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**PERSONNEL COMMITTEE AGENDA**  
**Special Meeting: October 14, 2020**  
**Time: 7:00 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 Personnel Committee meeting 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 5274

**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 Personnel Committee. The Chairperson has the discretion to further limit this time if warranted by the number of speakers. Anyone wishing to address the Personnel Committee on an agenda item or on business introduced by the Personnel Committee may do so when the Chairperson calls for comments on the agenda item. NOTE: Only matters within the Personnel Committee’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).

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**PERSONNEL COMMITTEE AGENDA**  
**Special Meeting: October 14, 2020**  
**Time: 7:00 a.m.**

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<b>1. CALL TO ORDER/ROLL CALL</b>				<b>PAGE</b>
<b>2. APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2020 PERSONNEL COMMITTEE MEETING</b>				<b>3</b>
<b>3. PUBLIC COMMENT</b>				
		<i>On matters not on the Agenda.</i>		
<b>4. NEW BUSINESS</b>				
	<b>PERSONNEL RULE</b>	<b>DESCRIPTION</b>		
<b>4-1.</b>	1.2	Amendments to Personnel Rules – Rules 14, 18-20	<b>ACTION</b>	8
<b>4-2.</b>	1.2	Amendments to Personnel Rules – Modified Duty & Return to Work Program	<b>ACTION</b>	10
<b>4-3.</b>	1.2	Amendment to Personnel Rules – Kin Care Leave Policy	<b>ACTION</b>	11
<b>4-4.</b>	1.2	Amendment to Personnel Rules – Bereavement Leave	<b>ACTION</b>	12
<b>4-5.</b>	1.2	Amendment to Personnel Rules – Catastrophic Leave Sharing Program	<b>ACTION</b>	12
<b>4-6.</b>	1.2	Amendment to Personnel Rules – Fleet Management, Driver Safety & Vehicle Use Program	<b>ACTION</b>	13
<b>4-7.</b>	7.1	Approval, creation and promulgation of the list of eligibles resulting from the Accountant exam	<b>ACTION</b>	13
<b>4-8.</b>	5.4	Adoption of class specifications (Housing Technician)	<b>ACTION</b>	13
<b>5. ADJOURNMENT</b>				

**MINUTES**  
**September 9, 2020**



**PERSONNEL COMMITTEE**  
**Special Meeting: September 9, 2020**  
**Meeting Time: 7:00 a.m.**

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

**SUMMARY ACTION MINUTES**

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

**Call to Order**

Chairperson Hannon called the meeting to order at 7:01 a.m.

**Roll Call**

Present: Cmr. Gerry and Hannon.

Excused: Cmr. Olson.

*The Personnel Committee and staff discussed the meeting time for future meetings. Kurt Wiest, Executive Director, indicated that staff is flexible and with proper notice can set the meeting time for the Personnel Committee meetings at a time that is convenient for the Personnel Committee members.*

**2. APPROVAL OF THE MINUTES OF THE JULY 8, 2020 MEETING**

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

Motion/Second: Gerry/Ballew.

Upon a roll call vote being taken the vote was:

Ayes: Cmr. Ballew, Gerry and Hannon.

Motion passed. **APPROVED AS RECOMMENDED.**

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

None.

4. **NEW BUSINESS**

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4-1. **ACTION: APPROVAL, CREATION AND PROMULGATION OF THE LIST OF ELIGIBLES RESULTING FROM THE LEASING SERVICES LEADWORKER EXAM** **PERSONNEL RULE 7.1**

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Charla Freckmann, Human Resources Manager, presented the staff report. Ms. Freckmann reported that an exam for the Leasing Services Leadworker classification was conducted on September 2. The eligibility list was emailed to the Personnel Committee and shared on the screen during the meeting and Ms. Freckmann recommended that the Personnel Committee approve, create and promulgate the list eligibles.

Recommendation: Approve, create and promulgate the list of eligibles resulting from the exam for the Leasing Services Leadworker classification.

Motion/Second: Gerry/Ballew.

Upon a roll call vote being taken the vote was:

Ayes: C Mrs. Ballew, Gerry and Hannon.

Motion passed. **APPROVED AS RECOMMENDED.**

4-2. **ACTION: AMENDMENTS TO PERSONNEL RULES** **PERSONNEL RULE 1.2**

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Charla Freckmann, Human Resources Manager, presented the staff report. Ms. Freckmann continues to work on the ongoing project to amend HACA's Personnel Rules in order to update language, correct grammar and spelling, and organize the sections of the Personnel Rules in a more logical manner. She reported that staff is proposing to amend Articles 15-17 pertaining to appeals of personnel actions, disciplinary actions and appeals of disciplinary actions. Ms. Freckmann provided an overview of each section, described the proposed changes and recommended that the Personnel Committee approve the proposed revisions.

Commission Discussion: Chairperson Hannon went through each of the articles that are being revised and asked the Personnel Committee if they had any feedback and/or recommendations. After receiving the feedback from the Personnel Committee, Ms. Freckmann indicated that she would incorporate the recommendations that were made by the

Personnel Committee and then present the articles with those recommended changes to the Housing Commission at their October meeting for their final approval.

Recommendation: Approve amendments to HACA’s Personnel Rules with the recommended revisions provided by the Personnel Committee and forward recommendation for approval to the HACA Housing Commission for final approval.

Motion/Second: Gerry/Ballew.

Upon a roll call vote being taken the vote was:

Ayes: Cmr. Ballew, Gerry and Hannon.

Motion passed. **APPROVED AS RECOMMENDED.**

**5. ADJOURNMENT**

There being no further business to discuss, Chairperson Hannon adjourned the Personnel Committee meeting at 7:56 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  
Personnel Committee Chairperson

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

## BACKGROUND INFORMATION

<u>ITEM NO.</u>	<u>ACTION:</u> AMENDMENTS TO PERSONNEL RULES – RULES 14, 18-20	<u>PERSONNEL RULE:</u>
4-1.		1.2

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

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 sections. 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 Committee's review and consideration today, the following Articles are revised:

Article 14 – Use of Authority-Owned Vehicles (original Article number)

Article 18 – Holidays

Article 19 – Vacation

Article 20 – Sick Leave

### Article 14 – Use of Authority-Owned Vehicles

This article was removed and is proposed as a separate policy. The proposed stand-alone policy expands this topic to include safety protocols and outlines overall responsibilities of managing fleet vehicles. Further details are discussed below.



### Article 18 – Holidays

The Personnel designate the paid holidays for all HACA employees and outlines related provisions regarding paid holidays such as eligibility for paid holidays and holiday compensation. The most significant revision to this article is changes in Section 18.2.E regarding the potential for other holidays to be declared or appointed by the President of the United States or the Governor of the State of California. The revisions read as follows:

“All other days appointed by the President of the United States or the Governor of the State of California for a public fast, national day of mourning, thanksgiving or holiday and announced by the Executive Director. An Executive or Gubernatorial order designates a “holiday” applicable to this section only when it specifies that it applies to other government agencies specifically local government agencies such as HACA.”

The above language is taken from the current Memorandum of Understanding (MOU) between the Housing Authority and SEIU Local 1021 and is proposed here to keep the Personnel Rules consistent with this provision in the MOU. This provision in the MOU is the primary source document on this issue because the language reflects an agreement between SEIU Local 1021 and HACA. The current MOU language was negotiated to resolve an issue with the prior MOU language (and the existing Personnel Rule language) which created the potential for violations of the Brown Act. The potential violation in the prior language related to the Executive Director having to “poll” members of the Commission for their determination of the applicability of an Executive or Gubernatorial declaration of a holiday.

### Article 19 - Vacation

The changes to this article reflect reorganization and revision for clarification. A few sections were changed to be consistent with the current MOU language such as the changes to Section 19.6 regarding the Vacation Purchase Plan.

### Article 20 – Sick Leave

Considerable reorganization was made to the Sick Leave article to improve the order in which the sections read. Existing language was also rewritten to be more concise and to clarify the intent of the language. Section 20.5 – Industrial Sick Leave Benefits – was changed to the same language in the current MOU.

Several sections in this article were removed and became stand-alone policies. This decision was made because the subject matter of the removed sections relate to primary leave benefits and/or programs that establish a framework for the elements of the benefit or program – thus justifying stand-alone policies. The sections being proposed for stand-alone policies are in the chart below.

<b>ITEM NO.</b> 4-1.	<b>ACTION: AMENDMENTS TO PERSONNEL RULES – RULES 14, 18-20 (CONTINUED)</b>	<b>PERSONNEL RULE:</b> 1.2
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A further description of the proposed stand-alone policies are discussed below.

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

Article #	Original Title	New Article/Title	Sections Deleted/Added	Moved To
14	Use of HACA-Owned Vehicles	N/A	N/A	Separate policy
17	Holidays	18 – Holidays	N/A	N/A
18	Vacation Leave	19 – Vacation Leave	N/A	
19	Sick Leave	20 – Sick Leave	19.10 – Modified Duty	Separate policy
			19.11 – Kin Care	Separate policy
			19.12 – Death in Family	Separate policy
			19.16 – Catastrophic Leave	Separate policy

As has been stated in prior Personnel Rule revisions brought to your Personnel Committee for review and adoption, these changes, albeit substantial in “cutting and pasting,” are not substantive changes to terms and conditions of employment. The changes reflect language that is consistent with current Housing Authority practice.

Staff recommends that the revisions to the above-referenced Articles of the Personnel Rules and the resulting stand-alone policies describe below be approved and that your Committee recommend that the Housing Commission adopt same.

<b>ITEM NO.</b> 4-2.	<b>ACTION: AMENDMENTS TO PERSONNEL RULES – MODIFIED DUTY &amp; RETURN TO WORK PROGRAM</b>	<b>PERSONNEL RULE:</b> 1.2
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#### Modified Duty & Return to Work Program

As originally written, Article 19 – Sick Leave – was a paragraph that inadequately described HACA’s provisions for providing modified duty. When able to do so, HACA provides modified duty to employees who are returning to work from a period of incapacity from either industrial or non-industrial causes. The program elements and employee responsibilities are expanded in the proposed policy and reflect current HACA practice.

Attached are clean copies of the original Personnel Rule Section 19.10 and the new stand-alone Modified Duty & Return-to-Work Program for your review and consideration (see Attachment B).

**ITEM NO.**  
**4-3.**

**ACTION: AMENDMENT TO PERSONNEL RULES – KIN CARE LEAVE  
POLICY**

**PERSONNEL RULE:**  
**1.2**

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On July 1, 2015, California enacted Labor Code §245 providing for paid sick leave to allow employees to be paid (from state benefits) to care for qualifying family members. This law included parent-in-law, grandparent, grandchild and sibling as qualifying family members. The existing Labor Code provision (Labor Code §233) for “kin care” did not include these family members.

On January 1, 2016, SB 579 was enacted to amend the Labor Code to create consistency between kin care and paid sick leave relating to qualifying family members for whom employees could use sick leave. SB 579 also added a provision allowing employees take unpaid leave for “child-related” activities if the employee is a parent with more children attending kindergarten, grades 1 – 12, or is at a licensed childcare provider. The law allows employees to use their accrued vacation, sick leave, floating holiday or compensatory time off to take leave for child-related activities. The law defines child-related activities as:

- Finding, enrolling or re-enrolling a child in a school or licensed child-care provider;
- Addressing a child-care provider or school emergency, including a request that the child be picked up from school or the child-care provider;
- Addressing behavioral or discipline issues;
- When there is a school closure or unexpected unavailability of the school (excluding planned holidays) or a natural disaster.

Finally, on September 28, 2020, AB 2017 was enacted to amend the kin care law in Labor Code §233 to expand the eligibility for kin care beyond caring for family members. AB 2017 provides that employees may use kin care leave if they are a victim of domestic violence, sexual assault and/or stalking.

HACA provides kin care leave and this benefit is in Section 19.11 of the Personnel Rules. Given the new components stemming from the kin care leave requirement and the fact that other leave benefits HACA provides are in separate policies, it is proposed that HACA’s original kin care provision in Section 19.11 of the Personnel Rules be contained in a separate policy which incorporates recent statutory changes described above.

Attached are clean copies of the original Section 19.11 and the new stand-alone Kin Care & Related Leaves policy for your review and consideration (see Attachment C).

<b><u>ITEM NO.</u></b>	<b><u>ACTION:</u> AMENDMENT TO PERSONNEL RULES – BEREAVEMENT</b>	<b><u>PERSONNEL RULE:</u></b>
<b>4-4.</b>	<b>LEAVE</b>	<b>1.2</b>

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HACA provides paid bereavement leave and this benefit is in Section 19.12 of the Personnel Rules. It is proposed that HACA’s original bereavement leave provision be in a separate policy as are most of the other various leave benefits provided by HACA.

Attached are clean copies of the original Section 19.12 and the new stand-alone bereavement leave policy for your review and consideration (see Attachment D).

<b><u>ITEM NO.</u></b>	<b><u>ACTION:</u> AMENDMENT TO PERSONNEL RULES – CATASTROPHIC</b>	<b><u>PERSONNEL RULE:</u></b>
<b>4-5.</b>	<b>LEAVE SHARING PROGRAM</b>	<b>1.2</b>

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HACA has a Catastrophic Leave benefit allowing employees to donate sick or vacation leave for use by qualifying employees who have exhausted all their own paid leave options. Employees must have suffered a catastrophic illness or injury which renders them unable to work. As currently written, this benefit is in Section 19.16 of the Personnel Rules found in Article 19 – Sick Leave.

Recently, on August 3, 2020, the IRS released a document, “Leave Sharing Plans Frequently Asked Questions” interpreting a prior IRS Revenue Ruling regarding catastrophic leave programs. The FAQs indicated that an employer should adopt a separate written plan spelling out who is eligible to receive donated leave, the requirements for donating leave and how the plan is structured. The FAQs further indicated that in order to avoid tax consequences for leave donors, the catastrophic leave plan must require that donations be made to a leave bank rather than to specific individuals. Then eligible employees may draw from the leave bank.

HACA’s existing catastrophic leave benefit is in Section 19.16. In practice, HACA administers this benefit in a way that is consistent with the IRS Revenue Ruling and the FAQs. However, the written provision is not clear that the benefit is a leave sharing program.

In order to further clarify that HACA’s catastrophic leave benefit is a leave sharing program and to comply with the recommendation that employers have a separate written policy, it is proposed that HACA’s original catastrophic leave benefit in Section 19.16 of the Personnel Rules be contained in a separate policy.

Attached are clean copies of the original Section 19.16 and the new stand-alone Catastrophic Leave Sharing Program for your review and consideration (see Attachment E).

<u>ITEM NO.</u>	<u>ACTION: AMENDMENT TO PERSONNEL RULES – FLEET MANAGEMENT, DRIVER SAFETY &amp; VEHICLE USE PROGRAM</u>	<u>PERSONNEL RULE:</u>
4-6.		1.2

Article 14 of the Personnel Rules relates to the use of HACA-owned vehicles and primarily focuses on the consequences of an employee’s misuse of these vehicles. This provision requires that administration by staff and should include several other related program components such as fleet vehicle management, driver safety and employee responsibilities. Therefore, the revisions to this rule are proposed as a stand-alone policy, expands the language to include safety protocols and outlines overall responsibilities of managing fleet vehicles.

Attached are clean copies of the original Personnel Rule 14 and the new stand-alone Fleet Management, Driver Safety & Vehicle Use Program for your review and consideration (See Attachment F).

<u>ITEM NO.</u>	<u>ACTION: APPROVAL, CREATION AND PROMULGATION OF THE LIST OF ELIGIBLES RESULTING FROM THE ACCOUNTANT EXAM</u>	<u>PERSONNEL RULE:</u>
4-7.		7.1

On October 13, 2020, the Housing Authority conducted an exam for the Accountant classification. Fourteen applicants applied and five candidates were invited to be interviewed by a panel comprised of three interviewers from outside housing authorities. The eligibility list will be distributed at your Personnel Committee meeting. The names appearing on the eligibility list for your approval achieved a passing score.

<u>ITEM NO.</u>	<u>ACTION: ADOPTION OF CLASS SPECIFICATIONS (HOUSING TECHNICIAN)</u>	<u>PERSONNEL RULE:</u>
4-8.		5.4

Personnel Rule 4.12 states that the Personnel Committee shall adopt and maintain a written classification for each class of positions and such specifications shall constitute the official specifications of classes and that no new classification will be established without a final class specification that has been approved by the Personnel Committee.

The classification of Housing Technician is being proposed for revision to allow for a broader spectrum of administrative duties and responsibilities appropriately grouped at this level. Attached are edited and clean copies of the Housing Technician class specifications for your review and consideration (See Attachment G).