee may be granted leave without pay (LWOP) for a period not to exceed one year for sickness, disability, education, or other good and sufficient reasons which are considered to be in the best interest of the service upon the approval of the President/CEO. Except for military leave, to be eligible for LWOP, an employee must have exhausted all annual and comp leave and if the employee is sick, all sick leave. An employee may not be absent from work for a period exceeding one year, for any reason, except military leave and worker's compensation leave.

In addition, an employee may be involuntarily and immediately placed on leave without pay by the President/CEO upon the employee's arrest, whether by indictment, complaint, or otherwise, or

upon admission by an employee of any felony, or misdemeanor (other than routine traffic violations) alleged to have occurred on the job or which materially and directly impairs the employee's ability to perform his assigned duties, for a reasonable time, not to exceed 15 days, pending investigation and the giving of a pre-deprivation hearing in compliance with federal law. If following the pre-deprivation hearing, the appointing authority imposes no discipline, the employee shall be given full back pay and benefits.

1060. VOTING PROVISIONS

The Housing Authority considers voting in general and primary elections as both a privilege and a duty of every employee. The employee should make every attempt to visit his or her voting poll during non-working hours. If this is not possible, the employee's supervisor will assist in scheduling the workday to ensure that each employee will have sufficient time to reach his or her polling place while it is still open. Employees who leave work early to vote will not be required to take annual leave.

Supervisors should determine a reasonable departure time for each employee, taking into consideration the operating hours and location of the polling place, and the needs of the department and other employees.

1070. JURY DUTY

The Housing Authority encourages employees to serve on jury panels. When a summons is legally served upon an employee for jury duty, the employee shall immediately inform his or her supervisor or department head by presenting a copy of the summons. A copy of the summons will be retained in the employee's personnel file and attached to his or her timecard. If not selected to serve on a jury, the employee must return to work. If selected to serve on a jury, but not retained for a full workday, the employee must return to work to complete the workday. Failure to return to work, regardless of the reason, may result in disciplinary action leading up to, and including termination. All voluntary court appearances will require the employee to take annual leave or compensatory time.

- A.** All full-time employees, whether probationary or non-probationary, who are subpoenaed to appear as a witness in any civil, criminal, or administrative proceeding shall receive their regular pay in addition to all witness fees.
- B.** No court case in which the employee is a party shall be covered by this provision.

1080. MILITARY LEAVE

All officers and employees of the State of Alabama, or of any county, municipality or other agency or political subdivision thereof, or officers or employees of any public or private business or industry who are active members of the Alabama National Guard, Naval Militia or the Alabama State Guard, organized in lieu of the National Guard, or any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they are engaged in field or coastal defense or other training, or on other service ordered under the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, efficiency rating, annual vacation or sick leave. Notwithstanding the foregoing, no person granted a leave of absence with pay shall be paid for



more than one hundred sixty-eight (168) working hours per calendar year, and those persons shall be entitled in addition thereto to be paid for not more than one hundred sixty-eight (168) working hours at any one time while called by the governor to duty in the active service of the stated. This section shall apply to all schools and institutions of learning supported by state funds.

1090. WORKERS COMPENSATION

Safe, sanitary, and healthy working conditions are provided by the Housing Authority for all personnel. All personnel injured on the job are covered by worker's compensation insurance. The cost of workers' compensation is based on the number of injuries the Housing Authority suffers. The lower the injury rate for Housing Authority employees, the lower the premium costs for worker's compensation insurance. The only way to keep workers' compensation costs under control is to work safely and follow all safety rules.

If injured on the job, the employee is required to immediately report the accident or injury to his or her supervisor, regardless of the nature or severity of the injury. In all cases, injuries should be reported not later than 24 hours after the injury is incurred. Any employees failing to report an injury to their supervisors will be subject to disciplinary action. Injured employees needing medical attention or treatment will be sent or taken to the Housing Authority's worker's compensation doctor as soon as possible. Prior to being treated, every employee will be required to submit to a drug and/or alcohol screen. Failure to submit to a drug or alcohol screen will result in disciplinary action, as outlined in the Housing Authority's Substance Abuse Policy and in the Disciplinary Actions Section of this Manual.

Upon returning from a doctor's visit, an employee must present a doctor's statement to his or her supervisor and adhere to the doctor's instructions. Failure to do so may result in disciplinary action and affect the employee's ability to collect benefits. If the employee is released by an MHA workers compensation doctor, or other medical professional to return to work prior to full recovery, modified duty is permitted if there is temporary, meaningful work for the employee to perform. MHA is not required to create modified duty positions. Modified duty assignments are to be evaluated every six months. If an employee is treated by a physician, other than the Housing Authority's worker's compensation doctor, over a weekend, due to a work-related injury, the employee will be sent to the Housing Authority's worker's compensation doctor before being allowed to return to work. The Human Resources and Property Management Offices will assist employees in scheduling doctor's appointments. Alabama workers compensation laws will be adhered to.

Workers Compensation Leave that is deemed to be a serious health condition, according to the Family and Medical Leave Act (FMLA), will run concurrently with FMLA leave. However, modified duty is provided only to those employees on Workers Compensation leave. Employees who are on FMLA leave only are not eligible for modified duty and may not be required to accept a modified duty assignment.

SECTION 1100-1140

EMPLOYEE BENEFITS

1100. HEALTH INSURANCE

An employee is eligible for health care benefits on the first day of the month following his/her date of employment. This benefit includes basic and major medical expense benefits, dental and vision coverage, a supplemental life insurance policy, and a cafeteria/flexible spending account.

All active full-time employees (40 hours a week or more) are designated eligible for medical and dental insurance as offered through MHA's health care plan. New employees have 30 days to apply for medical and dental benefits. Benefits start on the first day of the following month in which an employee starts his/her employment.

Open enrollment, for current employees, for medical coverage occurs during a designated period of each year, and within the first 30 days of a "life event," as defined by the Housing Authority's health care provider.

- A.** MHA carries group insurance that offers various coverage options and pays a percentage of the premium for full-time permanent employees and eligible retirees. Adjustments may be made to the percentage paid contingent upon the availability of funding.
- B.** The Supplemental Life Insurance premium is paid 100% by MHA. Adjustments may be made to the percentage paid contingent upon the availability of funding. In the event of his/her death, while employed by the Housing Authority, the employee's designated beneficiary will receive the benefit paid in the amount of 1.5 times the employee's current salary.
- C.** The Housing Authority participates in the Cafeteria Benefits Plan established by Section 125 of the IRS Code. Employees may elect to have selected insurance premiums, out-of-pocket medical expenses, childcare expenses, and supplemental retirement contributions exempt from income tax. Application to participate in the Cafeteria/FSA plan may be made at the time of initial employment, and annually thereafter.
- D.** MHA currently maintains a retiree health plan (Appendix IX), for all employees that were eligible for retirement as of December 31, 2011.

1110. RETIREMENT PLAN

All active full-time employees (40 hours a week or more) are eligible for MHA's Retirement Plan. Employees must contribute a minimum of 5.5% of their monthly gross salary and may voluntarily contribute up to 100% of their monthly gross salary not to exceed IRS limitations.

MHA automatically contributes 7.5% of each employee's salary, regardless of the voluntary contribution amount. All participants become fully vested after five years. Specific information on the Retirement Plan will be given to all employees that qualify at the time of initial orientation. Important conditions and changes will be periodically provided to each employee as deemed



necessary by the Trustees of the Retirement Plan. To be eligible to retire, an employee must meet one of the following eligibility requirements:

- Age 65 (normal retirement age)
- 60 years of age and completion of ten years of service
- Any age with 25 years of service

1120. UNIFORMS

All regular Maintenance employees shall wear uniforms while working. Eleven sets of uniforms will be issued to each Maintenance employee and a minimal bi-weekly rental and cleaning fee will be deducted each pay period. This charge is based on costs identified by the vendor and is subject to change, in accordance with contractual changes.

Maintenance employees must return all uniforms upon separation of employment or upon demand by MHA or pay the total costs of replacement for missing items.

1130. EMPLOYEE RECOGNITION PROGRAM

MHA wishes to recognize the outstanding achievements of its employees. In its continuing efforts to achieve and expand its Vision of Excellence through encouraging, recognizing and rewarding outstanding performance by its employees, MHA has developed an Annual Employee Recognition and Awards Program.

- A. Each year, the following awards will be given:
- Administrative Employee of the Year
 - Maintenance Employee of the Year
 - Property Manager of the Year
 - Special Recognition (at the President/CEO's discretion)
- B. Years of service will be recognized in five-year increments, i.e. 5, 10, 15, etc.
- Retiring employees with 20, or more years of service may also be acknowledged.
- C. **Grievance Procedure:** No disputes/grievances will be permitted after the winners have been recognized and awarded at the annual event. However, if it is determined by the President/CEO that a winner is ineligible, (i.e. fraudulent nomination submitted, etc.), the employee will not receive the award(s). No alternatives will be selected after the awards event.

1140. TUITION ASSISTANCE

The Board of Commissioners and the President/CEO are committed to creating a more cultivated workforce at Montgomery Housing Authority. As part of the agency's desire to meet its employees' evolving needs, the Montgomery Housing Authority has established an educational assistance program, the Tuition Assistance Program (TAP). The purpose of TAP is to foster the professional growth and development of the Housing Authority's eligible employees.

A. Work Schedule Arrangements

To the extent possible, no employee should take a course(s) that would require him/her to be absent from work during regularly scheduled work hours. If attendance in an approved TAP course requires that an employee be absent from his/her assigned workstation during normal work hours, various accommodations may be possible, depending upon the needs of the department/agency and the employee. The supervisor must certify that the employee's participation in TAP will not adversely affect the department/agency services, or, result in undue hardship for other employees. Alternate work arrangements will only be granted at the discretion of the immediate supervisor and approved by Human Resources. Supervisors are encouraged to make a reasonable effort to find an appropriate work schedule accommodation.

B. Tax Implications for Participants

The federal government currently allows up to \$5,250 annually, in employer-provided educational assistance benefits, to be "tax free" to TAP participants. This applies to both undergraduate and graduate-level courses. MHA will follow all current tax laws, as they are subject to change. MHA will not exceed the maximum educational assistance amount of \$5,250. This amount will be included in your wages (Box 1 of your Form W-2). A tax professional should be consulted for further information concerning taxable tuition.

C. Service Obligation

An employee who receives tuition reimbursement or related development expenses must sign a legally binding agreement stating he/she will be obligated to repay the assistance if he/she does not remain employed for at least 12 months following the completion of the course(s).

D. Ineligible Programs

Employees may not enroll in certain programs or courses of study under the TAP policy that do not have a direct relationship to their jobs.

E. Appeals

An employee may appeal any department decision regarding the TAP program, in writing, to the President/CEO.

F. Eligibility

Full-time, benefits-eligible employees of the Housing Authority who have successfully completed at least 12 months of employment, in a benefits-eligible position, as of the date of the TAP application deadline for the desired academic semester, may apply for tuition assistance. For other related expenses, the application should be submitted at least 45 days prior to the date of the training or event.

1. An employee cannot have a current Performance Improvement Plan to be eligible for TAP.
2. An employee will be required to go through the regular student admissions process, prior to applying for TAP.
3. An employee must complete a TAP application (Appendix X) for each semester in attendance. Applications for professional development are required for each training or event.

G. Maximum Credits

An employee may seek approval to enroll in up to six academic semester credit hours for each of the three designated semester periods: Fall Semester, Spring Semester, and Summer Semester. MHA will reimburse 70% of tuition fees to the employee not to exceed \$5,250 annually

H. TAP Application Deadlines

The following Housing Authority TAP application deadlines will apply to all Housing Authority departments: (If any of these dates fall on a holiday or on a weekend, the application deadline will be the last business day prior to the dates identified):

Fall Semester	July 15
Spring Semester	November 15
Summer Semester	April 15

I. Distance Learning and Web-Based Courses

TAP participants may enroll in distance learning and web-based courses offered by an accredited university.

J. Professional Licenses, Certifications & Recertification

1. Professional licenses and certification courses may be considered if the license or certification is a requirement of the employee’s current position. Recertification may be considered if MHA incurred the costs for the initial certification.
2. If a course is required as a prerequisite for an exam, the employee must successfully register and complete the exam. If the employee fails to register for the exam, he/she shall reimburse MHA for any related expenses incurred on his/her behalf.
3. The President/CEO has sole discretion regarding which professional license, certification, or recertification course may be considered.

K. Grade Requirements

1. An employee must receive a grade of “C” or better in each approved TAP course. The employee must furnish a copy of his/her grade(s) to the Human Resources Department.
2. An employee who receives a grade of “D”, or below, in an approved TAP course will be ineligible to participate in the program for one semester. In an instance such

as this, the TAP participant **will** be personally responsible for reimbursement of this course.

3. An employee who receives an “incomplete” in an approved TAP course, will have until the end of the following semester to complete the coursework and submit his/her final course grade to the Human Resources department. An employee must do this to continue participating in the TAP program the next academic semester.

L. Other Restrictions and/or Conditions

1. TAP is a supplemental educational assistance employee program. An employee who is eligible for Pell Grants, or any other grant, must apply his/her Pell Grant monies toward tuition and fees before receiving a TAP waiver.
2. If an employee voluntarily withdraws from an approved TAP course prior to its completion, the employee agrees to repay MHA the full amount of any related expenses incurred on his/her behalf. The employee will also be ineligible to participate in TAP for one semester.
3. If an employee does not remain actively employed by MHA for at least 12 months after the completion of an approved TAP course or training, whether the employee voluntarily separates, the employee shall reimburse MHA the full amount of any expenses incurred on his/her behalf. This condition does not apply to conferences or seminars.
4. An employee must follow the policies and procedures of the “teaching institution” in which he/she enrolls to be formally accepted as a TAP participant for limited-slot enrollment programs. Upon receiving approval to participate in a limited-slot enrollment program from the institution, the course(s) should be listed on the TAP application.
5. Participation in the TAP program does not guarantee continued employment with the Montgomery Housing Authority.
6. Eligibility for TAP participation does not guarantee admission into any Alabama accredited college or university.
7. Tuition assistance is awarded at the sole discretion of the President/CEO. Nothing in this manual should be construed to entitle any employee to tuition assistance.

M. Method of Repayment

Repayment of tuition or training-related expenses will be deducted from the employee’s final paycheck or final annual/sick leave payout. Notification of the total sums due will be provided to the employee in advance. In the event the employee has no final paycheck or annual/sick leave, arrangements will be made directly with the employee to recover the funds due to MHA.



The President/CEO reserves the right to change this program, with or without notice.

SECTION 1200-1250

DRIVING AND TRAVEL AUTHORIZATION

1200. DRIVING

Only approved drivers shall be authorized to drive Housing Authority vehicles. An approved driver must have a current/valid Alabama driver's license and have never been convicted of a serious traffic infraction or traffic crime such as reckless driving, driving with a suspended or revoked license, hit and run, driving while under the influence of intoxicants, or fleeing or attempting to flee to elude a police officer.

- A. Each employee shall have the duty of reporting convictions and chargeable accidents within 1 week after the occurrence and/or conviction(s). Failure to so report shall be grounds for disciplinary action leading up to and including termination.
- B. Any employee who no longer qualifies as an approved driver, when it is a requirement for that employee to drive, may be subject to disciplinary action, and may also be dismissed from employment if the employee can no longer comply with the duties of his/her job description.

1210. USE OF MHA-OWNED/LEASED VEHICLE

Use of a Housing Authority-owned vehicle by employees, for other than official purposes, shall be prohibited. The President/CEO shall determine whether the nature of an employee's duties requires the use of a Housing Authority-owned/leased vehicle between the employee's residence and place of employment.

- A. The use of such vehicles is restricted primarily to travel between the employee's home and the job site.
- B. The President/CEO shall approve such instances, on a case-by-case basis, and shall maintain such approval in the employee's personnel file.
- C. "Management Level" employees are expected to respond after hours whenever a situation warrants, and they will be compensated for their actual mileage used.
 - 1. The employee is responsible for parking the vehicle safely and properly and securing all cargo and tools.
 - 2. The employee is responsible for checking the vehicle at the beginning of each workday for safety and possible maintenance problems. Maintenance problems must be reported to your supervisor as soon as possible, for repair.
 - 3. All accidents must be reported immediately. Failure to report an accident is a violation of this manual.

1220. DISTRACTED DRIVING

Employees are prohibited from distracted driving while operating an MHA vehicle. Distracted driving is defined as any activity that could divert a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. These types of distractions include activities such as texting, using a cell phone, eating, and drinking, grooming, reading, or watching a video.

If using a cell phone while driving, employees must use a hands-free cell phone whether the vehicle is in motion or stopped at a traffic light.

1230. PASSENGERS IN MHA-OWNED/LEASED VEHICLE

No passengers shall be permitted to travel in a Housing Authority-owned vehicle unless associated with the authorized Housing Authority business.

1240. USE OF EMPLOYEE-OWNED VEHICLE FOR MHA BUSINESS

As an alternative to providing an automobile for official employee use, the President/CEO may allow designated employees to furnish their personal vehicles, when a Housing Authority vehicle is not available, and MHA will pay mileage reimbursement. Mileage will be reimbursed at the current rate specified in the prevailing Internal Revenue Service Revenue Procedure.

- A.** Employees are to park only in designated areas and are to refrain from parking in areas at the Central Office which are designated for MHA visitors.
- B.** The Housing Authority assumes no responsibility for damage to vehicles, or theft of articles from vehicles, while the vehicle is parked on company property.
- C.** All vehicles parked on company property are subject to random searches when there is reasonable suspicion of wrongdoing.

1250. TRAVEL POLICY

The Housing Authority will reimburse the traveler for actual costs for necessary expenditures and pay a per diem for meals and incidentals on authorized trips. All request for travel must be submitted to the employee's supervisor and approved by the President/CEO prior to departure.

A. Travel Time Compensation

- 1. One Day Travel** - For one day travel requirements, travel time before and after the normal scheduled workday (8:00a.m. - 4:30 p.m.), is compensable. Home to work travel is not compensable.
- 2. Weekend/Overnight Travel** - Travel time is compensable when travel occurs during the employee's regularly scheduled working hours on non-working days (such as Saturday or Sunday for employees that work Monday to Friday). The Department of



Labor (DOL) does not count as working time overnight travel that occurs outside of regular working hours and is spent on an airplane, train, boat, bus, or car. If work is performed while traveling, that time is compensable.

B. Responsibility of Traveler

The traveler shall complete the "Travel Authorization Form" (Appendix XI) for reimbursement, in accordance with Housing Authority policies. The traveler shall submit a Travel Expense Report and receipts no later than 15 workdays after return. The traveler shall not submit reimbursement claims which are not in accordance with policy (Appendix X - MHA's Travel Policy).

SECTION 1300 SEPARATIONS

1300. SEPARATIONS

Separations of employees from their positions shall be accomplished in the following manner:

- A. Resignation:** Employees below department head level wishing to leave the Housing Authority, in good standing, shall file with the President/CEO at least two weeks before leaving, a written resignation stating the effective date of the resignation and reason for leaving. Department Head-Level employees must submit at least a 30-day written resignation stating the effective date of the resignation and the reason for leaving. Such notice will be promptly reported to the Human Resources Department. Any employee submitting the number of calendar days, less than required as notice of resignation, shall forfeit all accrued leave, and failure to comply with the procedures may be the cause for denying the person future employment. All employees who submit a resignation and then fail to report to work on any day, during the resignation-notice period, will also forfeit all accrued leave. The forfeiture does not apply to contracted employees. Requests for exceptions may be granted, at the discretion of the President/CEO.
- B. Job Abandonment:** Unauthorized or unreported absence from work for three consecutive days or more may be considered by the President/CEO as job abandonment. Written notice must be sent to the employee on the fourth day, or as soon as possible following the absence, terminating his/her employment. The employee has ten calendar days from the date of the notice to file a written request with Human Resources for a hearing before the Personnel Board to appeal this decision.
- C. Layoff:** The President/CEO may lay off any employee when it is necessary by reason of a shortage of funds or work, or changes in the organization. No full-time employee shall be laid off while there are temporary or contracted employees serving in the same class of employment within the same department. A person with seniority over another employee may not be laid off first unless such services are inferior to those of other employees in the same class. No employee will be allowed to displace another employee in other departments. Displacements can only be enacted within the department where the employee works, and as long as the employee is qualified to perform the essential functions of the position held by the person being displaced.
- D. Retirement:** An employee who has met one of the following conditions, may retire and receive all benefits associated with MHA's Retirement Plan: age 65 (normal retirement age), 60 years of age, and completion of ten years' service or any age with 25 years of service. Any employee wishing to retire shall notify the Housing Authority in writing, stating the effective date of his/her retirement.
- E. Death:** When an employee dies, or is incapacitated, while employed by the Housing Authority, all compensation due, in accordance with this policy, shall be paid to the authorized individual named by the employee and on file or to a certified legal representative of the employee's estate or any other properly designated individual, once appropriate documentation supporting legal representation is obtained.



- E. **Position Abolishment:** Whenever in the judgment of the President/CEO it becomes necessary in the interest of the economy or because the necessity for any position no longer exists, the President/CEO may abolish any position or employment and layoff the employee holding such position or employment without filing written charges and without the right of appeal.