



**HOUSING COMMISSION AGENDA**  
**Regular Meeting: October 14, 2020**  
**Time: 8:00 a.m.**

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

**Participate via Zoom Video Conference Platform:**

Members of the public may listen, view, and/or participate in this meeting using Zoom. You may have to download the Zoom app, however, using Zoom and/or downloading the Zoom app is free. You can access the Zoom meeting through one of the following ways:

1. Click: <https://us02web.zoom.us/j/88460095724>  
OR
2. On your desktop or laptop go to: <https://zoom.us/join>  
then  
enter Meeting ID: 884 6009 5274  
OR
3. From a mobile device, e.g. a cell phone, iPad and/or tablet, download the Zoom app to your device. In the app tap on “Join Meeting” then enter  
Meeting ID: 884 6009 5274

**Participate via telephone:**

To access the meeting via telephone:

Dial: 1-888-788-0099 then when prompted, enter  
Meeting ID: 884 6009 5724

**PUBLIC COMMENT**

**If you wish to comment on a matter NOT on the agenda, please email your comment, to [melissat@haca.net](mailto:melissat@haca.net), preferably by 5:00 p.m. on October 13, 2020.** Your comment(s) will be shared during the meeting when the Chairperson calls for Public Comment. If you are attending the meeting on Zoom or by telephone please wait for the Chairperson to call for Public Comments then upon recognition by the Chairperson, state your name, comments and/or questions. To allow the opportunity for all to speak, a time limit of 3 minutes has been set for public speakers wishing to address the Housing Commission. The Chairperson has the discretion to further limit this time if warranted by the number of speakers. Anyone wishing to address the Housing Commission on an agenda item or on business introduced by the Housing Commission may do so when the Chairperson calls for comments on the agenda item. NOTE: Only matters within the Housing Commission’s jurisdiction may be addressed.

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



**HOUSING COMMISSION AGENDA**  
**Regular Meeting: October 14, 2020**  
**Time: 8:00 a.m.**

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<b>1. CALL TO ORDER / ROLL CALL</b>		
<b>2. APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2020 MEETING</b>	<b>ACTION</b>	<b>3</b>
<b>3. PUBLIC COMMENT - On matters not on the Agenda</b>		
<b>4. NEW BUSINESS</b>		
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<b>4-2. Resolution No. 20-20 Approving Revisions to HACA's Personnel Rules</b>	<b>ACTION</b>	<b>20</b>
<b>4-3. Resolution No. 21-20 Approving Amendments to HACA's Budgeted Positions for the July 1, 2020 – June 30, 2021 Fiscal Year</b>	<b>ACTION</b>	<b>24</b>
<b>4-4. Program Activity Report</b>	<b>INFORMATION</b>	<b>27</b>
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**MINUTES**  
**September 9, 2020**



**HOUSING COMMISSION  
SUMMARY ACTION MINUTES**

**Regular Meeting**

**Meeting Date: Wednesday, September 9, 2020**

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

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

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**Call to Order**

Chairperson Hannon called the meeting to order at 8:02 a.m.

**Roll Call**

Present: Cmr. Ballew, Finley, Gacoscos, Gerry, Hannon, McQuaid, and Patz.

Excused: Cmr. Kumagai, Lamnin and Olson.

Entered after Roll Call: Cmr. Yao.

**2. ACTION: APPROVE THE MINUTES OF THE JULY 8, 2020 MEETING**

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Recommendation: Approve the minutes of the July 8, 2020 meeting as presented.

Motion/Second: Gacoscos/McQuaid.

Upon a roll call vote being taken the votes were:

Ayes: Cmr. Ballew, Finley, Gacoscos, Gerry, Hannon, McQuaid and Patz.

Not present for the vote: Cmr. Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**3. PUBLIC COMMENT: *On items not on the agenda.***

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Arianna Billoups, a member of the public, submitted her comments via email thanking the Housing Commission's scholarship committee for selecting her as the 2020 Donald C. Biddle Memorial Scholarship winner. Melissa Taesali, Executive Assistant, read the email aloud.

#### 4. **NEW BUSINESS**

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##### 4-1. **PRESENTATION: RECOGNIZE NAHRO-LDG SCHOLAR JACQUELINE RODRIGUEZ**

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Daniel Taylor, Special Programs Manager, presented the staff report.

Mr. Taylor reported that the National Association of Housing and Redevelopment Officials (NAHRO) has partnered with award-winning housing developer, LDG Development (LDG), to provide \$1 million in scholarships and internship opportunities to low-income students. A video presentation on the NAHRO-LDG scholarship was shared with the Commission. Mr. Taylor announced that Jacqueline Rodriguez, a 2020 HACA Scholarship winner, applied for the NAHRO scholarship program and was selected as a 2020 NAHRO-LDG scholar and described the details of Jacqueline's scholarship award.

Jacqueline, who attended the meeting via Zoom, thanked the Commission and HACA staff for their recognition and encouragement. She also expressed gratitude to her Family Self-Sufficiency (FSS) Coordinator, Mary Sturges, for her guidance and support throughout the years.

Mary Sturges, FSS Coordinator, who attended the meeting via Zoom, praised Jacqueline for hard work, determination and drive. She stated that she is proud of Jacqueline for all of her

Commission Discussion: Chairperson Hannon congratulated Jacqueline and praised her for working hard to achieve her goals and setting a great example for her children. He also praised Ms. Sturges and the FSS program for the difference they are making in people's lives. Mr. Taylor recognized the FSS staff for their hard work.

##### 4-2. **PRESENTATION: RECOGNIZE HACA'S YEARS OF SERVICE AWARD RECIPIENTS**

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Kurt Wiest, Executive Director, presented the staff report. Mr. Wiest reported that staff hosted a celebratory event on August 28 to recognize and celebrate employees who achieved years of service milestones. He recognized Rooyna Ayubi, Laua Moreno and Cathy Zeigler for achieving 5 years of service, Anita Sanchez for achieving 10 years of service, George Smith for reaching 15 years of service, Patricia Maddon for fulfilling 20 years of service, Gregory Koubeck for attaining 25 years of service, and Dorene Carr for accomplishing 30 years of service.

Dorene Carr, Administrative Clerk, shared her history with HACA over the last 30 years and thanked staff and the Housing Commission for their recognition.

Commission Discussion: Chairperson Hannon congratulated the honorees and thanked them for their service. He expressed a special congratulations to Ms. Carr for her dedication and commitment to HACA over the past 30 years.

**4-3. PRESENTATION: RECOGNIZE IRVING ARAGON AS HACA'S SHINING STAR**

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Kurt Wiest, Executive Director, introduced this item. Sandra Guy, Housing Specialist and Chairperson of HACA's Communication Committee presented the staff report. Ms. Guy reported that the HACA's Communication Committee is responsible for carrying out HACA's employee recognition program and described the delay in the selection process as a result of the current pandemic. Ms. Guy announced that Irving "Irv" Aragon, Information Technology Manager, was selected as HACA's Shining Star for August through December 2020. She read the comments that were submitted by those who nominated Irv. Irv, who attended the meeting via Zoom, thanked the Commission and staff for the recognition.

Commission Discussion: Cmr. McQuaid commented that all of the morning presentations were very touching and that it is wonderful to be able to put faces to the names and meet the people who are doing the work that is being reported to the Housing Commission each month. She expressed her gratitude to Mr. Wiest for including these presentations in the meeting agenda. Chairperson Hannon congratulated Irv on his award and praised Irv for being an outstanding employee and thanked him for his hard work.

**4-4. RESOLUTION NO. 16-20: APPROVING THE PROPOSED PAYMENT STANDARDS FOR HACA'S SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

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Oscar Macias, Administrative Analyst II, presented the staff report. Mr. Macias explained that HACA's Section 8 Housing Choice Voucher Benefit Payment Standards (BPS) are set based on the Fair Market Rents (FMRS) that HUD issues each year. He described the survey that the housing authorities in Alameda County and Contra Costa County conducted together in 2018 in order to provide data to HUD that substantiates the rising costs of rents in this region. Mr. Macias indicated that this is the last year that this data can be applied. He described the analysis of the FMRs that staff conducted and summarized the findings. Mr. Macias reported that, with the exception of some bedroom sizes in the cities of Dublin and Pleasanton, there is no immediate need to raise the current BPS.

Recommendation: Adopt Resolution No. 16-20 approving the proposed Benefit Payment Standards for HACA's Section 8 Housing Choice Voucher program.

Motion/Second: McQuaid/Ballew.

Upon a roll call vote being taken the votes were:

Ayes: Cmr. Ballew, Finley, Gacoscos, Gerry, Hannon, McQuaid and Patz.

Not present for the vote: Cmr. Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-5. ACTION: MANAGEMENT CLASS ANNUAL COMPARABILITY ADJUSTMENT**

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Charla Freckmann, Human Resources Manager, presented the staff report. Ms. Freckmann described HACA's Management Compensation Policy and reported that a survey of housing authorities, cities and counties in HACA's comparability pool was conducted to determine the Cost of Living Adjustment (COLA) for HACA's management employees. She reported that based on the results of the survey the average COLA is 3.3%. Ms. Freckmann recommended that the Housing Commission approve a salary adjustment of 3.3% retroactive to June 12, 2020, the beginning of the first pay period of the fiscal year and continue HACA's Management Compensation Policy.

Recommendation: Approve a salary adjustment of 3.3% retroactive to June 12, 2020, the beginning of the first pay period of the fiscal year, and continue HACA's Management Compensation Policy

Motion/Second: McQuaid/Ballew.

Upon a roll call vote being taken the votes were:

Ayes: Cmr. Ballew, Finley, Gacoscos, Gerry, Hannon, McQuaid and Patz.

Not present for the vote: Cmr. Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-6. RESOLUTION NO. 15-20: APPROVING AMENDMENTS TO HACA'S HARASSMENT, DISCRIMINATION AND RETALIATION POLICY AND COMPLAINT PROCEDURE**

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Charla Freckmann, Human Resources Manager, presented the staff report. Ms. Freckmann reported that staff is proposing to amend HACA's Harassment, Discrimination and Retaliation Policy and Complaint Procedure in order to incorporate significant changes to the law that were implemented in 2018. Ms. Freckmann indicated that the proposed revisions were presented to the Housing Commission at their regular meeting held on July 8, 2020 and that the Commission deferred action on the item as there were some additional revisions that the Commission directed staff to make. She reported that staff has incorporated these recommended changes and recommended that the Commission adopt the resolution approving the amendments to this policy.

Recommendation: Adopt Resolution No. 15-20 approving amendments to HACA's Harassment, Discrimination and Retaliation Policy and Complaint Procedure.

Motion/Second: Gacoscos/Patz.

Upon a roll call vote being taken the votes were:

Ayes: Cmr. Ballew, Finley, Gacoscos, Gerry, Hannon, McQuaid and Patz.

Not present for the vote: Cmr. Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-7. RESOLUTION NO. 17-20: APPROVING REVISIONS TO HACA'S PERSONNEL RULES**

Charla Freckmann, Human Resources Manager, presented the staff report. Ms. Freckmann reported that staff continues to work on the rewrite of HACA's Personnel Rules and that this ongoing project is a massive undertaking that staff has been working on for the better part of 2020. She explained that the purpose of the rewrite is to bring the Personnel Rules up to date, correct grammar and misspellings and to organize the provisions in a more logical manner. Ms. Freckmann summarized the proposed revisions to Articles 9 through 14 in the Personnel Rules which deal with background checks and appointment, probationary period, performance evaluations, resignations, lay-offs, reduction in force and re-employment.

Recommendation: Adopt Resolution No. 17-20 approving revisions to HACA's Personnel Rules.

Commission Discussion: Cmr. Gacoscos thanked staff for all of their hard work on this project. Chairperson Hannon and Ms. Freckmann discussed the idea of highlighting significant changes in the staff report.

Motion/Second: Patz/Gerry.

Upon a roll call of the votes, the votes were:

Ayes: Cmr. Ballew, Finley, Gacoscos, Gerry, Hannon, McQuaid and Patz.

Not present for the vote: Cmr. Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**4-8. RESOLUTION NO. 18-20: APPROVING REVISIONS TO HACA'S BUDGETED POSITIONS**

Mansoorali Hudda, Finance Director, presented the staff report. Mr. Hudda reported that staff is proposing to amend HACA's budgeted positions in the Operating Budget for the July 1, 2020 – June 30, 2021 fiscal year in order to add an Accountant position.



Mr. Hudda described the 2 major projects that the Finance Department is working on and how the Accountant position will address these initiatives.

Recommendation: Adopt Resolution No. 18-20 approving an amendment to the budgeted positions in the operating budget for the July 1, 2020 – June 30, 2021 fiscal year.

Motion/Second: McQuaid/Patz.

Upon a roll call of the votes, the votes were:

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

Motion passed. **APPROVED AS RECOMMENDED.**

**4-9. INFORMATION: QUARTERLY INVESTMENT PORTFOLIO FOR THE QUARTER ENDED JUNE 30, 2020**

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Mansoorali Hudda, Finance Director, presented the staff report. Report received with no questions or comments from the Commission.

Commission Discussion: Chairperson Hannon asked that for future reports staff adjust the chart to include the actual investment income generated by each fund. Cmr. Ballew, Mr. Wiest and Mr. Hudda discussed revising the format of this report to provide the data from the previous 2 quarters on future reports.

**4-10. INFORMATION: BUDGET STATUS REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

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Mansoorali Hudda presented the staff report. Report received with no questions or comments from the Commission.

Commission Discussion: Cmr. Finley commented that she was pleased to see that the agency is on track.

**4-11. INFORMATION: PROGRAM ACTIVITY REPORT**

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Daniel Taylor presented the staff report. Mr. Taylor reported that the FSS staff recently held backpack giveaway event. He explained that FSS prepared backpacks filled with school supplies and that families were invited to drive in to the HACA parking lot where the FSS staff loaded the backpacks into their trunks. Mr. Taylor thanked Mr. Wiest for helping to distribute the backpacks during the event. He also talked about a webinar on the Driving Clean Assistance program that provides an opportunity to income eligible families to purchase a clean vehicle.

Commission Discussion: Mr. Gerry commented that the Driving Clean Assistance program is an excellent program.

**6. COMMISSIONER REPORTS**

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None.

**7. COMMITTEE REPORTS**

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None.

**8. COMMUNICATIONS**

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Mr. Wiest provided an update on HACA's efforts to support clients and staff during the pandemic. He reported that HACA's office building remains closed to the public and that staff continues to work hard to ensure that immediate needs of HACA's clients and program participants are being met during the pandemic. Mr. Wiest also stated that HACA's remains committed to providing a safe workplace for all employees and described the protocols that staff is following to ensure safety and social distancing while in the workplace.

Mr. Wiest reported that HUD is going to roll out a demonstration that aims to provide Section 8 Housing Choice Voucher program participants with greater mobility. He described the demonstration and indicated that he has met with neighboring housing authorities to collaborate and discuss the feasibility of forming consortium for this demonstration.

**9. ADJOURNMENT**

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There being no further business to discuss, Chairperson Hannon adjourned the meeting at 9:17 a.m.

Respectfully submitted,

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Melissa Taesali  
Executive Assistant/Housing Commission Clerk

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Kurt Wiest  
Executive Director/Housing Commission Secretary

**Approved:**

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Michael Hannon  
Housing Commission Chairperson

**NEW BUSINESS**  
**October 14, 2020**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: October 13, 2020

Subject: Resolution Approving Amendments to the Conflict of Interest Code

- Exhibits Attached:
- Edited and Clean versions of the proposed amendments to the HACA Conflict of Interest Code
  - Resolution No. 19-20

Recommendation: Adopt Resolution No. 19-20 approving the proposed amendments

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**BACKGROUND**

The Political Reform Act (Government Code §81000) requires state and local governmental agencies to adopt and promulgate a Conflict of Interest Code (Code) and to review the Code on a biennial basis.

**DISCUSSION AND ANALYSIS**

The biennial review of the Code typically occurs in even numbered years and on September 24, HACA received a request from the Board of Supervisors to conduct this review. Since the last biennial review there have been changes to job titles, newly created job classifications and the elimination of some positions all of which require amendments to the current Code.

Edited and clean versions of Appendix A of HACA’s Conflict of Interest Code are attached. Staff recommends that your Commission approve the proposed amendments to the Code. Upon approval by your Commission, staff will submit the amended Code to the Alameda County Board of Supervisors for their final approval. The amended Code does not become effective until approved by the Alameda County Board of Supervisors.

**EDITED**

**CONFLICT OF INTEREST CODE  
FOR THE**

**~~HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA~~  
~~("Housing Authority")~~**

~~Revised: October 30, 2013 – Resolution No. 13-09~~

The Political Reform Act (Government Code §81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730), which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's Code. After public notice it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the **attached** "Appendix A" designating employees, establishing disclosure categories, and identifying officials and employees required to file disclosure statements pursuant to Gov. Code Section 87200, shall constitute the Conflict of Interest Code of the Housing Authority of the County of Alameda ("Housing Authority").

Designated employees and officers and employees filing statements pursuant to Gov. Code Section 87200 shall file their statements with the Secretary to the Executive Director of the Housing Authority who will retain said statements, or copies thereof, and make them available for public inspection and reproduction. (Gov. Code Section 81008). Upon receipt of the statement(s) for all persons filing pursuant to Gov. Code § 87200, the Secretary shall maintain originals for all designated employees of the Housing Authority except for those statements filed by the Housing Commissioners. The Secretary shall maintain copies of the Commissioners' statements and forward the originals to the Clerk of the Alameda County Board of Supervisors.

**Officials who Manage Public Investments:**

It has been determined that the positions listed below manage investments and will file a statement of economic interests pursuant to Government Code Section 87200:

Commissioners  
Accountant

Finance Director  
Executive Director

**DISCLOSURE CATEGORIES**

Designated employees must disclose:

**I. Rental Property**

Any interest in real property within the County of Alameda used as or for residential rental.

**II. Other Real Property**

Any interest in real property which could be sold or used for residential development within the County of Alameda County

**III. Business Entities and Sources of Income That May Provide Goods and Services to HACA**

Investments and business positions in business entities and sources of income which are of the type which contract with HACA to supply goods, services, materials, supplies or leased space. Such entities may include, but are not limited to, construction contractors, architects and architectural firms, and business entities which provide legal, brokerage, financing, insurance, property management, investment services or materials and supplies.

**IV. Business Entities and Sources of Income That Engage in Land & Real Estate Development**

Investments and business positions in business entities and sources of income which engage in land development, construction, acquisition and/or sale of real property for development of residential rental housing.

**V. \*Consultants:**

Consultants shall be included in the list of designated employees and shall disclose economic interests pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "Designated Employee," has been employed to perform a range of duties which are limited in scope, and thus shall not be required fully to comply with disclosure requirements described in this Appendix. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**APPENDIX "A"**  
**CONFLICT OF INTEREST CODE FOR THE**  
**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

<u>TYPE OF AMENDMENT</u>	<u>Designated Employees</u>	<u>Disclosure Categories</u>
DELETE	<del>Administrative Analyst</del>	<del>ALL</del>
ADD	<b>Administrative Analyst I/II</b>	<b>ALL</b>
	*Consultants	ALL
	Deputy Director for Operations	ALL
	Deputy Director for Programs	ALL
CHANGE TITLE	<del>Eligibility Services Leadworker</del> <b>Eligibility Leadworker</b>	I, III
	Executive Assistant	ALL
	Family Self-Sufficiency Leadworker	I, III
	Housing Inspector	I, III
DELETE	<del>Housing Management Assistant</del>	<del>I, III</del>
	Housing Management Leadworker	<b>ALL</b>
	Housing Specialist	I, III
CHANGE TITLE	<del>Human Resources Analyst</del> <b>Human Resources Manager</b>	<b>ALL</b>
	Information Technology Manager	ALL
	Leasing Services Leadworker	I, III
CHANGE TITLE	<del>Maintenance and Modernization Manager</del> <b>Facilities Manager</b>	<b>ALL</b>
	Network Administrator	I, III
CHANGE TITLE	<del>Procurement Analyst</del> <b>Procurement Manager</b>	<b>ALL</b>
	Programs Manager	ALL
ADD	<b>Property Management Assistant</b>	<b>I, III</b>
ADD	<b>Property Management Administrator</b>	<b>ALL</b>
	Special Programs Manager	ALL
	Sr. Administrative Analyst	ALL

CLEAN

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA  
CONFLICT OF INTEREST CODE**

Revised: October 14, 2020 - Resolution No. 19-20

The Political Reform Act (Government Code §81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730), which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's Code. After public notice it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the **attached** "Appendix A" designating employees, establishing disclosure categories, and identifying officials and employees required to file disclosure statements pursuant to Gov. Code Section 87200, shall constitute the Conflict of Interest Code of the Housing Authority of the County of Alameda ("Housing Authority").

Designated employees and officers and employees filing statements pursuant to Gov. Code Section 87200 shall file their statements with the Secretary to the Executive Director of the Housing Authority who will retain said statements, or copies thereof, and make them available for public inspection and reproduction. (Gov. Code Section 81008). Upon receipt of the statement(s) for all persons filing pursuant to Gov. Code § 87200, the Secretary shall maintain originals for all designated employees of the Housing Authority except for those statements filed by the Housing Commissioners. The Secretary shall maintain copies of the Commissioners' statements and forward the originals to the Clerk of the Alameda County Board of Supervisors.



**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA  
CONFLICT OF INTEREST CODE - APPENDIX A: DESIGNATED EMPLOYEES**

**Officials who Manage Public Investments:**

It has been determined that the positions listed below manage investments and will file a statement of economic interests pursuant to Government Code Section 87200:

Commissioners  
Accountant

Finance Director  
Executive Director

**DISCLOSURE CATEGORIES**

Designated employees must disclose:

- I. **Rental Property**  
Any interest in real property within the County of Alameda used as or for residential rental.
- II. **Other Real Property**  
Any interest in real property which could be sold or used for residential development within the County of Alameda County
- III. **Business Entities and Sources of Income That May Provide Goods and Services to HACA**  
Investments and business positions in business entities and sources of income which are of the type which contract with HACA to supply goods, services, materials, supplies or leased space. Such entities may include, but are not limited to, construction contractors, architects and architectural firms, and business entities which provide legal, brokerage, financing, insurance, property management, investment services or materials and supplies.
- IV. **Business Entities and Sources of Income That Engage in Land & Real Estate Development**  
Investments and business positions in business entities and sources of income which engage in land development, construction, acquisition and/or sale of real property for development of residential rental housing.
- V. **\*Consultants:**  
Consultants shall be included in the list of designated employees and shall disclose economic interests pursuant to the broadest disclosure category in the Code subject to the following limitation:  
The Executive Director may determine in writing that a particular consultant, although a "Designated Employee," has been employed to perform a range of duties which are limited in scope, and thus shall not be required fully to comply with disclosure requirements described in this Appendix. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA  
CONFLICT OF INTEREST CODE - APPENDIX A: DESIGNATED EMPLOYEES**

<u>Designated Employees</u>	<u>Disclosure Categories</u>
Administrative Analyst I/II	ALL
*Consultants	ALL
Deputy Director for Operations	ALL
Deputy Director for Programs	ALL
Eligibility Leadworker	I, III
Executive Assistant	ALL
Family Self-Sufficiency Leadworker	I, III
Housing Inspector	I, III
Housing Management Leadworker	ALL
Housing Specialist	I, III
Human Resources Manager	ALL
Information Technology Manager	ALL
Leasing Services Leadworker	I, III
Facilities Manager	ALL
Network Administrator	I, III
Procurement Manager	ALL
Programs Manager	ALL
Property Management Assistant	I, III
Property Management Administrator	ALL
Special Programs Manager	ALL
Sr. Administrative Analyst	ALL

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 19-20**

**APPROVING AMENDMENTS TO THE HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA  
CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act (Government Code §81000 et seq.) requires every local governmental agency to review its Conflict of Interest Code (“Code”) to determine if it is necessary to amend the Code; and

**WHEREAS**, the Housing Authority of the County of Alameda (“HACA”) has reviewed its Code and has determined that amendments to the Code’s Appendix A, “List of Designated Employees” due to changes in job titles, newly created job classifications and the elimination of some job classifications;

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commission of the Housing Authority of the County of Alameda does hereby approve the amendments to the Code.

**BE IT FURTHER RESOLVED** that the Executive Director shall submit the amended Code to the Alameda County Board of Supervisors for final approval.

**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this 13th day of October 2020 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

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

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

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

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: October 14, 2020

Subject: Personnel Rule Revisions

Exhibits Attached:           - Attachment A: Edited and clean versions of the Personnel Rules  
                                      - Resolution No. 20-20

Recommendation: Adopt Resolution No. 20-20

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**BACKGROUND**

On September 9, 2020, your Commission’s Personnel Committee approved recommended changes to the Personnel Rules identified below. Personnel Rule 1.2 states that the Personnel Rules may be amended by a resolution adopted by the Housing Commission on the recommendation of the Personnel Committee.

**DISCUSSION and ANALYSIS**

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

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

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

versions of all the revisions (see Attachment A), although the tracked versions are very difficult to read so you may want to focus on the clean versions. For your review and consideration today are the following Articles:

- Article 4 – Salary Administration
- Article 15 – Appeal of Personnel Actions
- Article 16 – Disciplinary Action
- Article 17 – Appeal of Disciplinary Actions

The following chart should assist in visualizing what titles to articles were changed, what sections were moved to other articles and what articles are new in terms of re-organization.

Old Article#	Original Title	New Article/Title	Sections Deleted/Added	Moved To
16	Overtime	<b>Article 4</b> - Salary Administration	Moves the old article 16 into the new Article 4 on salary administration	Art. 4 – Salary Administration
12	Miscellaneous Personnel Transactions	<b>Article 15</b> regarding appeal of personnel decisions.	Article 12 was dismantled and various new articles created.	Articles 10, 12 and 15
13	Discipline	<b>Articles 16 and 17</b> for discipline and appeal process.	Original article re-numbered and divided into 2 articles.	Articles 16 and 17

Article 15- Appeal of Personnel Actions to the Personnel Committee

The Personnel Rules provide for an appeal of certain personnel decisions to the Personnel Committee. As originally written, the process for appeals to the Personnel Committee was a subsection contained in the original Article 12 entitled “Miscellaneous Personnel Transactions.” Further, the bases for appeal of personnel actions were scattered throughout various sections in the subject matter rules that allowed for an appeal to the Personnel Committee. Because appeals are an important procedural right and are not “miscellaneous” in nature, a new article was created dedicated solely to the topic of appeals of personnel actions and incorporates all the bases for appeal into one section. This allows the process and timelines to be consistent for all bases of appeal.

Article 16 - Disciplinary Action

Originally, the Personnel Rules had one article (Article 13) containing the provisions for both the

bases of disciplinary action and the process for appealing proposed discipline. Some of the bases of discipline as previously written are questionable in their legality. For example, one original basis for discipline was called “immorality” – and without a complete detailed definition of what constitutes immorality, this basis could easily be challenged as being discriminatory in nature or an invasion of privacy. Therefore, this basis has been eliminated in the proposed revisions. Other bases for discipline were re-worded for clarity.

#### Article 17 – Appeal of Disciplinary Actions

A new article was created for the appeal process for proposed disciplinary action. The original language did not adequately describe the pre-disciplinary process that is used by the Housing Authority which is based on what is generally known as the “Skelly” hearing process for California public employees. The proposed revisions clearly identify the steps in the process. Additionally, the original language for appealing final decisions on discipline to hearing needed to be spelled out in more detail.

Revisions to these rules were approved by your Personnel Committee at its September meeting to re-organize, simplify and update the language to reflect current policy and procedures. Your Personnel Committee provided comments and a few suggestions for further clarification. The points of clarification that were discussed by your Personnel Committee have been addressed in the versions before you today and are highlighted in yellow.

As previously indicated, these changes, albeit substantial in “cutting and pasting,” are not substantive changes to terms and conditions of employment. The Personnel Committee recommended that your Commission adopt the attached resolution revising the Personnel Rules as described.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 20-20**

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

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

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

**WHEREAS**, at its meeting of September 9, 2020, the Housing Commission’s Personnel Committee approved recommended revisions to Personnel Rules 15 through 17 to improve organization, clarity and reflect the current intent of policy and procedures.

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commission of the Housing Authority of the County of Alameda does hereby approve the recommended revisions to Personnel Rules 15 through 17 as presented at this meeting.

**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this 14th day of October 2020 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

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

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

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

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: October 14, 2020

Subject: Resolution Approving Revisions to the Housing Authority’s Budgeted Positions

Exhibits Attached: Resolution No. 21-20

Recommendation: Adopt the Resolution

Financial Statement: See below

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**BACKGROUND**

On June 10, 2020, the Operating Budget for the July 1, 2020 – June 30, 2021 fiscal year was approved, which included the number of budgeted positions. Since then, the need for Leasing Services Leadworker position for the Special Programs Department has been reassessed.

**DISCUSSION AND ANALYSIS**

The programs assigned to the Special Programs Department have increased in size each year. HUD continues to expand targeted funding opportunities to serve hard to house, high-needs populations including VASH, Mainstream and the Foster Youth to Independence initiative. HACA executed six (6) new Project-Based Voucher (PBV) contracts in 2019/2020. Additionally, as we have previously reported to your Commission, we modified the Memorandum of Understanding (MOU) with Alameda County Behavioral Health Care (BHCS) to serve more of their clients.

Staff expects these trends to continue. HACA executed two (2) Agreements to enter Housing Assistance Payments contracts (AHAP) for PBV projects that are currently under construction and staff recently submitted applications for additional Veterans Affairs Supportive Housing (VASH) voucher allocations with both the NorCal and Palo Alto Veterans Affairs agencies.



Subsequently, staff applied for an additional allocation of Mainstream Vouchers.

Currently, the Special Programs Manager performs Housing Specialist/Leasing Services Leadworker duties for HACA's Continuum of Care contract with Alameda County Housing and Community Development (HCD) Department. The Leasing Services Leadworker would take over this assignment in order to provide the Special Programs Manager adequate time to more effectively manage the department. Additionally, the role would include assisting management in the oversight of leasing, contract negotiation and ensuring program compliance.

Staff recommends amending the budgeted positions by adding a Leasing Services Leadworker position to address capacity needs. The minimum monthly salary is \$5,600 and maximum is \$6,798. For FY 2020-2021, this expense will be funded by the additional HUD administrative funds received under the CARES Act.

#### **RECOMMENDATION**

Adding the new position requires your Commission to amend the approved Budgeted Positions. The effective date for the new classifications will be the beginning of pay period 20-23, which is October 16, 2020. Staff recommends your Commission adopt the attached Resolution amending the budgeted positions for the July 1, 2020-June 30, 2021 fiscal year.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 21-20**

**RESOLUTION APPROVING AN AMENDMENT TO THE  
HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA’S BUDGETED POSITIONS  
FOR THE JULY 1, 2020 – JUNE 30, 2021 FISCAL YEAR**

**WHEREAS**, on June 10, 2020, the Housing Commission adopted Resolution No. 11-20 approving HACA’s Operating Budget and Budgeted Positions for the July 1, 2020 – June 30, 2021 fiscal year; and

**WHEREAS**, an amendment to the Budgeted Positions is required in order to add the new position of Leasing Services Leadworker in order to address increasing operational needs in HACA’s Special Programs Department.

**NOW, THEREFORE, BE IT RESOLVED**, that the Housing Commission of the Housing Authority of the County of Alameda does hereby approve an amendment to HACA’s Budgeted Positions to reflect the changes described above.

**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this 14<sup>th</sup> day of October 2020 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**ATTEST:**

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

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

**ADOPTED:** \_\_\_\_\_

# **PROGRAM ACTIVITY**

# **REPORT**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA  
AGENDA STATEMENT**

Meeting: October 14, 2020

Subject: Programs Activity Report

Exhibits Attached: Section 8 Contract and Housing Assistance Payments (HAP) Report; Section 8 Average Contract Rent Report; Landlord Rental Listing Report; FSS Program Monthly Report

Recommendation: Receive Report

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**SECTION 8 HOUSING CHOICE VOUCHERS (HCV)**

- **Lease-Up:** As of October 1, 2020, the Section 8 HCV program had 6,087 units under contract. This number includes HACA vouchers and portability clients for which we are being billed by the receiving housing authority but excludes portability clients for which we are billing the initial housing authority.
- **HCV Program Utilization:** As of October 1, 2020, the average HAP subsidy was \$1,731 and the average tenant-paid rent portion was \$534 for an average Contract Rent of \$2,266. These amounts include HACA vouchers, but do not include incoming and outgoing portability clients.
  - ❖ As of October 1, 2020, HACA had 155 outgoing billed portability contracts (i.e., HACA voucher holders who are housed in another housing authority’s jurisdiction).
  - ❖ As of October 1, 2020, HACA billed other housing authorities for 449 incoming portability contracts.
  - ❖ As of October 1, 2020, 228 of PACH’s 230 project-based voucher (PBV) units are leased. Due to COVID-19, we are leasing the two units at Nidus Court that were being held vacant to be used as temporary living units for tenants while we remodel their units at the property. We hope to resume our remodeling project soon.
- **Section 8 Contract Reports:** Copies of the Contract Reports are attached. The Section 8 Contract and HAP Report includes HACA certificates, HACA vouchers and portability clients for which we are billing the initial housing authority. The Section 8 Average Contract Rent Report includes HACA vouchers and portability clients for which we are billing the initial housing authority.
- **HCV Housing Quality Standards (HQS) Abatements:** During the third quarter of 2020, HACA scheduled 0 annual inspections due to COVID-19. HACA abated zero HAP contracts in Q3 2020 for non-compliance with HQS.
- **Landlord Rental Listings:** As of October 1, 2020, there were 109 active properties listed.

	11/4/19	12/1/19	1/2/20	2/3/20	3/2/20	4/1/20	5/4/20	6/2/20	7/6/20	8/3/20	9/1/20	10/1/20
Units	49	63	58	58	64	63	70	79	105	99	109	103

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**  
**Section 8 Contract and HAP Report for the month of September 2020**

CITY	CERTIFICATES		VOUCHERS		SEPTEMBER 2020 TOTAL		SEPTEMBER 2019	SEPTEMBER 2018
	NUMBER	HAP* BASED ON AVG	NUMBER	HAP** BASED ON AVG	NUMBER	HAP	NUMBER	NUMBER
		\$ 1,977		\$ 1,757				
Albany	0	\$0	12	\$21,084	12	\$21,084	13	16
Castro Valley	4	\$7,908	222	\$390,054	226	\$397,962	223	207
Dublin	3	\$5,931	400	\$702,800	403	\$708,731	400	396
Emeryville	6	\$11,862	149	\$261,793	155	\$273,655	145	150
Fremont	20	\$39,540	1,086	\$1,908,102	1,106	\$1,947,642	1,066	1,057
Hayward	46	\$90,942	1,836	\$3,225,852	1,882	\$3,316,794	1,924	1,960
Newark	6	\$11,862	221	\$388,297	227	\$400,159	225	215
Pleasanton	3	\$5,931	245	\$430,465	248	\$436,396	220	209
San Leandro	13	\$25,701	1,307	\$2,296,399	1,320	\$2,322,100	1,314	1,343
San Lorenzo	3	\$5,931	177	\$310,989	180	\$316,920	190	200
Union City	8	\$15,816	693	\$1,217,601	701	\$1,233,417	698	718
<b>TOTALS</b>	<b>112</b>	<b>221,424</b>	<b>6,348</b>	<b>11,153,436</b>	<b>6,460</b>	<b>11,374,860</b>	<b>6,418</b>	<b>6,471</b>

\* Based on an average September Housing Assistance Payment (HAP) of \$1,977 per certificate contract

\*\*Based on an average September Housing Assistance Payment (HAP) of \$1,757 per voucher contract

## HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

Section 8 Average Contract Rent Report for the Month of September 2020

City	Number of HAP Contracts (HCV Only)	Average Contract Rent	Average HAP Paid by HACA	Average Rent Paid by Family	Average Family-Paid Rent as a Percentage of Average Contract Rent
Albany	12	\$1,700	\$1,371	\$398	23%
Castro Valley	222	\$2,322	\$1,817	\$505	22%
Dublin	400	\$2,227	\$1,748	\$476	21%
Emeryville	149	\$1,848	\$1,361	\$487	26%
Fremont	1,086	\$2,445	\$1,912	\$531	22%
Hayward	1,836	\$2,203	\$1,678	\$524	24%
Newark	221	\$2,610	\$1,942	\$668	26%
Pleasanton	245	\$2,048	\$1,662	\$388	19%
San Leandro	1,307	\$2,214	\$1,695	\$518	23%
San Lorenzo	177	\$2,513	\$1,883	\$627	25%
Union City	693	\$2,450	\$1,860	\$587	24%

\*Some rents may vary by \$1 due to rounding

This report includes HACA vouchers and portability clients for which we are billing the initial housing authority.



**To:** Kurt Wiest, Executive Director  
**From:** Daniel Taylor, Special Programs Manager  
**Re:** **FSS Program Summary**  
**CC:** Linda Evans, Phyllis Harrison, Mary Sturges, Vannessa Kamerschen  
**Date:** October 5, 2020

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**FSS PROGRAM SUMMARY:**

<b>Program Summary</b>	<b>September 2020</b>
Total Clients Under Contract:	200
MDRC:	100
Graduates:	1
Escrow Disbursed:	\$15,351.19
Ports In:	0
Ports Out:	0
Terminations:	2
New Contracts:	0

**FSS PROGRAM NEWS:**

**FSS Action Plan**

The FSS team is working with our consultant, Nan McKay & Associates on revisions to our FSS Action Plan, as part of the contract to update our housing programs policies and procedures. The contract with Nan McKay & Associates was initially approved by your commission in July 2019 and extended in February 2020. The FSS Action Plan is a required document that summarizes the programs policies and procedures. The plan will contain the program size, services the program will offer and how the program will be administered. The FSS Action Plan will be presented to your commission for approval when it is completed.

**Participant Outreach**

The FSS team continues to support our participant families during the COVID-19 pandemic. We continue to reach out to participants to offer support and provide community resources. The FSS team remains available for our participant families who have questions, concerns or require information about available resources. Additionally, we continue to work with our partners in order to stay up to date on services they are offering remotely to serve our participant families.

**Case Management Referrals = 25, Job Referrals = 130**

# **ATTACHMENT A**



## 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 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 (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.

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.

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 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. 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:

- A. The classification is one for which it is difficult to recruit qualified candidates; and either
- B. The candidate has exceptional education and/or experience that warrants a starting salary above the first step; or
- C. 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.
- 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 totaled 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**

- a. No employee shall work overtime unless written authorization for overtime pay has been provided by the Executive Director or their designee.
- b. Employees requesting overtime shall complete a request for overtime form to be approved by their manager. The Executive Director shall then provide sign-off on the request.
- c. 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.

**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.

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**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.

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**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.

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**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.

**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 15**

**APPEAL OF PERSONNEL ACTIONS**

All appeals to the Personnel Committee shall be submitted to the office of the Housing Authority's Executive Director within ten (10) working days from the date the employee is notified of the personnel action or decision. Upon receipt of a timely appeal, the Executive Director or their designee shall coordinate the appeal process with the Personnel Committee as specified in Section 15.4, below.

**Section 15.1 BASIS FOR APPEAL**

A. Appeals to the Personnel Committee under this provision are based on personnel administrative decisions by the Executive Director or Human Resources Manager or their designee and within the provisions over which the Personnel Committee has jurisdiction (Article 2 through Article 14 of these Personnel Rules).

B. Where an appeal is filed by an employee or candidate regarding an action or decision of the Executive Director or Human Resources Manager that affects their application for an interview or ability to be considered for an appointment to a position, the employee or candidate shall have the right to request that no appointment be made to the position in question until the appeal is heard and determined by the Personnel Committee.

C. Types of Personnel Actions Subject to Appeal.

Appeals of personnel actions can be based on the following types of administrative decisions:

1. Classification

An employee may appeal the allocation, reallocation or the denial of a request for reclassification of their position as indicated in Section 5.3 of these Personnel Rules.

2. Rejection of Application

Whenever an application is rejected from consideration for a position, the applicant may file an appeal as indicated in Section 6.4.C. of these Personnel Rules.

3. Interview Rating

Candidates who have been disqualified in the interview portion of an examination, they may appeal their rating on the basis of an alleged improper interview procedure as indicated in Section 7.5 of these Personnel Rules.

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4. Automatic Resignation

Permanent employees who have been separated from Housing Authority employment as a result of the imposition of an automatic resignation may submit an appeal as indicated in Section 12.3.H of these Personnel Rules.

5. Lay-Off or Reduction-in-Force

An employee may appeal the decision for lay-off or reduction-in-force impacting their employment status only as it relates to the procedural requirements that the Executive Director must take to implement the lay-off or reduction-in-force as indicated in Section 13.5 of these Personnel Rules.

6. Discrimination and/or Harassment

An employee who has a complaint of alleged discrimination and/or harassment has the option to file an appeal to the Personnel Committee as indicated in Section 23 of these Personnel Rules in lieu of filing a complaint pursuant to the Housing Harassment, Discrimination and Retaliation Policy and Complaint Procedure.

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Section 15.2 FORM OF APPEAL

A. Appeals submitted to the Personnel Committee shall be made in writing and signed by the appellant. Written appeals shall clearly state the specific facts and reasons upon which the appeal is based and the relief or remedy requested.

B. Facts or reasons not specifically stated shall be deemed waived. If the appeal lacks the specificity or basis required to state a cause of action for appeal, the employee shall be provided an opportunity to cure the deficiencies and re-submit their written appeal.

C. When the employee's written appeal is insufficient to state a cause of action for appeal to the Personnel Committee, the employee shall be provided written notice that includes an explanation and the process for curing the deficiencies.

D. The time provided to cure the deficiencies and re-submit an appeal is ten (10) working days from when the employee is notified that their initial submission was insufficient.

E. If the written appeal remains insufficient to state a cause of action after an opportunity to cure the deficiencies, the appeal will be denied. Both the employee and the Personnel Committee will be provided written notification of the denial.

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Section 15.3 TIME FOR FILING APPEAL

Appeals from administrative decisions shall be made within ten (10) working days following the date of the employee is notified of the decision.

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**Section 15.4 PROCESSING APPEALS**

A. Upon receipt of an appeal, the Executive Director or their designee shall contact the Personnel Committee Chair, schedule a Personnel Committee meeting for the Committee to hear the appeal and notify the appellant of the date and time. The date for the Personnel Committee shall be scheduled within thirty (30) days from receipt of the appeal by the office of the Executive Director.

B. The Housing Authority shall have the right to respond to the allegations in the appeal within thirty (30) days of receipt of the appeal by the office of the Executive Director. The appeal shall then be mailed to the Personnel Committee by the Executive Director together with any response by the Housing Authority. A copy of the Housing Authority's response shall also be provided to the appellant or the appellant's representative.

C. The appellant and/or their representative shall have the right to submit written arguments and documentary evidence to the Personnel Committee, no later than ten (10) working days prior to the scheduled Personnel Committee hearing.

D. and the appellant and/or their representative shall have the right to appear in person to present oral arguments and testimonial evidence at the Personnel Committee meeting.

E. At the Personnel Committee hearing, the Personnel Committee may interview the appellant and/or appellant's representative and Housing Authority staff.

**Section 15.5 – DECISION OF PERSONNEL COMMITTEE**

A. The Personnel Committee may, in its own discretion, decide the matter immediately and issue a decision during the meeting or defer the matter for further investigation and/or consideration and set a subsequent date for a Personnel Committee meeting for rendering its decision.

B. If Personnel Committee decides to take the matter under submission and defer its decision, the Personnel Committee will issue its written decision within ten (10) working days after the date of the hearing.

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## Article 16 DISCIPLINARY ACTION

### Section 16.1 TYPES OF DISCIPLINARY ACTION

A. Housing Authority employees may be disciplined for cause as follows:

- Written reprimand
- Suspension without pay
- Demotion
- Termination

B. Probationary employees may be rejected during probation with cause but without any right of appeal.

### 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. 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.
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 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.

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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 ten (10) working days from the date of the Notice of Intent. If the Notice of Intent is mailed using the U.S. Postal Service or other delivery service, it will be mailed certified with a request to confirm delivery.
- 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.

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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.

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ARTICLE 17

APPEAL OF DISCIPLINARY ACTIONS

Section 17.1 DISCIPLINE APPEAL PROCEDURES

An employee may appeal the Final Notice of Disciplinary Action within ten (10) working days after the effective date of delivery.

A. Request for Appeal Hearing

- 1. An employee may submit a written request for an appeal of the Final Notice of Disciplinary Action within ten (10) working days of either:
  - a. The effective date of delivery of the Final Notice of Disciplinary Action; or
  - b. The date of attempted delivery by the post office or delivery service to the last known address of the employee.
- 2. Failure to file a timely written request for an appeal waives the right to an appeal hearing and any appeal of the disciplinary action.

B. Selection of Appeal Hearing Officer

- 1. Within ten (10) working days of receipt of an appeal, the Executive Director or their designee shall initiate the selection of an appeal hearing officer by submitting a request for hearing with one of the following agencies:
  - a. The California Office of Administrative Hearings (OAH); or
  - b. The State Mediation and Conciliation Service (SMCS); or
  - c. The American Arbitration Association
- 2. Each party shall in turn cross one name off the list provided by the selected agency. The final name on the list shall be the appeal hearing officer.
- 3. At the hearing, the appellant and/or their representative and the Housing Authority and its representative(s) will appear in person, and have the ability to produce evidence in support of their case in chief.

C. Resolution of Appeal

No less than two (2) weeks prior to a scheduled appeal hearing, the employee and/or their representative and Housing Authority representatives as designated by the Executive Director may meet at the request of either party for the purpose of determining whether the appeal can be

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resolved without an appeal hearing. If a mutually agreeable resolution is achieved by the parties and there is no need for an appeal hearing, the parties shall execute a settlement agreement identifying the terms of the resolution.

D. The Appeal Hearing

1. For purposes of the hearing, the hearing officer is not bound by the rules of evidence nor the California Code of Civil Procedure, and may follow the rules of evidence and procedure customarily observed in appeal hearings or arbitration proceedings.
2. The hearing officer shall have access to all written statements and documents relevant to the appeal and may hear testimony from witnesses.
3. A recording shall be made of any hearing conducted pursuant to this rule, but it is not required that the recording be transcribed except upon the request of a party to the appeal. The party requesting transcription shall bear the cost of the transcription.
4. The hearing officer's decision shall be in writing and shall be final and binding upon both parties and be in accordance with the terms of the applicable provisions of these Personnel Rules and the terms of any Memorandum of Understanding in effect at the time of appeal.

Section 17.2 – Costs of the Appeal Hearing

If the hearing officer requires transcription of the hearing, the cost of transcription shall be incorporated into the cost of the appeal hearing officer's services. The cost of the appeal hearing shall be in accordance with Section 22 of the Memorandum of Understanding or Article 22 of these Personnel Rules.

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## 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 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 (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.

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.

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 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:

- A. The classification is one for which it is difficult to recruit qualified candidates; and either
- B. The candidate has exceptional education and/or experience that warrants a starting salary above the first step; or
- C. 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.
- 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 totaled 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**

- a. No employee shall work overtime unless written authorization for overtime pay has been provided by the Executive Director or their designee.
- b. Employees requesting overtime shall complete a request for overtime form to be approved by their manager. The Executive Director shall then provide sign-off on the request.
- c. 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.

#### **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.

### **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 15

### APPEAL OF PERSONNEL ACTIONS

All appeals to the Personnel Committee shall be submitted to the office of the Housing Authority's Executive Director within ten (10) working days from the date the employee is notified of the personnel action or decision. Upon receipt of a timely appeal, the Executive Director or their designee shall coordinate the appeal process with the Personnel Committee as specified in Section 15.4, below.

#### Section 15.1            **BASIS FOR APPEAL**

- A. Appeals to the Personnel Committee under this provision are based on personnel administrative decisions by the Executive Director or Human Resources Manager or their designee and within the provisions over which the Personnel Committee has jurisdiction (Article 2 through Article 14 of these Personnel Rules).
- B. Where an appeal is filed by an employee or candidate regarding an action or decision of the Executive Director or Human Resources Manager that affects their application for an interview, or ability to be considered for an appointment to a position, the employee or candidate shall have the right to request that no appointment be made to the position in question until the appeal is heard and determined by the Personnel Committee.
- C. Types of Personnel Actions Subject to Appeal.

Appeals of personnel actions can be based on the following types of administrative decisions:

#### 1. Classification

An employee may appeal the allocation, reallocation or the denial of a request for reclassification of their position as indicated in Section 5.3 of these Personnel Rules.

#### 2. Rejection of Application

Whenever an application is rejected from consideration for a position, the applicant may file an appeal as indicated in Section 6.4.C. of these Personnel Rules.

#### 3. Interview Rating

Candidates who have been disqualified in the interview portion of an examination, they may appeal their rating on the basis of an alleged improper interview procedure as indicated in Section 7.5 of these Personnel Rules.

#### 4. Automatic Resignation

Permanent employees who have been separated from Housing Authority employment as a result of the imposition of an automatic resignation may submit an appeal as indicated in Section 12.3.H of these Personnel Rules.

#### 5. Lay-Off or Reduction-in-Force

An employee may appeal the decision for lay-off or reduction-in-force impacting their employment status only as it relates to the procedural requirements that the Executive Director must take to implement the lay-off or reduction-in-force as indicated in Section 13.5 of these Personnel Rules.

#### 6. Discrimination and/or Harassment

An employee who has a complaint of alleged discrimination and/or harassment has the option to file an appeal to the Personnel Committee as indicated in Section 23 of these Personnel Rules in lieu of filing a complaint pursuant to the Housing Harassment, Discrimination and Retaliation Policy and Complaint Procedure.

### **Section 15.2            FORM OF APPEAL**

A. Appeals submitted to the Personnel Committee shall be made in writing and signed by the appellant. Written appeals shall clearly state the specific facts and reasons upon which the appeal is based and the relief or remedy requested.

B. Facts or reasons not specifically stated shall be deemed waived. If the appeal lacks the specificity or basis required to state a cause of action for appeal, the employee shall be provided an opportunity to cure the deficiencies and re-submit their written appeal.

C. When the employee's written appeal is insufficient to state a cause of action for appeal to the Personnel Committee, the employee shall be provided written notice that includes an explanation and the process for curing the deficiencies.

D. The time provided to cure the deficiencies and re-submit an appeal is ten (10) working days from when the employee is notified that their initial submission was insufficient.

E. If the written appeal remains insufficient to state a cause of action after an opportunity to cure the deficiencies, the appeal will be denied. Both the employee and the Personnel Committee will be provided written notification of the denial.

### **Section 15.3            TIME FOR FILING APPEAL**

Appeals from administrative decisions shall be made within ten (10) working days following the date of the employee is notified of the decision.



#### Section 15.4 PROCESSING APPEALS

- A. Upon receipt of an appeal, the Executive Director or their designee shall contact the Personnel Committee **Chair**, schedule a Personnel Committee meeting for the Committee to hear the appeal and notify the appellant of the date and time. The date for the Personnel Committee shall be scheduled within **thirty (30) days** from receipt of the appeal by the office of the Executive Director.
- B. The Housing Authority shall have the right to respond to the allegations in the appeal within thirty (30) days of receipt of the appeal by the office of the Executive Director. The appeal shall then be mailed to the Personnel Committee by the Executive Director together with any response by the Housing Authority. A copy of the Housing Authority's response shall also be provided to the appellant or the appellant's representative.
- C. **The appellant and/or their representative shall have the right to submit written arguments and documentary evidence to the Personnel Committee no later than ten (10) working days prior to the scheduled Personnel Committee hearing.**
- D. and the appellant and/or their representative shall have the right to appear in person to present oral arguments and testimonial evidence at the Personnel Committee meeting.
- E. At the Personnel Committee hearing, the Personnel Committee may interview the appellant and/or appellant's representative and Housing Authority staff.

#### Section 15.5 – DECISION OF PERSONNEL COMMITTEE

- A. The Personnel Committee may in its own discretion, decide the matter immediately and issue a decision during the meeting or defer the matter for further investigation and/or consideration and set a subsequent date for a Personnel Committee meeting for rendering its decision.
- B. **If Personnel Committee decides to take the matter under submission and defer its decision, the Personnel Committee will issue its written decision within ten (10) working days after the date of the hearing.**

## Article 16 DISCIPLINARY ACTION

### Section 16.1 TYPES OF DISCIPLINARY ACTION

A. Housing Authority employees may be disciplined for cause as follows:

- Written reprimand
- Suspension without pay
- Demotion
- Termination

B. Probationary employees may be rejected during probation with cause but without any right of appeal.

### 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. 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.
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 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 ten (10) working days from the date of the Notice of Intent. If the Notice of Intent is mailed using the U.S. Postal Service or other delivery service, it will be mailed certified with a request to confirm delivery.
- 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.

## ARTICLE 17

### APPEAL OF DISCIPLINARY ACTIONS

#### Section 17.1      DISCIPLINE APPEAL PROCEDURES

An employee may appeal the Final Notice of Disciplinary Action within ten (10) working days after the effective date of delivery.

##### A. Request for Appeal Hearing

1. An employee may submit a written request for an appeal of the Final Notice of Disciplinary Action within ten (10) working days of either:
  - a. The effective date of delivery of the Final Notice of Disciplinary Action; or
  - b. The date of attempted delivery by the post office or delivery service to the last known address of the employee.
2. Failure to file a timely written request for an appeal waives the right to an appeal hearing and any appeal of the disciplinary action.

##### B. Selection of Appeal Hearing Officer

1. Within ten (10) working days of receipt of an appeal, the Executive Director or their designee shall initiate the selection of an appeal hearing officer by submitting a request for hearing with one of the following agencies:
  - a. The California Office of Administrative Hearings (OAH); or
  - b. The State Mediation and Conciliation Service (SMCS); or
  - c. The American Arbitration Association
2. Each party shall in turn cross one name off the list provided by the selected agency. The final name on the list shall be the appeal hearing officer.
3. At the hearing, the appellant and/ or their representative and the Housing Authority and its representative(s) will appear in person and have the ability to produce evidence in support of their case in chief.

##### C. Resolution of Appeal

No less than two (2) weeks prior to a scheduled appeal hearing, the employee and/or their representative and Housing Authority representatives as designated by the Executive Director may meet at the request of either party for the purpose of determining whether the appeal can be resolved without an appeal hearing. If a mutually agreeable resolution is achieved by the parties

and there is no need for an appeal hearing, the parties shall execute a settlement agreement identifying the terms of the resolution.

D. The Appeal Hearing

1. For purposes of the hearing, the hearing officer is not bound by the rules of evidence nor the California Code of Civil Procedure and may follow the rules of evidence and procedure customarily observed in appeal hearings or arbitration proceedings.
2. The hearing officer shall have access to all written statements and documents relevant to the appeal and may hear testimony from witnesses.
3. A recording shall be made of any hearing conducted pursuant to this rule, but it is not required that the recording be transcribed except upon the request of a party to the appeal. The party requesting transcription shall bear the cost of the transcription.
4. The hearing officer's decision shall be in writing and shall be final and binding upon both parties and be in accordance with the terms of the applicable provisions of these Personnel Rules and the terms of any Memorandum of Understanding in effect at the time of appeal.

**Section 17.2 – Costs of the Appeal Hearing**

If the hearing officer requires transcription of the hearing, the cost of transcription shall be incorporated into the cost of the appeal hearing officer's services. The cost of the appeal hearing shall be in accordance with Section 22 of the Memorandum of Understanding or Article 22 of these Personnel Rules.