



**HOUSING COMMISSION AGENDA**

**Regular Meeting: July 8, 2020**

**Time: 8:00 a.m.**

**COVID-19 UPDATE:** Based on guidance provided by the Centers for Disease Control Prevention, the Shelter in Place order from Alameda County Public Health officials and Governor Newsom’s Stay-at-Home Order, HACA’s office building is temporarily closed to the public until further notice. **The Housing Commission will conduct this meeting electronically.** You may participate in this meeting through one of the following options:

**Participate via Zoom Video Conference Platform:**

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge; however, you may have to download the Zoom app to your device. Downloading Zoom is free of charge. To join the electronic meeting using the Zoom video conference platform, you can click on this link: <https://us02web.zoom.us/j/85668636626> or do one of the following:

<b>FROM A DESKTOP OR LAPTOP:</b>	<b>FROM A MOBILE DEVICE, E.G., CELL PHONE AND/OR IPAD OR TABLET:</b>
Go to: <a href="https://zoom.us/join">https://zoom.us/join</a>  Enter Meeting ID: 856 6863 6626	Download the Zoom app to your device. In the app tap on “Join Meeting”  Enter Meeting ID: 856 6863 6626

**Participate via Telephone:**

To access the meeting via telephone: Dial-in#: [1-888-788-0099](tel:1-888-788-0099) (US Toll-Free) and when prompted, enter Meeting ID: 856 6863 6626.

**PUBLIC COMMENT**

To allow the opportunity for all to speak, a time limit of 3 minutes has been set for public speakers wishing to address the Housing Commission. The Chairperson has the discretion to further limit this time if warranted by the number of speakers.

If you wish to comment on a matter NOT on the agenda, please email your comment to the Commission Clerk at [melissat@haca.net](mailto:melissat@haca.net) preferably by 5:00 p.m. on Tuesday, July 7, 2020. Upon recognition by the Chairperson during Public Comment, state your name, comments and/or questions. Anyone wishing to address the Commission on an agenda item or on business introduced by the Housing Commission may do so when the Chairperson calls for comments on the agenda item. Please be brief and limit your comments to the specific subject under discussion. NOTE: Only matters within the Housing Commission’s jurisdiction may be addressed.

Thank you for your understanding and flexibility during the COVID-19 public health emergency. If you have any questions please contact (510)727-8511 or [melissat@haca.net](mailto:melissat@haca.net).

**(CONTINUED ON NEXT PAGE)**



**HOUSING COMMISSION AGENDA**

**Regular Meeting: July 8, 2020**

**Time: 8:00 a.m.**

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# **ELECTION OF OFFICERS**

**July 8, 2020**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting Date: July 8, 2020

Subject: Election of Officers

Exhibits Attached: None

Recommendation: Elect Officers to the Chairperson and Vice Chairperson  
Positions for FY 2020-2021

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**DISCUSSION**

In accordance with the Housing Commission’s bylaws, your Commission must elect, by a majority vote, a Chairperson and Vice-Chairperson for a term of one (1) year. At your June meeting, your Commission appointed Commissioners Gerry, Hannon and Patz as the Nominating Committee.

The Nominating Committee will formally present the candidates that it recommends for the Chairperson and Vice-Chairperson positions and an election will be held. The newly-elected officers will take their seats immediately and the newly-elected Chairperson will chair the meeting.

**MINUTES**  
**June 10, 2020**



Housing Authority of the  
County of Alameda

HACA AGENDA ITEM NO.: 3.

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**HOUSING COMMISSION SUMMARY ACTION MINUTES**  
**Regular Meeting: June 10, 2020**  
**Time: 8:00 a.m.**

**Pursuant to the State of California’s Executive Order N-25-20 (at paragraph 11), this meeting was conducted electronically via the Zoom video conference platform and by telephone.**

**1. CALL TO ORDER/ROLL CALL**

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**Call to Order**

Chairperson Hannon called the meeting to order at 8:00 a.m.

**Roll Call**

Present: Cmr. Finley, Gacoscas, Gerry, Hannon, Lamnin, McQuaid, Olson, Patz and Shao.

Excused: Cmr. Ballew and Kumagai

**2. ACTION: APPROVAL OF THE MINUTES OF THE MAY 13, 2020 REGULAR MEETING AS PRESENTED.**

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Recommendation: Approve the minutes of the May 13, 2020 regular meeting as presented.

Motion/Second: Patz/Gacoscas.

Upon a roll call vote being taken the vote was:

Ayes: Cmr. Finley, Gacoscas, Gerry, Hannon, Lamnin, McQuaid, Olson, Patz and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**3. PUBLIC COMMENT – *On matters not on the Agenda.***

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None.

4. **NEW BUSINESS**

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4-1. **ACTION: ACCEPT THE AUDIT FOR THE JULY 1, 2018 – JUNE 30, 2019 FISCAL YEAR**

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Christine Gouig, Executive Director, introduced this item. Ms. Gouig thanked the BAN (Budget/Audit/Negotiations) Committee members, Cmr. Ballew, Finley, Gerry, Hannon and Lamnin, for reviewing the audit. Mansoorali Hudda, Finance Director, presented the staff report, which included a PowerPoint presentation. Mr. Hudda reported that an audit of financial operations and internal controls for all of HACA's programs, including those activities carried out by HACA's non-profit instrumentality, Preserving Alameda County Housing, Inc., for the July 1, 2018 – June 30, 2019 fiscal year was completed by Patel & Associates, LLP. He highlighted the key sections of the audit and reported that no findings were identified by the auditor. Mr. Hudda stated that the BAN Committee had recommended that the Housing Commission accept the audit.

Recommendation: Accept the results of the audit for the July 1, 2018 – June 30, 2019 fiscal year.

Commissioner Discussion: Ms. Gouig expressed appreciation to the staff in the Accounting, Programs and Special Programs departments for their work in helping HACA to achieve a clean audit. Chairperson Hannon praised staff and expressed his appreciation for their hard work to ensure a clean audit.

Motion/Second: Gacoscos/Shao.

Upon a roll call vote being taken the vote was:

Ayes: Cmr. Finley, Gacoscos, Gerry, Hannon, Lamnin, McQuaid, Olson, Patz and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

4-2. **RESOLUTION NO.: 11-20: APPROVING THE OPERATING BUDGET FOR THE JULY 1, 2020 – JUNE 30, 2021 FISCAL YEAR**

Chairperson Hannon thanked staff and the BAN Committee for their good work and collaboration in the budget preparation process.

Mansoorali Hudda presented the staff report. In his presentation Mr. Hudda described the budget preparation process and outlined HACA's operating expenses, including the additional administrative costs related to HACA's COVID-19 pandemic response. He also discussed the projected administrative budget deficit in the Housing Choice Voucher program and talked about the issuance of additional HUD funding that will help to cover some of the pandemic related expenses.

Mr. Hudda also discussed the questions raised during the meeting with the BAN Committee members and summarized staff's responses to those questions.

Recommendation: Adopt Resolution No. 11-20 approving the operating budget for the July 1, 2020 – June 30, 2021 fiscal year.

Commission Discussion: Cmr. Olson, Ms. Gouig and Mr. Hudda discussed the vacant Systems Manager position and data security. Cmr. Lamnin commented on the ACERA (Alameda County Employees' Retirement Association) unfunded pension liability. Mr. Hudda indicated that he attends all the participating employer meetings that ACERA holds and follows this issue. Ms. Gouig commented that Mr. Hudda will ask ACERA to do a presentation for the Commission before the end of the year. Ms. Gouig also noted that Mr. Hudda was a member of the board of trustees for the Valley Transportation Authority in Santa Clara County and has expertise in pension issues. Chairperson Hannon agreed that a work session with ACERA would be a great opportunity to focus on the issue of the unfunded pension liability.

Melissa Taesali, Executive Assistant, noted that the resolution number for this item is incorrect on the meeting agenda and stated for the record that the correct resolution number is Resolution No. 11-20.

Motion/Second: Gerry/Shao.

Upon a roll call vote being taken the vote was:

Ayes: Cmr. Finley, Gacoscos, Gerry, Hannon, Lamnin, McQuaid, Olson, Patz and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-3. RESOLUTION NO. 12-20: APPROVING CONTRIBUTION TO THE ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION FOR THE JULY 1, 2020 – JUNE 30, 2021 FISCAL YEAR**

Mansoorali Hudda presented the staff report. Mr. Hudda reported that as a participating employer in the ACERA pension system HACA makes a contribution to ACERA each year to fund a 401(h) account that ACERA has established for the purpose of providing healthcare benefits to retirees on a tax-exempt basis. He reported that the contribution amount for the July 1, 2020 – June 30, 2021 fiscal year is \$281,620.01 and recommended that the Commission adopt the resolution approving this contribution.



Recommendation: Adopt Resolution No. 12-20 approving a contribution to ACERA in the amount of \$281,620.01 for the July 1, 2020 – June 30, 2021 fiscal year.

Motion/Second: McQuaid/Gacoscos.

Upon a roll call vote being taken the vote was:

Ayes: Cmr. Finley, Gacoscos, Gerry, Hannon, Lamnin, McQuaid, Olson, Patz and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-4. ACTION: APPROVE REVISIONS TO HACA’S SECTION 8 ADMINISTRATIVE PLAN**

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Jennifer Cado, Senior Administrative Analyst, presented the staff report. Ms. Cado outlined the various revisions to HACA’s Section 8 Administrative Plan (Admin Plan) that the Commission has previously approved in order to allow staff the flexibility needed to manage issues related to the COVID-19 pandemic and to best serve the needs of program participants during this crisis. She reported that HUD has awarded HACA an additional allocation of Mainstream program vouchers through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and that staff is proposing to revise HACA’s Admin Plan in order to better serve one of the populations targeted by the Mainstream program. Ms. Cado summarized the proposed revisions and recommended that the Commission approve these amendments to HACA’s Section 8 Admin Plan.

Recommendation: Approve the proposed revisions to HACA’s Section 8 Admin Plan as presented.

Commissioner Discussion: Cmr. Lamnin thanked staff for the work on these revisions to the Admin Plan. She and Ms. Cado discussed the number of Mainstream vouchers that are leased up, how the referral process works and some of the services and resources that partnering agencies provide to help participants locate housing. Ms. Cado described some of the obstacles for housing participants, including a tough rental market and COVID-19 pandemic related issues. Ms. Cado indicated that while supportive services are available, use of the services is voluntary. She indicated that Alameda County Behavioral Health Care Services (BHCS) has been instrumental in finding resources for participants, including housing navigation. Cmr. Shao and Ms. Cado discussed how the set-aside number of vouchers was determined. Chairperson Hannon and Ms. Gouig discussed opportunities to apply for any funding recaptured by HUD from agencies that don’t use their Mainstream allocation.

Motion/Second: Olson/Lamnin.

Upon a roll call vote being taken the vote was:

Ayes: Cmr. Finley, Gacoscos, Gerry, Hannon, Lamnin, McQuaid, Olson, Patz and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-5. ACTION: AMENDMENT TO THE CONTRACT WITH NAN MCKAY AND ASSOCIATES FOR ANNUAL RE-CERTIFICATIONS**

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Laura Broussard Rosen, Programs Manager, presented the staff report. Ms. Broussard Rosen reported that staff is proposing to amend the current contract with Nan McKay and Associates (NMA) for an additional amount of \$170,000 for annual re-certification services. Ms. Broussard Rosen reported that staff has experienced an influx of requests for interim re-examinations of income by participants who have been impacted by the loss of income as a result of the COVID-19 pandemic and has prioritized these over the annual re-certifications, causing a delay in the annuals.

Recommendation: Approve an amendment to the contract with Nan McKay and Associates in the amount of \$170,000 for re-certification services.

Commission Discussion: Cmr. Finley asked if staff is certain that NMA can handle this volume. Ms. Broussard Rosen commented that there were issues with NMA's capacity in the past but that staff has identified these issues, provided additional, robust training to NMA's staff and that NMA plans to add additional staffing for these services. Chairperson Hannon asked that staff report back at a future meeting with an update on the services provided by NMA. Chairperson Hannon and Ms. Broussard Rosen discussed the impact that the late re-examinations can have on performance scoring, internal operations and on participants. Cmr. McQuaid asked if the additional COVID-19 funding from HUD could be used to cover the expense of the increased contract amount and Ms. Broussard Rosen confirmed that it could and would be used.

Motion/Second: McQuaid/Gacoscos.

Upon a roll call vote being taken the vote was:

Ayes: Cmsrs. Finley, Gacoscos, Gerry, Hannon, Lamnin, McQuaid, Olson, Patz and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-6. ACTION: APPROVE THE 2020 HACA SCHOLARSHIP PROGRAM AND THE DONALD C. BIDDLE MEMORIAL SCHOLARSHIP AWARDS**

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Daniel Taylor, Special Programs Manager, presented the staff report. Mr. Taylor reported that 19 scholarship applications were submitted for the 2020 HACA Scholarship awards, 13 applications were submitted for the 2020 Donald C. Biddle Memorial Scholarship award and that the Commission's Scholarship Committee held a virtual meeting on June 9 to discuss the applications. The list of the Scholarship Committee's award recommendations was presented on screen. Mr. Taylor thanked Cmsrs. Gacoscos, Kumagai, McQuaid and Patz for their participation on the Scholarship Committee and recommended that the Commission approve the 2020 HACA Scholarship awards and the 2020 Donald C. Biddle Memorial Scholarship

Award as recommended by the Committee.

Commission Discussion: Cmr. Gacoscos commented that this is an enjoyable committee and that the applicants' life stories are compelling and inspiring. She was very impressed by the applicants' achievements in spite of some very difficult life challenges. She indicated that she would like to see more males apply in the future. Cmr. McQuaid agreed with Cmr. Gacoscos and commented that she found the stories very inspiring and that she is sure they will be doing great work 5-10 years from now. Vice Chairperson Patz commented that he enjoys being a part of this committee and that he appreciates that staff and the committee members are inclusive and open to exploring creative ways to ensure that they can help as many applicants as possible. Chairperson Hannon commented that given the current pandemic it may not be possible to invite the scholarship winners to a Commission meeting for recognition of their achievements and asked that staff send a letter to each award winner on behalf of the Commission congratulating the scholarship winners. Chairperson Hannon took a moment to remember former Commissioner Don Biddle and commented that Don is greatly missed.

Motion/Second: McQuaid/Gacoscos.

Upon a roll call vote being taken the vote was:

Ayes: Cmr. Finley, Gacoscos, Gerry, Hannon, Lamnin, McQuaid, Olson, Patz and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-7. ACTION: APPOINT A NOMINATING COMMITTEE**

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Christine Gouig presented the staff report. Ms. Gouig described the role of the Nominating Committee and recommended that the Commission appoint members to a Nominating Committee to nominate candidates for the Housing Commission's FY2020-2021 Chairperson and Vice Chairperson positions.

Cmr. McQuaid indicated that this process should be started in May so the election could be held in June and be in place for the July meeting when the officers take their seats. There was further discussion that as the current chairperson and vice chairperson would like to retain their seats that perhaps the nominating and election could take place in one meeting rather than two different meetings. Cmr. Gerry disagreed and commented that it was important to maintain the current practice. Chairperson Hannon stated that following the usual practice would be appropriate next year when at least the vice chairperson seat would be open. Cmr. Patz noted that the published agenda item was to appoint a nominating committee and didn't include an election. After discussion on the process, Commissioners Gerry, Hannon and Patz agreed to serve on the Nominating Committee.

Recommendation: Approve the appointment of Cmr. Gerry, Hannon and Patz to the Nominating Committee.

Motion/Second: McQuaid/Gerry.

Upon a roll call vote being taken the vote was:

Ayes: Cmr. Finley, Gacoscos, Gerry, Hannon, Lamnin, McQuaid, Olson, Patz and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-8. INFORMATION: PROGRAM ACTIVITY REPORT**

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Report received with no questions or comments from the Commission.

**5. COMMISSIONER REPORTS**

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None.

**6. COMMITTEE REPORTS**

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None.

**7. COMMUNICATIONS**

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Ms. Gouig provided an update on the status of the federal budget.

Ms. Gouig reported that a reporter from KTVU-Channel 2 has expressed interest in interviewing a participant from HACA's Foster Youth Initiative program as part of a story on foster youth.

On the occasion of Ms. Gouig's last Commission meeting, Chairperson Hannon recognized and thanked Ms. Gouig for her service to the agency. He praised her for her compassion for the staff and clients of the agency and for her outstanding leadership in successfully guiding the agency through very challenging times.

Cmr. Olson wished Ms. Gouig all the best in her retirement.

Cmr. Gacoscos praised Ms. Gouig for being one of the best Executive Directors that she's worked with. She thanked Ms. Gouig for her excellent work in serving the housing needs of all the cities under HACA's jurisdiction.

Cmr. McQuaid thanked Ms. Gouig for the work she put into orienting new Commissioners and for always being so responsive. She wished Ms. Gouig all the best in her retirement.

Cmr. Gerry praised Ms. Gouig for the work that she has done not only for HACA but for housing agencies nationwide. He commented that her advocacy work is

outstanding and that she is known as one of the best. He thanked her for her dedication and passion.

Cmr. Shao extended his best wishes to Ms. Gouig on her retirement and praised her for being highly regarded and admired by the other public housing agencies.

Cmr. Lamnin thanked Ms. Gouig for her hard work, dedication and transparency.

Vice Chairperson Patz stated that although he is sad to see Ms. Gouig leave, she earned her retirement and deserves all the best. He wished her well and congratulated her on her retirement.

Ms. Gouig expressed her appreciation to the Commission. She thanked them for their focus on meeting client needs, for their support of HACA’s staff and praised them for representing their cities and the county well.

**9. ADJOURNMENT**

There being no further business to discuss, Chairperson Hannon adjourned the meeting at 9:43 a.m. in recognition of Ms. Gouig’s 14 years of service as HACA’s Executive Director.

Respectfully submitted,

\_\_\_\_\_  
Melissa Taesali  
Executive Assistant/Housing Commission Clerk

\_\_\_\_\_  
Kurt Wiest  
Executive Director/Housing Commission Secretary

**Approved:** \_\_\_\_\_  
Michael Hannon  
Housing Commission Chairperson

# **NEW BUSINESS**

**July 8, 2020**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting Date: July 8, 2020

Subject: Personnel Rule Revisions

Exhibits Attached:           - Resolution Approving Amendments to the Personnel Rules  
                                      - Attachment A: Tracked and Clean Versions of the Personnel Rules

Recommendation:           Adopt Resolution No. 13-20

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**BACKGROUND**

On June 10, 2020, your Commission’s Personnel Committee approved recommended changes to the Personnel Rules. Personnel Rule 1.2 states that the Personnel Rules may be amended by a resolution adopted by the Housing Commission on the recommendation of the Personnel Committee.

**DISCUSSION and ANALYSIS**

Staff is currently undertaking a rewrite of the Personnel Rules to bring them up to date, correct grammar and misspellings, better organize the provisions and format the Rules in a more logical manner. These types of amendments do not require a notice or meet and confer as there are no changes to terms and conditions of employment for employees.

The Personnel Rules were originally written as part of HACA’s process of establishing itself as an independent public agency over 40 years ago. From time to time, certain provisions of the Rules have been revised when terms and conditions of employment have changed as a result of labor negotiations or changes to management benefits have been implemented, but otherwise they are as they were when first written.

This project is too cumbersome to implement all at once; therefore, revisions to the Rules will be handled in groups. Most revisions involve considerable reorganization of articles and sub-sections as well as re-wording for simplification and clarity. Staff has included both tracked and clean versions of all the revisions (see Attachment A), although the

tracked versions are very difficult to read so you may want to focus on the clean versions. For your review and consideration today are the following Articles:

- Article 5 – Classification Plan
- Article 6 – Job Announcements and Applications
- Article 7 – Interviews and Examination
- Article 8 – Employment Lists and Certification

These four articles represent the heart and substance of the Housing Authority's recruitment process. In addition to re-writing the rules to be more logical, better organized and in simpler language, some of the recommended changes in this group are designed to reflect established recruitment processes and procedures HACA has been using for some time.

Revisions to these rules were approved by the Personnel Committee at its June 10<sup>th</sup> meeting. The Personnel Committee recommended that your Commission adopt the attached resolution revising the Personnel Rules as described.



**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO.: 13-20**

**RESOLUTION APPROVING REVISIONS TO THE  
HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA PERSONNEL RULES**

**WHEREAS**, the Housing Authority of the County of Alameda (“HACA”) has implemented Personnel Rules governing certain terms and conditions of employment for both management and non-management employees; and

**WHEREAS**, Section 1.2 of said Personnel Rules allows for amendment of these rules by resolution adopted by the Housing Commission on the recommendation of the Personnel Committee; and

**WHEREAS**, at its meeting of June 10, 2020 the Personnel Committee approved recommended revisions to Personnel Rules 5 through 8 to improve organization and clarity and to reflect the current intent and practice of policy and procedures;

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commission of the Housing Authority of the County of Alameda does hereby approve the recommended revisions to Personnel Rules 5 through 8 as presented at this meeting.

**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this 8th day of July 2020 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

\_\_\_\_\_  
Kurt Wiest  
Executive Director/Housing Commission Secretary

\_\_\_\_\_  
Michael Hannon  
Housing Commission Chairperson

**Adopted:** \_\_\_\_\_



**HACA AGENDA ITEM NO.: 5-2.**

HACA's management team has been developing and implementing very detailed protocols over the last few months for what is required at the current time (i.e., shelter in place, face coverings, sanitizing, etc.) and also what additional protocols will be needed and/or required in anticipation of re-opening in the future.

The recommended changes are to keep the IIPP in compliance with the recent mandatory Cal/OSHA requirements specifically relating to COVID-19.

Staff recommends that your Commission adopt the resolution amending the IIPP.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 14-20**

**RESOLUTION APPROVING REVISIONS TO THE HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA’S INJURY AND ILLNESS PREVENTION PLAN**

**WHEREAS**, the Housing Authority of the County of Alameda (“HACA”) has implemented an Injury and Illness Prevention Plan (IIPP) pursuant to Title 8 of the California Code of Regulations; and;

**WHEREAS**, in order to be in compliance with changing requirements of Title 8 from time to time, your Commission approves recommended amendments to the IIPP; and

**WHEREAS**, on May 14, 2020, Cal/OSHA revised the CDC guidelines requiring that California employers incorporate specific COVID-19 prevention and control measures into their existing IIPP documents;

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commission of the Housing Authority of the County of Alameda does hereby approve the recommended revisions to the Injury and Illness Prevention Plan as presented at this meeting.

**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this 8th day of July 2020 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

\_\_\_\_\_  
Kurt Wiest  
Executive Director/Housing Commission Secretary

\_\_\_\_\_  
Michael Hannon  
Housing Commission Chairperson

**Adopted:** \_\_\_\_\_

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: July 8, 2020

Subject: Harassment, Discrimination and Retaliation Policy and Complaint Procedure

Exhibits Attached:                   - Resolution Approving Amendments to the Harassment, Discrimination and Retaliation Policy and Complaint Procedure  
  - Attachment C: Tracked and Clean Versions of the Harassment, Discrimination and Retaliation Policy and Complaint Procedure

Recommendation:           Adopt Resolution No. 15-20

Financial Statement:       None

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**BACKGROUND**

The Housing Authority’s longstanding Harassment, Discrimination and Retaliation Policy and Complaint Procedure has been in place for many years. However, revisions have been necessary periodically to maintain consistency with the current state of both federal and state law. At this time, the Harassment, Discrimination and Retaliation Policy and Complaint Procedure has been reviewed and amended to include three changes in the law since 2018 relating to the definition of certain protected classifications.

**DISCUSSION and ANALYSIS**

Since 2018, there have been three significant changes to federal and state laws pertaining to harassment and discrimination in the workplace. All three changes expand the definition of certain existing protected classifications.

On July 1, 2018, the California Department of Fair Employment and Housing (DFEH) added clarity to the protected classification based on national origin by amending Title 2

of the California Code of Regulations, sections 11027.1 and 11028. The new DFEH regulations expand the definition of “national origin” to include the individual’s cultural or linguistic background, tribal affiliation, names that are associated with a national origin group, marriage to or association with a person belonging to a national origin group, and membership or attendance in religious institutions generally used by persons of a national origin group.

On January 1, 2020, Governor Newsome signed into law SB 188, the “Create a Respectful and Open Workplace for Natural Hair (CROWN) Act. This is the first law of its kind in the United States to be enacted. However, the Equal Employment Opportunity Commission, in their implementing regulations, takes the position that race discrimination may include unfavorable treatment of an employee because of personal characteristics associated with race, such as natural hair texture or style. The California CROWN Act expands the definition of the Fair Employment and Housing Act to include this language as related to the protected classifications of race and ethnicity.

On June 15, 2020, the United States Supreme Court issued a ruling stemming from three different decisions, which broadens the definition of the protected classification of sex as defined in Title VII of the Civil Rights Act of 1964. The majority opinion in these three cases have now ruled that “sex” includes sexual orientation and transgender status as protected classifications under Title VII.

Although California’s Fair Employment and Housing Act (FEHA) already includes similar language including sexual orientation and transgender status, the language in HACA’s Harassment, Discrimination and Retaliation Policy is being revised to clarify the full expansion of the word sex as defined in both Title VII and FEHA.

The complaint form attached to the revised policy has also been updated but is not attached for your Commission’s approval as this is a form that is administratively updated and does not affect the policy itself.

Staff recommends that your Commission adopt the resolution amending the Harassment, Discrimination and Retaliation Policy.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 15-20**

**RESOLUTION APPROVING REVISIONS TO THE HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA'S HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE**

**WHEREAS**, the Housing Authority of the County of Alameda ("HACA") has a longstanding policy and complaint procedure to address issues and concerns regarding harassment, discrimination and retaliation in the workplace; and;

**WHEREAS**, in order to be in compliance with the changing state of both federal and state law, this policy and complaint procedure has been amended from time to time and now requires further revision based on the changes indicated below; and

**WHEREAS**, on July 1, 2018, the Department of Fair Employment and Housing added clarity to the protected classification based on national origin by amending Title 2 of the California Code of Regulations, sections 11027.1 and 11028; and

**WHEREAS**, on January 1, 2020, SB 188, the "Create a Respectful and Open Workplace for Natural Hair" Act amending the Fair Employment and Housing Act became effective, which added natural hair characteristics to the race and ethnicity protected classifications; and

**WHEREAS**, on June 15, 2020, the United States Supreme Court issued a decision expanding the definition of "sex" as a protected category in Title VII of the Civil Rights Act of 1964;

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commission of the Housing Authority of the County of Alameda does hereby approve the recommended revisions to the Harassment, Discrimination and Retaliation Policy and Complaint Procedure as presented at this meeting.

**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this 8th day of July 2020 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

\_\_\_\_\_  
Kurt Wiest  
Executive Director/Housing Commission Secretary

\_\_\_\_\_  
Michael Hannon  
Housing Commission Chairperson

**Adopted:** \_\_\_\_\_

# ATTACHMENT A





The classification plan shall be amended ~~from time to time~~ as needed. New classes may be added and existing classes may be amended, divided, combined, altered, deleted from the current Classification Plan or abolished altogether.

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**Section 4.5** NEW POSITIONS

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1. New Classifications

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The creation of a new position may be ~~Requested from by~~ the Executive Director or ~~their designee~~. Recommendations for new classifications are submitted to the Personnel Committee for approval and adoption, ~~the creation of new positions shall be made in accordance with established procedures~~. New positions shall not be filled until they are classified and allocated to the Classification Plan following Personnel Committee adoption and included in the -schedule of budgeted positions adopted by the Housing Commission. ~~If review of the Executive Director's request by the Personnel Committee reveals the need for a new position, the Personnel Committee shall recommend, for approval by the Housing Commission, the authorization for a new position.~~

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**Section 4.6** ALLOCATION

2. Position Allocation

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Each position shall be allocated by the Personnel Committee to an appropriate class in the eClassification pPlan. The allocation of a position to a class shall derive from and be determined by the duties and responsibilities of the position; without regard to the special qualifications of the incumbent, s, and

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Certain positions may be designated by the Executive Director or their designee as requiring special qualifications based upon enhanced delivery of public service through the possession of special qualifications that are either deemed as a business necessity or a bona fide occupational qualification.

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Allocation of positions shall be based on the principle that positions shall be included in the same class if:

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- 4.6.1** a. They are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used;
- 4.6.2** b. Substantially the same requirement as to education, experience, knowledge, and ability are demanded of the incumbents;
- 4.6.3** c. Substantially the same test of fitness may be used in selecting qualified employees; and
- 4.6.4** d. The same schedule of compensation can be made to apply with equity.

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~~Specific positions may be designated by the Personnel Committee as requiring special qualifications based upon the belief that the delivery of public service can be enhanced~~

sufficiently through the possession of special qualifications that are either a business necessity and/or a bona fide occupational qualification.

**Section 4.7 REALLOCATION**

**3. Position Reallocation**

Whenever it is determined by the Personnel Committee that a position does not properly belong in the class to which it has been allocated, such the position shall be reallocated to an appropriate class in the eClassification pPlan, or if the plan does not contain an appropriate class, the position shall be reclassified and a new classification established, & and the position shall be reallocated to the new classification. In making determining reallocations, the Personnel Committee shall be guided by the provisions of Section 4.6.4.2.C.2. shall act as guidelines.

**Section 4.8 STATUS OF INCUMBENTS IN REALLOCATED POSITIONS**

**a. Status of Incumbents in Reallocated Positions**

When a position is reallocated to another class, the status of the incumbent in such position in the new class shall be determined in accordance with the provisions contained in these rules governing classification upgrading, downgrading, transfer, or split-off.

**4. Position Reclassification**

a. When an employee requests a determination of their position classification, the Human Resources Manager Personnel Officer shall make every attempt to complete the determination within forty-five (45) days of receiving the completed Position Description Questionnaire (PDQ) Form from the employee. When unable to complete the determination within this time frame, the employee shall receive written notification of the status of the request.

b. The Human Resources Manager Personnel Officer will review the completed PDQ Form and consult with the employee if necessary. The employee's manager shall complete the management portion of the PDQ Form and the Human Resources Manager Personnel Officer shall consult with the employee's manager and/or the Executive Director on the determination.

c. The Human Resources Manager Personnel Officer shall provide a written report of the determination regarding the employee's request for reclassification.

i. If a reclassification is granted, the position shall be reallocated to the appropriate classification in accordance with Section 5.3 of this Article.

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ii. If a reclassification is denied, the employee may appeal the determination to the Personnel Committee in accordance with Section 5.3 of this Article.

d.

**Section 4.95.3 CLASSIFICATION APPEALS**

Any employee may appeal the allocation, ~~or~~ reallocation or the denial of a request for reclassification of ~~his/her~~ their position to the Personnel Committee and shall be given the opportunity to be heard by the Personnel Committee. Classification appeals to the Personnel Committee shall be made in accordance with the Article regarding Appeal of Personnel Actions in these rules.

**Section 4.10 CHANGES TO BE REPORTED**

~~Any significant changes in the duties assigned to the incumbent of a position or any organization change that may affect a position shall be reported to the Personnel Committee as provided in its established classification procedures.~~

**Section 4.11 TEMPORARY DUTIES ASSIGNMENT**

~~The Executive Director may assign to an employee duties which are properly allocable to a higher or different class provided such assignment is of a temporary nature. The Executive Director shall advise the Personnel Committee of such assignments which are longer than one month in duration.~~

**Section 4.125.4 CLASS SPECIFICATIONS**

A. The Personnel Committee shall adopt and maintain a written specification for each classification, of positions and such specifications which and shall constitute the official specifications of ~~classes~~ all Housing Authority classifications.

B. Each class specification shall set forth a descriptive class title, a definition outlining the scope of duties and responsibilities of positions in the class, the minimum qualifications for the class, essential functions and required knowledge and abilities. & such other information as the Personnel Committee deems appropriate.

C. Inspection and/or ~~duplicate~~ copies of the specifications shall be made available upon request to employees and other interested persons.

D. No new classification will be established without a final class specification which has been approved by the Personnel Committee.

E. Interpretation of Class Specification

**Section 4.13 INTERPRETATION OF CLASS SPECIFICATIONS**

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~~The e1. Class specifications are descriptive and explanatory and are not restrictive. They Specifications are intended written to indicate the kinds of positions that should be allocated to the various classes. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included in the specification.-~~

~~2. The language of the specifications is not to be construed as limiting or modifying the authority of a department head manager or director to direct and control the work of employees under his/her jurisdiction or to alter their duties and responsibilities, as may be necessary in the efficient conduct of the Housing Authority business.-of the Authority, except that it shall be the responsibility of the Executive Director to report to the Personnel Committee promptly any substantial change in the duties and responsibilities of any position under his/her jurisdiction.-~~

~~3. In determining the class to which a position should be allocated, the specification shall be considered in its entirety. Consideration shall be given to the general duties, specific tasks, responsibilities, and minimum requirements, as a composite description of the kind and level of work the class is intended to embrace. In order to determine the level and proper grouping of the class within the Housing Authority's Classification Plan, its relationship to other classes also must be considered; and, therefore, each class specification is to be read and interpreted with thekeeping related specifications relationship in mind.~~

~~Section 4.14 CLASS TITLE~~

~~F. Class Title~~

~~The text of the class specification title shall determineconvey the official primary meaningfunction of the title of classification. The class title and its properly designated code number, shall apply to all positions allocated to the class and shall be used in all personnel and administrative transactions involving such positions.~~

~~Section 4.15 MINIMUM REQUIREMENTS~~

~~G. Minimum Qualifications~~

~~The minimum qualifications statements in a class specification shall constitute the minimum employment standards for the class. PersonsCandidates provisionally appointed shall meet the minimum qualifications for the class. An examination may be limited to applicants who possess qualifications above the minimum for the classification, provided the higher qualifications are approved by the Executive Director, and the Personnel Committee advised, and published as the examination's minimum qualifications on the official examination announcement. Any departure from the minimum qualifications established for a class shall be by order of the Personnel Committee only.-~~

~~Recency of a candidate's experience shall not be considered in reviewing his or her application to see if he or she meets the minimum qualifications for the class.-~~

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~~Volunteer experience will be considered the equivalent of paid experience on a year for year basis in judging whether a candidate meets the minimum qualifications for a class.~~

**Section 4.16 GENERAL QUALIFICATIONS**

**H. General Qualifications for all Classifications**

~~General qualifications commonly required of all candidates for, appointees to, and employees in the classified Housing Authority service such as include but are not limited to: integrity, honesty, sobriety, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, and ability to work cooperatively with others; and shall be deemed to be a part of the personal characteristics of the minimum qualifications of each class specification and need not be specifically set forth therein in each classification specification. All employees are expected to maintain these general qualifications throughout the duration of their Housing Authority appointment. The Personnel Committee may prescribe alternative or additional qualifications for individual classes and such qualifications also shall be deemed to be a part of the specifications for such classes.~~

**Section 5.5 FLEXIBLY-STAFFED CLASSIFICATIONS**

- ~~A. Employees serving in a flexibly-staffed classification as identified in the Housing Authority's Classification Plan may be promoted to the higher classification without taking a competitive examination provided that the employee meets the minimum qualifications for the higher classification and is performing at the higher level.~~
- ~~B. Employees serving in flexibly-staffed classifications who are not promoted to the higher classification when they have satisfied the minimum time requirements shall be notified as to why the promotion is not being processed.~~
- ~~C. An employee's lack of promotion pursuant to this Section is grievable only as it relates to whether the notification procedure is followed in a timely manner. Any such grievance shall be made in accordance with the Article regarding Appeal of Personnel Actions in these rules.~~

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**Article 56**  
**EXAMINATION JOB ANNOUNCEMENTS, APPLICANTS, AND APPLICATIONS**

**Section 6.1 VACANCY REQUISITION**

Prior to the publication of job announcements, the hiring manager shall complete the Request to Fill Vacancy form and submit the form to Human Resources.

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**Section 5.16.2 NOTICE OF EXAMINATION JOB ANNOUNCEMENTS**

Job Announcements shall be given such publicity advertised as the Executive Director or designee deems warranted necessary to attract a sufficient numbers of qualified candidates to compete in examinations and to assure ensure that Authority employees and the public generally are informed of such examinations the position vacancy.

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**Section 5.2 REQUESTS TO BE NOTIFIED**

Requests to be notified when applications are to be accepted for a specific examination shall be filed in the Authority's Personnel Office on forms provided. When the examination is announced these notices will be mailed forthwith to those persons, not less than two weeks prior to the last possible date of filing for the examination.

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**Section 5.3 A. CONTENTS OF JOB ANNOUNCEMENTS**

Job Announcements shall specify include the title and salary range of the class vacant position for which the examination is announced, the primary job responsibilities nature of the work to be performed, and the minimum qualifications, required, the time, place and manner of making application, the date of the examination, and other pertinent information. The job announcement shall also specify how applications are to be submitted.

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**Section 5.4 6.3 APPLICATIONS**

**A. Form of Application**

1. Individuals may apply by completing a Housing Authority employment application and, if required, a supplemental questionnaire.
2. Employment applications must be filed at the Housing Authority on or before the closing date specified in the job announcement. Applications filed after the closing date are generally not accepted unless the closing date has been extended.
3. If no closing date is specified and the filing period on the job announcement indicates that the application period is "open until closed," applications should be submitted as soon as possible.

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4. A promotional candidate must complete a Housing Authority application and meet the minimum qualifications required for the position.

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**B. SPECIFIC QUALIFICATION REQUIREMENTS**

~~Persons Individuals~~ applying to take an examination for a vacant position must possess the requirements established for ~~that examination as the classification specification as specified~~ indicated on in the official job announcement. ~~The Personnel Committee may specify as #~~ Requirements any may include of all or the following: state licenses, certificates, professional status, and the minimum education, training, and experience. ~~Age shall not be a requirement except that the compulsory retirement age established by the County Employees Retirement Act of 1937, shall be the maximum age for all classes in the classified service and whenever a minimum age or a minimum and maximum age limit is required by law for any class, the Personnel Committee shall set age limits to comply with such law.~~

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**Section 5.5 C. DOCUMENTARY PROOF OF QUALIFICATIONS REQUIREMENTS**

Applicants may be required to submit documentation ry proof establishing that they possess the required education, licenses, certificates, ~~or~~ professional status, as well as or evidence of satisfactory training and experience.

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**D. NOTICE OF ADMISSION**

Applicants whose applications are accepted shall be provided a notice of admission to the examination indicating on the date, time and location.

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**E. APPLICATION CONFIDENTIALITY**

1. Applications for Housing Authority employment are confidential and shall not be made public.

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2. Employment applications filed with the Housing Authority become the property of the Housing Authority and are not returned to applicants.

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**Section 5.6 FINGERPRINTING**

~~The Personnel Committee may require that candidates in an examination be fingerprinted at any stage of the examination process. Any candidate who refuses to submit to fingerprinting shall be disqualified in the examination.~~

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**Section 5.7** **FORM OF APPLICATION**

~~Any individual may apply to take an examination by filing a prescribed form on which he/she states that he/she meets the announced requirements for such examination and that he/she understands that he/she will be eliminated at any stage in such examination if it develops that in fact he/she does not meet the announced requirements. This form must be filed at the office of the Authority on or before the closing date specified in the examination announcement, except that when a sufficient number of applications have not been received up to the closing date, the director may accept applications in the period between the closing date and the scheduled date of the examination. Otherwise applications filed after the closing date may be accepted only on approval of the Executive Director, who will advise the Personnel Committee of such actions.~~

~~In a promotional examination, the preliminary forms shall be checked against personnel records, and any applicant who does not meet the announced requirements shall be disqualified in advance.~~

**Section 5.8.4** **APPLICATION REJECTION**

~~The Executive Director will advise the Personnel Committee of all rejections and may reject an application or disqualify a~~

~~A. An applicant may be rejected or disqualified at any stage of the examination process; or may remove an eligible from an employment list for any of the following reasons:~~

~~5.8.1 Failure to meet the minimum requirements as stated in the official job announcement;~~

~~5.8.2 Failure to meet any other published requirements for the position;~~

~~5.8.3 Making false statements in the employment application or any other document filed with the Authority;~~

~~Failure to submit a complete employment application and materials;~~

~~5.8.4 A familial relationship, as specified in Section 2.5, by blood or marriage, with any current employee of the Authority or any member of the Housing Commission or the Personnel Committee.~~

~~5.8.5 Failure of a non-Housing Authority candidate to receive a satisfactory reference from a previous employer(s).~~

**Section 5.9 B.** **NOTICE OF REJECTION**

Whenever an application is rejected, the applicant shall be notified in writing and advised of the reason for rejection.

**Section 5.10C.** **RIGHT TO APPEAL REJECTION OF APPLICATION**

Whenever an application is rejected, the applicant may file a written appeal for reconsideration ~~by with~~ the Personnel Committee. Such appeal shall be filed within five (5) days of receipt of

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the rejection notice and in accordance with the Article regarding Appeal of Personnel Actions in these rules.

In the event there is not sufficient time for the Personnel Committee to act on such appeal, the Executive Director may allow the appellant to participate on a provisional basis pending decision of the Personnel Committee Authority on the appeal.

**Section 5.11** ——— **NOTICE OF ADMISSION**

~~Each applicant whose application is accepted shall be furnished with a notice of admission to the examination for which he/she has filed.~~

**Section 5.12** ——— **APPLICATIONS CONFIDENTIAL**

~~Neither the names of applicants for an examination or the names of those who fail in an examination shall be made public.~~

**Section 5.13** ——— **APPLICATIONS NOT RETURNABLE**

~~Applications filed with the Authority shall become the property of the Authority and shall not be returned to applicants.~~

**Article 67**  
**INTERVIEWS AND EXAMINATION**

**Section 6.1 7.1**      **COMPETITION OPEN AND PROMOTIONAL EXAMS**

Except as provided in Section 6.2, a

A. A. All interviews and examinations (except Qualifying Examinations) shall be competitive and shall be designed to determine the qualifications, fitness, skills, knowledge and abilities of competitors applicants to perform the duties of the class position for which the examination is being given. Examinations may be include a combination of written, oral, and/or performance testing, physical, or a combination thereof.

B. Open and promotional examinations shall be competitive. Promotional examinations shall be conducted in the same manner as open examinations except that admission to a promotional examination shall be limited to individuals currently employed with the Housing Authority who have served at least six (6) months following regular appointment and who meet the published minimum requirements for the position.

C. Recruitments for open and promotional examinations shall be authorized by the Executive Director or their designee.

**Section 67.2**      **QUALIFYING EXAMINATIONS**

A non-competitive qualifying examination may be given to an incumbent with tenure in a flexibly-staffed position or in a position which is upgraded as a result of reclassification or reallocation. An incumbent who qualifies in such for a qualifying examination shall be certified by the Personnel Officer, and the Personnel Committee advised, as eligible to fill the upgraded or higher level position subject to serving the a probationary period, if required, for the class to which the position has been reallocated. The incumbent in the position must meet the following conditions:

- A. ~~The incumbent must meet~~ Possess the minimum requirements ~~with regarding~~ Housing Authority service for the higher level class as stated in the class specification.
- B. ~~The incumbent must have b~~ Been regularly appointed, ~~have~~ received tenure in the lower class and ~~have~~ occupied the position for minimum of one year unless otherwise stated in the classification specification.
- C. ~~The position was not previously downgraded to accommodate the incumbent's qualifications.~~

**Section 67.3**      **PREPARATION ADMINISTRATION OF EXAMINATIONS**

A. All eExaminations shall be scheduled, prepared, and administered under the direction of the ~~Executive Director. Human Resources Manager. He/she may secure the assistance of persons of recognized attainments~~ Individuals in a given field may be used to assist in the

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preparation or ~~conduct administration~~ of examinations, ~~in the review of examination questions and keys, or in the correction of essay questions, or he/she may contract with public or private professional agencies for such service.~~

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Section 6.7. ADMINISTRATION

B. Examinations may be administered at a time and location deemed to be such hours and in such locations as in the judgment of the Executive Director will be most consistent with the interests of the Housing Authority, and the convenience of the applicants. Each applicant who has filed for an application examination according to Section 5.7 shall be notified whether or not they will be participating in the interview and examination process, of the date, time, and place of such examination, or part thereof.

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Section 6.4 C. SUBJECT MATTER PORTION EXAMINATION

The subject matter portion of an examination may consist of a combination of written, oral, ~~and/or~~ performance ~~assessment, or physical tests, or any combination thereof, and may include any to~~ test of the knowledge, skill, ~~ability capacity, intelligence, aptitude, or of~~ any other factor ~~which which in the opinion of the Director will not screen out or tend to screen out an any class of individuals, with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, is shown to be job related for the position in question and is consistent with business necessity. Where possession of a license or certificate, issued following appropriate examination by a legally approved body, is a requirement for the class, the Personnel Committee may order that possession of such license or certificate shall qualify applicants in the subject matter portion of the examination for such class and shall so specify on the examination announcement.~~

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Section 6.5D. INTERVIEW

1. Each examination shall include an interview to appraise the personal job-related qualifications of candidates. For the purpose of limiting the oral examinations interview to those candidates deemed most qualified, the interview may be limited to those candidates successfully completing a subject matter test, or performance test or review of applications or other materials, procedures or combinations thereof for evaluating qualifications. In such event, the final A rating system shall be used to determine the candidates most qualified, received by the candidate in said procedure may or may not be weighted with the rating received in the oral portion of the examination in determining his/her final rating.
2. Failure to report for the interview shall eliminate a candidate from any further consideration, the examination.
3. Should A minimum of two interview panelists shall be used for the interview portion of the examination. If a Housing Authority employees be among the is a candidates to be

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interviewed, no other Housing Authority employee shall be a rating member of the interview panel unless an external panelists is unavailable. In the event an external panelist is unavailable to comprise the interview panel, a Housing Authority management employee may be used as a substitute so long as the manager does not directly supervise the Housing Authority candidate.

4. The Executive Director or their designee may limit the maximum number of qualified candidates who shall participate in the interview process and who may subsequently be placed on an eligibility list. Those candidates shall be individuals deemed most qualified and scoring the highest in the initial application review process.

**Section 6.6 — EDUCATION, TRAINING AND EXPERIENCE**

~~When education, training and experience or any combination thereof are weighted separately as a part of an examination, procedures shall be developed to evaluate the quality, recency, and amount of experience and the pertinency of and satisfactory completion of education and training.~~

~~**Section 6.7 — ADMINISTRATION**~~

~~Examinations may be administered at such hours and in such locations as in the judgment of the Executive Director will be most consistent with the interests of the Authority and the convenience of the applicants. Each applicant who has filed for an examination according to Section 5.7 shall be notified of the date, time, and place of such examination, or part thereof.~~

**Section 6.8 E. POSTPONEMENT AND CANCELLATION**

~~The Executive Director, who will advise the Personnel Committee of any postponement or cancellations, may order that an eExaminations may be postponed or canceled due to unforeseen or changed circumstances. and in such case aApplicants shall will be given suitable advance notice thereof when this occurs.~~

**Section 6.9 F. ANONYMITY OF CANDIDATES**

~~To assure anonymity for each competitor in the written test, his/her papers shall be identified by a number Candidate written examinations shall be anonymous until the scoring of the written test is completed. Only after the scoring of the written test is completed shall the identity of the competitors/candidates be disclosed.identified for total scoring purposes.~~

**G. CONFIDENTIALITY OF INTERVIEW RECORDS**

Candidates are entitled to know the score they have attained in the interview portion of an examination during the inspection period. However, records of the interview (other than the overall score), including statements of interviewers made during the interview regarding the

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qualifications of the candidates, are deemed confidential and shall not be disclosed other than to the Personnel Committee or Housing Authority management on a need to know basis.

**H. DISPOSITION OF RECORDS**

- 1. Applications of applicants who fail to appear for the examination and records of candidates who fail to qualify for the examination shall be kept for a minimum of two (2) years from the date of the Personnel Committee’s promulgation of the eligibility list.
- 2. Examination and interview records of candidates who qualify in an examination are retained during the life of the eligibility list or for two (2) years, whichever is longer.

**Section 6.107.4 RATINGS**

- A. When education, training and experience are weighted separately<sup>6</sup> as part of an examination, a rating system shall be used to evaluate the quality of experience and satisfactory completion of any required education and training.
- B. In order to qualify in an examination be placed on an eligibility list, candidates must attain an overall rating of at least 70% in the subject matter portion and a final rating of at least 70% in the total examination. The Executive Director or their designee, who will advise the Personnel Committee, may set a minimum qualifying rating other than 70% for each different subject matter test or for other parts of an examination, and candidates failing to achieve such the established ratings shall be eliminated from participating in the remaining tests or parts of such portions of the examination, or if they have already participated, they need not be rated. When in scoring the examination of a candidate, it becomes evident that he/she would receive a rating less than the minimum required to qualify, such candidate shall be eliminated at that point and the scoring of the remaining parts of his/her examination need not be completed. In converting raw scores to percentage ratings, scores below the passing score need not be converted.

The Executive Director, who will advise the Personnel Committee of limits established, may limit the maximum number of qualified persons who shall constitute an eligible list, or who shall be permitted to compete in any of the separately weighted parts of an examination, and such persons shall be those individuals scoring the highest in the total examination or separately weighted part thereof, as the case may be.

**Section 6.11 C. NOTICE OF RESULTS**

After soon as the eligible eligibility list is promulgated by the Personnel Committee, each candidate in the examination shall be notified by mail of the results of his/her their examination, and, if he/she has qualified for a place on the eligible list, such The notice shall state his/her the score rating and relative standing ranking on the eligibility list. except that wWhen candidates receive less than an overall passing score, are eliminated in an earlier stage of the examination

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~~process as provided in Section 6.10; they may shall~~ be notified of their failure to qualify ~~at an earlier date to be placed on the eligibility list.~~

**Section 6.12D. EXAMINATION INSPECTION PERIOD**

1. Each candidate may inspect the written examination key, ~~where one exists,~~ in the Personnel/Human Resources Office of the Housing Authority within five (5) working days of the examination, ~~except that e~~Copyrighted or standardized tests shall not be inspected.
2. Within the inspection period, a candidate may file an appeal for review of ~~the items or the~~ part of the examination ~~he or she in~~ questions. Appeals can be made in accordance with the Article regarding Appeal of Personnel Actions in these rules.
3. If a candidate prevails on appeal, the promulgated eligibility list may be modified and re-promulgated by the Personnel Committee. ~~giving reasons and citing authorities to support them. No score shall be promulgated until such appeal has been decided.~~

~~Each candidate may inspect his/her own examination papers in the Personnel Office of the Housing Authority at any time within ten days from the date of mailing notices of standing in the examination, except that copyrighted or standardized tests shall not be inspected.~~

**Section 6.13 INTERVIEW RECORDS CONFIDENTIAL**

~~Each candidate is entitled to know the score he/she attained in the interview portion of an examination during the inspection period provided by Section 6.12. Records of the interview, other than the overall score, particularly statements of the opinions of the individual interviewers regarding the qualifications of the candidate upon which the ratings given by such interviewers are based, are confidential and shall not be revealed to anyone other than the Personnel Committee or staff members directly concerned with the examination.~~

**E. CREDIT FOR INTERNAL CANDIDATES**

Tenured employees who attain a passing score in an open examination shall be given an additional five (5) points in recognition of their current Housing Authority service, which shall be added to the total score.

**Section 6.14 7.5 APPEAL FOR REVIEW OF RATINGS**

- A. If a candidate has been disqualified in the oral part interview portion of an examination and believes that such action the disqualification was the result of irregular interview procedures, he/she they may make a written appeal in writing to the Personnel Committee, giving particulars of such citing the specific irregularities occurring during the interview, for review by the Personnel Committee.
- B. Also, aAn appeal of a disqualification in the written part of an examination may be made only on the grounds of procedural irregularity or clerical error.

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C. ~~Any a~~An appeals shall specify the grounds upon which it is made and must be received in the ~~Human Resources department~~office of the ~~Personnel Committee~~ within ten (10) days of the mailing of the notices ~~of standing in the examination regarding scoring and ranking.~~

D. ~~Appeals regarding ratings shall be made in accordance with the Article regarding Appeal of Personnel Actions in these rules.~~

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**Section 6.15 E. REVISION OF RATINGS**

When an appeal is upheld, the ~~appellant's candidate's~~ standing ~~or score~~ shall be revised accordingly. ~~and if~~ the appeal discloses errors that affect the standing of other candidates, ~~they~~those standings shall also be revised. When the relative standing of ~~a candidate eligible~~ changes as a result of such revisions, their places on the ~~eligible eligibility~~ list shall be changed accordingly. ~~but~~ However, appointments previously made from ~~such that eligibility~~ list shall not be affected. ~~thereby.~~

**Section 6.16 PROMOTIONAL EXAMINATIONS**

~~All promotional examinations shall be competitive and shall be conducted in the same manner as open examinations except that admission to a promotional examination shall be restricted to persons in the employ of the Authority who have served at least six months following regular appointment and who meet the published requirements for the examination. The Personnel Committee shall determine whether an examination shall be held on a promotional or open basis.~~

**Section 6.17 MEDICAL EXAMINATIONS**

~~Job offers to either enter or become reinstated to the Authority's service shall be conditioned upon the person's passing a medical evaluation that establishes that the person is physically and/or emotionally able to perform the essential job functions of the position, with or without reasonable accommodation. Any such evaluation will be: job related; consistent with business necessity; and required of all entering employees in the same classification.~~

~~When there is reason to believe that an employee of the Authority is not physically or mentally able to perform the essential job functions of the position, with or without reasonable accommodation, the Executive Director may require that such employee submit to a medical examination. Any such examination will be job related and consistent with business necessity.~~

**Section 6.18 DISPOSITION OF PAPERS AND RECORDS**



~~Prescribed application forms of persons who fail to appear for the written test and examination records of candidates who fail to qualify in the written test shall be destroyed at any time after two (2) years from the date of promulgation of the eligible list. Examination records of candidates who qualify in an examination shall be retained during the life of the eligible list or for two (2) years, whichever is longer, and the examination records of each appointee shall be filed in his/her permanent personnel folder.~~

~~Section 6.19 — PREFERENTIAL PROMOTIONAL CREDITS~~

~~Each tenured employee who attains a passing grade in an open eligible examination shall be given a preferential promotional credit of 5% of the maximum rating for such examination, which shall be added to his or her total score to constitute his or her final rating.~~

## Article 78 EMPLOYMENT LISTS AND CERTIFICATION

### Section 7.18.1 ESTABLISHING ELIGIBILITY LISTS -HOW ESTABLISHED

A. The Personnel Committee of the Housing Commission shall approve the results of all competitive examinations for entrance into and promotion in the Authority service with the exception of the

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Executive Director, and shall approve, create, and order promulgated open eligible lists and promotional eligible lists resulting therefrom. Once the results are approved, the Personnel Committee shall promulgate the resulting eligibility list.

#### B. ORDER OF NAMES ON ELIGIBILITY LISTS

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The names of successful candidates shall be placed on the open or promotional eligibility list in the order of their total score and ranking resulting from the examination.

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### Section 7.6 C. RESOLVING TIES

If two or more eligible candidates attain the same total ratingscore in an examination, the ties shall be resolved according to the following factors:priority list

⋮

- 1) Housing Authority employee competing for promotion
- 2) Greatest seniority in Housing Authority service
- 3) Highest rating in the most heavily weighted portion of the examination
- 4) Highest rating in the subject matter portion of the examination
- 5) Chronological order of filing applications
- 6) By determination of the Personnel Committee

In breaking a tie, the above factors shall be applied in the order listed.; if a factor is not relevant to a particular tie, then the next factor shall be considered until the tie is broken.

When two or more persons are tied for a place on an Authority preferred list, each such tie is resolved by the Personnel Committee after consideration of such factors as seniority in the service, standing on the eligible list from which appointment was made, affirmative action considerations, or any other pertinent factors.

### Section 78.2 AUTHORITY PREFERRED LISTTYPES OF ELIGIBILITY LISTS

#### A. Open and Promotional Eligibility Lists

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For each open or promotional examination, the Personnel Committee shall promulgate an eligibility list for the classification for which the examination took place. Open and promotional eligibility lists are the result of competitive examinations.

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B. Preferred Lists

~~1. For each class or designated specialty there shall be established and maintained a separate Authority preferred list. Each such Preferred lists shall consist of the names of former employees in the class who, without fault on their part, were involuntarily separated from the classification by a reduction in force or layoff, a classification action. The names of such persons those individuals shall be ranked in order of total Housing Authority service, except that eEmployees who held tenure in the class shall have priority over employees who did not complete the probationary period in the for that classification. Preferred lists shall be maintained by classification.~~

~~Certification and appointment from the Authority preferred list shall be made in accordance with the provisions of these rules governing Certification and Appointment.~~

~~2. Acceptance of an appointment from an Authority preferred list to the classification from which the person employee was laid off or from which the employee accepted demotion will result in the person employee's name being removed from all other preferred lists.~~

~~3. Acceptance of an appointment from an Authority preferred list to a position in a classification other than the one from which the person was laid off or from which the employee accepted demotion will result in the person employee's name being removed from all other preferred lists of for classifications of equal or lower salary level, except the Authority preferred list for the classification from which the person was laid off or demoted, or from which the person accepted demotion.~~

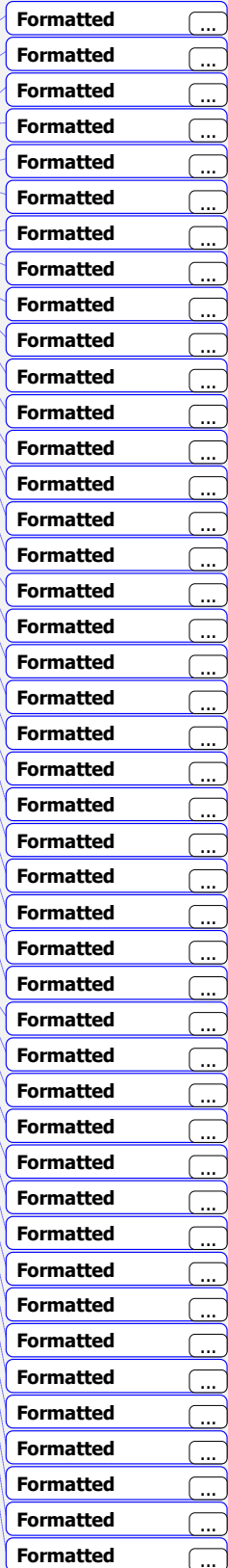
~~If the accepted position was for a lesser number of hours than previously worked by the employee, acceptance will not result in the removal of the employee's name from any full-time lists.~~

~~4. When more than one preferred reemployment lists exists due to multiple layoffs or reclassification actions(s) and layoff, the lists shall be combined for each classification with person employees on the lists being ranked in order of Total Housing Authority Service. Total Housing Authority Sservice shall be determined as of the effective date of layoff or demotion, classification action.~~

~~5. Employees who are laid off may upon request to that the Personnel Committee Officer have their name placed on the preferred lists for other classifications in which they previously held tenure.~~

Section 7.3C. ALTERNATIVE LISTS Alternative Lists

If a vacancy exists for a classification for which there is no employment eligibility list, the Personnel Committee Executive Director or their designee may order allow certification made from an employment eligibility list for a related class for which the minimum qualifications and the examination are similar to or of higher level than those required for the classification in which the vacancy exists. An appointment from an alternative list for a higher class shall not remove the name of the appointee from such list.



**Section 7.4 — CONSOLIDATED OR SUPPLEMENTAL LISTS**

~~The Personnel Committee may order that the names of eligible on two or more successive eligible lists for the same class be consolidated on one list in the order of examination ratings. Should two eligible have identical ratings, the one from the oldest list shall take precedence. If the name of an eligible is on more than one eligible list, placement on the consolidated list shall be in accordance with the highest rating of that eligible. In lieu of consolidation, the Personnel Committee may promulgate an eligible list for a class as a supplement to an existing eligible list for such class, in which case the old list shall precede the new list.~~

**Section 7.5 — ORDER OF NAMES ON PROMOTIONAL OR OPEN ELIGIBLE LISTS**

~~Names of successful candidates in a competitive examination shall be placed on the promotional or open eligible list for the class for which they were examined in the order of their relative total ratings in the examination, which ratings shall include preferential promotional credits to which such candidates may be entitled.~~

**Section 7.6 — RESOLVING TIES**

~~If two or more eligible attain the same total rating in an examination the ties shall be resolved according to the following priority list:~~

- ~~1) Authority employee competing for promotion~~
- ~~2) Greatest seniority in Authority service~~
- ~~3) Highest rating in the most heavily weighted portion of the examination~~
- ~~4) Highest rating in the subject matter portion of the examination~~
- ~~5) Chronological order of filing applications~~
- ~~6) By determination of the Personnel Committee~~

~~In breaking a tie, the above factors shall be applied in the order listed; if a factor is not relevant to a particular tie, then the next factor shall be considered until the tie is broken.~~

~~When two or more persons are tied for a place on an Authority preferred list, each such tie is resolved by the Personnel Committee after consideration of such factors as seniority in the service, standing on the eligible list from which appointment was made, affirmative action considerations, or any other pertinent factors.~~

**Section 7.7 D. — PRIORITY OF LISTS**

~~Eligibility lists shall be certified-used to fill vacancies in the following order of priority:~~

- ~~1) Authority preferred lists~~
- ~~2) Promotional lists~~
- ~~3) Open eligible lists~~

**Section 7.8 E. DURATION OF LISTS**

1. The life of ~~open and promotional~~ an eligibility lists shall be for one year from the date of its promulgation unless ~~a list~~ is canceled or extended by the Personnel Committee. ~~The Personnel Committee may order an eligible list reactivated when in its judgment the needs of the service will be best served thereby. The promulgation of a new eligible list for a class will automatically cancel the existing list for that class except when otherwise ordered by the Personnel Committee.~~

2. ~~The life of Names shall remain on Authority~~ preferred lists shall be ~~for~~ three years, unless such time is extended by the Personnel Committee. Refusal to accept reemployment when offered shall be cause for removal from a preferred list, ~~unless reasons for such refusal, satisfactory to the Personnel Committee, are presented in writing.~~

**Section 7.9 F. EXTENSION OF ELIGIBILITY OF INDUCTEES FOR SERVICE INDUCTION**

1. ~~Section 7.8 shall not be construed to prohibit extension by the Personnel Committee of the eligibility of an~~ Individuals who ~~is~~ are on an employment eligibility list at the time ~~he/she is~~ they are inducted into the armed ~~forces~~ services of the United States ~~may have their eligibility status extended,~~ provided that ~~he/she they request the extension makes application in writing for the~~ the request for extension shall be made of such eligibility not later than ninety (90) days after termination of ~~his/her~~ military service, ~~and that he/she submits a~~

2. ~~Appropriate evidence of an honorable discharge from such military service will be required.-~~

3. A ~~person candidate~~ whose eligibility has been extended shall retain ~~his/her~~ their relative position ~~in accordance with his/herto their rating overall score and ranking in the examination on a current or succeeding employment the eligibility list, for the class.~~

**Section 7.10 G. REMOVAL OF NAMES FROM AN ELIGIBILITY LIST**

~~The~~ Names of on an eligibility list may be removed or withheld from certification ~~from an employment list~~ for any of the following reasons:

- 7.10.1 Acceptance ~~by an eligible~~ of a regular appointment; ~~from such list;~~
- 7.10.2 Acceptance ~~by an eligible~~ of a regular appointment from a list for another classification at the same or higher salary; ~~as provided hereinafter;~~
- 7.10.3 Failure ~~of an eligible~~ to respond to written communication as required; ~~hereinafter;~~
- 7.10.4 Refusal ~~by an eligible~~ of two offers of regular appointment; ~~to a class as provided hereinafter;~~

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- ~~7.10.5~~ Receipt of evidence that the eligible cannot be located by the postal authorities at his/her last known address as provided hereinafter;
- ~~7.10.6~~ Failure of an eligible to report to work on the date agreed upon at the time of his/her appointment, when no suitable explanation thereof has been received;
- ~~7.10.7~~ Separation from the Authority service as provided hereinafter;
- ~~7.10.8~~ On receipt of Upon written request from an eligible that his/her the candidate's name be withdrawn; withheld as provided hereinafter;
- ~~7.10.9~~ For any cause specified in Section 5.8, or for any other justifiable cause or reason which in the judgment of the Personnel Committee warrants such action;
- ~~7.10.10~~ Previous separation from the Authority service during his/her probationary period or as provided hereinafter.

~~Section 7.11~~ **DISQUALIFICATION FOR AUTHORITY EMPLOYMENT BASED ON CONVICTION RECORDS**

The following provisions shall cover disqualification from employment by the Authority based upon criminal conduct:

- ~~7.11.1~~ Knowingly making a false statement of fact required to be revealed in an application for employment;
- ~~7.11.2~~ Conviction of a crime or crimes that demonstrates significant risks in carrying out the duties and responsibilities of the particular position sought. The Personnel Committee may consider the following factors in determining the significance of the conduct:
  - ~~(a)~~ The classification to which the person is applying or being certified, including its sensitivity;
  - ~~(b)~~ The nature and seriousness of the conduct;
  - ~~(c)~~ The circumstances surrounding the conduct;
  - ~~(d)~~ The time elapsed since the occurrence of the conduct;
  - ~~(e)~~ The age of the individual at the time of the conduct;
  - ~~(f)~~ The presence or absence of rehabilitation.
- ~~7.11.3~~ Current addiction to or use of illegal drugs.

The Personnel Committee shall give notice of disqualification to any applicant disqualified under this rule. Applicants may request a personal appearance before the Personnel Committee for reconsideration of their disqualification's under this rule. Any such requests shall be in writing and filed with the Personnel Committee within ten (10) days of notification of disqualification.

**Comment [FC1]:** This section has been moved to another rule regarding background checks and is also not compatible with current California law regarding convictions.

**Article 8**  
**CERTIFICATION**

**Section 8.2**

**Section 8.1 A. AVAILABILITY OF ELIGIBLE FOR CERTIFICATION**

Availability of a candidate eligible for certification for to regular, temporary and intermittent appointment shall be ~~ascertained in writing provided by the candidate by completing the Availability of Applicants on Eligibility List for Certification Form on forms prescribed by the Personnel Committee and returning the form to the Human Resources department Office.~~

~~B. Statements of eligible When a candidate indicates on the Certification Form that they are not available for employment, or are unwilling to accept temporary positions their names shall be constitute an automatic withheld from certification on the eligibility list. for such positions. An eligible may request in writing that his/her availability record be changed; but, in such event he/she shall not be entitled to consideration for appointment to positions for which certifications have already been made.~~

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**Section 8.2** **REQUEST TO FILL VACANT POSITION**

~~Whenever a position in the classified service is to be filled, the Supervisor shall requisition the Personnel Officer on the prescribed form for the names of eligible from the appropriate employment list; or, if no list is available, for authority to fill the vacancy by provisional appointment; or for authority to make appointment by transfer, voluntary demotion, reinstatement after resignation, or split off privilege. Regardless of the method by which a position is to be filled, the requisition form shall be completely filled out and submitted to the Personnel Officer as far in advance of the anticipated need as possible.~~

**Section 8.3** **SELECTIVE CERTIFICATION**

~~Eligible shall be certified in order of their standing on an employment list, except that the Executive Director, who will advise the Personnel Committee, may request selective certification of eligible having specialized job related qualifications that are required to fill a position.~~

**Section 8.4 C.** **AUTHORITY PREFERRED LIST**

~~Whenever a position is to be filled from an Authority preferred list, the name of the person candidate who ranks first on such the list as defined in Section 7.2 shall be certified and the requisitioning Supervisor hiring manager shall re-employ that candidate. such person in the position.~~

**Section 8.5D.** **NUMBER OF NAMES TO BE CERTIFIED**

- ~~1. Except as provided in Section 8.3, upon receipt of a request to fill a position by certification from an employment list, tThe Personnel Officer shall certify from the appropriate list as many names as requested by the hiring manager but not less than the first three (3) persons candidates on such the eligibility list who have indicated that they are available for appointment pursuant to Section 8.2.A., above regarding availability for certification.~~

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~~When the address of an eligible indicates that the distance between his/her residence and place of return is such that the three days time is not sufficient, the Personnel Officer may extend the three day period or institute other means of communicating with the eligible.~~

**Section 8.10 CHANGE OF ADDRESS**

~~3. Whenever an eligible candidate changes his/her their address, it shall be his/her their responsibility to notify the Authority Human Resources Office in writing, giving his/her of their new address, and the titles of each employment list on which his/her name appears. The Personnel Officer shall be responsible for changing the addresses only on the employment lists indicated.~~

**Section 8.11 FAILURE TO RESPOND**

~~4. When an eligible candidate fails to respond to the Availability of Applicants on Eligibility List for Certification Form a certification notice as required in Section 8.9, or to any other communication requiring an answer, or when evidence is received that an eligible cannot be located by the postal authorities at his/her last known address, his/her their name shall be withheld from future certification, until such time as it is restored to active status as provided hereinafter.~~

~~5. A failure to respond to the Availability of Applicants on Eligibility List for Certification Form a notice of certification for any reason shall be deemed considered to be a refusal of appointment to the position to which the eligible candidate was to be is being certified. Failure of an eligible to respond to certification for temporary appointment shall not adversely affect or interfere with future certification of his/her name for regular appointment.~~

**Section 8.12 F. TWO REFUSALS OF APPOINTMENT**

~~When an eligible candidate refuses two offers of appointment from an eligibility le list, his/ her their name shall be moved to the last place on such the list, for that type of appointment.~~

**Section 8.13G. WITHHOLD AT CANDIDATE'S REQUEST OF ELIGIBLE TO BE WITHHELD FROM CERTIFICATION**

~~A. An eligible candidate may file in provide written notification to the office of the Housing Authority a written request that his/her they desire to have their name be withheld from certification, for a definite or indefinite period of time. Upon receipt of such request, the name of the eligible candidate will remain inactive on the eligibility list from which it is being withheld, until it is restored to active status as provided hereinafter.~~

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~~Withholding from certification shall include withholding from certification to both regular and temporary appointment, unless otherwise stated in the written request to withhold. Withholding from certification to a temporary appointment only shall not adversely affect or interfere with a certification to a regular appointment.~~

B.

~~Section 8.15 RESTORATION AFTER VOLUNTARY WITHHOLDING OF CERTIFICATION~~

- ~~1. The names of eligible candidates that have been withheld from certification voluntarily may be restored to active status on the eligibility list from which they were withheld, as follows: If the withhold request is for a definite period of time, the name shall be restored to active status at the expiration of such period; if the withhold request is for an indefinite time, the candidate's name shall be restored to active status upon receipt in by the Human Resources Office of the Authority of a written request from the eligible candidate to have their certification status restored, for restoration, except that when a name has been withheld for the third time, or w~~
- ~~2. When the request is to restore a name to a list on which there are fewer than three available eligibles, restoration to active status shall be on order of the Personnel Committee only.~~

~~When the Personnel Committee reestablishes an employment list by ordering an eligible restored to active status on such list, provisional appointments made while the list contained fewer than three names shall be terminated as provided hereinafter.~~

~~Section 8.14 H. WITHHOLD OF PROMOTION RIGHTS OF SEPARATED HOUSING AUTHORITY EMPLOYEES~~

- ~~1. The names of an eligible candidates who have left the employment of the Housing Authority shall be withheld from certification from any promotional eligibility list.~~
- ~~2. and if he or she that candidate has been given preferential promotion credits points for internal Housing Authority service, on any open eligibility list, such those points credits shall be subtracted from the overall score his or her rating and his or her their name moved to the position on such open list in accordance with his or her their rating rank before such preferential promotion credits points were added.~~

~~Employees re-employed as provided hereinafter may be restored to active status on promotional lists or may regain their preferential promotion credits on an open list, if such lists are still in existence, by requesting that such promotion privileges be restored.~~

~~Section 8.15 RESTORATION AFTER VOLUNTARY WITHHOLD~~

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~~The names of eligible that have been withheld from certification voluntarily may be restored to active status on the list from which they were withheld as follows: If the withhold request is for a definite period of time, the name shall be restored to active status at the expiration of such period; if the withhold request is for an indefinite time, the name shall be restored to active status upon receipt in the office of the Authority of a written request from the eligible for restoration, except that when a name has been withheld for the third time, or when the request is to restore a name to a list on which there are fewer than three available eligible, restoration to active status shall be on order of the Personnel Committee only.~~

~~When the Personnel Committee reestablishes an employment list by ordering an eligible restored to active status on such list, provisional appointments made while the list contained fewer than three names shall be terminated as provided hereinafter.~~

#### **Section 8.16 — RESTORATION AFTER INVOLUNTARY REMOVAL OR WITHHOLD**

~~When the name of an eligible has been removed from the list or withheld from certification without his/her consent, it may, upon his/her written request and at the discretion of the Executive Director, and the Personnel Committee so advised, be restored to the list from which it was removed or withheld, if such list is still in existence.~~

#### **Section 8.17 I. — CANCELLATION OF CERTIFICATION**

~~If, after a certification of eligible is received, the Executive Director or their designee decides not to fill a vacant position after the certification of candidates has occurred, or to fill it by other legal means as provided in these rules, the certification or names may be cancelled. returned to the Personnel Officer for cancellation and the Personnel Committee so advised.~~

#### **Section 8.18 J. — OBJECTION TO CERTIFIED ELIGIBLE CANDIDATE**

~~The Personnel Officer may object to an eligible candidate's on a certification if he/she has there is information tending to show establishing that there are grounds for disqualification. such eligible is morally unfit for the position to be filled. Such information may relate to any cause of a disqualifying nature. After investigation, If grounds are established, the Executive Director or their designee may order the withdrawal from the certification the name of the eligible candidate found not to be qualified and shall certify an additional name, for each eligible so withdrawn. Determination, as to whether the name of the person affected candidate shall be is removed from the eligible list certification, shall be at the discretion of the Executive Director. Finding of the Executive Director in each case shall be filed with the Personnel Committee for their information.~~

#### **Section 8.19 K. — RETURN TO COMPLETION OF CERTIFICATION FORM**

The Executive Director shall ~~complete sign~~ the certification forms ~~completed by candidates on an eligibility list in accordance with instructions thereon; shall and~~ return ~~the forms to the Personnel Officer's copy~~ Human Resources Office, as soon as possible after making his/her selection; the Personnel Officer shall notify the selected eligible of his/her appointment; and shall make any necessary arrangements with him/her regarding the beginning of his employment. ~~The hiring manager is then able to proceed with further examination steps such as a second interview and/or assessment testing.~~

## **Article 5**

### **CLASSIFICATION PLAN**

#### **Section 5.1            PERSONNEL COMMITTEE AUTHORITY**

The Personnel Committee has the authority to establish the classification of all positions in the Housing Authority service. The Personnel Committee has the authority to re-classify, allocate and reallocate positions to other classifications.

#### **Section 5.2            OFFICIAL CLASSIFICATION PLAN**

##### A. Position Classifications

Classifications that have been adopted by the Personnel Committee as well as any amendments constitute the official classification plan for all Housing Authority positions. The classification plan shall not be deemed to be a part of these rules but shall serve as an administrative tool for recruitment, assignment of work responsibilities and other personnel transactions.

##### B. Maintenance and Administration of Classification Plan

1. The Classification Plan shall be kept current by review of positions, which may include the analysis of a single classification or analyses of all positions in a single class or class series, positions in an organizational unit, or positions in an occupational grouping.
2. The review of a position may be initiated by the Executive Director or their designee, the Human Resources Manager or by an employee.

##### C. Amending the Classification Plan

The Classification Plan shall be amended as needed. New classes may be added and existing classes may be amended, divided, combined, altered, deleted from the current Classification Plan or abolished altogether.

##### 1. New Classifications

The creation of a new position may be requested by the Executive Director or their designee. Recommendations for new classifications are submitted to the Personnel Committee for approval and adoption. New positions shall not be filled until they are classified and allocated to the Classification Plan following Personnel Committee adoption and included in the schedule of budgeted positions adopted by the Housing Commission.

## 2. Position Allocation

Each position shall be allocated by the Personnel Committee to an appropriate class in the Classification Plan. The allocation of a position to a class shall derive from and be determined by the duties and responsibilities of the position without regard to the special qualifications of the incumbent.

Certain positions may be designated by the Executive Director or their designee as requiring special qualifications based upon enhanced delivery of public service through the possession of special qualifications that are either deemed as a business necessity or a bona fide occupational qualification.

Allocation of positions shall be based on the principle that positions shall be included in the same class if:

- a. They are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used;
- b. Substantially the same requirements as to education, experience, knowledge, and ability are demanded of the incumbents;
- c. Substantially the same test of fitness may be used in selecting qualified employees; and
- d. The same schedule of compensation can be made to apply with equity.

## 3. Position Reallocation

Whenever it is determined that a position does not properly belong in the class to which it has been allocated, the position shall be reallocated to an appropriate class in the Classification Plan. If the plan does not contain an appropriate class, the position shall be reclassified and a new classification established and the position shall be reallocated to the new classification. In determining reallocations, the provisions of Section 4.2.C.2. shall serve as guidelines.

### a. Status of Incumbents in Reallocated Positions

When a position is reallocated to another class, the status of the incumbent in such position in the new class shall be determined in accordance with the provisions contained in these rules governing classification upgrading, downgrading, transfer, or split-off.

## 4. Position Reclassification

When an employee requests a determination of their position classification, the Human Resources Manager shall make every attempt to complete the determination within forty-five (45) days of receiving the completed Position Description Questionnaire (PDQ) Form from the employee. When unable to

complete the determination within this time frame, the employee shall receive written notification of the status of the request.

The Human Resources Manager will review the completed PDQ Form and consult with the employee if necessary. The employee's manager shall complete the management portion of the PDQ Form and the Human Resources Manager shall consult with the employee's manager and/or the Executive Director on the determination.

The Human Resources Manager shall provide a written report of the determination regarding the employee's request for reclassification.

- a. If a reclassification is granted, the position shall be reallocated to the appropriate classification in accordance with Section 5.3 of this Article.
- b. If a reclassification is denied, the employee may appeal the determination to the Personnel Committee in accordance with Section 5.3 of this Article.

**Section 5.3**                    **CLASSIFICATION APPEALS**

Any employee may appeal the allocation, reallocation or the denial of a request for reclassification of their position to the Personnel Committee and shall be given the opportunity to be heard by the Personnel Committee. Classification appeals to the Personnel Committee shall be made in accordance with the Article regarding Appeal of Personnel Actions in these rules.

**Section 5.4**                    **CLASS SPECIFICATIONS**

- A. The Personnel Committee shall adopt and maintain a written specification for each classification, which shall constitute the official specifications of all Housing Authority classifications.
- B. Each class specification shall set forth a descriptive class title, a definition outlining the scope of duties and responsibilities of positions in the class, the minimum qualifications for the class, essential functions and required knowledge and abilities.
- C. Inspection and/or copies of the specifications shall be made available upon request to employees and other interested persons.
- D. No new classification will be established without a final class specification which has been approved by the Personnel Committee.
- E. Interpretation of Class Specification

1. Class specifications are descriptive and explanatory and are not restrictive. Specifications are written to indicate the kinds of positions that should be allocated to the various classes. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality nor shall any specific omission necessarily mean that such factor is not included in the specification.
2. The language of the specifications is not to be construed as limiting or modifying the authority of a manager or director to direct and control the work of employees or to alter duties and responsibilities as may be necessary in the efficient conduct of Housing Authority business.
3. In determining the class to which a position should be allocated, the specification shall be considered in its entirety. Consideration shall be given to the general duties, specific tasks, responsibilities and minimum requirements as a composite description of the kind and level of work the class is intended to embrace. In order to determine the level and proper grouping of the class within the Housing Authority's Classification Plan, its relationship to other classes also must be considered and, therefore, each class specification is to be read and interpreted keeping related specifications in mind.

#### F. Class Title

The text of the class specification title shall convey the primary function of the classification. The class title shall apply to all positions allocated to the class and shall be used in all personnel and administrative transactions involving such positions.

#### G. Minimum Qualifications

The minimum qualifications in a class specification shall constitute the minimum employment standards for the class. Candidates provisionally appointed shall meet the minimum qualifications for the class. An examination may be limited to applicants who possess qualifications above the minimum for the classification, provided the higher qualifications are approved by the Executive Director and published as the examination's minimum qualifications on the official examination announcement.

#### H. General Qualifications for all Classifications

General qualifications required of all candidates and employees in the Housing Authority service include but are not limited to: integrity, honesty, sobriety, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy and ability to work cooperatively with others, and shall be deemed to be a part of the personal characteristics of the minimum qualifications of each class specification and need not be specifically set forth in each classification specification. All employees are expected to maintain these general qualifications throughout the duration of their Housing Authority appointment.



**Section 5.5**      **FLEXIBLY-STAFFED CLASSIFICATIONS**

- A. Employees serving in a flexibly-staffed classification as identified in the Housing Authority's Classification Plan may be promoted to the higher classification without taking a competitive examination, provided that the employee meets the minimum qualifications for the higher classification and is performing at the higher level.
- B. Employees serving in flexibly-staffed classifications who are not promoted to the higher classification when they have satisfied the minimum time requirements shall be notified as to why the promotion is not being processed.
- C. An employee's lack of promotion pursuant to this Section is grievable only as it relates to whether the notification procedure is followed in a timely manner. Any such grievance shall be made in accordance with the Article regarding Appeal of Personnel Actions in these Rules.

## **Article 6**

### **JOB ANNOUNCEMENTS AND APPLICATIONS**

#### **Section 6.1     VACANCY REQUISITION**

Prior to the publication of job announcements, the hiring manager shall complete the Request to Fill Vacancy form and submit the form to Human Resources.

#### **Section 6.2     JOB ANNOUNCEMENTS**

Job announcements shall be advertised as the Executive Director or designee deems necessary to attract a sufficient number of qualified candidates to compete in examinations and to ensure that employees and the public are informed of the position vacancy.

Job announcements shall include the title and salary range of the vacant position, the primary job responsibilities and the minimum qualifications. The job announcement shall also specify how applications are to be submitted.

#### **6.3               APPLICATIONS**

##### **A. Form of Application**

1. Individuals may apply by completing a Housing Authority employment application and, if required, a supplemental questionnaire.
2. Employment applications must be filed at the Housing Authority on or before the closing date specified in the job announcement. Applications filed after the closing date are generally not accepted unless the closing date has been extended.
3. If no closing date is specified and the filing period on the job announcement indicates that the application period is "open until closed," applications should be submitted as soon as possible.
4. A promotional candidate must complete a Housing Authority application and meet the minimum qualifications required for the position.

##### **B. Specific Qualification Requirements**

Individuals applying to take an examination for a vacant position must possess the requirements established for the classification specification as indicated in the official job announcement. Requirements may include the following: state licenses, certificates, professional status, and the minimum education, training, and experience.

**C. Proof of Qualifications**

Applicants may be required to submit documentation establishing that they possess the required education, licenses, certificates, professional status, or evidence of satisfactory training and experience.

**D. Notice of Admission**

Applicants whose applications are accepted shall be provided a notice of admission to the examination indicating the date, time and location.

**E. Application Confidentiality**

1. Applications for Housing Authority employment are confidential and shall not be made public.
2. Employment applications filed with the Housing Authority become the property of the Housing Authority and are not returned to applicants.

**Section 6.4      APPLICATION REJECTION**

**A.** An applicant may be rejected or disqualified at any stage of the examination process for any of the following reasons:

1. Failure to meet the minimum requirements as stated in the official job announcement;
2. Failure to meet any other published requirements for the position;
3. Making false statements in the employment application or any other document;
4. Failure to submit a complete employment application and materials;
5. Failure of a non-Housing Authority candidate to receive a satisfactory reference from a previous employer.

**B. Notice of Rejection**

Whenever an application is rejected, the applicant shall be notified in writing and advised of the reason for rejection.

**C. Right to Appeal Rejection of Application**

Whenever an application is rejected, the applicant may file a written appeal for reconsideration with the Personnel Committee. Such appeal shall be filed within five (5) days of receipt of the rejection notice and in accordance with the Article regarding Appeal of Personnel Actions in these rules.

In the event there is not sufficient time for the Personnel Committee to act on such appeal, the Executive Director may allow the appellant to participate on a provisional basis pending decision of the Personnel Committee on the appeal.

## **Article 7 INTERVIEWS AND EXAMINATION**

### **Section 7.1           OPEN AND PROMOTIONAL EXAMS**

- A. All interviews and examinations (except Qualifying Examinations) shall be competitive and designed to determine the qualifications, skills, knowledge and abilities of applicants to perform the duties of the position for which the examination is being given. Examinations may include a combination of written, oral and performance testing.
- B. Open and promotional examinations shall be competitive. Promotional examinations shall be conducted in the same manner as open examinations except that admission to a promotional examination shall be limited to individuals currently employed with the Housing Authority who have served at least six (6) months following regular appointment and who meet the published minimum requirements for the position.
- C. Recruitments for open and promotional examinations shall be authorized by the Executive Director or their designee.

### **Section 7.2           QUALIFYING EXAMINATIONS**

A non-competitive qualifying examination may be given to an incumbent with tenure in a flexibly-staffed position or in a position which is upgraded as a result of reclassification or reallocation. An incumbent who qualifies for a qualifying examination shall be certified by the Personnel Officer as eligible to fill the upgraded or higher level position subject to serving a probationary period, if required. The incumbent in the position must meet the following conditions:

- A. Possess the minimum requirements regarding Housing Authority service for the higher level class as stated in the class specification.
- B. Been regularly appointed, received tenure in the lower class and occupied the position for a minimum of one year unless otherwise stated in the classification specification.

### **Section 7.3           ADMINISTRATION OF EXAMINATIONS**

- A. Examinations shall be scheduled, prepared, and administered under the direction of the Human Resources Manager. Individuals in a given field may be used to assist in the preparation or administration of examinations.
- B. Examinations may be administered at a time and location deemed to be most consistent with the interests of the Housing Authority. Each applicant who has filed an application shall be notified whether or not they will be participating in the interview and examination process. .
- C.     Subject Matter Examination

The subject matter portion of an examination may consist of a combination of written, oral, and performance assessment to test the knowledge, skill, ability or any other factor which will not tend to screen out any class of individuals.

**D. Interview**

1. Each examination shall include an interview to appraise the job-related qualifications of candidates. For the purpose of limiting the interview to those candidates deemed most qualified, the interview may be limited to those candidates successfully completing a subject matter test, performance test or review of applications or other materials. A rating system shall be used to determine the candidates most qualified.
2. Failure to report for the interview shall eliminate a candidate from any further consideration.
3. A minimum of two interview panelists shall be used for the interview portion of the examination. If a Housing Authority employee is a candidate to be interviewed, no other Housing Authority employee shall be a rating member of the interview panel unless an external panelist is unavailable. In the event an external panelist is unavailable to comprise the interview panel, a Housing Authority management employee may be used as a substitute so long as the manager does not directly supervise the Housing Authority candidate.
4. The Executive Director or their designee may limit the maximum number of qualified candidates who shall participate in the interview process and who may subsequently be placed on an eligibility list. Those candidates shall be individuals deemed most qualified and scoring the highest in the initial application review process.

**E. Postponement and Cancellation**

Examinations may be postponed or canceled due to unforeseen or changed circumstances. Applicants will be given advance notice when this occurs.

**F. Anonymity of Candidates**

Candidate written examinations shall be anonymous until the scoring of the written test is completed. Only after the scoring of the written test is completed shall the candidates be identified for total scoring purposes.

**G. Confidentiality of Interview Records**

Candidates are entitled to know the score they have attained in the interview portion of an examination during the inspection period. However, records of the interview (other than the overall score), including statements of interviewers made during the interview regarding the qualifications of the candidates, are deemed confidential and shall not be disclosed other than to the Personnel Committee or Housing Authority management on a need to know basis.

**H. Disposition of Records**

1. Applications of applicants who fail to appear for the examination and records of candidates who fail to qualify for the examination shall be kept for a minimum of two (2) years from the date of the Personnel Committee's promulgation of the eligibility list.
2. Examination and interview records of candidates who qualify in an examination are retained during the life of the eligibility list or for two (2) years, whichever is longer.

**Section 7.4 RATINGS**

- A. When education, training and experience are weighted separately as part of an examination, a rating system shall be used to evaluate the quality of experience and satisfactory completion of any required education and training.
- B. In order to be placed on an eligibility list, candidates must attain an overall rating of at least 70% in the total examination. The Executive Director or their designee may set a minimum qualifying rating other than 70% for each different subject matter test or for other parts of an examination. Candidates failing to achieve the established ratings shall be eliminated from participating in the remaining portions of the examination. In converting raw scores to percentage ratings, scores below the passing score need not be converted.

**C. Notice of Results**

After the eligibility list is promulgated by the Personnel Committee, each candidate shall be notified by mail of the results of their examination. The notice shall state the score and relative ranking on the eligibility list. When candidates receive less than an overall passing score, they shall be notified of their failure to qualify to be placed on the eligibility list.

**D. Examination Inspection Period**

1. Each candidate may inspect the written examination key in the Human Resources department of the Housing Authority within five (5) working days of the examination. Copyrighted or standardized tests shall not be inspected.
2. Within the inspection period, a candidate may file an appeal for review of the part of the examination in question. Appeals can be made in accordance with the Article regarding Appeal of Personnel Actions in these rules.
3. If a candidate prevails on appeal, the promulgated eligibility list may be modified and re-promulgated by the Personnel Committee.

**E. Credit for Internal Candidates**

Tenured employees who attain a passing score in an open examination shall be given an additional five (5) points in recognition of their current Housing Authority service, which shall be added to their total score.

**Section 7.5**                    **APPEAL OF RATINGS**

- A. If a candidate has been disqualified in the interview portion of an examination and believes that the disqualification was the result of irregular interview procedures, they may appeal in writing to the Personnel Committee, citing the specific irregularities occurring during the interview.
- B. An appeal of a disqualification in the written part of an examination may be made only on the grounds of procedural irregularity or clerical error.
- C. An appeal shall specify the grounds upon which it is made and must be received in the Human Resources department within ten (10) days of the mailing of the notices regarding scoring and ranking.
- D. Appeals regarding ratings shall be made in accordance with the Article regarding Appeal of Personnel Actions in these rules.
- E. When an appeal is upheld, the candidate's standing or score shall be revised accordingly. If the appeal discloses errors that affect the standing of other candidates, those standings shall also be revised. When the relative standing of a candidate changes as a result of such revisions, their place on the eligibility list shall be changed accordingly. However, appointments previously made from that eligibility list shall not be affected.

## Article 8 EMPLOYMENT LISTS AND CERTIFICATION

### Section 8.1            ESTABLISHING ELIGIBILITY LISTS

A. The Personnel Committee of the Housing Commission shall approve the results of all competitive examinations with the exception of the Executive Director. Once the results are approved, the Personnel Committee shall promulgate the resulting eligibility list.

#### **B. Order of Names on Eligibility Lists**

The names of successful candidates shall be placed on the open or promotional eligibility list in the order of their total score and ranking resulting from the examination.

#### **C. Resolving Ties**

If two or more candidates attain the same total score in an examination, the tie shall be resolved according to the following factors:

- Housing Authority employee competing for promotion
- Greatest seniority in Housing Authority service
- Highest rating in the most heavily weighted portion of the examination
- Highest rating in the subject matter portion of the examination
- Chronological order of filing applications

In breaking a tie, the above factors shall be applied in the order listed. If a factor is not relevant to a particular tie, then the next factor shall be considered until the tie is broken.

### Section 8.2            TYPES OF ELIGIBILITY LISTS

#### **A. Open and Promotional Eligibility Lists**

For each open or promotional examination, the Personnel Committee shall promulgate an eligibility list for the classification for which the examination took place. Open and promotional eligibility lists are the result of competitive examinations.

#### **B. Preferred Lists**

1. Preferred lists shall consist of the names of former Housing Authority employees who were involuntarily separated from the classification by a reduction in force or layoff. The names of those individuals shall be ranked in order of total Housing Authority service. Employees who held tenure in the class shall have priority over employees who did not complete the probationary period for that classification. Preferred lists shall be maintained by classification.



2. Acceptance of an appointment from a preferred list to the classification from which the employee was laid off or from which the employee accepted demotion will result in the employee's name being removed from all other preferred lists.
3. Acceptance of an appointment from a preferred list to a classification other than the one from which the person was laid off or from which the employee accepted demotion will result in the employee's name being removed from all other preferred lists for classifications of equal or lower salary level except the preferred list for the classification from which the person was laid off or demoted.
4. When more than one preferred list exists due to multiple layoffs, the lists shall be combined for each classification with employees on the lists being ranked in order of total Housing Authority service. Total Housing Authority service shall be determined as of the effective date of layoff or demotion.
5. Employees who are laid off may request that the Personnel Officer have their name placed on preferred lists for other classifications in which they previously held tenure.

### **C. Alternative Lists**

If a vacancy exists for a classification for which there is no eligibility list, the Executive Director or their designee may allow certification from an eligibility list for a related class for which the minimum qualifications are similar to or higher than those required for the classification in which the vacancy exists. An appointment from an alternative list for a higher class shall not remove the name of the appointee from such list.

### **D. Priority of Lists**

Eligibility lists shall be used to fill vacancies in the following order of priority:

- Preferred lists
- Promotional lists
- Open eligible lists

### **E. Duration of Lists**

1. The life of open and promotional eligibility lists shall be for one year from the date of promulgation unless a list is canceled or extended by the Personnel Committee.
2. The life of preferred lists shall be for three years, unless such time is extended by the Personnel Committee. Refusal to accept reemployment when offered shall be cause for removal from a preferred list.

### **F. Extension of Eligibility for Service Induction**

1. Individuals who are on an eligibility list at the time they are inducted into the Armed Forces of the United States may have their eligibility status extended, provided that they request the extension in writing. The request for extension shall be made not later than ninety (90) days after termination of military service.

2. Appropriate evidence of an honorable discharge from military service will be required.
3. A candidate whose eligibility has been extended shall retain their relative position according to their overall score and ranking on the eligibility list.

**G. Removal of Names From an Eligibility List**

Names on an eligibility list may be removed or withheld from certification for any of the following reasons:

- Acceptance of a regular appointment;
- Acceptance of a regular appointment from a list for another classification at the same or higher salary;
- Failure to respond to written communication as required;
- Refusal of two offers of regular appointment;
- Failure to report to work on the date agreed upon at the time of appointment;
- Upon written request from that the candidate's name be withdrawn.

**Section 8.3            CERTIFICATION**

**A. Availability For Certification**

Availability of a candidate for certification for appointment shall be provided by the candidate by completing the Availability of Applicants on Eligibility List for Certification Form and returning the form to the Human Resources department.

- B. When a candidate indicates on the Certification Form that they are not available for employment, their names shall be withheld from certification on the eligibility list.
- C. Whenever a position is to be filled from a preferred list, the name of the candidate who ranks first on the list shall be certified and the hiring manager shall re-employ that candidate.

**D. Number of Names to be Certified**

1. The Personnel Officer shall certify as many names as requested by the hiring manager but not less than the first three (3) candidates on the eligibility list who have indicated that they are available for appointment pursuant to Section 8.3.A. above regarding availability for certification.
2. When a promotional list has less than three names on it, the Personnel Officer may certify 2 additional names from the open eligibility list for the same classification if one exists.
3. When the promotional list has three or more names on it, additional certification from the open eligibility list shall only take place by direction from the Executive Director or their designee.

4. When there are fewer than three (3) names available for certification, the Executive Director or their designee may elect to appoint from the names available or they may disregard those names and request an authorization for a provisional appointment.
5. Once the names of all available candidates have been certified on an eligibility list, the hiring manager may use the rule of the list and appoint any certified candidate from the eligibility list.

**E. Notice of Certification**

1. A notice of certification shall be sent by U.S. mail to the most recent address known for each candidate certified.
2. The candidate shall clearly indicate in the space provided on the Availability of Applicants on Eligibility List for Certification Form whether or not they are available for a second interview, available for employment or no longer interested in employment. The form shall be signed by the candidate and returned to the Personnel Officer within five (5) days from the date on the form.
3. Whenever a candidate changes their address, it shall be their responsibility to notify the Human Resources Office of their new address.
4. When a candidate fails to respond to the Availability of Applicants on Eligibility List for Certification Form or to any other communication requiring an answer, their name shall be withheld from certification.
5. A failure to respond to the Availability of Applicants on Eligibility List for Certification Form for any reason shall be considered to be a refusal of appointment to the position to which the candidate was to be certified.

**F. Two Refusals of Appointment**

When a candidate refuses two offers of appointment from an eligibility list, their name shall be moved to the last place on the list.

**G. Candidate's Request to be Withheld From Certification**

1. A candidate may provide written notification to the Housing Authority that they desire to have their name be withheld from certification. Upon receipt of such request, the name of the candidate will remain inactive on the eligibility list from which it is being withheld.
2. The names of candidates that have been withheld from certification voluntarily may be restored to active status on the eligibility list from which they were withheld. The candidate's name shall be restored to active status upon receipt by the Human

Resources Office of a written request from the candidate to have their certification status restored.

3. When the request is to restore a name to a list on which there are fewer than three available eligibles, restoration to active status shall be on order of the Personnel Committee only.

#### **H. Separated Housing Authority Employees**

1. Names of candidates who have left the employment of the Housing Authority shall be withheld from certification from any promotional eligibility list.
2. If that candidate has been given preferential points for internal Housing Authority service on any open eligibility list, those points shall be subtracted from the overall score and their name moved to the position in accordance with their rank before such preferential points were added.

#### **I. Cancellation of Certification**

If the Executive Director or their designee decides not to fill a vacant position after the certification of candidates has occurred, the certification or names may be cancelled.


#### **J. Objection to Certified Candidate**

The Personnel Officer may object to a candidate's certification if there is information establishing that there are grounds for disqualification. If grounds are established, the Executive Director or their designee may order the withdrawal from certification the name of the candidate found not to be qualified and certify an additional name. Determination as to whether the name of the candidate is removed from certification shall be at the discretion of the Executive Director.

#### **K. Completion of Certification Form**

The Executive Director shall sign the certification forms completed by candidates on an eligibility list and return the forms to the Human Resources Office. The hiring manager is then able to proceed with further examination steps such as a second interview and/or assessment testing.

# **ATTACHMENT B**

	<h1>INJURY &amp; ILLNESS PREVENTION PROGRAM</h1>
<h2>HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA</h2>	

**I. POLICY STATEMENT**

~~To be successful, t~~The Housing Authority of the County of Alameda (HACA) must have proactive attitudes toward injury and illness prevention, ~~on the part of managers and staff.~~ Cooperation in all safety and health matters is required not only between supervisor and employee but also between co-workers. Only through such a cooperative effort can a safety program be in the best interest of all employees. ~~All e~~Employees are required to comply with ~~our~~ HACA's safety and health policies and practices. This includes employees at every level and in all positions.

**II. PURPOSE**

HACA has established this written Injury and Illness Prevention Program (IIPP) in accordance with Title 8, California Code of Regulations, Section 3203 of the General Industry Safety Orders. It is the policy of HACA to maintain a work place environment for all employees that will not adversely affect their health and safety nor subject them to avoidable risks of accidental injury.

This IIPP includes the following elements:

- Responsibility and Authority
- Compliance
- Communication
- Hazard Assessment
- Accident Investigation
- Hazard Correction
- Training and Instruction
- Record Keeping
- Addendum – COVID-19 Supplement

**III. RESPONSIBILITY AND AUTHORITY**

A. Human Resources

The Human Resources (HR) Manager is the designated IIPP Administrator and has the authority and responsibility for implementing and maintaining ~~this HACA's~~ IIPP and safety program. The HR Manager may serve as an *ad hoc* Safety Committee member and may provide oversight and assistance. The HR Manager will serve as the primary contact with risk management administrators on matters relating to safety.

B. Managers

Managers are responsible for implementing and maintaining the IIPP in their work areas and for answering employee questions about the IIPP.

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~~Adopted by Housing Commission – 11/14/18~~ Adopted by Housing Commission – 7/8/20



# INJURY & ILLNESS PREVENTION PROGRAM

## HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

### C. Employees

1. Employees are responsible for understanding and following the requirements of the IIPP and for asking questions when direction is unclear.
2. Employees will notify their manager on the same day of when they have an injury or illness which occurs on the job.

### B.D. Safety Committee

The Safety Committee is available to assist managers in their responsibilities regarding accident prevention. The Safety ~~Coordinator~~ Committee is responsible for:

- ~~Serving as chair and member of the Safety Committee~~
- Coordinating the agency's safety inspections
- Scheduling and monitoring the correction of identified safety issues
- Establishing and maintaining ~~the agency~~ HACA's record system
- The Safety Committee Chair is responsible for scheduling and conducting regular Safety Committee meetings
- 

Safety Committee members represent the following HACA operational areas:

- Human Resources
- Administration (Executive Director)
- Accounting
- Facilities (Maintenance)
- Housing Programs
- Special Programs
- Management at Large

Appointments to the Safety Committee are generally rotated every 2 or 3 years to allow all employees the opportunity to participate in the Safety Committee experience.

### E. Reporting

#### G. 1. Serious Injuries

Serious occupational injuries and illnesses must be reported to Cal/OSHA **within eight (8) hours** after they have become known to an agency representative. This includes, but is not limited to, permanent disfigurement or hospitalization. Cal/OSHA notification will be the responsibility of the Executive Director or designee. Further reporting information can be found on the CHWCA website: [www.chwca.org](http://www.chwca.org)

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	<h1>INJURY &amp; ILLNESS PREVENTION PROGRAM</h1>
<h2>HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA</h2>	

2. All Other Injuries

All other injury claims are reported by the HR Manager or their designee to HACA's claims administrator within twenty-four (24) hours of receipt of the claim form. Incident-only claims are reported internally to HACA.

A copy of HACA's HPP is available for review in Human Resources and on HACA's intranet.

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**IV. COMPLIANCE**

All employees, including managers, are responsible for using safe work practices; following all verbal or written safety directives, policies, and procedures; and assisting in maintaining a safe work environment.

The system to ensure all employees comply with these practices includes the following:

- Informing employees of the requirements within HACA's IIPP in- readily understandable language;
- Training all employees on general safety policies, rules, and work practices;
- Positively recognizing employees who perform safe and healthful work practices;
- Providing additional training to employees whose safety performance is deficient; and
- Disciplining employees for failure to comply with safe and healthful work practices.

**V. COMMUNICATION**

~~Managers and supervisors~~ are responsible for communicating with all employees about occupational safety and health in a form manner readily understandable by all employees. HACA encourages all employees to inform their manager about workplace hazards without fear of reprisal. Employees can report workplace hazards ~~-~~by submitting their concern to the Safety Committee or the HR Manager.

HACA has developed specific safety policies and/or guidelines entitled:

- Active Shooter Guidelines
- Anti-Bullying Policy
- Bloodborne Pathogens Exposure Control Plan
- Drug-Free Workplace Policy
- General Safety Rules & Practices





## INJURY & ILLNESS PREVENTION PROGRAM

### HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

- Heat Illness Prevention Program
- Lockout/Tagout Program
- Vehicle Safety & Defensive Driver Program
- [Workplace Violence Prevention](#)
- [Personal Protective Equipment Program](#)

Other written safety rules and procedures will be developed as the need for them is identified.

HACA's communication -outreach includes:

- New employee orientation including a discussion of safety and health policies and procedures;
- Review of the IIPP;
- Safety training programs;
- Regularly scheduled safety meetings; and
- [Posted or distributed safety information;](#)
- [A copy of HACA's Injury and Illness Prevention Program is available to employees on the HACA Intranet.](#)

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## VI. HAZARD ASSESSMENT

Periodic facility inspections will be conducted to evaluate physical hazards, use of hazardous materials, and safe work practices. The inspections are generally performed by the Safety Committee. In addition to periodic inspections, inspections will be conducted as required in the following situations:

- Upon initial implementation of HACA's IIPP;
- When new substances, processes, procedures, or equipment that present potential new hazards are introduced into the workplace;
- When new, previously unidentified hazards are recognized;
- When occupational injuries and illnesses occur; and
- Whenever workplace conditions warrant an inspection.

## VII. HAZARD CORRECTION

When unsafe or unhealthy work conditions, practices, or procedures are observed or discovered, they will be corrected in a timely manner based on the severity of the hazards. When an imminent hazard exists that cannot be immediately corrected, the exposed employees will be removed from the immediate hazard except those needed to correct the condition and to address security issues. Employees who are required to correct the hazardous condition will be provided with the necessary protection.

[Adopted by Housing Commission – 11/14/18](#) [Adopted by Housing Commission – 7/8/20](#)



## INJURY & ILLNESS PREVENTION PROGRAM

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#### VIII. ACCIDENT/INCIDENT INVESTIGATIONS

HACA will conduct accident investigations for all workplace injuries, regardless of their severity. These investigations will be performed by the HR [Department Manager](#) and a manager from the department/unit where the incident occurred. Procedures for investigating workplace accidents and hazardous substance exposures include:

- Interviewing injured employees and witnesses;
- Examining the workplace for factors associated with the accident/exposure;
- Determining the cause(s) of the accident/exposure;
- Taking corrective action to prevent the accident/exposure from reoccurring; and
- Recording the findings and actions taken.

#### IX. [EMPLOYEE TRAINING AND INSTRUCTION](#)

All employees will participate in safety training on general and job-specific hazards and safe work practices. Managers ~~and supervisors will be~~ [are](#) trained on all health and safety hazards to which employees under their immediate direction and control are exposed.

In addition to hazard-specific safety training, training will be provided when:

- The IIPP is first established;
- New employees are hired;
- Employees are reassigned to a new area or task with no prior training; and
- New substances, operations, or equipment are introduced.

Training topics may include, but are not limited to, the following subjects:

- General safety [rules](#)
- Fire prevention
- Emergency action procedures
- Office ergonomics
- Housekeeping
- Safe lifting



## INJURY & ILLNESS PREVENTION PROGRAM

### HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

- Defensive driving
- Workplace violence prevention
- Heat Illness Prevention
- Bloodborne Pathogens
- ~~Job specific training~~
- Lockout – Tag/Out Program
- Other topics based on interest and organizational need
- Infectious Disease Prevention

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#### X. RECORD KEEPING

~~All~~ The following IIPP documentation will be maintained for a minimum of three (3) years in accordance with Cal-OSHA regulations:

- Safety training for each employee, including the employee's name, training dates, type of training, and training providers;
- Inspections, including the person(s) conducting the inspection; the unsafe conditions and work practices identified; corrective action, and follow up;
- Accidents, illnesses, and near-miss inspections that identify the root cause(s) and corrective action taken; and
- Periodic program reviews.

OSHA 300 logs will be maintained for the current year, plus the last five (5) years.

#### XI. DISSEMINATION OF IIPP

All employees shall receive a copy of this Injury and Illness Prevention Plan when they are hired. The IIPP may be updated from time to time and redistributed with a form for the employee to sign and return, acknowledging that the employee has received, read and understands this IIPP.



## INJURY & ILLNESS PREVENTION PROGRAM

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### ADDENDUM

#### COVID-19 Supplement

This COVID-19 Supplement has been established in accordance with the Cal/OSHA *Interim General Guidelines on Protecting Workers from COVID-19* and the Injury and Illness Prevention Program (Title 8, Section 3203 of the California Code of Regulations) requirements.

Under the IIPP's hazard assessment factors, it has been determined that exposure to the COVID-19 virus is a potential hazard in the workplace. Therefore, infection control measures as directed in the Cal/OSHA mandatory guidance related to COVID-19 have been developed.

#### **I. RESPONSIBILITIES**

##### A. Human Resources Department

- Ensuring that COVID-19 related training is conducted and documented for all employees.
- Ensuring HACA is aware of and complying with the COVID-19 employee requirements in the Families First Coronavirus Response Act

##### B. Administration Department

- Implementing the infection control measures as outlined in this supplement.
- Ensuring the outlined sanitation and disinfection efforts are conducted.

##### C. Procurement Department

- Conducting regular inventories and to ensure all needed supplies and personal protective equipment (PPE) are available.

##### D. Managers

Managers are responsible for implementing and maintaining the infection control measures in their work areas. They are responsible for answering employee questions and setting a good example by following the guidance in this supplement.



## INJURY & ILLNESS PREVENTION PROGRAM

### HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

#### E. Employees

All employees are responsible for understanding and following the infection control measures and for asking questions when direction is unclear. Employees are expected to report any unsafe conditions to their manager.

#### II. COMPLIANCE

HACA'S primary goal is to prevent the spread of COVID-19 and protect employees. Managers and employees are required to strictly adhere to all the outlined infection control measures in this supplement and all other internal COVID-19 protocols and guidelines.

Compliance measures include, but are not limited to, the following:

- Informing employees of these requirements in a readily understandable language
- Training employees on the infection control measures
- Providing corrective action to employees for failure to comply with the requirements in this supplement and/or in other COVID-19 protocols and guidelines

#### III. COMMUNICATION

Employees will be trained on infection control measures in a form readily understandable by all. HACA's communication system encourages all employees to inform their managers, the Human Resources Department or the Safety Committee of any unsafe working conditions without fear of reprisal.

#### IV. HAZARD ASSESSMENT & INFECTION CONTROL MEASURES

The IIPP regulation requires that hazard assessments be conducted to identify, evaluate, and implement control measures whenever a new or previously unrecognized hazard becomes known. It has been determined that exposure to the COVID-19 virus is a potential hazard in the workplace. Therefore, infection control measures as directed in the Cal/OSHA mandatory guidance are incorporated into HACA's IIPP.

##### A. Infection Control Measures

###### 1. Administrative Controls

- All sick employees will be actively encouraged to stay home;
- Employees will be immediately sent home or to medical care, as needed, if they have a frequent cough, fever, difficulty breathing,



## INJURY & ILLNESS PREVENTION PROGRAM

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chills, muscle pain, headache, sore throat, or recent loss of taste or smell;

- Employees who are out ill with fever or acute respiratory symptoms are not allowed to return to work until both of the following occur:
  - At least three full days pass with no fever (without the use of fever-reducing medications) and no acute respiratory illness symptoms; and
  - At least 10 days pass since the symptoms first appeared;
- Employees who return to work following an illness are required to report any recurrence of symptoms;
- Telecommuting options will be supported where feasible;
- Employees will be advised of any non-essential travel requirements.

#### 2. Physical Distancing

- Physical distancing will be practiced by cancelling in-person meetings and using video or telephonic meetings when possible;
- A distance of at least 6 feet between persons will be maintained at the workplace when possible;
- Shared workspaces (desks, offices, and cubicles) and work items (phones, computers, other work tools and equipment) will be avoided when possible;
- If workspaces and work items must be shared, they will be cleaned and disinfected before and after use.

#### 3. Face Covering

Employees will be required to wear face coverings when entering the office building and whenever they may be in workplaces with other persons. HACA will provide face coverings or the employee may use their own. Cloth face coverings are not considered to be personal protective equipment (PPE), but combined with physical distancing of at least six feet, they may help prevent infected persons without symptoms from unknowingly spreading COVID-19.

#### 4. Cleaning & Disinfection

Procedures have been established to routinely clean and disinfect commonly touched objects and surfaces such as elevator buttons, handrails, copy machines, faucets, and doorknobs. These procedures should include:

- Using disinfectants that are [EPA-Approved](#) for use against the virus that causes COVID-19.
- Providing EPA-registered disposable wipes for employees to wipe down commonly used surfaces before use.



## INJURY & ILLNESS PREVENTION PROGRAM

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- Following the manufacturer's instructions for all cleaning and disinfection products (e.g., safety requirements, PPE, concentration, contact time).
- Ensuring there are adequate supplies to support cleaning and disinfection practices.

#### B. Confirmed Cases of Employee Exposure to COVID-19

If an employee is confirmed to have COVID-19 infection, the following measures will take place:

- Inform employees of their possible exposure to COVID-19 in the workplace, but maintain confidentiality as required by the Americans with Disabilities Act (ADA) and the California Department of Fair Employment and Housing.
- Temporarily close the general area where the infected employee worked until cleaning is completed.
- Conduct deep cleaning of the entire general area where the infected employee worked and may have been, including breakrooms, restrooms and travel areas, with a cleaning agent approved for use by the EPA against coronavirus. Ideally, the deep cleaning should be performed by a professional cleaning service.
  - Any person cleaning the area will be equipped with the proper PPE for COVID-19 disinfection (disposable gown, gloves, eye protection, mask, or respirator if required) in addition to PPE required for cleaning products.

#### C. Engineering Controls for Customer Service Areas

For employees who have frequent contact with the public, the following measures will be implemented that take into account the possibility that the public is a possible contamination source, including:

- Conducting even more frequent cleaning and disinfection of surfaces touched by the public such as countertops, touch screens, doorknobs, etc.;
- Where feasible, employees who have frequent interaction with the public will be protected with engineering controls such as Plexiglas screens, tables or other physical barriers, or spatial barriers of at least six feet;
- If exposures to the general public cannot be eliminated with engineering controls, customers will be required or encouraged to wear face coverings and maintain physical distancing;



## INJURY & ILLNESS PREVENTION PROGRAM

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- Hand sanitizer stations will be provided, and employees will be encouraged to frequently wash their hands with soap and water for 20 seconds;
- Physical distancing will be enforced by limiting the number of customers in the space, where feasible;
- Disposable gloves will be provided to employees who handle items touched by the public.

#### **V. HAZARD CORRECTION**

Any reported COVID-19 related unsafe or unhealthy work conditions, practices, or procedures will be investigated and, if warranted, corrected in a timely manner.

#### **VI. ACCIDENT/INCIDENT INVESTIGATIONS**

Accident/incident investigations, for potentially work-related COVID 19 illnesses, will be conducted as required by Cal/OSHA.

Cal/OSHA's reporting requirements are outlined at:

<https://www.dir.ca.gov/dosh/coronavirus/Reporting-Requirements-COVID-19.html>

CalOSHA's Q&A on Executive Order N-62-20 is available at:

<https://www.dir.ca.gov/dwc/Covid-19/FAQs.html>

#### **VII. TRAINING**

All employees will receive training in a language that is readily understandable to them. Training will include a review of this IIPP - COVID-19 Supplement and the following topics:

- General description of COVID-19, symptoms, when to seek medical attention, how to prevent its spread, and the employer's procedures for preventing its spread at the workplace;
- How an infected person can spread COVID-19 to others even if they are not sick;
- How to prevent the spread of COVID-19 by using cloth face covers, including; CDC guidelines that everyone should use cloth face covers when around other persons;
  - How cloth face covers can help protect persons around the user when combined with physical distancing and frequent hand washing;
  - Information that cloth face covers are not protective equipment and do not protect the person wearing a cloth face cover from COVID-19;
  - Instructions on washing and sanitizing hands before and after using face coverings, which should be washed after each shift.
- Cough and sneeze etiquette;
- Washing hands with soap and water for at least 20 seconds after interacting with other persons and after contacting shared surfaces or objects;

*Adopted by Housing Commission – 11/14/18* *Adopted by Housing Commission – 7/8/20*





## INJURY & ILLNESS PREVENTION PROGRAM

### HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

- Avoiding touching eyes, nose, and mouth with unwashed hands;
- Avoiding sharing personal items with co-workers (i.e., dishes, cups, utensils, towels);
- Providing tissues, no-touch disposal trash cans, and hand sanitizer for use by employees;
- Safely using cleaners and disinfectants, which includes:
  - The hazards of the cleaners and disinfectants used at the worksite.
  - Wearing PPE (such as gloves).
  - Ensuring cleaners and disinfectants are used in a manner that does not endanger employees.

#### **VIII. RECORD KEEPING**

All COVID-19 related training records, inspections, and investigations will be maintained as outlined in our IIPP record keeping section.

*rev. Injury & Illness Prevention Program – 9/09; 12/12; 1/15; 11/18; 7/20*

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# INJURY & ILLNESS PREVENTION PROGRAM

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

### **ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING "INJURY & ILLNESS PREVENTION PLAN"**

I acknowledge the receipt of a copy of the Housing Authority of the County of Alameda's "Injury & Illness Prevention Planrogram." I have read and understand my responsibilities under the Planrogram and I agree to abide by my responsibilities as outlined. I understand that I may be subject to discipline for violating this Planrogram or subject to other appropriate sanctions for failing to fulfill my responsibilities as outlined in the IIPP.

Dated: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

# ATTACHMENT C



## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

### I. PURPOSE

The purpose of this Policy is to: establish a strong commitment to prohibit and prevent harassment, discrimination, and retaliation in employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints of harassment, discrimination, and retaliation. The Housing Authority of the County of Alameda encourages all covered individuals to report – as soon as possible – any conduct that they believe violates this Policy.

### II. POLICY

The Housing Authority of the County of Alameda has zero tolerance for any conduct that violates this Policy. In addition, the Housing Authority prohibits retaliation against individuals who complain of conduct believed to violate this Policy. Conduct need not rise to the level of a violation of state or federal law to violate this Policy. Rather, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, transfer, leave of absence, compensation, and training.

Harassment, discrimination, or retaliation in violation of this Policy, against an applicant, unpaid intern or volunteer, or employee by a supervisor, management employee, elected or appointed official, co-worker, member of the public, contractor, or vendor on the basis of race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, citizenship status, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), military or veteran status, or any other protected classification as defined below, will not be tolerated.

Disciplinary action or other appropriate sanction up to and including termination will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination.

Disciplinary action or other appropriate sanction up to and including termination will be imposed for prohibited behavior as defined in this Policy.

### III. DEFINITIONS

A. Protected Classifications: This Policy prohibits harassment or discrimination because of an individual's actual or perceived protected classification.

Adopted by Housing Commission – 7/26/17 Adopted by Housing Commission – 7/8/20

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# HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

## HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

“~~P~~protected classification” includes: ~~race, religion, color, national origin, ancestry, citizenship status, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including heterosexuality, homosexuality, and bisexuality), military or veteran status, or any other basis protected by law.~~

- Race
- Religion
- Color
- National Origin – including on the basis of immigration status, height and/or weight, cultural/linguistic characteristics, tribal affiliation, marriage to or association with a person in this classification, names that are associated with a national origin group, or membership/attendance in religious institutions generally used by persons of a national origin group.
- Ancestry
- Citizenship
- Sex – including on the basis of gender, gender identity, gender expression (a person’s gender-related appearance and behavior whether or not associated with the person’s assigned sex at birth), transgender, pregnancy and breastfeeding
- Disability
- Medical Condition
- Genetic Characteristics – or other genetic information
- Marital Status
- Age – 40 and over
- Sexual Orientation – including heterosexuality, homosexuality or bisexuality
- Military or Veteran Status
- Natural hair – including braids, locks or length

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A.  
**B. Policy Coverage:** This Policy prohibits Housing Authority officials, officers, employees, contractors, or vendors from harassing or discriminating against applicants, officers, officials, employees, contractors, vendors, unpaid interns or volunteers, or clients because of:

1. an individual’s protected classification;
2. the perception that an individual has a protected classification;

A. 3. an individual’s association with a person who has or is perceived to have a protected classification.

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B.C. **Discrimination:** This Policy prohibits treating individuals differently or adversely because of the individual’s protected classification as defined in this Policy.



## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

### HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

**D. Harassment:** Harassment may include, but is not limited to, the following types of behavior that is taken because of a person's protected classification. Note that harassment is not limited to conduct that Housing Authority employees take. Under certain circumstances, harassment can also include conduct ~~taken~~ by those who are not employees, such as elected or appointed officials, persons providing services under contracts or even members of the public:

Ⓒ

1. **Speech** – such as epithets, jokes, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance (including dress or physical features, or dress consistent with gender identification) or race-oriented stories and jokes.
2. **Visual Acts** – such as gestures, posters, notices, bulletins, cartoons, e-mails, photography, or drawings related to a protected classifications.
3. **Physical Acts** – such as assault, impeding or blocking movement, offensive touching, stalking, taunting, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, making explicit or implied job threats, or promises in return for submission to physical acts.
4. **Unwanted Sexual Advances** – requests for sexual favors, and other acts of a sexual nature where submission is:
  - a. A term of condition of employment, business, or housing assistance participation;
  - b. Used as a basis for employment decisions affecting the employee;
  - c. Conduct unreasonably interfering with an employee's work performance and/or creating an intimidating, hostile, or offensive working environment;
  - d. Used as a basis for making a business decision by an employee regarding a client or vendor.

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#### IV. GUIDELINES FOR IDENTIFYING HARASSMENT:

To help clarify what constitutes harassment in violation of this Policy, the Housing Authority uses the following guidelines:

- Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification or which is taken because of the recipient's protected classification.



## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

- It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two employees who appear to welcome it can constitute harassment of a third individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
- Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient’s same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).
- A single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. Therefore, if you are in doubt as to whether any particular conduct may violate this Policy, do not engage in the conduct, and seek guidance from a supervisor.

### V. RETALIATION

Any adverse conduct taken because an applicant, employee, client, vendor, or contractor has reported harassment, or has participated in the complaint and investigation process described below, is prohibited. “Adverse conduct” includes but is not limited to:

- ~~T~~ Taking sides because an individual has reported harassment or discrimination,
- ~~S~~ Spreading rumors about a complainant,
- ~~S~~ Shunning and avoiding an individual who reports harassment or discrimination,
- ~~R~~ Real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

The following individuals are protected from retaliation:

- Those who make good faith reports of harassment or discrimination;
- Those who are accused of harassment or discrimination;
- Those who associate with an individual who is involved in reporting harassment or discrimination; and
- Those who participate in the complaint or investigation process.

*Adopted by Housing Commission – 7/26/17 Adopted by Housing Commission – 7/8/20*

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## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

### VI. COMPLAINT PROCEDURE

A. An applicant, employee, officer, official, vendor, client, unpaid intern or volunteer who believes he or she has been harassed, discriminated against, or retaliated against should immediately make a complaint verbally or in writing with any of the following – there is no need to follow the chain of command:

- Immediate supervisor;
- ~~Any supervisor or manager within or outside of the department;~~
- Any manager;
- Human Resources Manager.

B. **Processing of Complaints:** A complaint form is attached to this Policy that can be used to submit a complaint. However, using this attached complaint form is not a requirement for submitting a complaint–(see Attachment 1). Upon receiving notification of a complaint pursuant to this Policy, the Human Resources Manager shall:

1. Provide the complainant with a timely response indicating that the complaint has been received and that a fair, timely, and thorough investigation will be conducted.
2. Timely authorize and supervise a fair and thorough investigation of the complaint by qualified personnel and/or investigate the complaint. The investigation will afford all parties with appropriate due process and include interviews with: 1) the complainant, 2) the accused, and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
3. Review the factual information gathered through the investigation to reach a reasonable conclusion as to whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct and the context in which the alleged incidents occurred.
4. Report a summary of the determination as to whether harassment, discrimination, or retaliation occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor or department head, and the Executive Director.
5. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.





## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

### HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

6. Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.
  7. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- C. The Housing Authority takes a proactive approach to potential Policy violations and will conduct an investigation if a manager becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.
- D. **Confidentiality**: Every effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a manager or the Human Resources Manager, or to discuss the interview with a designated representative. Any individual who discusses the content of an investigatory interview with an individual other than a designated representative will be subject to discipline or other appropriate sanction. The Housing Authority will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.
- E. **Responsibilities**: Managers are responsible for:
1. Informing employees of this Policy;
  2. Modeling appropriate behavior under this Policy;
  3. Taking all steps necessary to prevent harassment, discrimination, or retaliation –from occurring;
  4. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints;
  5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language or behavior;
  6. Following up with those who have complained to assure that the behavior has stopped and that there are no reprisals;
  7. Reporting potential violations of this Policy of which he or she becomes aware to the Human Resources Manager or Executive Director, regardless of whether a complaint has been submitted; and
  8. Informing those who complain of harassment, discrimination, or retaliation of their options to contact the U.S. Equal Employment Opportunity



## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

### HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH) regarding alleged Policy violations.

Employees and other covered individuals are responsible for:

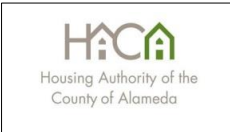
1. Treating all employees, contractors, clients, and landlords with respect and consideration;
2. Modeling appropriate behavior that conforms to this Policy;
3. Participating in periodic training;
4. Fully cooperating with Housing Authority investigations by responding fully and truthfully to all questions posed during the investigation;
5. Taking no actions to influence any potential witness while the investigation is ongoing;
6. Maintaining the confidentiality of any investigation that the Housing Authority conducts by not disclosing the substance of any investigatory interview, except as directed by the Human Resources Manager or to a designated representative;
7. Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in the Policy, to his or her immediate supervisor, or a manager, or the Human Resources Manager.

- F. **Option to Report to Outside Administrative Agencies:** An individual has the option to report harassment, discrimination, or retaliation to EEOC or the DFEH. These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on bulletin boards for EEOC and DFEH office locations and telephone numbers. Agency websites are: [www.eeoc.gov](http://www.eeoc.gov) and [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

#### VII. DISSEMINATION OF POLICY

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return, acknowledging that the employee has received, read, and understands this Policy. In addition, this Policy shall be distributed annually.

| [Attachment 1: Complaint Form](#)



**HARASSMENT, DISCRIMINATION AND RETALIATION  
POLICY & COMPLAINT PROCEDURE**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

***ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING***

I acknowledge the receipt of a copy of the Housing Authority of the County of Alameda’s “Harassment, Discrimination, and Retaliation Policy & Complaint Procedure.” I have read and understand my responsibilities under the Policy and I agree to abide by my responsibilities as outlined. I understand that I will be subject to discipline for violating this Policy or subject to other appropriate sanctions for failing to fulfill my responsibilities as outlined in the Policy.

I understand that the Housing Authority strongly encourages all employees to use the Complaint Procedure described in this Policy to make good faith reports of potential violations. I acknowledge that the Housing Authority of the County of Alameda has authority to investigate any potential violations of this Policy and that I have a duty to cooperate in any such investigation.

Dated: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_



# HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

## I. PURPOSE

The purpose of this Policy is to: establish a strong commitment to prohibit and prevent harassment, discrimination, and retaliation in employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints of harassment, discrimination, and retaliation. The Housing Authority of the County of Alameda encourages all covered individuals to report – as soon as possible – any conduct that they believe violates this Policy.

## II. POLICY

The Housing Authority of the County of Alameda has zero tolerance for any conduct that violates this Policy. In addition, the Housing Authority prohibits retaliation against individuals who complain of conduct believed to violate this Policy. Conduct need not rise to the level of a violation of state or federal law to violate this Policy. Rather, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, transfer, leave of absence, compensation, and training.

Harassment, discrimination, or retaliation in violation of this Policy, against an applicant, unpaid intern or volunteer, or employee by a manager, elected or appointed official, co-worker, member of the public, contractor, or vendor will not be tolerated.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination.

Disciplinary action or other appropriate sanction up to and including termination will be imposed for prohibited behavior as defined in this Policy.

## III. DEFINITIONS

**A. Protected Classifications:** This Policy prohibits harassment or discrimination because of an individual's actual or perceived protected classification. "Protected classification" includes:

- Race
- Religion
- Color
- National Origin – including on the basis of immigration status, height and/or weight, cultural/linguistic characteristics, tribal affiliation, marriage to or association with a person in this classification, names that

## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

are associated with a national origin group, or membership/attendance in religious institutions generally used by persons of a national origin group.

- Ancestry
- Citizenship
- Sex – including on the basis of gender, gender identity, gender expression (a person’s gender-related appearance and behavior whether or not associated with the person’s assigned sex at birth), transgender, pregnancy and breastfeeding
- Disability
- Medical Condition
- Genetic Characteristics – or other genetic information
- Marital Status
- Age – 40 and over
- Sexual Orientation – including heterosexuality, homosexuality or bisexuality
- Military or Veteran Status
- Natural hair – including braids, locks or length

**B. Policy Coverage:** This Policy prohibits Housing Authority officials, officers, employees, contractors, or vendors from harassing or discriminating against applicants, officers, officials, employees, contractors, vendors, unpaid interns or volunteers, or clients because of:

1. an individual’s protected classification
2. the perception that an individual has a protected classification
3. an individual’s association with a person who has or is perceived to have a protected classification.

**C. Discrimination:** This Policy prohibits treating individuals differently or adversely because of the individual’s protected classification as defined in this Policy.

**D. Harassment:** Harassment may include, but is not limited to, the following types of behavior that is taken because of a person’s protected classification. Note that harassment is not limited to conduct that Housing Authority employees take. Under certain circumstances, harassment can also include conduct by those who are not employees, such as elected or appointed officials, persons providing services under contracts or even members of the public:

1. **Speech** – such as epithets, jokes, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance (including dress or physical features, or dress consistent with gender identification) or race-oriented stories and jokes.



## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

2. **Visual Acts** – such as gestures, posters, notices, bulletins, cartoons, e-mails, photography, or drawings related to protected classifications.
  
3. **Physical Acts** – such as assault, impeding or blocking movement, offensive touching, stalking, taunting, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, making explicit or implied job threats, or promises in return for submission to physical acts.
  
4. **Unwanted Sexual Advances** – requests for sexual favors, and other acts of a sexual nature where submission is:
  - a. A term of condition of employment, business, or housing assistance participation;
  - b. Used as a basis for employment decisions affecting the employee;
  - c. Conduct unreasonably interfering with an employee’s work performance and/or creating an intimidating, hostile, or offensive working environment;
  - d. Used as a basis for making a business decision by an employee regarding a client or vendor.

#### IV. GUIDELINES FOR IDENTIFYING HARASSMENT:

To help clarify what constitutes harassment in violation of this Policy, the Housing Authority uses the following guidelines:

- Harassment includes any conduct which would be “unwelcome” to an individual of the recipient’s same protected classification or which is taken because of the recipient’s protected classification.
  
- It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
  
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
  
- Even visual, verbal, or physical conduct between two employees who appear to welcome it can constitute harassment of a third individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.



## **HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE**

- Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).
- A single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. Therefore, if you are in doubt as to whether any particular conduct may violate this Policy, do not engage in the conduct, and seek guidance from a supervisor.

### **V. RETALIATION**

Any adverse conduct taken because an applicant, employee, client, vendor, or contractor has reported harassment, or has participated in the complaint and investigation process described below, is prohibited. "Adverse conduct" includes but is not limited to:

- Taking sides because an individual has reported harassment or discrimination
- Spreading rumors about a complainant
- Shunning and avoiding an individual who reports harassment or discrimination
- Real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

The following individuals are protected from retaliation:

- Those who make good faith reports of harassment or discrimination;
- Those who are accused of harassment or discrimination;
- Those who associate with an individual who is involved in reporting harassment or discrimination; and
- Those who participate in the complaint or investigation process.

### **VI. COMPLAINT PROCEDURE**

A. An applicant, employee, officer, official, vendor, client, unpaid intern or volunteer who believes he or she has been harassed, discriminated against, or retaliated against should immediately make a complaint verbally or in writing with any of the following – there is no need to follow the chain of command:

- Immediate supervisor;
- Any manager;
- Human Resources Manager.



## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

- B. **Processing of Complaints:** A complaint form is attached to this Policy that can be used to submit a complaint. However, using this attached complaint form is not a requirement for submitting a complaint(see Attachment 1). Upon receiving notification of a complaint pursuant to this Policy, the Human Resources Manager shall:
1. Provide the complainant with a timely response indicating that the complaint has been received and that a fair, timely, and thorough investigation will be conducted.
  2. Timely authorize and supervise a fair and thorough investigation of the complaint by qualified personnel and/or investigate the complaint. The investigation will afford all parties with appropriate due process and include interviews with: 1) the complainant, 2) the accused, and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
  3. Review the factual information gathered through the investigation to reach a reasonable conclusion as to whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct and the context in which the alleged incidents occurred.
  4. Report a summary of the determination as to whether harassment, discrimination, or retaliation occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor or department head, and the Executive Director.
  5. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
  6. Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.
  7. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- C. The Housing Authority takes a proactive approach to potential Policy violations and will conduct an investigation if a manager becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.





## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

D. **Confidentiality**: Every effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a manager or the Human Resources Manager, or to discuss the interview with a designated representative. Any individual who discusses the content of an investigatory interview with an individual other than a designated representative will be subject to discipline or other appropriate sanction. The Housing Authority will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

E. **Responsibilities**: Managers are responsible for:

1. Informing employees of this Policy;
2. Modeling appropriate behavior under this Policy;
3. Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring;
4. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints;
5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language or behavior;
6. Following up with those who have complained to assure that the behavior has stopped and that there are no reprisals;
7. Reporting potential violations of this Policy of which he or she becomes aware to the Human Resources Manager or Executive Director, regardless of whether a complaint has been submitted; and
8. Informing those who complain of harassment, discrimination, or retaliation of their options to contact the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH) regarding alleged Policy violations.

Employees and other covered individuals are responsible for:

1. Treating all employees, contractors, clients, and landlords with respect and consideration;
2. Modeling appropriate behavior that conforms to this Policy;
3. Participating in periodic training;



## HARASSMENT, DISCRIMINATION AND RETALIATION POLICY & COMPLAINT PROCEDURE

4. Fully cooperating with Housing Authority investigations by responding fully and truthfully to all questions posed during the investigation;
5. Taking no actions to influence any potential witness while the investigation is ongoing;
6. Maintaining the confidentiality of any investigation that the Housing Authority conducts by not disclosing the substance of any investigatory interview, except as directed by the Human Resources Manager or to a designated representative;
7. Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in the Policy, to his or her immediate supervisor, or a manager, or the Human Resources Manager.

**F. Option to Report to Outside Administrative Agencies:** An individual has the option to report harassment, discrimination, or retaliation to EEOC or the DFEH. These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on bulletin boards for EEOC and DFEH office locations and telephone numbers. Agency websites are: [www.eeoc.gov](http://www.eeoc.gov) and [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

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Attachment 1: Complaint Form



**HARASSMENT, DISCRIMINATION AND RETALIATION  
POLICY & COMPLAINT PROCEDURE**

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I understand that the Housing Authority strongly encourages all employees to use the Complaint Procedure described in this Policy to make good faith reports of potential violations. I acknowledge that the Housing Authority of the County of Alameda has authority to investigate any potential violations of this Policy and that I have a duty to cooperate in any such investigation.

Dated: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_