



PERSONNEL COMMITTEE MEETING
Special Meeting: September 8, 2021
Time: 7:15 a.m.

Based on guidance provided by federal, state, and local public health officials, the Housing Authority of the County of Alameda (“HACA”) has changed the way the Housing Commission’s Personnel Committee meetings are conducted. To help lessen the spread of COVID-19 and its variants in our communities in person meetings are suspended until further notice. The public can still attend and participate in the Housing Commission Personnel Committee meetings through Zoom or by telephone. Here are the instructions on how to access this meeting:

How to attend this meeting using the Zoom Video Conference platform:		
Members of the public may listen, view, and/or participate in this meeting using Zoom. You may have to download the Zoom app, however, using Zoom and downloading the Zoom app is free. You can access the Zoom meeting through one of the following ways:		
Join by clicking on this link: https://us02web.zoom.us/j/88460095724	OR Use your computer or laptop and go to: https://zoom.us/join Type in/enter Meeting ID: <u>884 6009 5724</u>	OR Use your mobile device such as a cell phone, iPad and/or tablet. If you don’t have the Zoom app on your device, first download the Zoom app to your device (it’s free) then go in the app and tap on “Join Meeting.” Type in/enter Meeting ID: <u>884 6009 5724</u>

How to participate in this meeting by phone:
Dial: 1-888-788-0099 then when prompted, enter Meeting ID: <u>884 6009 5724</u>

PUBLIC COMMENT

Please email your comment(s) to melissat@haca.net, preferably no later than **5:00 p.m. on Tuesday, September 13, 2021**. When the Chairperson calls for “Public Comment” your comment(s) will be shared and read into the record. If you are attending the meeting on Zoom or by phone, please wait for the Chairperson to ask for comments from the public. Upon recognition by the Chairperson, state your name, comments and/or questions. To allow the opportunity for all to speak, there is a time limit of 3 minutes 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 public speakers who wish to address the Housing Commission. If you wish to comment on an item on the agenda, you may do so when the Chairperson calls for comments on the agenda item. **The Personnel Committee may only address matters within their jurisdiction.** Thank you for your understanding and flexibility during the COVID-19 public health emergency. If you have any questions, please email melissat@haca.net or call (510)727-8511.



PERSONNEL COMMITTEE MEETING
Special Meeting: September 8, 2021
Time: 7:15 a.m.

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4. NEW BUSINESS		
4-1. <u>Personnel Rule 1-2.</u>	ACTION	8
Approve Amendments to Personnel Rules 4, 5, 8, 13 and 16		
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PERSONNEL COMMITTEE
MEETING MINUTES
July 14, 2021



PERSONNEL COMMITTEE

Special Meeting: July 14, 2021

Meeting Time: 7:15 a.m.

SUMMARY ACTION MINUTES

Based on guidance provided by Centers for Disease Control Prevention, Alameda County Public Health officials and Governor Newsom’s Executive Orders, in-person meetings are suspended until further notice. This meeting was conducted via the Zoom video conference platform and by phone.

1. CALL TO ORDER / ROLL CALL

CALL TO ORDER:

Chairperson Hannon called the meeting to order at 7:27 a.m.

ROLL CALL:

Present:

Chairperson Michael Hannon
Commissioner Pete Ballew

Entered After Roll Call:

Commissioner Angela Finley
Commissioner Mark Gerry
Commissioner Yang Shao

2. APPROVAL OF THE MINUTES OF THE FEBRUARY 10, 2021 PERSONNEL COMMITTEE MEETING

Chairperson Hannon stated that this item would be heard later in the meeting when there is a quorum present. He moved on to the next item of business on the meeting agenda.

3. PUBLIC COMMENT

On matters not on the agenda.

None.

4. NEW BUSINESS

4-1. ACTION: ADOPTION OF CLASS SPECIFICATIONS (FINANCIAL ACCOUNTING MANAGER AND PROCUREMENT MANAGER)

PERSONNEL RULE:
4.1

Chairperson Hannon stated that this item would be heard later in the meeting and moved on to the next item of business on the meeting agenda.

**4-2. PRESENTATION: SUCCESSION PLANNING AND
RECOMMENDATIONS FOR ORGANIZATIONAL CHANGES**

**PERSONNEL RULE:
N/A**

Kurt Wiest, Executive Director, presented the staff report. Mr. Wiest presented his recommendations for a new organizational structure at HACA. He explained that HACA's current structure was developed out of necessity during a time when HACA's housing programs were drastically under-funded. Mr. Wiest explained that the current structure does adequately support HACA's operations and summarized the key components in the proposed restructure that will help to strengthen HACA's overall operations and create a path for succession planning. He highlighted the creation of a Deputy Executive Director position in the new structure and explained that this position will have direct oversight over HACA's core housing programs as well as assist in the management of other aspects of HACA's operations. Mr. Wiest indicated that staff would begin the recruitment process for the Deputy Executive Director position very shortly and talked about a candidate for the role.

Commission Discussion: Cmr. Ballew thanked Mr. Wiest for working with staff to put together this plan and expressed his support for proposed organizational structure. Cmr. Ballew and Mr. Wiest discussed the possibility of adding a second Deputy Executive Director in future. Chairperson Hannon praised Mr. Wiest for his successful transition into the role of Executive Director and expressed his support for the proposed organizational structure. Mr. Wiest commented that another one of the objectives of the new structure is to create opportunities for other management staff to promote and provided an example of a candidate who is also ready for promotion. Cmr. Shao expressed his support for the new organizational structure and commented that it is important to recognize the talents of staff and provide opportunities for these employees. Chairperson Hannon asked that staff report back in a year on any cost savings that have been realized by the new organizational structure.

Cmrs. Gerry and Finley entered the meeting at 7:35 a.m. Commissioner Shao entered the meeting at 7:45 a.m. Chairperson Hannon returned to agenda items 2. and 4-1.

2. APPROVAL OF THE MINUTES OF THE FEBRUARY 10, 2021 PERSONNEL COMMITTEE MEETING

A roll call of the votes was taken, and the votes were:

Ayes: Cmr. Ballew, Finley, Gerry, and Hannon.

Abstain: Cmr. Shao

Motion passed. **APPROVED AS RECOMMENDED.**

4-1. ACTION: ADOPTION OF CLASS SPECIFICATIONS (FINANCIAL ACCOUNTING MANAGER AND PROCUREMENT & PURCHASING MANAGER) PERSONNEL RULE: 1.2

Charla Freckmann presented the staff report. Ms. Freckmann reported that HACA’s Financial Accounting Manager and Procurement Manager classifications have not been updated in many years. She indicated that staff is planning to recruit for these classifications very soon and is proposing to revise these classifications to update of the duties and responsibilities assigned to these roles. Ms. Freckmann described the proposed revisions and recommended that the Personnel Committee approve these revisions. She also asked that the Personnel Committee grant the Executive Director and/or his/her designee with the authority to approve future revisions to HACA’s job classifications. She explained that this revisions to the job classifications currently requires approval by the Personnel Committee and that by granting the Executive Director the authority to approve revisions to the job classification will help to streamline the process.

Recommendation: Approve the revisions to the Financial Accounting Manager and Procurement and Purchasing Manager classifications and authorize the Executive Director and/or his/her designee to approve future revisions to job classifications.

Motion/Second: Shao/Ballew.

A roll call of the votes was taken, and the votes were:
Ayes: Cmsr. Ballew, Finley, Gerry, Hannon, and Shao.
Motion passed. **APPROVED AS RECOMMENDED.**

5. ADJOURNMENT

There being no further business to discuss, Chairperson Hannon adjourned the Personnel Committee meeting at 7:59 a.m.

Respectfully submitted,

Melissa Taesali
Executive Assistant/
Housing Commission Clerk

Kurt Wiest
Executive Director/
Housing Commission Secretary

Approved:

Michael Hannon
Personnel Committee Chairperson

NEW BUSINESS
September 8, 2021

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
PERSONNEL COMMITTEE BACKGROUND INFORMATION

Meeting Date: September 8, 2021

Action: Approve Amendments to Personnel Rules 4, 5, 8, 13 and 16

Personnel Rule:
1.2

Personnel Rule 1.2 provides for amendments to the Personnel Rules and states that the Rules may be amended by a resolution adopted by the Housing Commission on the recommendation of the Personnel Committee, provided that the Personnel Committee shall first provide reasonable advance notice of any proposed amendments to employees of the Housing Authority and their recognized employee organizations and shall hold a hearing thereof. Personnel Rule 1.2 also states that the Personnel Committee and the Housing Commission shall meet and confer with recognized employee organizations where required by law.

As you know, staff has been reviewing and revising the Personnel Rules to update language to be consistent with the current state of applicable law, to reflect current procedures and practices of the Housing Authority and to provide clarification and simplification in the language of the rules. Your Personnel Committee has approved the full set of Personnel Rules followed by full adoption of the Housing Commission.

It has come to the attention of staff, that certain provisions of the Personnel Rules were in further need of clarification and revision. The tracked and clean versions of the revisions are under Attachment A. None of the recommended revisions for your consideration today involve the obligation to meet and confer with the recognized employee organization.

Summary of Proposed Revisions

1. Article 4 – Salary Administration

The provisions in this Article pertaining to the timing of when an employee moves from one step in the salary step schedule to the next needed further clarification. The changes represented further delineation of the current rules and a chart to show the timing of step progressions. A few other minor clarifications have been recommended in the remainder of Article 4.

2. Article 5 – Classification Plan

The provision regarding the general qualifications for all classifications is being recommended to include: regular attendance (which is consistent with how all classification specifications are written), and professionalism.

3. Article 8 – Employment Lists and Certification

The provision for resolving ties in overall examination scores needed to be differentiated between outside candidates and internal candidates. Reference was only made to internal candidates and ties in scores being broken by factors only attainable by current Housing Authority employees. Language was added to include how to break ties in overall examination scores by outside candidates – the factor being recommended to break ties is to carry out the average total score to the fourth decimal place and then rounding up. Then if tie remains, using the first letter of the candidate’s last name which is closest to the beginning of the alphabet to resolve ties.

Recommended revisions for this Article also include when an existing eligibility list may be requested to be cancelled by your Personnel Committee.

4. Article 13 - Lay-Offs and Reductions-in-Force

Current language provides that lay-offs shall be accomplished in inverse order of total Housing Authority service. Section 13.3.A. further states that all ties in total service time will be resolved according to criteria established by the Personnel Committee. However, these criteria are unknown and research into previous Personnel Committee agendas did not reveal that criteria were developed in the recent past. It is recommended that language in Section 13.3.A. be clearly identified as to the criteria that will be used to resolve ties in total Housing Authority service prior to the implementation of a lay-off. The recommended factor for resolving such ties is to use an employee’s total examination score achieved during the recruitment process for the most current HACA position for which the employee was interviewed. If no examination score is ascertainable, then the criteria shall be the first letter of the employee’s last name. The employee whose last name begins with a letter closest to the beginning of the alphabet shall be the one placed ahead of the other employee(s) for the order in which lay-offs are achieved.

5. Article 16 – Disciplinary Action

The first paragraph of this Article in Section 16.1 indicated that employees may be rejected during probation with cause but without any right of appeal. However, this language is inconsistent with the language in Article 10 – Probationary Period, which
PC AGENDA ITEM NO.: 4-1.

state that a probationary employee may be released from their probationary employment without cause. The current language in Section 16.1 is also inconsistent with the current state of the law regarding probationary releases – it is the general rule that no cause is required for the termination of probationary employees, and this has also been the practice of the Housing Authority.

Recommendation

Staff recommends that the revisions to the above-referenced Articles of the Personnel Rules be approved and that your committee recommend that the Housing Commission adopt same.

ATTACHMENT A
September 8, 2021

TRACKED REVISIONS

Article 4 SALARY ADMINISTRATION

As part of the annual fiscal budget cycle, the Housing Commission adopts a resolution, which approves the budget and the list of authorized positions and their attendant compensation rates for each classification for the following fiscal year. The Housing Commission may adopt amendments as needed during the course of the fiscal year.

Section 4.1 SALARY INCREASES FOR FULL-TIME EMPLOYMENT

A. Non-Exempt Positions

1. The salary structure for non-exempt positions is determined by a schedule of steps. The pay rate for an initial appointment shall be at the rate designated for the first step established for the classification. Appointment above the first step may be made in accordance with Section 4.3 in this Article (Appointment Above First Step). ~~in this Article.~~

a. Step Defined

A "step" is an incremental increase approximating five (5%) on the step schedule. When an employee has reached the top step for their classification, there is no further movement on the step schedule.

b. Movement to Next Step

~~2. After the employee completes thirteen (13) full bi-weekly pay periods of continuous full-time service (six months) in the same classification at the first or second step, the employee shall advance to the next step. A non-exempt employee's movement from one step to the next shall be as follows and is summarized in the chart below:~~

i. From Step 1 to Step 2

An employee will move from Step 1 to Step 2 after completing thirteen (13) full pay periods (approximately six (6) months) of continuous service in the same classification.

ii. From Step 2 to Step 3

An employee will move from Step 2 to Step 3 after completing thirteen (13) full pay periods (approximately six (6) months) of continuous service in the same classification.

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iii. From Step 3 to Step 4

An employee will move from Step 3 to Step 4 after completing twenty-six (26) full pay periods (approximately one (1) year) of continuous service in the same classification.

iv. From Step 4 to Step 5

An employee will move from Step 4 to Step 5 after completing twenty-six (26) full pay periods (approximately one (1) year) of continuous service in the same classification.

v. When an employee is promoted to a classification with a higher step schedule and the salary increase is less than five percent (5%) when placed on the closest step of the higher classification as compared to the employee's previous classification, the of number of full pay periods the employee is required to serve in the new salary step is reduced by one-half. This provision is in accordance with the Section 4.6.C. of this Article.

<u>Movement to Next Step</u>	<u>Step 1 to Step 2</u>	<u>Step 2 to Step 3</u>	<u>Step 3 to Step 4</u>	<u>Step 4 to Step 5</u>
<u>Number of Pay Periods to Complete</u>	<u>13</u>	<u>13</u>	<u>26</u>	<u>26</u>
<u>Number of Pay Periods for Promoted Employees if Increase is Less Than 5%</u>	<u>6</u>	<u>6</u>	<u>13</u>	<u>13</u>

~~3. After the employee completes twenty six (26) full bi-weekly pay periods of continuous service (one year) in the same classification at the third or fourth step, the employee shall advance to the next step.~~

4. Salary Anniversary Date

a. The anniversary date of an employee is the first day of a bi-weekly pay period. For purposes of determining effective dates of advancement to higher steps, the anniversary date of an employee shall be the first day of the bi-weekly pay period

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the appointment is effective provided that such appointment is effective in the first five (5) calendar days of that pay period excluding holidays.

b. If the appointment is later than the first five (5) calendar days of a pay period, the anniversary date shall be the first day of the succeeding bi-weekly pay period.

B. Exempt Positions

Exempt positions, (“M”-designated classifications) are assigned pay ranges. The rate of compensation upon initial appointment may be anywhere in the range consistent with the following rules:

1. If appointed in the first quarter of the fiscal year, the employee’s anniversary date for a merit review shall be the first day of the first pay period of the subsequent fiscal year. Any merit increase applied to the salary is pro-rated based on the number of full bi-weekly pay periods the employee has worked in the previous fiscal year.
2. If appointed after the first quarter of the fiscal year, the employee’s first merit review shall be due after completion of twenty-six (26) full bi-weekly pay periods. r Subsequent merit reviews shall be due on the first day of the first pay period of the subsequent fiscal year. Any merit increase applied to the salary is pro-rated based on the number of full bi-weekly pay periods they have completed since the previous merit review.
3. Except as indicated above, employees in “M” classifications that have pay ranges shall have merit reviews due on the first day of the first pay period of each fiscal year.

Section 4.2 LESS THAN FULL-TIME EMPLOYMENT

Employees working less than full-time in classifications for which the compensation is designated by a schedule of steps shall advance in the same manner as provided in Section 4.1 of this Article, provided that an equivalent number of working days or hours shall be worked to qualify for advancement within the schedule of steps.

Section 4.3. APPOINTMENT ABOVE FIRST STEP

The Executive Director may authorize an initial appointment to any classification at any step in the salary range and may consider the immediacy of the need for filling the position in determining appointment above the first step. In addition, one or more of the following criteria must be met for an appointment above the first step:

A. The classification is one for which it is difficult to recruit qualified candidates; and either

B. i. The candidate has exceptional education and/or experience that warrants a starting salary above the first step; or

~~C.~~ ii. The salary being requested is consistent with the candidate's recent salary history.

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Section 4.4 CHANGE TO CLASSIFICATION WITH SAME SALARY

If an employee changes their position to a classification with the same salary, the employee shall receive a pay rate and be assigned to a step in the new position that will not result in receiving less than the amount which was earned by the employee in their prior position. Employees are entitled to receive future step increases as provided and applicable in Section 4.1.

Section 4.5 CHANGE TO CLASSIFICATION WITH LOWER SALARY

When an employee transfers or is appointed from one classification with a lower salary, the employee shall be entitled to credit in the new classification for the period of service in the former classification and shall be entitled to receive step increases as provided in Section 4.1 of this Article.

Section 4.6 CHANGE TO CLASSIFICATION WITH HIGHER SALARY

- A. Employees promoted to a classification with a higher salary schedule shall be placed in a salary step for the new classification which is the next higher step but which is not less than three percent (3%) more than the salary the employee was receiving in the previous classification.
- B. The employee will receive a new anniversary date for salary purposes, which will be the date the appointment in the new position becomes effective. The new salary anniversary date is only used for purposes of determining the timing of movement to the next step in a classification's step schedule.
- C. If the salary increase is less than five percent (5%), the length of time the employee is required to serve in the new salary step shall be reduced by one-half.
- D. For purposes of calculating the salary step to be assigned when an employee receives a promotion, "base pay" shall include all compensation which is related to job qualifications and is received on a regular basis (i.e., every pay period). Overtime is excluded from base pay.

Section 4.7 **LEAVE OF ABSENCE AND SALARY INCREASES**

A. Absence on an authorized leave with pay and absence on military leave shall not be considered an interruption of or break in service time in a position.

B. Any absence within the first two bi-weekly pay periods of service which would have been compensated for had it not fallen within such period, shall not be considered an interruption of or break in service time in a position.

C. Occupying another position in the Housing Authority service, such as an out-of-class assignment, shall not be considered an interruption of or break in service time in the employee's position while on authorized leave to perform duties in another position.

Section 4.8 **PAY PERIODS DETERMINE LENGTH OF SERVICE**

Bi-weekly pay periods shall be the basis for determining length of service. If an employee is in a paid status for a fraction of a bi-weekly pay period, such periods of service shall be totalled and converted to full bi-weekly pay periods to determine the appropriate length of service.

Section 4.9 **CLASSIFICATION CHANGES**

When the classification, reclassification, allocation, or reallocation of a position becomes effective, ~~the employee occupying~~ the position in a classification that has been changed shall receive compensation as follows:

A. If the rate or schedule of steps of the new classification is higher at the maximum than the former classification the employee held, ~~the employee shall receive compensation specified in Section 4.6.~~

B. If the schedule of steps of the new classification is lower at the maximum than the former classification the employee held, ~~the employee shall continue to receive the same compensation received in the former classification on the starting date of the new classification.~~ Future step increases which apply to the new classification shall occur in the normal sequence and the employee shall retain their original salary anniversary date.

Section 4.10 **REINSTATEMENT**

Every regularly appointed employee who has resigned and who is reinstated within three (3) years shall for purposes of this Article be deemed to have been on leave of absence without pay during the period preceding such reinstatement.

Section 4.11 **COMPENSATION FOR PORTION OF BI-WEEKLY PAY PERIOD**

A. Employees working in full-time positions who are scheduled to work less than full-time, or who are on leave without pay during any bi-weekly pay period shall be paid the prorated portion of the bi-weekly salary for the number of hours or days worked.

- B. Employees who are in a paid status for less than a full bi-weekly pay period shall accrue a pro-rated level of vacation and sick leave and service credit.
- C. Employees who are not in a paid status for a full bi-weekly pay period will not accrue vacation and sick leave and will not receive service credit for the period of time in an unpaid status.

Section 4.13 PART-TIME APPOINTMENT IN FULL-TIME POSITIONS

The appointing authority may fill any authorized full-time position with more than one employee provided that the combined hours worked by employees filling that position do not exceed the work week for the class to which the position is allocated and provided further that funds for such positions have been included in the Housing Authority's approved budget.

Section 4.14 ADDITIONAL COMPENSATION

A. OVERTIME

1. Definitions

"Overtime" is defined as all work in excess of 37.32 or 37.68 or forty (40) hours per week, depending on classification. "Premium pay" or "premium rate" is defined as compensation whether in cash or time off, calculated at the rate of one and one half times the regular base pay. "Week" is defined as a consecutive one hundred and sixty-eight (168) hour period commencing at 12:00 noon of any Friday or such other day as may be designated by the Commission.

2. Use of Overtime

Overtime work shall be kept to a minimum and shall be used only for emergencies or for the performance of those services or duties where there are no other alternatives to the use of overtime.

3. Authorization for Overtime

No employee shall work overtime unless written authorization for overtime pay has been provided by the Executive Director or their designee. Records of overtime worked shall be maintained by Payroll for audit purposes for a period of not less than three years from the date such overtime is performed.

4. Method of Compensation

The Executive Director shall determine whether overtime shall be compensated in cash or by compensatory time off. Based upon job classification, the overtime shall be compensated at straight time or time and one-half. Employees in a bargaining unit shall be compensated in accordance with the overtime provisions in the applicable Memorandum of Understanding.

5. When Overtime is Paid

An employee shall be paid no later than the next pay period next following the pay period in which overtime was earned.

6. Compensatory Time Off

Employees receiving compensatory time off shall not accumulate more than eighty (80) hours. Compensatory time off due an employee who is separated from employment shall be paid for all earned compensatory time off. Employees may cash out compensatory time off at any time at their straight time pay rate.

7. Compensatory Time Off for Management Classifications

As a general rule, management classifications are exempt from the overtime requirements as provided in both state and federal law. However, in recognition of time worked in excess of the normal work week, the Executive Director may grant management employees reasonable time off with pay consistent with Housing Authority operations.

B. CALL-BACK PAY

1. Employees who earn overtime, that are called back to work shall be compensated at the premium overtime rate for all hours that work is performed.
2. The minimum compensation for call-back pay shall be two (2) hours at the premium overtime rate (one and one-half (1½) times the regular rate for work performed after forty (40) hours in a week.-

C. TEMPORARY ASSIGNMENT TO HIGHER LEVEL CLASSIFICATION

1. An employee assigned on a temporary basis to a higher level classification ("out-of-class" assignment) in which there is no appointed incumbent or in which the appointed incumbent is on paid or unpaid leave shall be compensated at the pay rate for the higher level classification if the service in such classification exceeds ten (10) days in any 12-month period.,
2. The higher pay rate shall commence on the first day of the out-of-class assignment.
3. In order for an out-of-class assignment to be effective, the full range of duties of the higher level position must be assigned and approved by the Executive Director.
4. The pay rate for the out-of-class assignment shall be calculated as if the employee had been promoted to such position as provided in Section 4.6.

D. SERVICE AWARDS

The Housing Authority provides a service awards program to employees as designated by the Housing Commission, which is based on length of service. The awards program includes recognition awards and cash gift certificates.

E. POSITIONS DESIGNATED AS BILINGUAL

1. Upon approval of the Executive Director employees occupying positions designated as requiring fluency in a language other than English shall receive fifty dollars (\$50) per pay period or an amount equal to ~~the~~ bilingual stipend provided by the County of Alameda, whichever is greater.
2. The following criteria shall be used in evaluating the need for bilingual designation of a position:
 - a. The position provides a service to the general public;
 - a. There will be an improved result in rendering client service by the employee being bilingual;
 - c. The position involves contact with clients who are essentially non-English speaking at least ten percent (10%) of the ~~time~~.

F. ALTERNATE RANGE

- A. Upon approval of the Executive Director, employees occupying the classification Account Specialist may be paid an additional fifteen percent (15%) above their base pay while the Finance Director or Accountant is on a leave of absence or the position is vacant. Duties assigned for this higher pay rate will include those that are regularly performed by the higher class such as: directing the check balancing process, bank reconciliations and general ledger closing.
- B. Such appointments shall not exceed five (5) months in any fiscal year.

Section 4.15 WITHHOLDING OF SALARY INCREASE

The Executive Director or their designee may elect not to grant salary increases if justified by a performance review.

Section 4.16 RESTORATION OF WITHHELD SALARY INCREASE

The Executive Director or their designee may restore a withheld salary increase. The restored increase shall become effective on the first day of the bi-weekly pay period following the restoration by the Executive Director or their designee. The effective date of subsequent increases shall be calculated from the date when the previous increase would otherwise have become effective.

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, revised, 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, regular attendance, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy professionalism 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 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

1. If two or more candidates attain the same total score in an examination, the tie shall be resolved by extending the total score to the fourth decimal place and then rounding up the total score. If this method does not resolve the tie, then the tie shall be resolved by the date and time the candidate's completed application was received for the most current position occupied. The application which was received the earliest shall be given seniority preference.

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

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- 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.

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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 the following: (1) appoint from the names available or they may disregard those names and request an authorization for a provisional appointment, or (2) request that the Personnel Committee cancel the eligibility list so that a new list can be established through an open and/or promotional recruitment process.
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.

5.6. If there are no more than three (3) certified candidates on an eligibility list and those candidates have been through the second interview process for a position for which the list was established and those candidates have not been selected for appointment, the Executive Director or their designee may request that the Personnel Committee cancel the eligibility list so that a new list can be established through an open and/or promotional recruitment process.

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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~~ candidates, 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

An eligibility list with names of candidates who have been certified on the list, may be cancelled in the following circumstances:

1. 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.~~
2. When there are fewer than three (3) names on the list available for certification; and
3. If there are no more than three (3) certified candidates on an eligibility list and those candidates have been through the second interview process for a position for which the list was established and those candidates have not been selected for appointment.

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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 or their designee.

K. **Completion of Certification Form**

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

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Article 13**LAY-OFFS AND REDUCTIONS IN FORCE****Section 13.1 NOTICE TO PERSONNEL COMMITTEE**

Layoffs and demotions in lieu of lay-off resulting from a reduction in force shall be made in accordance with these rules and procedures. The Personnel Committee shall be notified when the Executive Director determines a reduction in force is necessary.

Section 13.2 EXECUTIVE DIRECTOR AUTHORITY

- A. Whenever it becomes necessary to reduce the number of employees, the Executive Director shall have the authority to determine the classifications to be affected by the reduction, the number of positions in each classification that shall be reduced, and the date the reduction is to take effect. The Personnel Committee shall be notified of the determination to implement a reduction in force.
- B. When a specific position within a classification requires special skills, knowledge, and/or abilities, the Executive Director may, with prior notice to the Personnel Committee, designate the special skills, knowledge and abilities required for the position and designate that position as a separate classification for purposes of lay-off and demotion in lieu of lay-off.

Section 13.3 ORDER OF LAY-OFF

- A. Lay-off shall be accomplished in inverse order of total Housing Authority service. For purposes of this rule, total Housing Authority service shall be defined as the sum total of paid service without regard to whether such service was continuous, full-time, less than full-time, tenured, probationary, provisional, temporary or emergency. Leave without pay or any other unpaid status is not counted toward total Housing Authority service. All ties in total service time will be resolved according to ~~criteria established by the Personnel Committee~~their total examination score achieved during the recruitment process for the most current HACA position for which the employee interviewed. If no examination score is ascertainable, then the criteria shall be the amount of leave without pay an employee has in their total Housing Authority service. The employee with the least amount of leave without pay will be given seniority preference..
- B. Before any tenured employee is laid off, all employees working in classifications that are emergency, provisional, temporary or probationary appointments shall be separated in the following order:
 1. Emergency appointments
 2. Provisional appointments
 3. Temporary appointments
 4. Probationary appointments

Exceptions to this rule include probationary appointees reinstated pursuant to Section 9.2.B.6. and employees on probation by virtue of job reclassification where such employee was continuously performing the same job functions six (6) months prior to the reclassification.

Section 13.4 DEMOTION IN LIEU OF LAY-OFF

- A. An employee in a classification affected by a reduction in force may elect to demote to a lower paying classification, provided that the employee was a permanent employee in the lower paying classification.
- B. For purposes of lay-off or demotion in lieu of lay-off, flexibly-staffed classifications may be designated as one classification.
- C. When both the employee demoting and the employee in the lower paying classification class have equal total Housing Authority service, the employee in the lower paying classification will be laid off or demoted first.
- D. Employees exercising their right of demotion in lieu of lay-off must demote to a lower paying classification.

Section 13.5 RIGHT TO APPEAL LAY-OFFS OR REDUCTIONS IN FORCE

Employees may appeal an action for lay-off or reduction in force only as it relates to the issue of whether or not the Executive Director appropriately followed the procedural requirements in this Article regarding the implementation of lay-offs or reductions in force. Appeals must in be compliance with the requirements set forth in Article 15 regarding Appeal of Personnel Actions.

Article 16 DISCIPLINARY ACTION

Section 16.1 TYPES OF DISCIPLINARY ACTION

Housing Authority employees may be disciplined for cause as follows: termination, suspension, demoted or -formally reprimanded by the Executive Director or their designee. Probationary employees may be rejected during probation with~~out~~ cause ~~but~~ and without any right of appeal. FLSA exempt employees (management classifications) may not be suspended in less than one (1) week increments.

Section 16.2 BASIS FOR DISCIPLINARY ACTION

Disciplinary action may be based on, but is not limited to, the following:

1. Fraud in securing appointment
2. Unfitness for the position
3. Inefficiency
4. Neglect of duty
5. Being under the influence of illegal substances or alcohol while performing job-related duties
6. Abuse of legally prescribed or otherwise legal narcotics ~~on the job~~ while performing work activities-
7. Theft of Housing Authority property
8. Insubordination
9. Unauthorized absence without leave
10. Discourteous treatment of the general public or fellow employees
11. Willful misuse of public of Housing Authority property
12. Dishonesty
13. Conviction of a felony
14. Any behavior or acts either during or outside of office hours which brings discredit to the Housing Authority or are adverse to the public interest
15. Engaging in business or accepting outside employment while an employee of the Housing Authority resulting in a conflict of interest.
16. Inability to perform the assigned duties because of the employee's ~~inability~~ failure to maintain required insurance and/or motor vehicle driver's license.
17. A violation of Housing Authority rules, policies or procedures.
18. A violation of a provision of the Memorandum of Understanding between the Housing Authority and SEIU Local 1021.

- B. The above list is not intended to be an all-inclusive list. Other appropriate causes for proposed disciplinary action may exist that are not specifically identified above.

Section 16.3 PRE-DISCIPLINARY PROCESS (“SKELLY PROCESS”)

The following Skelly process applies only to proposed suspensions without pay, demotions, reductions in pay as discipline and terminations.

A. Notice of Intent

-When disciplinary action is proposed against a tenured employee, the employee shall be entitled to advance written notice of the intended disciplinary action., The notice shall include:

- The level of intended discipline;
- Statement of the charge(s) for the basis supporting the proposed discipline; ;
- A summary of the facts that establish the elements of each charge in the proposed discipline;
- Copies of any factual information and documents supporting the proposed disciplinary action;
- Statement of the employee's right to respond in writing regarding the Notice of Intent either by requesting a hearing (“Skelly” hearing), or by providing a written response, or both;
- Statement of the employee’s right to have a representative of their choice present during the Skelly hearing;
- Statement that the employee must respond to the Notice of Intent within at least five (5) working days from the date of the Notice of Intent.
- Notice that failure to respond by the time specified in the Notice of Intent will constitute a waiver of the right to respond prior to final discipline being imposed.

B. Employee’s Right to Respond to Notice of Intent

1. If the employee requests a Skelly hearing, the Executive Director shall conduct the hearing and function as the Skelly officer. The Skelly officer hosts the meeting to hear the employee’s pre-disciplinary response to the Notice of Intent. During the hearing, the employee shall have the opportunity to have their designated representative present and to rebut the charges of proposed discipline and to present any mitigating circumstances.
2. The Skelly hearing is an informal hearing. The parties that are generally in attendance at the Skelly hearing include the Executive Director (Skelly officer), the employee, the employee’s representative and the Human Resources Manager.

C. Final Notice of Disciplinary Action

1. After the Skelly hearing and/or the receipt of the employee’s written response, the Executive Director will issue a final notice of the decision. The final notice will either:

- a. Reverse the proposed Notice of Intent and impose no disciplinary action;
 - b. Modify the proposed disciplinary action; or
 - c. Uphold the Notice of Intent and impose the proposed disciplinary action.
2. The final Notice of Disciplinary Action will contain the following:
- The level of discipline, if any, to be imposed and the effective date of the discipline;
 - The specific charge(s) upon which the discipline is based;
 - A summary of the facts that support the elements of each charge;
 - A copy of all materials upon which the discipline was based; and
 - A reference to the employee's appeal right and deadline to appeal.
3. Delivery of the Final Notice of Disciplinary Action

The Final Notice of Disciplinary Action will be sent by a mail method that verifies delivery to the last known address of the employee, or delivered to the employee in person. If the notice is not deliverable because the employee has moved without notifying the Housing Authority or the employee refuses to accept delivery, the effective date of the discipline will be the date the post office or delivery service attempted delivery.

REVISED PERSONNEL RULES

Article 4 SALARY ADMINISTRATION

As part of the annual fiscal budget cycle, the Housing Commission adopts a resolution, which approves the budget and the list of authorized positions and the compensation rates for each classification for the following fiscal year. The Housing Commission may adopt amendments as needed during the course of the fiscal year.

Section 4.1 **SALARY INCREASES FOR FULL-TIME EMPLOYMENT**

A. Non-Exempt Positions

1. The salary structure for non-exempt positions is determined by a schedule of steps. The pay rate for an initial appointment shall be at the rate designated for the first step established for the classification. Appointment above the first step may be made in accordance with Section 4.3 in this Article (Appointment Above First Step).

a. Step Defined

A “step” is an incremental increase approximating five (5%) on the step schedule. When an employee has reached the top step for their classification, there is no further movement on the step schedule.

b. Movement to Next Step

A non-exempt employee’s movement from one step to the next shall be as follows and is summarized in the chart below:

i. From Step 1 to Step 2

An employee will move from Step 1 to Step 2 after completing thirteen (13) full pay periods (approximately six (6) months) of continuous service in the same classification.

ii. From Step 2 to Step 3

An employee will move from Step 2 to Step 3 after completing thirteen (13) full pay periods (approximately six (6) months) of continuous service in the same classification.

iii. From Step 3 to Step 4

An employee will move from Step 3 to Step 4 after completing twenty-six (26) full pay periods (approximately one (1) year) of continuous service in the same classification.

iv. From Step 4 to Step 5

An employee will move from Step 4 to Step 5 after completing twenty-six (26) full pay periods (approximately one (1) year) of continuous service in the same classification.

- v. When an employee is promoted to a classification with a higher step schedule and the salary increase is less than five percent (5%) when placed on the closest step of the higher classification as compared to the employee's previous classification, the number of full pay periods the employee is required to serve in the new salary step is reduced by one-half. This provision is in accordance with the Section 4.6.C. of this Article.

Movement to Next Step	Step 1 to Step 2	Step 2 to Step 3	Step 3 to Step 4	Step 4 to Step 5
Number of Pay Periods to Complete	13	13	26	26
Number of Pay Periods for Promoted Employees if Increase is Less Than 5%	6	6	13	13

4. Salary Anniversary Date

- a. The anniversary date of an employee is the first day of a bi-weekly pay period. For purposes of determining effective dates of advancement to higher steps, the anniversary date of an employee shall be the first day of the bi-weekly pay period the appointment is effective provided that such appointment is effective in the first five (5) calendar days of that pay period excluding holidays.
- b. If the appointment is later than the first five (5) calendar days of a pay period, the anniversary date shall be the first day of the succeeding bi-weekly pay period.

B. Exempt Positions

Exempt positions, (“M”-designated classifications) are assigned pay ranges. The rate of compensation upon initial appointment may be anywhere in the range consistent with the following rules:

1. If appointed in the first quarter of the fiscal year, the employee’s anniversary date for a merit review shall be the first day of the first pay period of the subsequent fiscal year. Any merit increase applied to the salary is pro-rated based on the number of full bi-weekly pay periods the employee has worked in the previous fiscal year.
2. If appointed after the first quarter of the fiscal year, the employee’s first merit review shall be due after completion of twenty-six (26) full bi-weekly pay periods. r Subsequent merit reviews shall be due on the first day of the first pay period of the subsequent fiscal year. Any merit increase applied to the salary is pro-rated based on the number of full bi-weekly pay periods they have completed since the previous merit review.
3. Except as indicated above, employees in “M” classifications that have pay ranges shall have merit reviews due on the first day of the first pay period of each fiscal year.

Section 4.2 LESS THAN FULL-TIME EMPLOYMENT

Employees working less than full-time in classifications for which the compensation is designated by a schedule of steps shall advance in the same manner as provided in Section 4.1 of this Article, provided that an equivalent number of working days or hours shall be worked to qualify for advancement within the schedule of steps.

Section 4.3. APPOINTMENT ABOVE FIRST STEP

The Executive Director may authorize an initial appointment to any classification at any step in the salary range and may consider the immediacy of the need for filling the position in determining appointment above the first step. In addition, one or more of the following criteria must be met for an appointment above the first step:

- A. The classification is one for which it is difficult to recruit qualified candidates; and either
 - i. The candidate has exceptional education and/or experience that warrants a starting salary above the first step; or
 - ii. The salary being requested is consistent with the candidate's recent salary history.

Section 4.4 **CHANGE TO CLASSIFICATION WITH SAME SALARY**

If an employee changes their position to a classification with the same salary, the employee shall receive a pay rate and be assigned to a step in the new position that will not result in receiving less than the amount which was earned by the employee in their prior position. Employees are entitled to receive future step increases as provided and applicable in Section 4.1.

Section 4.5 **CHANGE TO CLASSIFICATION WITH LOWER SALARY**

When an employee transfers or is appointed from one classification with a lower salary, the employee shall be entitled to credit in the new classification for the period of service in the former classification and shall be entitled to receive step increases as provided in Section 4.1 of this Article.

Section 4.6 **CHANGE TO CLASSIFICATION WITH HIGHER SALARY**

- A. Employees promoted to a classification with a higher salary schedule shall be placed in a salary step for the new classification which is the next higher step but which is not less than three percent (3%) more than the salary the employee was receiving in the previous classification.
- B. The employee will receive a new anniversary date for salary purposes, which will be the date the appointment in the new position becomes effective. The new salary anniversary date is only used for purposes of determining the timing of movement to the next step in a classification's step schedule.
- C. If the salary increase is less than five percent (5%), the length of time the employee is required to serve in the new salary step shall be reduced by one-half.
- D. For purposes of calculating the salary step to be assigned when an employee receives a promotion, "base pay" shall include all compensation which is related to job qualifications and is received on a regular basis (i.e., every pay period). Overtime is excluded from base pay.

Section 4.7 **LEAVE OF ABSENCE AND SALARY INCREASES**

- A. Absence on an authorized leave with pay and absence on military leave shall not be considered an interruption of or break in service time in a position.
- B. Any absence within the first two bi-weekly pay periods of service which would have been compensated for had it not fallen within such period, shall not be considered an interruption of or break in service time in a position.

C. Occupying another position in the Housing Authority service, such as an out-of-class assignment, shall not be considered an interruption of or break in service time in the employee's position while on authorized leave to perform duties in another position.

Section 4.8 **PAY PERIODS DETERMINE LENGTH OF SERVICE**

Bi-weekly pay periods shall be the basis for determining length of service. If an employee is in a paid status for a fraction of a bi-weekly pay period, such periods of service shall be totalled and converted to full bi-weekly pay periods to determine the appropriate length of service.

Section 4.9 **CLASSIFICATION CHANGES**

When the classification, reclassification, allocation, or reallocation of a position becomes effective, the employee occupying the position in a classification that has been changed shall receive compensation as follows:

- A. If the rate or schedule of steps of the new classification is higher at the maximum than the former classification the employee held, the employee shall receive compensation specified in Section 4.6.
- B. If the schedule of steps of the new classification is lower at the maximum than the former classification the employee held, the employee shall continue to receive the same compensation received in the former classification on the starting date of the new classification. Future step increases which apply to the new classification shall occur in the normal sequence and the employee shall retain their original salary anniversary date.

Section 4.10 **REINSTATEMENT**

Every regularly appointed employee who has resigned and who is reinstated within three (3) years shall for purposes of this Article be deemed to have been on leave of absence without pay during the period preceding such reinstatement.

Section 4.11 **COMPENSATION FOR PORTION OF BI-WEEKLY PAY PERIOD**

- A. Employees working in full-time positions who are scheduled to work less than full-time, or who are on leave without pay during any bi-weekly pay period shall be paid the prorated portion of the bi-weekly salary for the number of hours or days worked.
- B. Employees who are in a paid status for less than a full bi-weekly pay period shall accrue a pro-rated level of vacation and sick leave and service credit.
- C. Employees who are not in a paid status for a full bi-weekly pay period will not accrue vacation and sick leave and will not receive service credit for the period of time in an unpaid status.

Section 4.13 PART-TIME APPOINTMENT IN FULL-TIME POSITIONS

The appointing authority may fill any authorized full-time position with more than one employee provided that the combined hours worked by employees filling that position do not exceed the work week for the class to which the position is allocated and provided further that funds for such positions have been included in the Housing Authority's approved budget.

Section 4.14 ADDITIONAL COMPENSATION

A. OVERTIME

1. Definitions

"Overtime" is defined as all work in excess of 37.32 or 37.68 or forty (40) hours per week, depending on classification. "Premium pay" or "premium rate" is defined as compensation whether in cash or time off, calculated at the rate of one and one half times the regular base pay. "Week" is defined as a consecutive one hundred and sixty-eight (168) hour period commencing at 12:00 noon of any Friday or such other day as may be designated by the Commission.

2. Use of Overtime

Overtime work shall be kept to a minimum and shall be used only for emergencies or for the performance of those services or duties where there are no other alternatives to the use of overtime.

3. Authorization for Overtime

No employee shall work overtime unless written authorization for overtime pay has been provided by the Executive Director or their designee. Records of overtime worked shall be maintained by Payroll for audit purposes for a period of not less than three years from the date such overtime is performed.

4. Method of Compensation

The Executive Director shall determine whether overtime shall be compensated in cash or by compensatory time off. Based upon job classification, the overtime shall be compensated at straight time or time and one-half. Employees in a bargaining unit shall be compensated in accordance with the overtime provisions in the applicable Memorandum of Understanding.

5. When Overtime is Paid

An employee shall be paid no later than the next pay period next following the pay period in which overtime was earned.

6. Compensatory Time Off

Employees receiving compensatory time off shall not accumulate more than eighty (80) hours. Compensatory time off due an employee who is separated from employment shall be paid for all earned compensatory time off. Employees may cash out compensatory time off at any time at their straight time pay rate.

7. Compensatory Time Off for Management Classifications

As a general rule, management classifications are exempt from the overtime requirements as provided in both state and federal law. However, in recognition of time worked in excess of the normal work week, the Executive Director may grant management employees reasonable time off with pay consistent with Housing Authority operations.

B. CALL-BACK PAY

1. Employees who earn overtime, that are called back to work shall be compensated at the premium overtime rate for all hours that work is performed.
2. The minimum compensation for call-back pay shall be two (2) hours at the premium overtime rate (one and one-half (1½) times the regular rate for work performed after forty (40) hours in a week.

C. TEMPORARY ASSIGNMENT TO HIGHER LEVEL CLASSIFICATION

1. An employee assigned on a temporary basis to a higher level classification (“out-of-class” assignment) in which there is no appointed incumbent or in which the appointed incumbent is on paid or unpaid leave shall be compensated at the pay rate for the higher level classification if the service in such classification exceeds ten (10) days in any 12-month period.,
2. The higher pay rate shall commence on the first day of the out-of-class assignment.
3. In order for an out-of-class assignment to be effective, the full range of duties of the higher level position must be assigned and approved by the Executive Director.
4. The pay rate for the out-of-class assignment shall be calculated as if the employee had been promoted to such position as provided in Section 4.6.

D. SERVICE AWARDS

The Housing Authority provides a service awards program to employees as designated by the Housing Commission, which is based on length of service. The awards program includes recognition awards and cash gift certificates.

E. POSITIONS DESIGNATED AS BILINGUAL

1. Upon approval of the Executive Director employees occupying positions designated as requiring fluency in a language other than English shall receive fifty dollars (\$50) per pay period or an amount equal to the bilingual stipend provided by the County of Alameda, whichever is greater.
2. The following criteria shall be used in evaluating the need for bilingual designation of a position:
 - a. The position provides a service to the general public;
 - a. There will be an improved result in rendering client service by the employee being bilingual;
 - c. The position involves contact with clients who are essentially non-English speaking at least ten percent (10%) of the time.

F. ALTERNATE RANGE

- A. Upon approval of the Executive Director, employees occupying the classification Account Specialist may be paid an additional fifteen percent (15%) above their base pay while the Finance Director or Accountant is on a leave of absence or the position is vacant. Duties assigned for this higher pay rate will include those that are regularly performed by the higher class such as: directing the check balancing process, bank reconciliations and general ledger closing.
- B. Such appointments shall not exceed five (5) months in any fiscal year.

Section 4.15 WITHHOLDING OF SALARY INCREASE

The Executive Director or their designee may elect not to grant salary increases if justified by a performance review.

Section 4.16 RESTORATION OF WITHHELD SALARY INCREASE

The Executive Director or their designee may restore a withheld salary increase. The restored increase shall become effective on the first day of the bi-weekly pay period following the restoration by the Executive Director or their designee. The effective date of subsequent increases shall be calculated from the date when the previous increase would otherwise have become effective.

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, revised, 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 employees in the Housing Authority service include but are not limited to: integrity, honesty, sobriety, dependability, regular attendance, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy professionalism and ability to work cooperatively with others, and shall be deemed to be a part 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 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

1. If two or more candidates attain the same total score in an examination, the tie shall be resolved by extending the total score to the fourth decimal place and then rounding up the total score. If this method does not resolve the tie, then the tie shall be resolved by the date and time the candidate's completed application was received for the most current position occupied. The application which was received the earliest shall be given seniority preference.
2. If two or more employees 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 the following: (1) appoint from the names available or they may disregard those names and request an authorization for a provisional appointment, or (2) request that the Personnel Committee cancel the eligibility list so that a new list can be established through an open and/or promotional recruitment process.
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.
6. If there are no more than three (3) certified candidates on an eligibility list and those candidates have been through the second interview process for a position for which the list was established and those candidates have not been selected for appointment, the Executive Director or their designee may request that the Personnel Committee cancel the eligibility list so that a new list can be established through an open and/or promotional recruitment process.

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 candidates, 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

An eligibility list with names of candidates who have been certified on the list, may be cancelled in the following circumstances:

1. If the Executive Director or their designee decides not to fill a vacant position after the certification of candidates has occurred;; ,
2. When there are fewer than three (3) names on the list available for certification; and

3. If there are no more than three (3) certified candidates on an eligibility list and those candidates have been through the second interview process for a position for which the list was established and those candidates have not been selected for appointment.

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 or their designee.

K. Completion of Certification Form

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

Article 13**LAY-OFFS AND REDUCTIONS IN FORCE****Section 13.1 NOTICE TO PERSONNEL COMMITTEE**

Layoffs and demotions in lieu of lay-off resulting from a reduction in force shall be made in accordance with these rules and procedures. The Personnel Committee shall be notified when the Executive Director determines a reduction in force is necessary.

Section 13.2 EXECUTIVE DIRECTOR AUTHORITY

- A. Whenever it becomes necessary to reduce the number of employees, the Executive Director shall have the authority to determine the classifications to be affected by the reduction, the number of positions in each classification that shall be reduced, and the date the reduction is to take effect. The Personnel Committee shall be notified of the determination to implement a reduction in force.
- B. When a specific position within a classification requires special skills, knowledge, and/or abilities, the Executive Director may, with prior notice to the Personnel Committee, designate the special skills, knowledge and abilities required for the position and designate that position as a separate classification for purposes of lay-off and demotion in lieu of lay-off.

Section 13.3 ORDER OF LAY-OFF

- A. Lay-off shall be accomplished in inverse order of total Housing Authority service. For purposes of this rule, total Housing Authority service shall be defined as the sum total of paid service without regard to whether such service was continuous, full-time, less than full-time, tenured, probationary, provisional, temporary or emergency. Leave without pay or any other unpaid status is not counted toward total Housing Authority service. All ties in total service time will be resolved according to their total examination score achieved during the recruitment process for the most current HACA position for which the employee interviewed. If no examination score is ascertainable, then the criteria shall be the amount of leave without pay an employee has in their total Housing Authority service. The employee with the least amount of leave without pay will be given seniority preference.
- B. Before any tenured employee is laid off, all employees working in classifications that are emergency, provisional, temporary or probationary appointments shall be separated in the following order:
 - 1. Emergency appointments
 - 2. Provisional appointments
 - 3. Temporary appointments
 - 4. Probationary appointments

Exceptions to this rule include probationary appointees reinstated pursuant to Section 9.2.B.6. and employees on probation by virtue of job reclassification where such employee was continuously performing the same job functions six (6) months prior to the reclassification.

Section 13.4 DEMOTION IN LIEU OF LAY-OFF

- A. An employee in a classification affected by a reduction in force may elect to demote to a lower paying classification, provided that the employee was a permanent employee in the lower paying classification.
- B. For purposes of lay-off or demotion in lieu of lay-off, flexibly-staffed classifications may be designated as one classification.
- C. When both the employee demoting and the employee in the lower paying classification class have equal total Housing Authority service, the employee in the lower paying classification will be laid off or demoted first.
- D. Employees exercising their right of demotion in lieu of lay-off must demote to a lower paying classification.

Section 13.5 RIGHT TO APPEAL LAY-OFFS OR REDUCTIONS IN FORCE

Employees may appeal an action for lay-off or reduction in force only as it relates to the issue of whether or not the Executive Director appropriately followed the procedural requirements in this Article regarding the implementation of lay-offs or reductions in force. Appeals must in be compliance with the requirements set forth in Article 15 regarding Appeal of Personnel Actions.

Article 16

DISCIPLINARY ACTION

Section 16.1 TYPES OF DISCIPLINARY ACTION

Housing Authority employees may be disciplined for cause as follows: termination, suspension, demoted or formally reprimanded by the Executive Director or their designee. Probationary employees may be rejected during probation without cause and without any right of appeal. FLSA exempt employees (management classifications) may not be suspended in less than one (1) week increments.

Section 16.2 BASIS FOR DISCIPLINARY ACTION

Disciplinary action may be based on, but is not limited to, the following:

1. Fraud in securing appointment
2. Unfitness for the position
3. Inefficiency
4. Neglect of duty
5. Being under the influence of illegal substances or alcohol while performing job-related duties
6. Abuse of legally prescribed or otherwise legal narcotics while performing work activities
7. Theft of Housing Authority property
8. Insubordination
9. Unauthorized absence without leave
10. Discourteous treatment of the general public or fellow employees
11. Willful misuse of public of Housing Authority property
12. Dishonesty
13. Conviction of a felony
14. Any behavior or acts either during or outside of office hours which brings discredit to the Housing Authority or are adverse to the public interest
15. Engaging in business or accepting outside employment while an employee of the Housing Authority resulting in a conflict of interest.
16. Inability to perform the assigned duties because of the employee's failure to maintain required insurance and/or motor vehicle driver's license.
17. A violation of Housing Authority rules, policies or procedures.
18. A violation of a provision of the Memorandum of Understanding between the Housing Authority and SEIU Local 1021.

- B. The above list is not intended to be an all-inclusive list. Other appropriate causes for proposed disciplinary action may exist that are not specifically identified above.

Section 16.3 PRE-DISCIPLINARY PROCESS (“SKELLY PROCESS”)

The following Skelly process applies only to proposed suspensions without pay, demotions, reductions in pay as discipline and terminations.

A. Notice of Intent

When disciplinary action is proposed against a tenured employee, the employee shall be entitled to advance written notice of the intended disciplinary action., The notice shall include:

- The level of intended discipline;
- Statement of the charge(s) for the basis supporting the proposed discipline; ;
- A summary of the facts that establish the elements of each charge in the proposed discipline;
- Copies of any factual information and documents supporting the proposed disciplinary action;
- Statement of the employee's right to respond in writing regarding the Notice of Intent either by requesting a hearing ("Skelly" hearing), or by providing a written response, or both;
- Statement of the employee's right to have a representative of their choice present during the Skelly hearing;
- Statement that the employee must respond to the Notice of Intent within at least five (5) working days from the date of the Notice of Intent.
- Notice that failure to respond by the time specified in the Notice of Intent will constitute a waiver of the right to respond prior to final discipline being imposed.

B. Employee's Right to Respond to Notice of Intent

1. If the employee requests a Skelly hearing, the Executive Director shall conduct the hearing and function as the Skelly officer. The Skelly officer hosts the meeting to hear the employee's pre-disciplinary response to the Notice of Intent. During the hearing, the employee shall have the opportunity to have their designated representative present and to rebut the charges of proposed discipline and to present any mitigating circumstances.
2. The Skelly hearing is an informal hearing. The parties that are generally in attendance at the Skelly hearing include the Executive Director (Skelly officer), the employee, the employee's representative and the Human Resources Manager.

C. Final Notice of Disciplinary Action

1. After the Skelly hearing and/or the receipt of the employee's written response, the Executive Director will issue a final notice of the decision. The final notice will either:
 - a. Reverse the proposed Notice of Intent and impose no disciplinary action;

- b. Modify the proposed disciplinary action; or
 - c. Uphold the Notice of Intent and impose the proposed disciplinary action.
2. The final Notice of Disciplinary Action will contain the following:
- The level of discipline, if any, to be imposed and the effective date of the discipline;
 - The specific charge(s) upon which the discipline is based;
 - A summary of the facts that support the elements of each charge;
 - A copy of all materials upon which the discipline was based; and
 - A reference to the employee's appeal right and deadline to appeal.
3. Delivery of the Final Notice of Disciplinary Action

The Final Notice of Disciplinary Action will be sent by a mail method that verifies delivery to the last known address of the employee, or delivered to the employee in person. If the notice is not deliverable because the employee has moved without notifying the Housing Authority or the employee refuses to accept delivery, the effective date of the discipline will be the date the post office or delivery service attempted delivery.