



Housing Authority of the  
County of Alameda

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**HOUSING COMMISSION AGENDA**  
**Special Meeting: November 18, 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 via Zoom and via telephone.** 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 November 17, 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).

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**HOUSING COMMISSION AGENDA**  
**Special Meeting: November 18, 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 OCTOBER 14, 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>		
<b>4-1. Resolution No. 22-20 Approving Amendments to HACA's Personnel Rules</b>	<b>ACTION</b>	<b>11</b>
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**MINUTES**  
**October 14, 2020**



**HOUSING COMMISSION  
SUMMARY ACTION MINUTES**

**Regular Meeting**

**Meeting Date: Wednesday, October 14, 2020**

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

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

**Call to Order**

Chairperson Hannon called the meeting to order at 8:03 a.m.

**Roll Call**

Present:

Cmrs. Ballew, Gacoscos, Gerry, Hannon, Kumagai, Lamnin, McQuaid, Patz and Shao.

Excused:

Comr. Olson.

Entered after Roll Call:

Comr. Finley.

**2. ACTION: APPROVE THE MINUTES OF THE SEPTEMBER 9, 2020 MEETING**

Melissa Taesali, Executive Assistant, stated for the record the following corrections to the minutes:

- On page 5, under item 4-1. (3<sup>rd</sup> paragraph), the sentence should read: “She is proud of Jacqueline.”
- On page 6, under item 4-3. (2<sup>nd</sup> paragraph), correct the typo to remove the extra letter “r” in the sentence at the end of the paragraph.
- On page 8, under item 10. change the word, “HACA’s” to “HACA.”

Recommendation: Approve the minutes of the September 9, 2020 meeting with the stated corrections.

Motion/Second: Patz/Gacoscos.

Upon a roll call vote being taken the votes were:

Ayes: Cmrs. Ballew, Gacoscos, Gerry, Hannon, Kumagai, Lamnin, McQuaid, Patz and Shao.

Not present for the vote: Comr. Finley

Excused: Cmr. Olson.

Motion passed. **APPROVED AS RECOMMENDED.**

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

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None.

4. **NEW BUSINESS**

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4-1. **RESOLUTION NO. 19-20: APPROVING AMENDMENTS TO HACA'S CONFLICT OF INTEREST CODE**

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Charla Freckmann, Human Resources Manager, presented the staff report. Ms. Freckmann reported that staff is proposing to amend HACA's Conflict of Interest Code (Code) in order to update the job titles on the Code's list of designated employees. Ms. Taesali added that the Alameda County Clerk of the Board of Supervisors requires that agencies review their Codes biennially and that these proposed amendments are a result of the biennial review.

Recommendation: Adopt Resolution No. 19-20 approving amendments to HACA's Conflict of Interest Code.

Commission Discussion: Cmr. Gerry asked if the job classifications are being changed and Ms. Taesali indicated that the changes are to the job titles only. Cmr. Lamnin made a motion to adopt Resolution No. 19-20 with instruction to staff to change the date of the resolution from October 13, 2020 to the correct date of October 14, 2020.

Motion/Second: Lamnin/Shao.

Upon a roll call vote being taken the votes were:

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

Not present for the vote: Cmr. Finley and Hannon.

Motion passed. **APPROVED AS RECOMMENDED.**

*Chairperson Hannon lost his connection to the Zoom meeting. Vice Chairperson Patz chaired the meeting until Chairperson Hannon was able to re-establish his connection to the meeting. Cmr. Finley also joined the meeting.*

4-2. **RESOLUTION NO. 20-20: APPROVING REVISIONS TO HACA'S PERSONNEL RULES**

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Charla Freckmann presented the staff report. Ms. Freckmann reported that the next set of revisions to HACA's Personnel Rules was presented to the Personnel Committee (PC) at their meeting on September 9, 2020 and that the PC conducted a thorough

review of the proposed amendments. She indicated that the PC made recommendations for additional revisions and highlighted these as she summarized the proposed updates and changes to the Personnel Rules. Ms. Freckmann recommended that the Housing Commission approve the proposed revisions to the Personnel Rules.

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

Commission Discussion: Cmr. Lamnin, Chairperson Hannon and Ms. Freckmann discussed the processing of appeals described under Section 15.4 of the Personnel Rules. Ms. Freckmann stated that she would add clarifying language to this section to ensure that timeframe for responding to and taking certain actions on an appeal is clear. Chairperson Hannon recommended that the Housing Commission adopt the resolution with the understanding that staff will report back to the Commission once the clarifying language has been added to this section. Cmr. Kumagai asked if any of the revisions are being made as a result of labor negotiations. Ms. Freckmann stated that the revisions were not a result of labor negotiations and that she is being careful not to make any revisions that would typically require a meet and confer with the employee union. Cmr. Lamnin and Ms. Freckmann discussed the Skelly hearing process.

Revised Recommendation: Adopt Resolution No. 20-20 approving the proposed revisions to HACA's Personnel Rules with the understanding that staff will report back to the Commission once the recommended changes to clarify the language in Section 15.4 are made.

Motion/Second: McQuaid/Finley.

Upon a roll call vote being taken the votes were:

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

Motion passed. **APPROVED AS RECOMMENDED.**

**4-3. RESOLUTION NO.: 21-20: APPROVING AMENDMENTS TO HACA'S BUDGETED POSITIONS FOR THE JULY 1, 2020 – JUNE 30, 2021 FISCAL YEAR**

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Kurt Wiest, Executive Director, presented the staff report. Mr. Wiest reported that he has held meetings with the members of the management team to ascertain the needs of the various departments at HACA. Mr. Wiest further reported that following his discussions with Daniel Taylor, Special Programs Manager, and an analysis of the work that is being done by Mr. Taylor's team, he has determined that there is a need for an additional Leadworker in that department. Daniel Taylor, Special Programs Manager, summarized the programs that his department is handling and stated that

the special programs are extremely complex. He explained that these special programs assist specific groups and require a high level of coordination with outside supportive services providers and partner agencies. Mr. Wiest indicated that funding for this position is available and recommended that the Commission adopt the resolution approving an amendment to the budgeted positions for the July 1, 2020 – June 30, 2021 fiscal year in order to enable staff to add a Leadworker to the Special Programs department.

Recommendation: Adopt Resolution No. 21-20 approving an amendment to the HACA's budgeted positions for the July 1, 2020 – June 30, 2021 fiscal year.

Commission Discussion: Cmr. Lamnin commented that the agency is operating at a deficit and expressed concern about the additional expense. Cmr. Lamnin and Mr. Wiest discussed the justification for this additional expense. Cmr. Lamnin and Mr. Taylor discussed his case load. Mr. Taylor explained that when he accepted the promotion to Special Programs Manager, he retained his case management duties and described what these duties are. Cmr. McQuaid commented that she has a similar concern about the additional expense. She thanked Mr. Taylor for the work that he has been doing and commented that although it is a common practice for agencies to overlap roles, agencies should not expect employees to do double work. Cmr. McQuaid also asked if the County has a hiring freeze in place and Mr. Wiest indicated that he was not aware of any hiring freeze or restrictions. Chairperson Hannon thanked Cmr. Lamnin for her comments and for being mindful of the budget. He commented that he recognizes the need for critical positions to be filled at HACA so that HACA can better serve the needs of the clients. Chairperson Hannon thanked Mr. Taylor for his work. Cmr. Lamnin expressed appreciation to Mr. Taylor for his work. She asked that staff review the budgeted positions when preparing the budget for next fiscal year to determine if the agency can still afford this position with the funding that will be available at that time. Mr. Wiest thanked the Commission for giving him the latitude to amend the budgeted positions and he commented on the need to advocate for enough funding for these programs. Cmr. McQuaid agreed with Cmr. Lamnin and recommended that staff do an assessment of all budgeted positions during the budget preparation.

Motion/Second: Gacoscos/Hannon.

Upon a roll call vote being taken the votes were:

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

Motion passed. **APPROVED AS RECOMMENDED.**

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

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Daniel Taylor, Special Programs Manager, presented the staff report. Report received with no questions or comments from the Commission.

**5. COMMISSIONER REPORTS**

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Comr. Lamnin expressed appreciation for the new format of HACA's website. She recommended that staff make it easier for the public to access the Commission meeting agenda by placing links in a more prominent location on the website.

Vice Chairperson Patz reported on his attendance at the grand opening of the Estrella Vista Affordable Residential project in Emeryville. He described the project and expressed appreciation to the agencies who were involved for their collaboration and regional approach in the development this project.

Comr. Gacoscos, Mr. Wiest and Jennifer Cado, Senior Administrative Analyst, discussed HACA's waitlist. In their discussion, Ms. Cado mentioned some tools and resources that are currently available to assist in searches for affordable housing.

**7. COMMITTEE REPORTS**

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None.

**8. COMMUNICATIONS**

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Mr. Wiest provided the status on HACA's COVID-19 response. He reported that HACA's office building remains closed to the public and that approximately half of HACA's staff are working remotely. He added that the staff who remain in the office are practicing strict social distancing protocols and doing their part ensure a safe work environment.

Mr. Wiest discussed HUD's mobility demonstration. He described the purpose of the demonstration and indicated that HACA has been in discussion with other housing authorities to come up with a regional approach to apply for and participate in this upcoming demonstration.

Mr. Wiest also reported that HACA has been invited to apply for additional Foster Youth Initiative vouchers. He also reported that HACA's Family Self-Sufficiency (FSS) program has partnered with consultant, Nan McKay and Associates, to update the FSS program action plan.

Mr. Wiest provided an update on the recruitment for the Senior Tenant Commissioner. He also advised the Commission that their regular meeting in November falls on the Veterans Day holiday. After a brief discussion, the Commission agreed to change the meeting date and hold special meeting on Wednesday, November 18.

**9. ADJOURNMENT**

On a motion made by Cmr. Gerry and seconded by Cmr. McQuaid, the Housing Commission adjourned this meeting at 9:23 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**  
**November 18, 2020**

**HOUSING AUTHORITY OF THE COUNT OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: November 18, 2020

Subject: Personnel Rule Revisions

Exhibits Attached:

- Resolution No. 22-20
- Attachment A: Revised and Clean Versions of HACA’s Personnel Rules
- Attachment B: New stand-alone policies
- Attachment C: Fleet Management, Driver Safety & Vehicle Use Program 2020

Recommendation: Adopt Resolution 22-20 approving the revisions to HACA’s Personnel Rules

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**BACKGROUND**

On October 14, 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, 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 18 – Holidays
- Article 19 – Vacation
- Article 16 – Sick Leave

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.

Art. #	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

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

This article was removed and is proposed as a separate policy (see Attachment C). 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 Rules 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 (see Attachment B). 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.

Revisions to these rules were approved by your Personnel Committee at its September 2020 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.

A further description of the proposed stand-alone policies are discussed below.

### **New Stand-Alone Policies Created from the Personnel Rules**

#### **1. 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 (See Attachment A) and the new stand-alone Modified Duty & Return-to-Work Program (See Attachment B at pages 2-7) for your review and consideration.

#### **2. Kin Care and Related Leaves Policy**

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 to 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 child care 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 (see Attachment A) and the new stand-alone Kin Care & Related Leaves policy (see Attachment B at page 8-10) for your review and consideration.

### **3. Bereavement Leave**

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 (see Attachment A) and the new stand-alone bereavement leave policy (see Attachment B at pages 11-12) for your review and consideration.

### **4. Catastrophic Leave**

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

**HACA AGENDA ITEM NO.: 4-1.**

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 and 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 (see Attachment A) and the new stand-alone Catastrophic Leave Sharing Program (see Attachment B at pages 13-17) for your review and consideration.

**5. Fleet Management, Driver Safety & Vehicle Use Program**

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 (see Attachment A) and the new stand-alone Fleet Management, Driver Safety & Vehicle Use Program for your review and consideration (see Attachment C).

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. 22-20**

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

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

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

**WHEREAS**, at its meeting of October 14, 2020 your Personnel Committee approved recommended revisions to Personnel Rules 14 and 17-19 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 14 and 17-19 as presented at this meeting.

**PASSED, APPROVED AND ADOPTED** by the Housing Commission of the Housing Authority of the County of Alameda on this 18th day of November 2020 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**Attest:**

\_\_\_\_\_  
Kurt Wiest  
Executive Director

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

**Adopted:** November 18, 2020

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: November 18, 2020

Subject: Quarterly Investment Portfolio Report

Exhibits Attached: Investment Portfolio Report for Quarter ended September 30, 2020

Recommendation: Receive Report

Financial Statement: \$20,669,835.85 invested at an Average Annual Yield ranging from 0.11% to 0.84% (excluding FSS Escrow Participant Accounts)

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**BACKGROUND**

Public agencies are required to file an investment policy with their governing boards and to provide quarterly financial reports on the status of the agency's investments and to certify to their compliance with the approved investment policy.

**DISCUSSION AND ANALYSIS**

The attached investment portfolio report reflects the investments as of the quarter ending September 30, 2020 for each program that HACA administers. \$15.59M, or 75% of the total portfolio, is invested in Union Bank commercial paper, \$1.72M, or 8% of the total, in various issuers' certificates of deposit (CD) and \$3.36M, or 16% of the total, in the State of California Local Agency Investment Fund (LAIF).

The Housing Choice Voucher program had no funds invested at the end of the reported quarter. The re-establishment of HUD-held program reserves and the dwindling balance of Unrestricted Net Position (UNP) has made even short-term investment infeasible.

The Housing Development Fund has a total investment of \$3.36M, which is 16% of the total investment portfolio and entirely in LAIF.

PACH has a total investment of about \$10.2M, which is 49% of the total investment portfolio. Funds for replacement reserves in the amount of \$1.72M are invested in laddered long-term CDs (maturities in 2-5 years).

Ocean Avenue and Park Terrace investments are 0.9% and 5.4% of the total investment, respectively. The Health Care Services Agency (HCSA) Flexible Housing Subsidy Program has \$5.79M, which is 28% of the total investment.

The FSS Participant Escrow Accounts are maintained in a savings account, in accordance with HUD regulations, at Union Bank.

**Housing Authority of Alameda County  
Investment Portfolio  
For the Quarter Ended September 30, 2020**

<b>PROGRAM NAME</b>	<b>TYPE OF ACCOUNT</b>	<b>AMOUNT</b>	<b>INTEREST RATE</b>	<b>MATURITY DATE</b>
PACH	Union Bank N.A. Commercial Paper	\$ 8,497,274.31	various	various
PACH - RAD	Certificate of Deposits (various issuers)	\$ 1,715,000.00	various	2-5 years
Ocean Avenue	Union Bank N.A. Commercial Paper	\$ 190,234.97	0.11004%	10/6/20
Park Terrace	Union Bank N.A. Commercial Paper	\$ 1,111,372.69	0.13006%	2/3/21
HCSA	Union Bank N.A. Commercial Paper	\$ 5,792,217.08	0.15007%	12/3/20
	Sub-total	\$ 17,306,099.05		
Housing Dev Fund	State of CA - Local Agency Investment Fund	\$ 3,363,736.80	0.84000%	N/A
<b>TOTAL</b>		<b>\$ 20,669,835.85</b>		

The above investment portfolio is in compliance with the policy approved by the Housing Commission.

\_\_\_\_\_  
Kurt Wiest  
Executive Director

\_\_\_\_\_  
Date

# BUDGET STATUS REPORT

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA  
BUDGET STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS  
FOR THE PERIOD ENDED SEPTEMBER 30, 2020**

	Housing Choice Voucher			Housing Development Fund			PACH		
	Approved Budget FY 2020-2021	Budget 09/30/2020	Actuals 09/30/ 2020	Approved Budget FY 2020-2021	Budget 09/30/2020	Actuals 09/30/ 2020	Approved Budget FY 2020-2021	Budget 09/30/2020	Actuals 09/30/ 2020
<b>Housing Assistance Payments (HAP)</b>									
Est. HUD PHA grants-HAP	125,754,404		30,346,977						
Less: Est. HAP expenses	125,676,991		31,796,173						
<b>Operating Income</b>									
Rental revenue - tenants	-		-	143,000	35,750	35,785	1,475,928	368,982	327,696
Other revenue -tenants	-		-	-		-	106,875	26,719	26,718
HUD PHA grants (Including Covid 19 Admin. Funds)	8,722,368	2,180,592	1,736,366	-		-	3,990,584	997,646	988,197
Other revenue	327,518	81,880	76,054	42,500	10,625	-	3,500	875	320
Other revenue - property management fees	-		-	1,758,840	439,710	439,710			
Investment income	-		-	50,000	12,500	7,142	115,060	28,765	11,695
<b>Total</b>	<b>9,049,886</b>	<b>2,262,472</b>	<b>1,812,420</b>	<b>1,994,340</b>	<b>498,585</b>	<b>482,637</b>	<b>5,691,947</b>	<b>1,422,987</b>	<b>1,354,626</b>
<b>Operating Expenses</b>									
Administrative salaries	(4,202,521)	(1,050,630)	(1,010,671)	(459,981)	(106,149)	(131,189)	-		-
Administrative expenses	(2,048,368)	(512,092)	(377,603)	(204,465)	(51,116)	(37,833)	(757,461)	(189,365)	(116,734)
Property Management and Administrative Service Fees							(1,670,400)	(417,600)	(417,600)
Utilities	-			(47,716)	(11,929)	(9,280)	(227,147)	(56,787)	(36,394)
Covid 19 Expenses	(1,400,000)	(350,000)	(34,830)	-		-	-		-
Maintenance services	-			(133,553)	(33,388)	(37,112)	(1,144,578)	(286,145)	(348,091)
General expenses	(181,566)	(45,391)	(23,661)	(11,169)	(2,792)	(9,150)	(194,946)	(48,737)	(42,473)
Employee benefits	(2,395,437)	(598,859)	(460,758)	(317,654)	(101,789)	(85,992)	-		-
<b>Total</b>	<b>(10,227,892)</b>	<b>(2,556,972)</b>	<b>(1,907,523)</b>	<b>(1,174,538)</b>	<b>(307,163)</b>	<b>(310,556)</b>	<b>(3,994,532)</b>	<b>(998,634)</b>	<b>(961,292)</b>
<b>Income (Loss)</b>	<b>(1,178,006)</b>	<b>(294,500)</b>	<b>(95,103)</b>	<b>819,802</b>	<b>191,422</b>	<b>172,081</b>	<b>1,697,415</b>	<b>424,353</b>	<b>393,334</b>
<b>Cash &amp; Investments as of 09/30/2020</b>			<b>3,454,151</b>			<b>3,959,747</b>			<b>12,274,690</b>

Restricted	3,260,408
Unrestricted	9,014,283
<b>Total</b>	<b>12,274,690</b>

# **PROGRAM ACTIVITY** **REPORT**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: November 18, 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 November 1, 2020, the Section 8 HCV program had 6,123 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 November 1, 2020, the average HAP subsidy was \$1,728 and the average tenant-paid rent portion was \$541 for an average Contract Rent of \$2,270. These amounts include HACA vouchers, but do not include incoming and outgoing portability clients.
  - ❖ As of November 1, 2020, HACA had 157 outgoing billed portability contracts (i.e., HACA voucher holders who are housed in another housing authority’s jurisdiction).
  - ❖ As of November 1, 2020, HACA billed other housing authorities for 438 incoming portability contracts.
  - ❖ As of November 1, 2020, 227 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.
- **Landlord Rental Listings:** As of November 4, 2020, there were 118 active properties listed.

	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	11/4/20
Units	63	58	58	64	63	70	79	105	99	109	103	118

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

City	Certificates		Vouchers		OCTOBER 2020 TOTAL		OCTOBER 2019	OCTOBER 2018
	Number	HAP* based on avg \$1,992	Number	HAP** based on avg \$1,761	Number	HAP		
Albany	0	\$0	12	\$21,132	12	\$21,132	12	15
Castro Valley	4	\$7,968	220	\$387,420	224	\$395,388	203	216
Dublin	3	\$5,976	402	\$707,922	405	\$713,898	368	369
Emeryville	6	\$11,952	151	\$265,911	157	\$277,863	133	143
Fremont	21	\$41,832	1,089	\$1,917,729	1,110	\$1,959,561	1,031	1,008
Hayward	45	\$89,640	1,832	\$3,226,152	1,877	\$3,315,792	1,781	1,810
Newark	6	\$11,952	221	\$389,181	227	\$401,133	205	198
Pleasanton	3	\$5,976	253	\$445,533	256	\$451,509	187	177
San Leandro	13	\$25,896	1,309	\$2,305,149	1,322	\$2,331,045	1,218	1,225
San Lorenzo	3	\$5,976	176	\$309,936	179	\$315,912	174	187
Union City	7	\$13,944	698	\$1,229,178	705	\$1,243,122	674	698
<b>TOTALS</b>	<b>111</b>	<b>221,112</b>	<b>6,363</b>	<b>11,205,243</b>	<b>6,474</b>	<b>11,426,355</b>	<b>5,986</b>	<b>6,046</b>

\* Based on an average October Housing Assistance Payment (HAP) of \$1,992 per certificate contract

\*\*Based on an average October Housing Assistance Payment (HAP) of \$1,761 per voucher contract

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**Section 8 Average Contract Rent Report for the Month of October 2020**

<b>City</b>	<b>Number of HAP Contracts (HCV Only)</b>	<b>Average Contract Rent</b>	<b>Average HAP Paid by HACA</b>	<b>Average Rent Paid by Family</b>	<b>Average Family-Paid Rent as a Percentage of Average Contract Rent</b>
Albany	12	\$1,700	\$1,371	\$398	23%
Castro Valley	220	\$2,323	\$1,812	\$510	22%
Dublin	402	\$2,224	\$1,752	\$471	21%
Emeryville	151	\$1,862	\$1,372	\$490	26%
Fremont	1,089	\$2,450	\$1,922	\$526	21%
Hayward	1,832	\$2,203	\$1,680	\$522	24%
Newark	221	\$2,605	\$1,937	\$668	26%
Pleasanton	253	\$2,049	\$1,665	\$384	19%
San Leandro	1,309	\$2,215	\$1,702	\$513	23%
San Lorenzo	176	\$2,519	\$1,885	\$632	25%
Union City	698	\$2,455	\$1,860	\$592	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, Vanessa Kamerschen  
**Date:** November 10, 2020

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<b>Program Summary</b>	<b>October 2020</b>
Total Clients Under Contract:	197
MDRC:	100
Graduates:	1
Escrow Disbursed:	\$11,952.02
Ports In:	0
Ports Out:	0
Terminations:	3
New Contracts:	0

## **FSS PROGRAM NEWS:**

### **FSS Program Update**

#### **FSS Orientations**

The FSS team held two orientations in October. The program goal is to schedule FSS orientations every quarter—in an effort to increase the size of the program. Eighteen (18) participants in total attended the orientations.

#### **It's Your Time to Shine Celebration**

The FSS team is finalizing the details of our 11<sup>th</sup> annual *It's Your Time to Shine* celebration. In an effort to continue on with our celebration despite the current pandemic, we will recognize the achievements of our FSS families over the last year and conduct our annual celebration via Zoom. The event is scheduled for Thursday, November 19, 2020, at 6:00 p.m.

**Case Management Referrals = 15**

Job Referrals = 60

# **ATTACHMENT A**

## **Article 14**

### **USE OF AUTHORITY OWNED MOTOR VEHICLES**

#### **Section 14.1            DEFINITIONS**

The definitions of this section shall govern the construction of this Article, unless the context otherwise requires:

- 14.1.1** "Authority owned motor vehicle" means any motor vehicle as defined by Section 31 of the Vehicle Code of the State of California, owned by or under the control of the Housing Authority of Alameda County and provided for the use of any Authority employee, in the performance of official duties;
- 14.1.2** "use in conduct of Authority business" means using, driving, operating, storing, or parking, in the performance of or necessary to or in the course of the duties of Authority employee in the performance of official duties, it also includes use in emergency cases where ordinary humanity dictates no other course than to render aid to persons in distress.
- 14.1.3** "employee" means all Authority employees.

#### **Section 14.2            CARE OF VEHICLE**

The driver of an Authority vehicle shall report every noted defect of the vehicle or its operation in person or on the appropriate form as soon as possible to assure proper maintenance attention to the Executive Director or his/her designee.

#### **Section 14.3            USE OF SAFETY BELTS**

The driver of an Authority vehicle shall operate his/her vehicle only after the safety belts have been properly fastened by the driver and the passengers in the vehicle. These safety belts shall remain fastened at all times while the vehicle is in motion.

#### **Section 14.4            USE OF AUTHORITY OWNED MOTOR VEHICLES**

Authority owned motor vehicles shall be used only in the conduct of Authority business. No employee shall use or permit the use of any Authority owned motor vehicle other than use in the conduct of Authority business and diminimus personal use. No Authority employee shall transport persons in any Authority owned motor vehicle unless such transportation is necessary in the conduct of Authority business. The Executive Director may elect to use a Housing Authority vehicle for commute purposes and such mileage shall be reported as income to the IRS.

Except as provided herein, no Authority employee shall drive an Authority owned motor vehicle without a valid California Motor Vehicle Operator's License and a driving record which permits the employee to be insured by the Authority's vehicle insurance carrier as part of the regular

group policy. The Authority may permit an employee who is uninsurable under the Authority's regular group policy to secure personal automobile insurance which covers his/her use of Authority vehicles and which names the Housing Authority of Alameda County as a covered party.

**Section 14.5            VEHICLE OPERATION DAMAGE REPORT**

The Executive Director or his/her designee shall administer the vehicle operation damage report program, including all forms and procedures. Vehicle operation damage report forms shall be placed and maintained in a conspicuous place in every Authority vehicle. The driver of any Authority vehicle is responsible for completing a report on the provided form and submitting it within 24 hours following any collision in which any damage may have been caused or any other situation in which there was damage caused to an Authority vehicle.

**Section 14.6            ASSIGNMENT OF CAR: MUST BE PROPERLY GARAGED**

When an Authority owned vehicle is assigned to an individual for use outside working hours, the individual to whom the vehicle is assigned shall be responsible for affording the maximum protection practicable against theft, vandalism, damage, and the elements by placing such vehicle in a garage or carport if available.

**Section 14.7            DISCIPLINARY ACTION FOR MISUSE**

Any employee or appointive officer who uses an Authority owned motor vehicle otherwise than for use in the conduct of Authority business or in other violation of this Article may be subject to disciplinary action up to and including discharge.

**Section 14.8            LIABILITY FOR COSTS OF MISUSE**

Any employee who misuses an Authority motor vehicle shall be liable to the Authority for the actual cost proximately resulting from any misuse by him of such Authority motor vehicle, in addition to any disciplinary action that may be imposed.

**Section 14.9            RESPONSIBILITY OF SUPERIORS**

A superior is subject to disciplinary action and/or the actual cost of damages resulting from any misuse by an Authority employee to the extent that the superior directs, authorizes or knowingly and intentionally allows the misuse of an Authority vehicle.

**Section 14.10          COSTS OF MISUSE**

Actual costs of misuse of a motor vehicle shall include the following:

- a. expense of operation. Expense of operation of an Authority owned motor vehicle for the distance traveled during such misuse, or where the misuse amount to an unreasonable

deviation thereof the distance traveled in excess of the shortest practical route, computed on a mileage basis in accordance with the schedule of mileage rates established by the Housing Commission for the payment of private mileage claims of Authority employees;

- b. property damage. Any and all property damage to the Authority owned motor vehicle and other Authority property, proximately resulting from such misuse; provided, however, that a credit shall be allowed the officer or employee equal to any amount paid to the Authority by a third party;
- c. reimbursement to Authority. The amount of any judgment or claim not covered by insurance that the Authority pays by reason of the death, injury, or damage to persons or property arising out of misuse of an Authority motor vehicle, including interest at the legal rate accruing from the time of payment by the Authority. In no event shall these rules be construed as conferring a right of subrogation on the part of insurance carriers for Authority vehicles where no such right existed at the time of the adoption of these rules or independently thereof.

These rules are intended to provide rules for the use of Authority owned vehicles as between the Authority and its employees only, and shall not affect in any way rights and obligations of third parties, including insurance carried for the Authority owned vehicles.

**Section 14.11**            **INVESTIGATION, DETERMINATION, AND COLLECTION OF COSTS**

The Executive Director shall in each case investigate, determine the costs attributable to misuse and collect the amount of actual costs attributed to the misuse of the Authority owned vehicles by employees of his department. Money collected from the employee shall be deposited in the Authority Treasury to the credit of the fund supporting operation of the vehicle which was improperly used.

**Section 14.12**            **APPEALS**

Any employee involved in the misuse of an Authority owned motor vehicle shall be given an opportunity to give an explanation. Such employee shall have the right within ten days after service upon him of a demand in writing for reimbursement of costs of misuse, to file a grievance pursuant to these Rules.

**Section 14.13**            **IDENTIFICATION REQUIRED**

All Authority vehicles may have affixed an appropriate emblem, tag, or sign approved by the Housing Commission showing that such motor vehicle is the property of the Authority and showing the motor vehicle number assigned to such vehicle.

**Article 178  
HOLIDAYS**

**Section 17.1 DESIGNATED HOLIDAYS DEFINED**

~~17.1.1A.~~ — ~~Paid holidays shall be:~~ All Housing Authority employees are entitled to the following paid holidays:

- January 1st - New Year’s Day
- Third Monday in January - Dr. Martin Luther King's Birthday
- February 12th - Lincoln’s Birthday
- Third Monday in February - President’s Day
- March 31st - Cesar Chavez’s Birthday
- Last Monday in May - Memorial Day
- July 4th - Independence Day
- First Monday in September - Labor Day
- Second Monday in October - Columbus Day
- November 11th - Veterans Day
- Fourth Thursday in November - Thanksgiving Day
- Day after Thanksgiving
- December 25th - Christmas Day

**18.2. Other Holidays**

~~A.~~ A. When a holiday occurs on a Friday in which the office is closed, employees who are in a full-time paid status, the scheduled work day before and the scheduled work day after the holiday will receive an additional floating holiday ~~added to their balance with the next payroll submittal.~~ in the pay period following the holiday.

~~B.~~ — ~~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.~~

B. In the event that any of the designated holidays ~~shall~~ fall on a Saturday, ~~said the paid~~ holiday ~~shall will~~ be observed on the preceding Friday unless the office is closed that Friday.

~~C.~~ C. In the event that ~~any of said the paid~~ -holidays ~~shall~~ falls on a Sunday, ~~said the paid~~ holiday ~~shall will~~ be observed on the following Monday. ~~A day proclaimed a day of national mourning or celebration shall be granted only to those employees who are regularly scheduled to work on the day for which such holiday is proclaimed.~~

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~~D.~~ D. In the event that the date of observance of any ~~of the foregoing~~ designated holidays is changed by statute, ~~said the~~ holiday ~~shall will~~ be observed on the date ~~so~~ established instead of the date provided in Section 17.1., above.

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E. . 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.

F. A day proclaimed a day of national mourning or celebration shall be granted only to those employees who are regularly scheduled to work on the day for which the holiday is proclaimed.

**17.1.218.3. Floating Holidays**

A. Three (3) floating holidays are provided per fiscal year ~~and to all non-management employees and are to be scheduled by mutual agreement of the employee and the employee's manager and are to be taken within the fiscal year.~~ available to employees in the first pay period of the fiscal year.

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B. Employees hired on or after April 1 of any year shall not be entitled to the three (3) floating holidays for that fiscal year.

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C. Floating holidays that remain unused by the end of the fiscal year are forfeited. There is no carry-over provision for floating holidays.

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D. Employees cannot cash-out unused floating holidays.

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**Section 17.2 COMPENSATION FOR HOLIDAYS**

~~The method of compensation for holidays worked shall be in accordance with the prevailing practice determined pursuant to Section 16.4 of these rules. For those holidays not worked and which fall on a normal work day, regularly assigned employees shall be compensated at straight time, either in time off or monetary compensation.~~

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~~Holidays and paid time off shall count toward the accumulation of the work week.~~

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**Section 17.318.4 HOLIDAY ENTITLEMENTCOMPENSATION**

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~~Except as expressly provided in 17.1.1 or otherwise herein, EA. Employees shall be arc entitled eligible to receive holiday compensation (except for floating holidays) only if they are on in a paid status for at least 1/2 time of for their normal daily schedule on their scheduled work days before and after the holiday., provided, however, that holiday~~

B. eCompensation for any employee who is regularly scheduled to work less than ~~the normal~~ full-time ~~work week for the job classification~~, shall be prorated each pay period in which a holiday occurs, based upon a pro-ration of the hours which would have been worked within that pay period. ~~but for the holiday, to the normal full time pay period for the job classification.~~

C. Holidays that are not worked by employees are compensated at straight time for the hours normally worked in a work day.

D. For employees who work on a holiday shall be compensated at their choice as follows:

- 1. Straight time in cash; or
- 2. Compensatory time-off at time-and-one-half

E. Compensatory time-off is to be scheduled by mutual agreement between the employee and their manager.

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**Section 17.4 — EXEMPT POSITIONS AND WORK SITUATIONS**

The following classes and work situations are exempt from the holiday provisions of this code:

- ~~— a) interns~~
- ~~— b) students~~
- ~~— c) positions in classification designated intermittent or by the letter "N".~~

**Article 18.19**

**VACATION LEAVE**

**Section 18.1-19.1 ACCUMULATION OF VACATION ACCURAL LEAVE**

Each person in the service of the AuthorityA. Vacation accrual begins on the first day of employment. Non-management employees shall accrue vacation leave as follows:

<u>75-hr Schedule:</u>	<u>Hours per ppd</u>	<u>Monthly accrual</u>	<u>Annual accrual</u>	<u>Maximum cap</u>
<u>Yeats 1-3:</u>	<u>2.89</u>	<u>5.78</u>	<u>75</u>	<u>150</u>
<u>Years 4-10:</u>	<u>4.33</u>	<u>8.66</u>	<u>113</u>	<u>226</u>
<u>Years 11-18:</u>	<u>5.77</u>	<u>11.54</u>	<u>150</u>	<u>300</u>
<u>Years 19+:</u>	<u>7.22</u>	<u>14.44</u>	<u>188</u>	<u>376</u>

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<u>80-hr Schedule:</u>	<u>Hours per ppd</u>	<u>Monthly accrual</u>	<u>Annual accrual</u>	<u>Maximum cap</u>
<u>Yeats 1-3:</u>	<u>3.06</u>	<u>6.16</u>	<u>80</u>	<u>160</u>
<u>Years 4-10:</u>	<u>4.62</u>	<u>9.24</u>	<u>120</u>	<u>240</u>
<u>Years 11-18:</u>	<u>6.15</u>	<u>12.30</u>	<u>160</u>	<u>320</u>
<u>Years 19+:</u>	<u>7.69</u>	<u>15.38</u>	<u>200</u>	<u>400</u>

~~18.1.1~~ 2.89 hours for 75 hour/pay period employees and 3.08 hours for 80 hour/pay period employees for each full-time biweekly pay period on paid status until completion of 78 full-time biweekly pay periods (3 years) of continuous employment.

~~18.1.2~~ 4.33 hours for 75 hour/pay period employees and 4.62 hours for 80 hour/pay period employees for each full-time biweekly pay period on paid status after completion of 78 full-time biweekly pay periods (3 years) of continuous employment and until completion of 286 full-time biweekly pay periods (10 years) of continuous employment.

~~18.1.3~~ 5.77 hours for 75 hour/pay period employees and 6.15 hours for 80 hour/pay period employees for each full-time biweekly pay period on paid status after completion of 260 full-time biweekly pay periods (10 years) of continuous employment and until completion of 468 full-time biweekly pay periods (18 years) of continuous employment.

18.1.4 Employees shall earn 7.22 hours for 75 hour/pay period employees and 7.69 hours for 80 hour/pay period employees for each full-time biweekly pay period on paid status after completion of 468 full-time biweekly pay periods of continuous employment.

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Effective December 25, 1999, employees in "M" designated classes attaining a vacation balance of two times their annual accrual rate shall cease accruing vacation until their balance drops below said limit.

**Section 18.2** CASH PAYMENT IN LIEU OF VACATION LEAVE

~~B. An employee who leaves the Authority service employment for any reason shall be paid at their current pay rate shown in Section 18.1 of this Article for all accrued unused vacation leave accrued to the date of his/her separation, provided that such payment under Section 18.1 shall not be for more than the total amount of vacation which he/she might otherwise be entitled to take as vacation leave on such date of separation under the provisions of this Article if he/she were not leaving the service.~~

~~In the case of persons occupying positions in classifications for which the schedule or salary includes the prefix "M", the following restrictions shall apply to the amount of untaken vacation for which cash payment may be made upon separation.~~

~~In no event shall any person be entitled to a cash payment for untaken vacation in excess of that earned during the two years of employment proceeding the date of separation. Employees shall have the primary responsibility to schedule and take sufficient vacation leave to reduce their accrued vacation leave balances to levels which do not exceed the amount for which they can receive cash payment hereunder upon termination.~~

**Section 18.3** DATE WHEN VACATION CREDIT STARTS

Vacation credit shall begin on the first day of employment.

C. Employees accrue vacation so long as they are in a paid status. If the paid status is less than full-time, vacation accrual is pro-rated based on the number of paid status in a bi-weekly pay period.

D. No vacation is accrued during an unpaid status such as leave without pay.

**Section 18.4** 19.2 WHEN FIRST VACATION IS DUE MAY BE TAKEN

~~A. The An employee's first initial vacation leave for any employee shall be due only is generally taken after the completion of at least one hundred thirty (130) working days or thirteen (13) pay periods of employment, except as provided in Section 18.10 of this Article.~~

B. Requests for vacation must be approved by the employee's manager prior to actually taking vacation time.

**Section 18.5** MAXIMUM VACATION LEAVE

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~~C. However, for the purpose of qualifying for the .769 of working days rate of vacation leave, for nineteen (19) years or more years of service, where a person has been employed by the Authority without interruption for the past 521 weeks ten (10) years all service of such employees shall be deemed to have been continuous and will be counted for service credit for rate of vacation accrual.~~

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**Section 18.9 19.5 WHEN APPROVAL FOR VACATION REQUESTS MAY BE TAKEN**

~~A. An employee's manager The Executive Director or the Supervisor shall, in each case, determine when vacation leave may be taken. Seniority in Housing Authority service among employees in a classification and working unit, consistent with Housing Authority operating requirements, shall be the basis on which vacation schedule conflicts are resolved.~~

~~B. In the event of a tie in Housing Authority service in a classification within a scheduling working unit the following applies in this order:~~

- ~~1. Employee with longest total service in the scheduling working unit (less LWOP)~~
- ~~2. Employee with longest service in the classification (less LWOP)~~
- ~~3. Employee with longest total Housing Authority service (less LWOP)~~

~~C. Subsequent vacation requests within the same calendar year shall be resolved in favor of the most senior employee who has not, by virtue of his/her senior position, previously had such a scheduling conflict resolved in his/her their favor during the calendar year.~~

~~D. In the event of a vacation schedule conflict among employees, all of whom have, by virtue of their senior position, had such scheduling conflicts resolved in their favor during the calendar year, the most senior employee who has had the least number of scheduling conflicts resolved in his/her their favor shall prevail in terms of having their vacation request approved.~~

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**Section 18.10 19.5 PERSONAL LEAVE**

~~A. An employee shall be allowed are provided three (3) days in any per calendar year from his/her regular vacation allowance for to be used as personal leave.~~

~~B. Personal leave is taken from the employee's vacation accrual but is not required to be approved in advance of its usage.~~

~~C. The employee's supervisor manager shall not deny a request for this leave except for reasons critical to the Housing Authority operations, of the Housing Authority.~~

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D. Employees shall be allowed to use personal leave in increments of less than one (1) hour.

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**Section 18.11 RATE OF VACATION PAY**

Compensation during vacation shall be at the rate of compensation which such person would have been entitled to receive, including premium pay, if in active service during such vacation period.

**Section 18.12 EXEMPT POSITIONS**

Incumbents in the following categories do not earn vacation credit:

- a. Trainee or student positions, except as otherwise provided in an applicable Memorandum of Understanding between the Commission and a recognized employee organization; provided however, that a maximum of 26 weeks' vacation credit for full time service in trainee or student positions may be given if such service and subsequent service in a regular position is continuous.
- b. Persons in classifications designated intermittent or by letter "N".

**Section 18.13 VACATION ENTITLEMENT FOR EMPLOYEES REGULARLY SCHEDULED TO WORK LESS THAN FULL TIME**

Any employee who is regularly scheduled to work less than the normal work week for the job classification shall accrue vacation leave entitlement as specified in Sections 18.1 and 18.2 of these Rules, except that the vacation accrual entitlement shall be prorated each pay period based upon a proportion of the hours worked within that pay period to the normal full time pay period for the job classification (75 or 80 hours). Except as provided for in Section 18.2 of these rules, vacation pay shall be granted only for those days, or fractions thereof, on which employees would have been regularly scheduled to work and would have worked but for the vacation period.

**Section 18.14 19.6 VACATION PURCHASE PLAN:**

- A. During the first full pay period in the month of September, established enrollment period, employees may elect, by submitting a written request, to the Executive Director or his/her designee, to purchase forty (40) hours of vacation leave.
- B. The Housing Authority shall then pay the employee, two (2) hours less pay on each payweek pay period for twenty (20) consecutive pay periods, after which the employee shall be credited with the forty (40) hours of vacation leave. The vacation, once credited, the additional forty (40) hours may be taken with the employee's regular vacation accrual entitlement.

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C. Vacation Purchase Plan Rules;

1. Employees may not elect to purchase vacation if their vacation balance at the time of election exceeds fifty (50) hours.
  2. Once employees elect to purchase vacation they may not rescind their election.
  3. Should employees receive a pay increase/decrease during the vacation purchase period, the effect will be that employees will receive credit for the actual value of the time purchased at the end of the twenty (2) pay periods, which could be more or less than forty (40) hours.
  4. Employees will not have the use of the purchased vacation until the end of the twenty (20) pay period vacation purchase period.
  5. Employees who leave Housing Authority service during the vacation purchase period shall receive the cash equivalent of the vacation they have purchased at the time they leave employment.
- ~~1.~~  
~~2-6.~~ When taking vacation leave, employees must first exhaust their purchased vacation balance before taking accrued vacation leave.

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**Article 19.20**  
**SICK LEAVE**

**Section 19.1** **SICK LEAVE DEFINED**

As used in this section, "Sick Leave" means leave of absence of an employee because of any of the following: (a) illness or injury which renders him/her incapable of performing his/her work or duties for the Authority; (b) his/her exposure to contagious disease; and (c) routine medical or dental appointments of the employee.

**Section 19.2** **SELF-INFLICTED INJURY EXCLUDED**

In no case shall an absence due to purposefully self-inflicted incapacity or injury be deemed a basis for granting either sick leave or sick leave with pay under the provisions of this section.

**Section 20.1** **SICK LEAVE ACCRUAL**

**A. Employees accrue sick leave at the rate of 3.75 hours or 4.0 hours depending upon classification per bi-weekly pay period.**

1. When employees reach the maximum accrual of 937.5 hours or 1,000 hours depending upon classification, they will have their total sick leave accrual reduced to 907.5 hours or 968 hours of sick leave depending upon classification and will be granted 16.66 hours or 17.80 hours depending upon classification of additional vacation.

2. Employees with a vacation balance equal to or greater than two times their annual accrual shall receive a floating holiday in lieu of the vacation day that is received for maximum sick leave accrual.

**B. Sick Leave Accrual for Employees Working Part-time**

1. Any employee who is regularly scheduled to work less than full-time accumulates sick leave on a pro-rated basis each bi-weekly pay period based on the number of hours worked within that pay period.

2. The maximum sick leave accrual for part-time employees is ninety (90) work days multiplied by the number of the hours worked in each pay period.

**C. Effect of Break in Service on Sick Leave**

Resignation followed by an actual break in service of one work day or longer shall result in the loss of the balance of all accrued sick leave.

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**D. Restoration of Sick Leave Balance**

An employee laid off due to a reduction in force and who is within three (3) years of the date of layoff when returned to Housing Authority employment from a layoff status shall have the balance of their unused accrued sick leave restored.

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**E. Sick Leave at Retirement**

Housing Authority employees who are members of the Alameda County Employees' Retirement System (ACERA) and retire from ACERA are entitle to use up to fifty (50%) percent of their unused accrued paid sick leave as of the date of their retirement up to a maximum of sixty (60) days for additional service credit.

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**Section 20.2 REWARD FOR NON-USAGE OF SICK LEAVE**

A. Employees who minimize their use of sick leave as indicated in the chart below shall be entitled to additional vacation as follows:

<u>HOURS OF SICK LEAVE USED DURING:</u> <u>(1) JANUARY TO JUNE AND</u> <u>(2) (2), JULY TO DECEMBER</u>	<u>ADDITIONAL HOURS OF VACATION AVAILABLE</u> <u>IN FOLLOWING SIX MONTHS</u>
<u>00-8</u>	<u>8.33 or 8.9 depending on the classification</u>
<u>8.1 – 12</u>	<u>4.16 or 4.5 depending on the classification</u>

B. Sick leave used under the Industrial Sick Leave provisions of this Article shall not be counted in computing hours of sick leave used during the calendar year.

C. Employees must be in a full-time paid status for at least 20 complete pay periods in order to be considered for this reward. Employees who are on full-time paid status for at least 20 but less than 26 complete pay periods, shall have the number of hours of sick leave used during the calendar year qualification pro-rated, based on the number of complete full-time paid status pay periods worked in order to receive the additional one or two days of additional vacation.

D. If as a result of receiving one of the sick leave non-usage vacation days indicated above, the employee's vacation balance becomes equal to or greater than two (2) times their annual accrual, the employee shall receive floating holiday(s) in lieu of vacation day(s) referred to above.

**Section 20.3 MEDICAL DOCUMENTATION**

A. The Executive Director or their designee may require medical documentation of illness or injury which may also require a medical clearance to return to work.

B. The failure of an employee to furnish the required medical documentation may be grounds for the denial of paid sick leave and for disciplinary action up to and including termination.

C. Medical documentation from the employee's physician is not generally required for absences of less than three (3) consecutive work days.

D. Medical documentation may be required for absences of more than three (3) consecutive work days and for absences of any length where there are indications of sick leave abuse.

E. Whenever possible, the employee shall be advised in advance of their sick leave usage when medical documentation will be required.

**Section 20.4 SICK LEAVE ABUSE**

A. Abuse of sick leave is the use of sick leave for other than illness or injury or other legitimate purposes such as kin care leave. Indications of sick leave abuse include, but are not limited to:

1. A pattern of sick leave use involving days adjacent to scheduled days off.
2. Refusal or inability to provide medical documentation when requested;
3. Frequent absences with vague or questionable substantiation;
4. Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reason); and,
5. Other evidence of employee activity which is inconsistent with the legitimate use of sick leave.

**B. Disciplinary Action**

In the investigation of possible sick leave abuse, the Housing Authority shall make a fair determination of the facts based on the individual circumstances surrounding the absences of each employee. After a determination of sick leave abuse, the Housing Authority may take appropriate disciplinary action.

**Section ~~19.3~~ 20.5 INDUSTRIAL SICK LEAVE BENEFITS**

If an employee is incapacitated by sickness illness or injury received in the course as a result of his/her their employment, by the Housing Authority, such employee shall be are entitled to pay as provided hereinbelow.

**19.3.1 A. Amount and Duration of Payment Supplemental Sick Leave**

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~~Such 1. e~~ Employees shall be arc entitled to receive supplemental industrial sick leave ~~with pay for scheduled work days e~~commencing with the fourth (4<sup>th</sup>) calendar day of ~~such~~ incapacity.

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~~2. The amount of supplemental sick leave is~~ equal to the difference between ~~eighty percent (80%) of his/her the employee's~~ normal salary and the amount of any ~~Worker's' C~~ompensation temporary disability payments to which ~~such the~~ employee is entitled, ~~during such incapacity, but~~

~~3. Supplemental sick leave shall not for exceed a period exceeding~~ nine (9) months from the date of ~~sickness or injury resulting in such~~ incapacity.

~~4. Following After~~ nine (9) months, cumulative sick leave may be granted to supplement temporary disability payments to provide the ~~disabled incapacitated~~ employee for a total of ~~eighty percent (80%) of their normal~~ salary. ~~(The amount of supplemental sick leave necessary for this purpose is computed/calculated~~ in each case by the Housing Authority Payroll Department.)

~~6. ———~~ In the event that the period of ~~such~~ incapacity ~~shall has~~ exceed ~~twenty-one (21)~~ calendar days, the employee ~~so incapacitated~~ may be granted supplemental ~~industrial~~ sick leave ~~with pay~~ at the rate of 100% of ~~his/her their~~ normal salary for the first three ~~(3)~~ scheduled work days, ~~of such incapacity.~~

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~~7. If the period of such~~ incapacity shall not exceed ~~twenty-one (21)~~ calendar days, the employee ~~so incapacitated will be is~~ eligible to receive cumulative sick leave pay or any other accrued paid leave for scheduled work days, ~~as provided in Sub section e hereof,~~ for the first three ~~(3)~~ calendar days of ~~such disability incapacity.~~

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~~19.3.2 B. When Payments Shall Be Denied. Notwithstanding the fore going provisions of this section, however, such payments shall not be made pursuant to this Subsection d to an employee (a) who does not apply for or who does not receive temporary disability under the Worker's Compensation Law; (b) whose injury or illness has become permanent; (c) whose injury or illness, although continuing to show improvement, is unlikely to improve sufficiently to permit the employee to return to work in his/her position; (d) who is retired on permanent disability or pension; (e) who unreasonably refuses to accept other Housing Authority employment for which he/she is not substantially disabled; (f) whose injury or illness is the result of failure to observe Housing Authority health or safety regulations or the commission of a criminal offense; (g) whose injury or illness has been aggravated or delayed in healing by reason of the failure of the employee to have received medical treatment or to have followed medical advice, except where such treatment or advice has not been sought or followed by reason of the religious beliefs of the employee; and (h) whose injury or illness is a recurrence or reinjury of an earlier job related injury or illness, or is contributed to by a susceptibility or predisposition to such injury or illness related to an earlier job related injury or illness.~~

Industrial sick leave payments shall not be made when:

- a. an employee does not apply for or who does not receive temporary disability benefits under the workers' compensation laws;
- b. an injury or illness has become permanent;
- c. an injury or illness, although continuing to show improvement, is unlikely to improve sufficiently to permit the employee to return to work in his/her position based upon medical opinion;
- d. an employee is retired on permanent disability or pension;
- e. an employee unreasonably refuses to accept other Housing Authority employment for which they can be accommodated;
- f. an injury or illness is the result of failure to observe Housing Authority health or safety regulations or the commission of a criminal offense;
- g. an injury or illness has been aggravated or delayed in healing by reason of the failure of the employee to have received medical treatment or to have followed medical advice, except where such treatment or advice has not been sought or followed by reason of the religious beliefs of the employee; and
- h. an injury or illness is a recurrence or re-injury of an earlier job-related injury or illness or is contributed to by a susceptibility or predisposition to such injury or illness related to an earlier job-related injury or illness.

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~~19.3.3~~ C. Fringe Benefit Entitlement During Industrial Injury Leave. Employees receiving industrial sick leave ~~with pay~~ shall maintain and to accrue all benefits to which they are entitled ~~under this Memorandum of Understanding~~ at one-hundred percent (100%) of their regular ~~schedule accrual at the time~~ immediately preceding an industrial injury or illness.

~~19.3.4~~ Workers' Compensation Shared Savings Plan. In January of each calendar year the following calculation will be used to determine the potential for employee bonuses based on savings incurred from reduced Workers' Compensation experience modifications:

- ~~a. Take the base Workers' compensation Premium for the current calendar year and multiply it by the average of the three previous year's experience modifications.~~
- ~~b. Take the base Workers' Compensation Premium for the current calendar year and multiply it by the experience modification for the current calendar year.~~
- ~~c. If 19.3.4.b is greater than or equal to 19.3.4.a, no bonus is granted. If the answer to 19.3.4.b. is less than the answer to 19.3.4.a., subtract b. from a. and divide the result by 2. The answer is the total shared bonus.~~
- ~~d. To calculate the bonus for each employee, divide the total shared bonus resulting from 19.3.4.c. by the number of tenured employees on the payroll as of January 1 of the current year and distribute the bonus not to exceed \$100.00 to each of those tenured employees.~~

**Section 19.4 CUMULATIVE SICK LEAVE PLAN**

~~Each employee shall accumulate sick leave with pay entitlement at the rate of 3.75 hours or 4.0 hours depending upon classification for each bi-weekly pay period on paid status up to a maximum accumulation of 125 workdays of unused sick leave with pay entitlement, including any sick leave bonus acquired pursuant to Section 19.6 hereof. The Executive Director shall grant to such an employee, incapacitated by injuries or sickness, sick leave with pay, but not in excess of his accumulated unused sick leave with pay entitlement. When an employee reaches the maximum accumulation of 937.5 or 1,000 hours, depending upon classification of sick leave with pay, he/she shall have this total reduced to 907.5 hours or 968 hours of sick leave with pay and be granted an additional 16.66 hours or 17.80 hours, depending upon classification, of vacation. Employees with a vacation balance equal to or greater than two times their annual accrual shall receive a floating holiday in lieu of the vacation day referred to herein.~~

**Section 19.5 CUMULATIVE SICK LEAVE PLAN FOR EMPLOYEES REGULARLY SCHEDULED TO WORK LESS THAN FULL-TIME**

~~Any employee who is regularly scheduled to work less than the normal work week for the job classification shall accumulate sick leave with pay entitlement as specified in Section 19.4 of these Rules, except that the sick leave with pay entitlement shall be prorated each pay period based on a proportion of hours worked within that pay period to the normal full-time pay period for the job classification (75 or 80 hours). Such an employee shall be eligible for paid sick leave on the same basis as full-time employees, but such payment shall be granted only for those days, or fractions thereof, which the employee was regularly scheduled to work and would have worked but for illness or injury. The maximum sick leave accumulation for such an employee is 90 working days multiplied by a proportion of the hours worked each pay period to the normal full-time pay period for the job classification (75 or 80 hours).~~

**Section 19.6 EFFECT OF RESIGNATION ON SICK LEAVE BALANCE**

~~Resignation followed by a break in service of one working day or longer shall result in loss of the balance of all sick leave accrued pursuant to Section 19.4 and 19.6 except as provided in Section 19.14.~~

**Section 19.7 MEDICAL REPORT**

~~The Executive Director, as a condition of granting sick leave with pay, may require medical evidence of sickness or injury acceptable to the Executive Director, which may include a statement of prognosis from a licensed physician or a medical clearance to return to work. The failure of an employee to furnish satisfactory evidence, as determined by the Executive Director, may be grounds for denial of pay and, in addition, may be grounds for disciplinary action, up to and including discharge. A statement from the employee's physician shall not normally be required for absences of three consecutive working days or less.~~

A physician's statement may be required for absences of over three consecutive working days and for absences of any length where there are indications of sick leave abuse as set forth in Section 19.9. Whenever possible when a statement is to be required, the employee shall be told in advance.

**Section 19.8** — **SICK LEAVE ABUSE**

Abuse of sick leave is use of sick leave for other than sickness or legitimate purposes as specified in this Article. Indications of sick leave abuse include, but are not limited to:

**19.8.1** A pattern of sick leave use involving days adjacent to scheduled days off;

**19.8.2** Refusal or inability to provide medical substantiation when requested;

**19.8.3** Frequent absences with vague or questionable substantiation;

**19.8.4** Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reason); and,

**19.8.5** Other evidence of employee activity which is inconsistent with the legitimate use of sick leave.

**Section 19.9** — **GROUNDS FOR DISCIPLINARY ACTION**

In the investigation of possible sick leave abuse, the Housing Authority shall make a full and fair determination of the facts based on the individual circumstances surrounding the absence of each employee. The Housing Authority may, after substantiation of sick leave abuse, take appropriate disciplinary action.

**Section 19.10** — **MODIFIED WORK OR LIGHT DUTY**

Employees are encouraged to return to work following an injury or illness at the earliest time consistent with their medical condition. Whenever possible, the department shall provide modified work or a light duty assignment that is compatible with temporary work restrictions imposed by the employee's doctor. In the event the department is not able to make such arrangements for modified work or light duty, the employee shall remain eligible for sick leave as provided in this Article.

**Section 19.11** — **KIN CARE**

An employee shall be entitled to up to 60 hours per calendar year of accrued paid sick leave to attend to the illness of their child, grandchild, parent, spouse, or (registered) domestic partner. For the purpose of this section, child shall include biological, foster, adopted, stepchild, legal ward, child of a (registered) domestic partner or a child of a person standing in loco parentis. For the purpose of this section, parent shall include biological, foster, adoptive, stepparent or legal

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guardian. To qualify for leave under this section the absence must be consistent with the uses of sick leave in Section 11.A herein.

**Section 19.12 — DEATH IN IMMEDIATE FAMILY**

Leave of absence with pay because of death in the immediate family of a person in the Housing Authority service may be granted by the Executive Director for a period not to exceed three days. An additional two days leave may be granted by the Executive Director and charged to the employee's accrued sick leave balance. Entitlement to leave of absence under this section, insofar as the first three days are concerned, shall be in addition to any other entitlement for sick leave, emergency leave, or any other leave. For purposes of this section "immediate family" means mother, stepmother, father, stepfather, husband, wife, domestic partner as defined in 19.13.1, son, stepson, daughter, stepdaughter, brother, sister, foster parent, foster child, grandparent, or any other person sharing the relationship of in loco parentis; and, when living in the household of the employee, a brother-in-law, sister-in-law, mother-in-law, father-in-law, and grandchildren. In the case of the death of the employee's mother-in-law, father-in-law or grandchildren, where the decedent was not living in the employee's household, the employee shall be entitled to two days of paid leave of absence.

**19.12.1** — A "domestic partnership" shall exist between two persons, one of whom is an employee of the Housing Authority, regardless of their gender and each of them shall be the "domestic partner" of the other if they both complete, sign, and cause to be filed with the Housing Authority an "Affidavit of Domestic Partnership" attesting the following:

- a. the two parties reside together and share the common necessities of life;
- b. the two parties are: not married to anyone; eighteen years or older; not related by blood closer than would bar marriage in the State of California; and mentally competent to consent to contract;
- c. the two parties declare that they are each other's sole domestic partner and they are responsible for their common welfare;
- d. the two parties agree to notify the Housing Authority if there is a change of circumstances attested to the affidavit;
- e. the two parties affirm, under penalty of perjury, that the assertions in the affidavit are true to the best of their knowledge.

**19.12.2** — Termination. A member of a domestic partnership may end said relationship by filing a statement with a Housing Authority. In the statement, the person filing must affirm, under penalty of perjury, that 1) the partnership is terminated, and 2) a copy of the termination statement has been mailed to the other partner.

**19.12.3** — New Statements of Domestic Partnership. No person who has filed an affidavit of domestic partnership may file another such affidavit until six months after a statement of termination of the previous partnership has been filed with the Housing Authority.

**Section 19.13 — RESTORATION OF CUMULATIVE SICK LEAVE BALANCES**

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An employee laid off due to a reduction in force and who is within three years of the date of layoff returned to the Authority service from layoff status shall have the balance of unused cumulative sick leave, accrued pursuant to Section 19.4 of this Code, restored to him/her for use as provided in said section.

**Section 19.14 — REWARD FOR NON-USAGE**

Any employee who minimizes use of sick leave shall be entitled to additional vacation days in accordance with the following schedule:

HOURS OF SICK LEAVE USED DURING THE PERIOD JANUARY TO JUNE AND AGAIN JULY TO DECEMBER	ADDITIONAL HOURS OF VACATION AVAILABLE IN FOLLOWING SIX MONTHS
00-8	8.33 or 8.9 Depending on the classification
8.1-12	4.16 or 4.5 Depending on the classification

Sick leave charged under Section 19.3 shall not be used in computing hours of sick leave used during the calendar year.

Employees shall be in full time paid status for at least 20 complete pay periods, to be considered for this reward. Employees who are on full time paid status for at least 20 but less than 26 complete pay periods, shall have the number of hours of sick leave used during the calendar year qualification pro-rated, based on the number of complete full time paid status pay periods worked in order to receive the additional one or two days vacation.

Employees with a vacation balance equal to or greater than three times their annual accrual shall receive floating Holiday(s) in lieu of vacation day(s) referred to herein.

**Section 19.15 — EXEMPT POSITIONS**

Positions in classifications designated intermittent or by letter "M" are exempt from the sick leave provisions of these Rules but are eligible for Worker's Compensation temporary disability payments under Section 19.3.

**Section 19.16 — CATASTROPHIC SICK LEAVE PROGRAM**

An employee may be eligible to receive donations of paid leave to be included in the employee's sick leave balance if he/she, his/her spouse or his/her child has suffered a catastrophic illness or injury which prevents the employee from being able to work. Catastrophic illness or injury is defined as a critical medical condition considered to be terminal, a long-term major physical impairment or disability.

- 19.16.1** — The tenured recipient employee, recipient employee's family, or other person designated in writing by the recipient employee must submit a request to the Personnel Officer.

- ~~19.16.2~~ The recipient employee is not eligible so long as he/she has paid leaves available, however, the request may be initiated prior to the anticipated date leave balances will be exhausted.
- ~~19.16.3~~ A medical verification which indicates that the employees' illness or injury is consistent with the Housing Authority's definition contained in Section 19.17 herein.
- ~~19.16.4~~ A recipient employee is eligible to receive 675 hours or 720 hours depending upon classification of donated time per employment.
- ~~19.16.5~~ Donations shall be made in half day increments of 4.16/ or 4.44 hours at a minimum, and are irrevocable. The maximum that may be donated in a calendar year is six (6) donor employee's days per recipient.
- ~~19.16.6~~ The donor employee may donate sick leave (up to 16.66 or 17.77 hours depending upon classification, so long as 250 hours of sick leave are maintained in an employee's accrued sick leave balance after the donation); vacation, compensatory time or in lieu holiday time which shall be converted to recipient employee's sick leave balance and all sick leave provisions will apply. Time donated in any pay period may be used in the following pay periods. No retroactive donations will be permitted.
- ~~19.16.7~~ The donor's hourly value will be converted to the recipient's hourly value and then added to the recipient's sick leave balance on a dollar for dollar basis.
- ~~19.16.8~~ The recipient employee's entitlement to personal disability leave will be reduced by the number of hours added to the recipient's sick leave balance.
- ~~19.16.9~~ The determination of the employee's eligibility for Catastrophic Sick Leave donation shall be at the Housing Authority's sole discretion and shall be final and non-grievable.

~~Section 19.17~~ ~~SICK LEAVE AT RETIREMENT~~

~~Housing Authority employees who are member of the Alameda County Employees' Retirement System and who retire, shall be credited for 50 percent of their unused paid sick leave accumulated as of the date of their retirement, up to a maximum credit of sixty (60) days.~~

- ~~19.17.1~~ The tenured recipient employee, recipient employee's family, or other person designated in writing by the recipient employee must submit a request to the Personnel Officer.
- ~~19.17.2~~ The recipient employee is not eligible so long as he/she has paid leaves available, however, the request may be initiated prior to the anticipated date leave balances will be exhausted.
- ~~19.17.3~~ A medical verification which indicates that the employees' illness or injury is consistent with the Housing Authority's definition contained in Section 19.17 herein.

~~19.17.4~~—A recipient employee is eligible to receive 675 hours or 720 hours depending upon classification of donated time per employment.

~~19.17.5~~—Donations shall be made in half day increments of 4.16/or 4.44 hours at a minimum, and are irrevocable. The maximum that may be donated in a calendar year is six donor employee's days per recipient.

~~19.17.6~~—The donor employee may donate sick leave (up to 16.66 or 17.77 hours, depending upon classification, so long as 250 hours of sick leave are maintained in an employee's accrued sick leave balance after the donation), vacation, compensatory time or in lieu holiday time which shall be converted to recipient employee's sick leave balance and all sick leave provisions will apply. Time donated in any pay period may be used in the following pay periods. No retroactive donations will be permitted.

~~19.17.7~~—The donor's hourly value will be converted to the recipient's hourly value and then added to the recipient's sick leave balance on a dollar for dollar basis.

~~19.17.8~~—The recipient employee's entitlement to personal disability leave will be reduced by the number of hours added to the recipient's sick leave balance.

The determination of the employee's eligibility for Catastrophic Sick Leave donation shall be at the Housing Authority's sole discretion and shall be final and non-grievable

**Article 19**

**VACATION LEAVE**

**Section 19.1 VACATION ACCURAL**

A. Vacation accrual begins on the first day of employment. Non-management employees shall accrue vacation leave as follows:

75-hr Schedule:	Hours per ppd	Monthly accrual	Annual accrual	Maximum cap
Yeats 1-3:	2.89	5.78	75	150
Years 4-10:	4.33	8.66	113	226
Years 11-18:	5.77	11.54	150	300
Years 19+:	7.22	14.44	188	376

80-hr Schedule:	Hours per ppd	Monthly accrual	Annual accrual	Maximum cap
Yeats 1-3:	3.06	6.16	80	160
Years 4-10:	4.62	9.24	120	240
Years 11-18:	6.15	12.30	160	320
Years 19+:	7.69	15.38	200	400

B. Employees who leave employment for any reason shall be paid at their current pay rate for all accrued unused vacation.

C. Employees accrue vacation so long as they are in a paid status. If the paid status is less than full-time, vacation accrual is pro-rated based on the number of paid status in a bi-weekly pay period.

D. No vacation is accrued during an unpaid status such as leave without pay.

**Section 19.2 WHEN VACATION MAY BE TAKEN**

- A. An employee’s initial vacation is generally taken after the completion of at least one hundred thirty (130) working days or thirteen (13) pay periods of employment.
- B. Requests for vacation must be approved by the employee’s manager prior to actually taking vacation time.
- C. Employees are allowed to take one and one-half times their total accrued vacation accrued during a fifty-two (52) week period.

- D. Employees may request to take vacation in excess of one and one-half times the amount of their accrued vacation. Requests are approved by the employee's manager.

**Section 19.3                    DEFINITION OF WORK HOUR AND WORK DAY**

- A. Employee compensation during vacation shall be at the pay rate which the employee would have been entitled to receive if they had actually worked including premium pay.
- B. For the purpose of this Article, "work hour" means any hour during which an employee would normally be required to work, and a "work day" means any day in which an employee would normally be required to work. For non-exempt, non-management employees a "work day" means 7.5 work hours of regular employment and a "week" shall mean five working days.

**Section 19.4                    EFFECT OF ABSENCE ON CONTINUOUS SERVICE**

- A. Authorized Leave of Absence and Reemployment
1. An absence on authorized leave without pay if there is reemployment within one (1) year shall not be considered a break in continuous service for the purpose of regaining vacation accrual.
  2. Time during which a person is laid-off if there is reemployment within three (3) years, shall not be considered a break in continuous service for the purpose of regaining vacation accrual.
- B. This means that when no break in service has occurred, the returning employee starts their vacation accrual rate at the level they were accruing at the time of the leave of absence without pay or lay-off.
- C. However, for the purpose of qualifying for the rate of vacation for nineteen (19) years or more years of service, if the employee was employed by without interruption for the past ten (10) years all service shall be deemed to have been continuous and will be counted for service credit for rate of vacation accrual.

**Section 19.5                    APPROVAL FOR VACATION REQUESTS**

- A. An employee's manager determines when vacation may be taken. Seniority in Housing Authority service in a classification and working unit consistent with Housing Authority operations shall be the basis on which vacation schedule conflicts are resolved.
- B. In the event of a tie in Housing Authority service in a classification within a working unit the following applies in this order:
1. Employee with longest total service in the working unit (less LWOP)

2. Employee with longest service in the classification (less LWOP)
  3. Employee with longest total Housing Authority service (less LWOP)
- C. Subsequent vacation requests within the same calendar year shall be resolved in favor of the most senior employee who has not previously had a scheduling conflict resolved in their favor during the calendar year.
- D. In the event of a vacation schedule conflict among employees, all of whom have had scheduling conflicts resolved in their favor during the calendar year, the most senior employee who has had the least number of scheduling conflicts resolved in their favor shall prevail in terms of having their vacation request approved.

### **Section 19.5 PERSONAL LEAVE**

- A. Employees are provided three (3) days per calendar year to be used as personal leave.
- B. Personal leave is taken from the employee's vacation accrual but is not required to be approved in advance of its usage.
- C. The employee's manager shall not deny a request for this leave except for reasons critical to Housing Authority operations.
- D. Employees shall be allowed to use personal leave in increments of less than one (1) hour.

### **Section 19.6 VACATION PURCHASE PLAN:**

- A. During the established enrollment period, employees may elect to purchase forty (40) hours of vacation leave.
- B. The Housing Authority shall then pay the employee two (2) hours less pay each pay period for twenty (20) consecutive pay periods, after which the employee shall be credited with the forty (40) hours of vacation leave. Once credited, the additional forty (40) hours may be taken with the employee's regular vacation accrual.
- C. Vacation Purchase Plan Rules:
  1. Employees may not elect to purchase vacation if their vacation balance at the time of election exceeds fifty (50) hours.
  2. Once employees elect to purchase vacation they may not rescind their election.
  3. Should employees receive a pay increase/decrease during the vacation purchase period, the effect will be that employees will receive credit for the actual value of the time purchased at the end of the twenty (2) pay periods, which could be more or less than forty (40) hours.

4. Employees will not have the use of the purchased vacation until the end of the twenty (20) pay period vacation purchase period.
5. Employees who leave Housing Authority service during the vacation purchase period shall receive the cash equivalent of the vacation they have purchased at the time they leave employment.
6. When taking vacation leave, employees must first exhaust their purchased vacation balance before taking accrued vacation leave.

**Section 19.10**            **MODIFIED WORK OR LIGHT DUTY**

Employees are encouraged to return to work following an injury or illness at the earliest time consistent with their medical condition. Whenever possible, the department shall provide modified work or a light duty assignment that is compatible with temporary work restrictions imposed by the employee's doctor. In the event the department is not able to make such arrangements for modified work or light duty, the employee shall remain eligible for sick leave as provided in this Article.

**Section 19.11**            **KIN CARE**

An employee shall be entitled to up to 60 hours per calendar year of accrued paid sick leave to attend to the illness of their child, grandchild, parent, spouse, or (registered) domestic partner. For the purpose of this section, child shall include biological, foster, adopted, stepchild, legal ward, child of a (registered) domestic partner or a child of a person standing in loco parentis. For the purpose of this section, parent shall include biological, foster, adoptive, stepparent or legal guardian. To qualify for leave under this section the absence must be consistent with the uses of sick leave in Section 11.A herein.

## Section 19.12 DEATH IN IMMEDIATE FAMILY

Leave of absence with pay because of death in the immediate family of a person in the Housing Authority service may be granted by the Executive Director for a period not to exceed three days. An additional two days leave may be granted by the Executive Director and charged to the employee's accrued sick leave balance. Entitlement to leave of absence under this section, insofar as the first three days are concerned, shall be in addition to any other entitlement for sick leave, emergency leave, or any other leave. For purposes of this section "immediate family" means mother, stepmother, father, stepfather, husband, wife, domestic partner as defined in 19.13.1, son, stepson, daughter, stepdaughter, brother, sister, foster parent, foster child, grandparent, or any other person sharing the relationship of in loco parentis; and, when living in the household of the employee, a brother-in-law, sister-in-law, mother-in-law, father-in-law, and grandchildren. In the case of the death of the employee's mother-in-law, father-in-law or grandchildren, where the decedent was not living in the employee's household, the employee shall be entitled to two days of paid leave of absence.

**19.12.1** A "domestic partnership" shall exist between two persons, one of whom is an employee of the Housing Authority, regardless of their gender and each of them shall be the "domestic partner: of the other if they both complete, sign, and cause to be filed with the Housing Authority an "Affidavit of Domestic Partnership" attesting the following:

- a. the two parties reside together and share the common necessities of life;
- b. the two parties are: not married to anyone; eighteen years or older; not related by blood closer than would bar marriage in the State of California; and mentally competent to consent to contract;
- c. the two parties declare that they are each other's sole domestic partner and they are responsible for their common welfare;
- d. the two parties agree to notify the Housing Authority if there is a change of circumstances attested to the affidavit;
- e. the two parties affirm, under penalty of perjury, that the assertions in the affidavit are true to the best of their knowledge.

**19.12.2** Termination. A member of a domestic partnership may end said relationship by filing a statement with a Housing Authority. In the statement, the person filing must affirm, under penalty of perjury, that 1) the partnership is terminated, and 2) a copy of the termination statement has been mailed to the other partner.

**19.12.3** New Statements of Domestic Partnership. No person who has filed an affidavit of domestic partnership may file another such affidavit until six months after a statement of termination of the previous partnership has been filed with the Housing Authority.

**Section 19.16                    CATASTROPHIC SICK LEAVE PROGRAM**

An employee may be eligible to receive donations of paid leave to be included in the employee's sick leave balance if he/she, his/her spouse or his/her child has suffered a catastrophic illness or injury which prevents the employee from being able to work. Catastrophic illness or injury is defined as a critical medical condition considered to be terminal, a long-term major physical impairment or disability.

- 19.16.1** The tenured recipient employee, recipient employee's family, or other person designated in writing by the recipient employee must submit a request to the Personnel Officer.
- 19.16.2** The recipient employee is not eligible so long as he/she has paid leaves available, however, the request may be initiated prior to the anticipated date leave balances will be exhausted.
- 19.16.3** A medical verification which indicates that the employees' illness or injury is consistent with the Housing Authority's definition contained in Section 19.17 herein.
- 19.16.4** A recipient employee is eligible to receive 675 hours or 720 hours depending upon classification of donated time per employment.
- 19.16.5** Donations shall be made in half-day increments of 14.16/or 4.44 hours at a minimum, and are irrevocable. The maximum that may be donated in a calendar year is six (6) donor employee's days per recipient.
- 19.16.6** The donor employee may donate sick leave (up to 16.66 or 17.77 hours depending upon classification, so long as 250 hours of sick leave are maintained in an employee's accrued sick leave balance after the donation), vacation, compensatory time or in lieu holiday time which shall be converted to recipient employee's sick leave balance and all sick leave provisions will apply. Time donated in any pay period may be used in the following pay periods. No retroactive donations will be permitted.
- 19.16.7** The donor's hourly value will be converted to the recipient's hourly value and then added to the recipient's sick leave balance on a dollar-for-dollar basis.
- 19.16.8** The recipient employee's entitlement to personal disability leave will be reduced by the number of hours added to the recipient's sick leave balance.
- 19.16.9** The determination of the employee's eligibility for Catastrophic Sick Leave donation shall be at the Housing Authority's sole discretion and shall be final and non-grievable.

# **ATTACHMENT B**

### ARTICLE I – PURPOSE

- A. Our employees' safety and well-being are a priority for the Housing Authority of the County of Alameda (HACA). In spite of HACA's commitment to providing a safe workplace, injuries still occur.
- B. This modified duty and return-to-work program has been developed with the intention of:
  - Minimizing an injury's or illness's impact on the employee;
  - Promoting the employee's rapid recovery from work-related injuries;
  - Providing a safe and timely transition back to work; and
  - Controlling the costs of workers' compensation and disability costs.
- C. When an injured employee is offered meaningful temporary work assignments through this program, both the employee and HACA benefit. Numerous studies have shown the sooner an injured employee can be brought back to work, the faster they will recover and be able to return to regular duties.
- D. Purpose of this program is to establish a system for safely returning to work, as soon as practicable, employees who have sustained an injury or illness that has prevented them from performing their normal duties for a period of time. This program will improve the capability of identifying and appropriately managing temporary and permanent disabilities and is intended to provide a transition period of temporarily modified or light duty to facilitate the employee's return to regular duty within a reasonable period of time.
- E. In addition to providing for employee health and wellness, this program provides compliance with California workers' compensation laws, California disability laws, and the federal Americans with Disabilities Act (ADA), as well as the Memorandum of Understanding (MOU) between the HACA and SEIU Local 1021, the union for HACA's represented employees.

### ARTICLE II – PROGRAM GUIDELINES

- A. The treating physician or medical provider should provide an estimated period of recovery or target date for return to full duty.
- B. The initial duration for transitional or modified work assignment is up to sixty (60) calendar days per injury or illness for a maximum of four (4) months.

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- C. The transitional or modified duty assignment will be evaluated by the Human Resources Manager every thirty (30) days to assess the continued appropriateness of the assignment.
- D. Transitional or modified duty assignments are not intended to provide permanent positions. **All assignments are temporary.**
- E. Nothing in this program is intended to circumvent provisions of the Memorandum of Understanding (MOU) between HACA and SEIU Local 1021. The provisions of this program are intended to supplement existing MOU provisions relating to modified duty assignments and where there is any conflict between this program and an MOU provision, the MOU provision will prevail.

### ARTICLE III – PROGRAM PARTICIPATION

This program is available to all employees who sustain an injury or illness that has prevented them from performing the usual and customary duties of their position. This program covers cases that involve lost time injuries (injuries causing work-loss time), conditions with temporary medical restrictions and non-work related cases with temporary medical restrictions. If temporary medical restrictions render the employee unable to perform some or all of their usual assignment, then modification of the position's duties or an alternate assignment may be necessary as a temporary accommodation.

#### A. Criteria for Participation

Participation in this program is based on the following criteria:

1. The employee's medical condition temporarily prevents them from performing the full range of their regular duties.
2. Any workers' compensation or disability claim has been approved or is in the process of being determined.
3. The employee's treating physician or medical provider provides an estimated recovery period.
4. Continued participation in the program is based upon the employee making progress toward maximum medical improvement and full recovery so that full regular duties can be performed.

#### B. Required Participation

When an employee has sustained an injury or illness, participation in the modified duty and return-to-work program is required. Refusal to accept transitional duty that meets the physician or medical provider's restrictions may result in the loss of entitlement to temporary disability and/or salary continuation benefits.

#### C. Length of Participation

1. Employees can participate in this program as long as they are achieving progress toward maximum medical improvement for up to four (4) months.
2. Transitional work assignments may be extended beyond the original four (4) months when it is determined that additional time would facilitate a return to full duties and would not adversely affect HACA's operations or the objectives of this program.

#### D. Termination of Modified Duty

HACA may terminate temporary or transitional duty assignments when:

1. The employee is released to their usual and customary job duties by the treating physician or medical provider;
2. The treating physician or medical provider determines that the employee will not be able to return to their usual and customary position; or
3. When temporary transitional or modified duty is no longer available due to the lack of work or the maximum amount of time available for temporary transitional or modified duty of four (4) months has been exhausted, unless extended by the Human Resources Manager.
4. When temporary transitional or modified duty is no longer available and the employee continues to have temporary work restrictions then the following shall apply:
  - a. For Work-Related Injuries or Illnesses

The employee shall be placed on temporary total disability and the third party administrator shall provide workers' compensation wage loss benefits and appropriate medical treatment.

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- b. For Non-Industrial Injuries or Illnesses
  - i. The employee is entitled to use their accrued sick leave, vacation time, or any other accrued paid leave available.
  - ii. The employee is entitled to applicable leave benefits such as family medical leave provided the employee meets the eligibility requirements for the leave.

## ARTICLE IV – RESPONSIBILITIES

### A. Program Administrator

The Human Resources Manager is the program administrator and is responsible for:

1. Reviewing the employee's work capacity/restrictions and work with the employee and employee's manager to determine the availability of job duties that fit within the parameters of the temporary restrictions.
2. Explore other job assignments if there is no work within the employee's own department.
3. Meet with the employee and the employee's manager to discuss the employee's ability to work within the identified work restrictions and the ability to accommodate the restrictions or the possibility of another work assignment. This meeting will generally take the form of an interactive process.
4. Re-assess on an ongoing basis, the availability of transitional/modified duty for those cases where the employee is eligible for transitional/modified duty but none is immediately available.
5. Notify the third party administrator (where applicable) of the date that transitional/modified duty is available to the employee to return to work; this date may differ in some cases from the actual date the employee returns to work.
6. Notify the third party administrator (where applicable) the same day of the employee's refusal or lack of response to notice of approved transitional duty.
7. Upon nearing the maximum modified duty duration of four (4) months, notify the third party administrator (where applicable) to develop a case strategy regarding work status.

8. Provide training to managers and new employees HACA's Modified Duty & Return to Work Program.

#### **B. Managers**

1. Provide the return to work doctor's note indicating the temporary work restrictions to the Human Resources Manager on the same day that it is received from the employee.
2. Review the employee's capacity to perform work within the identified work restrictions.
3. Provide daily supervision to monitor that the employee is working within the temporary work restrictions outlined by the employee's treating physician or medical provider.
4. Report any physical difficulties the employee may have with the work assignment to the Human Resources Manager for potential referral back to the treating physician or medical provider to review the employee's continued ability to work within those same restrictions.
5. If the employee decides to discontinue working within the work restrictions, notify the Human Resources Manager within two (2) hours of the employee's refusal to perform duties.
6. Work with the Human Resources Manager to identify modified duty options and comply with the requirements of providing modified duty which will accommodate

#### **C. Employees**

1. Employees are to report to their manager all injuries and illnesses as follows:
  - a. Work-related injury – immediately as soon as the employee is able to communicate following the injury.
  - b. Work-related illness – immediately as soon as the employee becomes aware they have a work-related illness.
  - c. Non-work related injuries/illnesses – as soon as the employee knows that the injury or illness is going to prevent them from returning to work or prevent them from performing their full range of duties.

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2. Provide a copy of the return to work note from their treating physician or medical provider to both their manager and to the Human Resources Manager as soon as possible upon receipt from the physician or medical provider.
3. Employees are to meet with their manager and the Human Resources Manager to discuss alternative work assignments such as modified duty or assignment in another department and to review the job duties that are congenial to the temporary work restrictions identified by the employee's physician or medical provider; provide cooperation with the interactive process.
4. If a modified duty assignment can be provided, the employee must sign a written modified duty agreement.
5. Employees must only work within the work restrictions provided by their treating physician or medical provider.
6. Adhere to all safety policies and procedures.
7. Attend all scheduled medical appointments and update their manager if there is a change in work restrictions.

#### D. Third Party Administrators

Third party administrators providing risk and claims services to HACA should:

1. Maintain regular contract with the injured or ill employee (if work-related) at least every two (2) weeks; and
2. Pay workers' compensation wage loss benefits for industrial injuries or illnesses if the employee works less than their normal weekly scheduled hours.

### ARTICLE VII - DISSEMINATION OF POLICY

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

Attachment 1: Modified Duty Return-to-Work Agreement

#### ARTICLE I – PURPOSE OF KIN CARE

- A. California employers who provide paid sick leave to employees are required to allow employees to use up to one-half of their annual sick leave accrual to attend to the illness for qualifying family members (Labor Code §233). This Policy outlines the provisions of kin care leave and defines qualifying family members.
- B. Employers are prohibited from denying an employee the right to use one-half of their annual accrual of sick leave to care for a qualifying family member or in any manner discriminating, harassing or retaliating against an employee for using or attempting to exercise the right to use sick leave to care for a qualifying family member.

#### ARTICLE II – KIN CARE PROVISIONS

##### A. Sick Leave Accrual Allowed for Kin Care

- 1. Annual Sick Leave Accrual
  - a. The kin care provision in Labor Code Section 233 allows an employee to use up to one-half of their annual sick leave accrual to attend to the illness for qualifying family members.
  - b. Annual accrual for Housing Authority employees is either one-hundred and four (104) or ninety-seven and one-half (97.50) hours depending upon the employee's classification.
- 2. Accrual Available for Kin Care Leave – 60 Hours
  - a. Housing Authority employees are allowed more than half of their annual sick leave accrual. Employees may use up to sixty (60) hours of their sick leave for kin care use.
  - b. Employees may only use kin care leave if they have accrued sick leave. If the employee has exhausted accrued sick leave, kin care leave is not available.
  - c. There is no carry-over or roll-over provision for any remaining unused kin care leave hours. At the beginning of each calendar year, a new kin care leave period starts. The maximum amount of kin care leave usage is sixty (60) hours per calendar year.

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#### B. Permitted Use of Kin Care Leave

1. Medical attention for a qualifying family member:
  - Diagnosis, care or treatment of an existing health condition;
  - Preventative care;
2. Victims of Domestic Violence, Sexual Assault and Stalking

In addition to using kin care leave to attend to a qualifying family member, the kin care leave provisions allow an employee to use kin care leave if they are a victim of domestic violence, sexual assault and/or stalking.

#### C. Qualifying Family Members

1. For purposes of kin care leave, a qualifying family member is defined as:
  - Parent
  - Stepparent
  - Foster parent
  - Spouse
  - Domestic partner (must be registered domestic partnership in California)
  - Child
  - Stepchild
  - Foster child
  - Sibling
  - Grandparent
  - Grandchild
  - Legal guardian
2. For purposes of kin care, “parent” means a biological, adoptive or foster parent, step-parent or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood *in loco parentis* when the employee was a minor.
3. For purposes of kin care, “child” means a biological, adopted or foster child, stepchild, legal ward, or a child to whom the employee stands *in loco parentis*. This definition of a child is applicable regardless of age or dependency status of the child.

#### ARTICLE III – CHILD-RELATED ACTIVITIES LEAVE

- A. California requires all employers with 25 or more employees to allow an employee to take of up to 40 hours of leave per calendar year for “child-related activities” if the employee is a parent with one or more children attending kindergarten, grades 1 – 12, or is at a licensed child care provider (Labor Code §230.8).
- B. Child-related Activities Leave is not a separate paid leave provision. Employees use their accrued vacation, sick leave, floating holiday or compensatory time off to take leave for child-related activities.
- C. Child-care Related Activities

Child-care related activities that allow an employee to take leave include:

- 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.

### ARTICLE I – PURPOSE

The purpose of this Policy is to provide a paid leave benefit to all Housing Authority employees for the purpose of: grieving, attending a funeral or memorial service and taking care of family matters, related to the death of an immediate family member.

### ARTICLE II – POLICY

- A. Bereavement leave is provided in the event of death of the employee’s immediate family.
- B. Immediate Family

For purposes of bereavement leave, immediate family is defined as:

- Parent
- Step-parent
- Foster parent
- Parent-in-law
- Spouse
- Domestic partner
- Child
- Step-child
- Foster child
- Sibling
- Sibling-in-law
- Grandparent
- Grandchild
- Legal guardian

### ARTICLE III – DURATION OF LEAVE

#### A. Paid Bereavement Leave

1. Three (3) days of paid bereavement leave shall be provided to all Housing Authority employees for bereavement of immediate family members as defined in Article II.B., above.
2. Bereavement leave must be approved by the employee’s manager in advance of taking bereavement leave.

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3. Requests for paid bereavement leave shall be made by completing the form, "Request to Take Bereavement Leave."

#### **B. Additional Bereavement Leave**

1. Two (2) days may be taken from the employee's accrued sick leave balance as additional bereavement leave upon the approved request by the employee's manager.
2. Upon approval by the employee's manager, an employee may use accrued vacation for purposes of extended bereavement for immediate family members as defined in Article II.B., above.

Attachment 1: Request to Take Bereavement Leave

### ARTICLE I – PURPOSE

HACA’s Catastrophic Leave Sharing Program permits an employee to voluntarily donate a portion of their accrued leave to a leave sharing bank to be used by other HACA employees who have exhausted all of their own accrued paid leave to help with a catastrophic injury or illness or an employee caring for a catastrophically ill or injured family member.

### ARTICLE II – ELIGIBILITY

#### A. Eligible Employees

Eligible employees are eligible to participate in the Catastrophic Leave Sharing Program if:

1. The employee is a tenured employee (not on probation);
2. The employee has exhausted all paid leave (including sick and vacation leave, floating holidays and compensatory time off) or will do so before the anticipated return to work date;
3. The employee is not receiving State Disability Insurance or Workers’ Compensation benefits; and
4. The employee has not received any formal disciplinary action for excessive absenteeism during the twelve (12) month period preceding the request for catastrophic leave.

#### B. Qualifying Family Members

1. In addition to an employee’s own illness or injury, an employee may apply to participate in HACA’s Catastrophic Leave Sharing Program in order to care for the following family members who have a catastrophic illness or sustained a catastrophic injury:
  - Spouse
  - Domestic Partner
  - Child (includes step-child and foster child)
  - Grandchild (includes step-child and foster child)
  - Grandchild (includes step-grandchildren)
  - Parent (includes in-laws)
  - Grandparent
  - Sibling (includes in-laws)

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### 2. Definition of Qualifying Family Member

The above family members include those that are biological, adopted, fostered, step, legal ward, or a child to whom the employee stands in *loco parentis*, and in-laws.

### C. Determination of Employee Eligibility

1. Employee eligibility is based on the factors outlined in Article II.A., above. The primary considerations are:
  - a. The employee has exhausted all paid leaves; and
  - b. The employee has or has had a catastrophic illness or injury as defined in this Policy.
2. The determination of the employee's eligibility is at HACA's discretion and the determination is not grievable.
3. HACA will make a good faith effort to notify employees who are on extended sick leave when it becomes apparent that their leave balances will soon be exhausted. However, failure to notify employees creates no liability on the part of HACA for losses the employee may incur.

### D. Definition of Catastrophic Illness or Injury

For this program, a catastrophic illness or injury is defined as either:

- A critical medical condition considered to be terminal; or
- A long-term major medical impairment or disability; and
- Renders the employee unable to work.

## ARTICLE III – PROGRAM ADMINISTRATION

### A. Program Administrator

The Human Resources Manager is the program administrator for HACA's Catastrophic Leave Sharing Program. Leave donations must first be approved by the Human Resources Manager who will provide the approved donation forms to the Finance Department (Payroll). Donations are processed in the order in which they are received by Payroll.

### **B. Leave Donations**

#### **1. Sick Leave**

- a. The donor-employee may donate a maximum of sick leave of up to 16.66 or 17.77 hours (depending upon classification) per donation.
- b. After a donation is made, the donor-employee must be able to maintain a sick leave balance of at least two-hundred and fifty (250) hours.

#### **2. Vacation, Floating Holiday and Compensatory Time-Off**

Donations are allowed of up to six (6) days per recipient.

#### **3. Leave Bank**

- a. All leave donations are placed into a catastrophic leave sharing bank upon which the recipient-employee will draw to maintain the recipient-employee in a paid leave status.
- b. Only the amount of hours needed to maintain the recipient-employee in a full-time paid status are drawn from the leave bank. Only those hours needed for the current pay period are drawn.
- c. Leave donations are processed from the leave bank and added to the recipient-employee's sick leave balance. The donor-employee's hourly rate will be converted to the recipient-employee's hourly rate and then added to the recipient-employee's sick leave balance on a dollar-for-dollar basis.
- d. Donations to the leave bank can be made at any time.

#### **4. Maximum Amount of Catastrophic Leave Usage**

- a. Recipient-employees are allowed to use a maximum of six-hundred and seventy-five (675) hours or seven-hundred and twenty (720) hours (approximately eighty-one (81) days in both cases) depending upon the recipient-employee's classification.
- b. The maximum amount is for the duration of the recipient's employment. Once the recipient-employee has taken the maximum amount, they are no longer eligible to participate in the Catastrophic Leave Sharing Program.

### 5. Donation Increments

#### a. Minimum Amount

Donations of sick, vacation, floating holiday and/or compensatory time off are made in half-day increments up to the maximum amount of donation allowed per donor-employee. The minimum amount of leave that can be donated is one-half day per donor-employee.

#### b. Maximum Amount

1. The maximum amount of donated leave that can be made per donor-employee is six (6) days per recipient so long as the donor-employee maintains the minimum sick leave balance of two-hundred and fifty (250) hours as required in Article III.B.1.b., above.
2. The maximum amount (six (6) days includes any combination of sick and/or vacation leave, floating holiday and/or compensatory time off.

## C. Leave Donation Process

### 1. Application for Catastrophic Leave

- a. Employees who would like to use catastrophic leave must complete the Request for Catastrophic Leave Form (Attachment 1 to this Policy). There is a section on the form that must be completed by the employee's health care provider.
- b. If the employee's health care provider does not complete their section on the Request for Catastrophic Leave Form, the employee must provide documentation from their healthcare provider indicating whether the employee's medical condition meets the definition of catastrophic illness or injury as defined in Article II.D., above.

### 2. Call for Donations

Once a request has been approved, the Human Resources Manager or their designee will notify staff that an eligible employee would like to take advantage of the catastrophic leave sharing bank and that donations to the bank are needed.

### 3. Donation Forms

Donor-employees must complete the Catastrophic Leave Sharing Program Donation Form (Attachment 2 of this Policy) and submit the form to the Human Resources Department.

## ARTICLE VII – DISSEMINATION OF POLICY

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

Attachment 1: Catastrophic Leave Sharing Request Form

Attachment 2: Catastrophic Leave Sharing Donation Form

# **ATTACHMENT C**

## **Article 14**

### **USE OF AUTHORITY OWNED MOTOR VEHICLES**

#### **Section 14.1            DEFINITIONS**

The definitions of this section shall govern the construction of this Article, unless the context otherwise requires:

- 14.1.1** "Authority owned motor vehicle" means any motor vehicle as defined by Section 31 of the Vehicle Code of the State of California, owned by or under the control of the Housing Authority of Alameda County and provided for the use of any Authority employee, in the performance of official duties;
- 14.1.2** "use in conduct of Authority business" means using, driving, operating, storing, or parking, in the performance of or necessary to or in the course of the duties of Authority employee in the performance of official duties, it also includes use in emergency cases where ordinary humanity dictates no other course than to render aid to persons in distress.
- 14.1.3** "employee" means all Authority employees.

#### **Section 14.2            CARE OF VEHICLE**

The driver of an Authority vehicle shall report every noted defect of the vehicle or its operation in person or on the appropriate form as soon as possible to assure proper maintenance attention to the Executive Director or his/her designee.

#### **Section 14.3            USE OF SAFETY BELTS**

The driver of an Authority vehicle shall operate his/her vehicle only after the safety belts have been properly fastened by the driver and the passengers in the vehicle. These safety belts shall remain fastened at all times while the vehicle is in motion.

#### **Section 14.4            USE OF AUTHORITY OWNED MOTOR VEHICLES**

Authority owned motor vehicles shall be used only in the conduct of Authority business. No employee shall use or permit the use of any Authority owned motor vehicle other than use in the conduct of Authority business and diminimus personal use. No Authority employee shall transport persons in any Authority owned motor vehicle unless such transportation is necessary in the conduct of Authority business. The Executive Director may elect to use a Housing Authority vehicle for commute purposes and such mileage shall be reported as income to the IRS.

Except as provided herein, no Authority employee shall drive an Authority owned motor vehicle without a valid California Motor Vehicle Operator's License and a driving record which permits the employee to be insured by the Authority's vehicle insurance carrier as part of the regular

group policy. The Authority may permit an employee who is uninsurable under the Authority's regular group policy to secure personal automobile insurance which covers his/her use of Authority vehicles and which names the Housing Authority of Alameda County as a covered party.

**Section 14.5            VEHICLE OPERATION DAMAGE REPORT**

The Executive Director or his/her designee shall administer the vehicle operation damage report program, including all forms and procedures. Vehicle operation damage report forms shall be placed and maintained in a conspicuous place in every Authority vehicle. The driver of any Authority vehicle is responsible for completing a report on the provided form and submitting it within 24 hours following any collision in which any damage may have been caused or any other situation in which there was damage caused to an Authority vehicle.

**Section 14.6            ASSIGNMENT OF CAR: MUST BE PROPERLY GARAGED**

When an Authority owned vehicle is assigned to an individual for use outside working hours, the individual to whom the vehicle is assigned shall be responsible for affording the maximum protection practicable against theft, vandalism, damage, and the elements by placing such vehicle in a garage or carport if available.

**Section 14.7            DISCIPLINARY ACTION FOR MISUSE**

Any employee or appointive officer who uses an Authority owned motor vehicle otherwise than for use in the conduct of Authority business or in other violation of this Article may be subject to disciplinary action up to and including discharge.

**Section 14.8            LIABILITY FOR COSTS OF MISUSE**

Any employee who misuses an Authority motor vehicle shall be liable to the Authority for the actual cost proximately resulting from any misuse by him of such Authority motor vehicle, in addition to any disciplinary action that may be imposed.

**Section 14.9            RESPONSIBILITY OF SUPERIORS**

A superior is subject to disciplinary action and/or the actual cost of damages resulting from any misuse by an Authority employee to the extent that the superior directs, authorizes or knowingly and intentionally allows the misuse of an Authority vehicle.

**Section 14.10          COSTS OF MISUSE**

Actual costs of misuse of a motor vehicle shall include the following:

- a. expense of operation. Expense of operation of an Authority owned motor vehicle for the distance traveled during such misuse, or where the misuse amount to an unreasonable

deviation thereof the distance traveled in excess of the shortest practical route, computed on a mileage basis in accordance with the schedule of mileage rates established by the Housing Commission for the payment of private mileage claims of Authority employees;

- b. property damage. Any and all property damage to the Authority owned motor vehicle and other Authority property, proximately resulting from such misuse; provided, however, that a credit shall be allowed the officer or employee equal to any amount paid to the Authority by a third party;
- c. reimbursement to Authority. The amount of any judgment or claim not covered by insurance that the Authority pays by reason of the death, injury, or damage to persons or property arising out of misuse of an Authority motor vehicle, including interest at the legal rate accruing from the time of payment by the Authority. In no event shall these rules be construed as conferring a right of subrogation on the part of insurance carriers for Authority vehicles where no such right existed at the time of the adoption of these rules or independently thereof.

These rules are intended to provide rules for the use of Authority owned vehicles as between the Authority and its employees only, and shall not affect in any way rights and obligations of third parties, including insurance carried for the Authority owned vehicles.

**Section 14.11**            **INVESTIGATION, DETERMINATION, AND COLLECTION OF COSTS**

The Executive Director shall in each case investigate, determine the costs attributable to misuse and collect the amount of actual costs attributed to the misuse of the Authority owned vehicles by employees of his department. Money collected from the employee shall be deposited in the Authority Treasury to the credit of the fund supporting operation of the vehicle which was improperly used.

**Section 14.12**            **APPEALS**

Any employee involved in the misuse of an Authority owned motor vehicle shall be given an opportunity to give an explanation. Such employee shall have the right within ten days after service upon him of a demand in writing for reimbursement of costs of misuse, to file a grievance pursuant to these Rules.

**Section 14.13**            **IDENTIFICATION REQUIRED**

All Authority vehicles may have affixed an appropriate emblem, tag, or sign approved by the Housing Commission showing that such motor vehicle is the property of the Authority and showing the motor vehicle number assigned to such vehicle.

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## FLEET MANAGEMENT, DRIVER SAFETY & VEHICLE USE PROGRAM

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#### ARTICLE I – PURPOSE

Employees who operate HACA vehicles (includes owned, leased, or rental vehicles) or use their personal vehicle of HACA business as a part of their jobs are expected to operate them safely to prevent accidents which may result in injuries and property loss. It is the policy of HACA to provide and maintain a safe working environment to protect our employees and the citizens of the communities we serve from injury and property loss. HACA considers the use of automobiles part of the working environment and is committed to promoting a heightened level of safety awareness and responsible driving behavior in its employees.

#### ARTICLE II – SCOPE OF POLICY

- A. This program has been developed to ensure compliance with state and federal regulations and to guard against potential liabilities from accidents. The information outlined in this program is in line with generally accepted best practices and legal requirements for safe motor vehicle operations.
- B. This program requires the full cooperation of each driver operates a vehicle while performing HACA business.

#### ARTICLE III – RESPONSIBILITIES

##### A. Program Administrator

The Program Administrator for this program is the Human Resources Manager. The Program Administrator has the responsibility for the overall risk management of this program and is specifically responsible for:

- Ensuring the safe condition and maintenance of fleet vehicles;
- Evaluate drivers for the suitability of driving vehicles for HACA business;
- Maintaining required records for the Fleet Management, Driver Safety and Vehicle Use Program;
- Overseeing the investigation of motor vehicle accidents;
- Reporting motor vehicle accidents to HACA's liability claims administrator;
- Conducting and/or facilitating required training;
- Periodically reviewing the program for updates and modifications.

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#### B. Managers

HACA managers are responsible for supporting the Plan Administrator and:

- Investigating and/or coordinating the investigation of motor vehicle accidents with the Human Resources Manager;
- Taking appropriate action to manage drivers as defined by the program;
- Ensuring that identified staff that are required to receive defensive driver training attend the required training.

#### C. Drivers

Employees who drive HACA vehicles or their own vehicles for HACA business must:

- Comply with safe and defensive driving practices;
- Attend required training;
- Always operate their own vehicle or HACA vehicles when performing HACA business as identified in this program;
- Maintain a valid driver's license and minimum insurance requirements on personal vehicles used while performing HACA business;
- Maintain assigned vehicles according to established maintenance standards;
- Report any motor vehicle accident to your manager on the same day as the accident occurs;
- Complete an accident report using the report format attached;
- Cooperate with any post-accident requirements or actions.

### ARTICLE IV – DRIVER ELIGIBILITY AND SELECTION

#### A. Driver Evaluation

Prior to being permitted to drive a HACA vehicle, drivers will be evaluated and selected based on their driving ability. To evaluate employees as drivers, management will:

1. Review past driving performance and work experience through previous employer reference checks for all new employees required to drive for HACA business.
2. Review the employee's motor vehicle record through California's Department of Motor Vehicle's (DMV) Employer Pull Notice Program.

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3. Ensure that the employee maintains a valid driver's license.

#### B. Driver Eligibility

The following guidelines have been established to assist with identifying, hiring, and retaining safe drivers and ensuring ongoing safe driving practices.

- Employment applications and job descriptions will clearly identify if vehicle operation is a job requirement.
- New employee background checks are conducted.
- Motor vehicle reports (MVRs) are obtained and reviewed for all employees who drive agency-owned vehicles and personally owned vehicles while on agency business to determine if the employee is an acceptable driver as outlined in the following section.
- Employees must possess a valid driver's license to legally operate the class of vehicle(s) they drive in their employment.
- Employees who drive their personally owned vehicle on agency business must show proof of automobile liability insurance in accordance with the Business Use for Personally Owned Vehicles section.
- All employees who drive on agency business are required to comply with all applicable state laws and regulations.

#### C. DMV Employer Pull Notice Program (EPN)

Employees who are authorized to drive an agency-owned and/or a personally owned vehicle for HACA business will consent to being enrolled in the California DMV's Employer Pull Notice (EPN) Program. The DMV issues motor vehicle reports (MVRs) on every person registered in the EPN Program. The DMV automatically issues MVRs annually and whenever the driver is involved with certain legal actions or activities. Employees who participate in this program will sign a DMV Authorization for Release of Driver Record Information form (**Attachment 1**).

1. Employee Deviations

When an employee's driving record indicates a deviation from the acceptable standards for driving records as indicated below, the employee's manager will work the Human Resources Manager to determine the most appropriate intervention.

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### 2. Acceptable Driving Record Standards

The criteria for determining if a prospective or current employee’s driving record is acceptable is based on California’s Department of Motor Vehicle Negligent Operator Treatment System (NOTS) criteria.

[https://www.dmv.ca.gov/portal/dm/detail/dl/driversafety/neg\\_operator](https://www.dmv.ca.gov/portal/dm/detail/dl/driversafety/neg_operator)

NOTS Criteria:	HACA Intervention Level:
4 or more points in 12 months	2 or more points in 12 months
6 points in 24 months	4 points in 24 months
8 points in 36 months	6 points in 36 months

### 3. Unacceptable Driver Criteria

In addition to the NOTS criteria indicated above, HACA also uses criteria established by the Housing Authority Risk Retention Pool (HARRP). HACA is a member of HARRP which provides coverage for general liability and property damage.

Employees of HARRP’s member agencies are considered unacceptable risks and will not be covered by HARRP’s automobile liability program if an employee meets one or more of the criteria. See **Attachment 2** for a list of the nine (9) criteria for unacceptable drivers identified by HARRP.

### 4. HACA Intervention

When an employee’s motor vehicle record (MVR) reaches intervention levels according to the chart above or falls into one or more of HARRP’s nine (9) criteria for unacceptable drivers, HACA may initiate one or more of the following actions:

- a. Counsel the employee that employment may be jeopardized if there are additional violations or accidents;
- b. Shift the employee to a non-driving position where feasible;
- c. If a non-driving position is not an option, implement some additional controls such as driver training to reinforce defensive driving safely;

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- d. Restrict or eliminate use of personally-owned vehicles for agency business;
- e. Other intervention as determined and approved by the Executive Director and the Program Administrator.

## ARTICLE V – VEHICLE USE

### A. Business Use – HACA-Owned Vehicles

1. These requirements apply to employees who are assigned and drive HACA-owned vehicles while conducting HACA business.
  - a. Unless otherwise approved, agency-owned vehicles are not to be used for personal purposes, including the commute to and from home.
  - b. Designated “on-call duty” employees are authorized to drive agency vehicles home with their manager’s approval.
  - c. As a general rule, employees are not permitted to use HACA-owned vehicles to commute to and from work.
    - i. In the event employees are permitted to use HACA-owned vehicles to commute to and from home are not authorized to use the vehicle for personal purposes other than commuting. Minimum personal use, such as stopping for a personal errand on the way between the employee’s home and worksite is authorized. Under these conditions,
    - ii. When a HACA-owned vehicle is assigned to an employee for use outside of working hours, the employees to whom the vehicle is assigned shall be responsible for affording reasonable protection against vehicle theft, vandalism, damage from inclement weather by placing the vehicle inside a garage or carport if available.
    - iii. Internal Revenue Service (IRS) taxable fringe benefits may apply. Contact the Finance Director for specific IRS requirements regarding the applicability of mileage rates.
2. The following requirements pertain to all HACA-owned vehicles:
  - a. No one except an authorized employee may drive a HACA-owned vehicle. This includes immediate family members and friends, except in the case of a bona fide emergency.

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- b. Drivers must comply with all applicable state laws and regulations.
3. HACA reserves the right to withdraw driving privileges at any time. Failure to full any requirement of this program may result in disciplinary action up to and including termination.

#### **B. Business Use – Personally-Owned Vehicles**

1. There may be times when it is necessary and more efficient for employees to use their personally-owned vehicles while conducting HACA business.
2. Employees are not permitted to use personally-owned vehicles in conducting agency business without prior approval of their manager or their designee.
3. Before authorizing an employee to use a personally-owned vehicle for HACA business, the employee's manager shall determine that:
  - a. The business purpose is valid;
  - b. The use of a personally-owned vehicle is in the best interests of HACA; and
  - c. The employee has been approved to use their personally-owned vehicle.
4. Insurance Requirements
  - a. Employees utilizing their personally-owned vehicles on agency business must maintain automobile liability and property damage insurance coverage in accordance with the State of California's minimum requirements of \$15,000/\$30,000 bodily injury coverage and \$5,000 property damage coverage.
  - b. HACA may require higher limits of \$100,000/\$300,000 for bodily injury coverage and \$50,000 for property damage.
  - c. If the employee's insurance is modified, cancelled, terminated, lapsed or curtailed for any reason, the employee must notify their manager within five (5) work days of the coverage change.
  - d. Employees are required to maintain their vehicle in a reliably safe mechanical condition.
5. Priority of Coverage in the Event of an Accident

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In case of an accident and subsequent claim, the coverage provided by the employee's personal insurance will apply first. Insurance follows the vehicle, not the driver. HACA's liability coverage will pay the insurance deductible for the employee (if applicable and not reimbursed by others, e.g., another at-fault driver) up to a maximum of \$500 if an employee is involved in an accident in their personally-owned vehicle when the requirements of this policy have been met. HACA is not responsible for any increase in an employee's insurance premium as a result of an accident.

#### C. Use of Rental Cars on HACA Business

1. HACA employees are not permitted to drive a rental car while conducting HACA business without prior approval by the employee's manager.
2. When renting a vehicle, the employee's personal insurance is primary. The rental car company requires the renter (employee) to sign a written agreement transferring the liability and property damage (including damage to the rental vehicle) back to the renter.
3. The rental car company will offer an optional Loss Damage Waiver (LDW) intended to protect the renter should the car become damaged or stolen. If the renter waives the LDW protection, the renter assumes financial responsibility for damage to the rental car, loss of use of the car while it is being repaired, miscellaneous administrative expenses of the rental company and liability and property damage to third parties.
4. HACA does not require the employee to purchase the LDW. However, if the employee chooses to purchase the optional LDW, it will be at the employee's personal expense. In case of an accident and subsequent claim, the coverage provided by the employee's personal insurance will apply first.

#### D. Electronic Wireless Communication Devices

1. The following requirements address the use of electronic wireless communication devices while driving HACA-owned vehicles and personally-owned vehicles while conducting HACA business. The California State Vehicle Code's (Vehicle Code §23123.5) current definition of an "electronic wireless communication device" includes:
  - Broadband personal communication device;
  - Specialized mobile radio device;
  - Handheld device or laptop computer with mobile data access;
  - Pager; and
  - Two-way messaging device.

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2. HACA employees shall not operate HACA-owned vehicles or a personally-owned vehicle while on HACA business while using an electronic wireless communication device unless the device and vehicle meet the conditions noted below. "Using" includes, but is not limited to, viewing, talking, taking or transmitting images, playing games, composing, sending, reading, accessing, browsing, transmitting, saving or retrieving email, text messages, or other electronic data.
3. The following requirements adhere to the California Vehicle Code (Vehicle Code §§23123 – 23125):
  - a. The Code prohibits driving a motor vehicle while holding and operating a handheld wireless telephone or a wireless electronic communications device, unless the device is mounted on the vehicle's windshield or is mounted/affixed to a vehicle's dashboard or center console in a manner that does not hinder the driver's view of the road.
  - b. The driver's hand may only be used to activate or deactivate a feature or function on the device with the motion of a single swipe or tap of the driver's finger, but not while holding it. *The law does not apply to manufacturer-installed systems that are embedded in a vehicle.*
4. HACA employees without hands-free wireless communication devices may use their device after safely exiting a highway, pulling safely to the side of a road and stopping the vehicle.

## ARTICLE VI – ACCIDENT REPORTING PROCEDURES

### A. Reportable Incidents

Vehicle accident procedures must be followed in the event of any accident or incident involving HACA-owned vehicles or personally-owned vehicles that has occurred while performing HACA business. This includes minor incidents and collisions, even if there does not appear to be any injuries and/or property damage. Drivers are required to immediately report the incident to their manager on the same day the incident or accident has occurred. After business hours, drivers are still required to call their supervisor to report the accident or incident.

### B. Reporting Procedures

1. Employees are to use the attached Vehicle Accident Report form for reporting incidents or accidents (**Attachment 3**). Employees must keep a copy of this form

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in all HACA-owned vehicles and in their personally-owned vehicles if used for HACA business.

2. The vehicle accident reporting procedures are outlined in **Attachment 4**. These procedures are provided by HACA's liability risk pool administrator.
3. Police Notification
  - a. The local police or the California Highway Patrol are to be notified in the event that an accident results in:
    - An estimated property damage in excess of \$750.00
    - Any bodily injury – no matter how minor
    - Death of anyone involved
  - b. Whenever a police report has been made, a copy shall be obtained and placed in the motor vehicle accident file.

### ARTICLE VII – CULPABILITY FOR MISUSE

#### A. Misuse

Misuse of a HACA-owned vehicle means any use that is in violation of the policy of this program.

##### 1. Disciplinary Action

If misuse is established, the employee found culpable for misuse may be subject to disciplinary action. In addition, if the employee's manager knowingly allows the misuse of a HACA-owned vehicle, the employee's manager may be subject to disciplinary action. Disciplinary action may include termination from employment.

##### 2. Liability for Damage

- a. Employees how are found to have misused a HACA-owned vehicle shall be liable to the Housing Authority for the costs of repair resulting from the misuse.
- b. Costs for Damage

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Actual costs of misuse of a HACA-owned vehicle include the following:

i. Expense of Operation

Expense of operation of a HACA-owned vehicle includes the distance traveled during misuse, or the distance between the misuse to an unreasonable deviation from normal business use. Expense of operation is computed on a mileage basis in accordance with the schedule of mileage rates established by the IRS for the payment of private mileage claims of Authority employees;

ii. Property Damage

- Costs include all damage to the HACA-owned vehicle and other Housing Authority property, proximately resulting from misuse.
- A credit shall be applied equal to any amount paid to the Housing Authority by a third party for damage to the vehicle. The amount of the credit shall be deducted from the amount owing for damage resulting from the misuse.

iii. Reimbursement to the Housing Authority

- The employee who is culpable for misuse of a HACA-owned vehicle shall be responsible for reimbursing the Housing Authority for the amount of a judgment or claim that is paid by the Housing Authority for the death, injury or damage to persons or their property arising out of the misuse of a HACA-owned vehicle.
- The amount of the reimbursement shall include interest at the legal rate accruing from the time payment was made by the Housing Authority.
- In no event shall the rules regarding reimbursement be construed as conferring a right of subrogation on the part of insurance carriers for Housing Authority vehicles where no such right existed at the time of the adoption of these rules.
- These rules are intended to provide for the ability of the Housing Authority to seek reimbursement from an employee who has been found to have misused a HACA-owned vehicle and shall not

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affect in any way rights and obligations of third parties, including insurance carried for the Authority owned vehicles.

#### B. Determination of Costs

The Executive Director or their designee shall perform an investigation to determine the costs attributable to the misuse and collect the amount from the employee.

#### C. Employee Right to Respond and Appeal

1. An employee who has been found to have misused a HACA-owned vehicle and determined to be responsible for the costs for damages resulting from that misuse has the right to provide a written explanation in response to the misuse determination.
2. After the employee has been provided a written demand for reimbursement of costs arising out of the misuse, the employee may appeal by filing a grievance in accordance with Article 23 – Grievance Procedure, of these rules.

### ARTICLE VIII – VEHICLE SELECTION, INSPECTION AND MAINTENANCE

Proper selection and maintenance of fleet vehicles are important aspects of this program. Reduced operational costs and accidents can be a direct result of a well-implemented maintenance policy.

#### A. Vehicle Selection

Selection of vehicles will depend upon the primary function for which the vehicle will be used. HACA will purchase vehicles designed for their primary intended use. For example, (1) Housing Authority maintenance staff are assigned work vans appropriate for transporting materials for construction and repairs and (2) vehicles used for basic transportation will be fuel efficient.

#### B. Vehicle Inspection

1. The employee to whom the vehicle is assigned shall perform semi-annual inspections using the Vehicle Inspection Form (**Attachment 5**). Completed forms for the semi-annual inspections are to be forwarded to the Program Administrator (Human Resources Manager). More frequent inspections may be required based upon heavy use of the vehicle.
2. The employee to whom the vehicle is assigned shall report any defect or deficiency in or on the vehicle using the Vehicle Inspection Form on the same

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day that the issue was detected. These forms should be returned to the employee's manager.

#### C. Vehicle Maintenance

Vehicle maintenance falls into three (3) basic categories: preventive maintenance, demand maintenance and crisis maintenance. The goal of this program is to focus most of the maintenance of HACA-owned vehicles on preventive maintenance.

##### 1. Preventive Maintenance

Preventive maintenance is performed on a mileage or time basis. Typical maintenance includes oil/filter changes, lubrication, tightening belts and components, engine tune-ups, brake work, tire rotation, hose inspection/replacement and radiator maintenance.

##### 2. Demand Maintenance

Demand maintenance is performed only when the need arises, such as light bulbs, gauges, flat tires, transmissions and wear and tear maintenance. It is the design of the regular inspection schedule to note when these types of maintenance are required.

##### 3. Crisis Maintenance

Crisis maintenance involves a vehicle breakdown while on the road. While situations of this type may happen regardless of the quality of preventive maintenance and regular inspections, crisis maintenance situations can be minimized by maximizing preventive procedures.

##### 4. Recordkeeping

Copies of invoices or service orders for maintenance performed shall be maintained by the employee that drives an assigned HACA-owned vehicle. All records for vehicles not assigned to a specific individual shall be submitted to the Procurement Department for payment and to the Program Administrator.

## ARTICLE IX – DRIVER TRAINING

A. All employees using HACA-owned vehicles will receive a copy of the Fleet Management, Driver Safety & Vehicle Use Program and will be provided training with the following areas being emphasized:

- Review basic driver safety practices
- Review of the accident procedures in this program

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- Review of vehicle inspection responsibilities
- Review of defensive driver techniques

#### B. Driver's License Suspension

Employees hired to drive HACA-owned vehicles as part of their job must have the basic skills and credentials necessary to operate the vehicle being used. Employees are required to notify their manager if their license is suspended or revoked.

#### C. Remedial Training

1. Drivers may be required to attend a safe driving school or course if a review of the motor vehicle report (MVR) issued by the California Department of Motor Vehicles indicates:
  - a. One or more violations within any one-year period, or
  - b. A conviction for driving while under the influence of alcohol or drugs.
2. Depending on the severity of the conviction, the employee's driving privileges with HACA may be revoked.

## ARTICLE X – DEFENSIVE DRIVING AND SAFETY

#### A. Safety Belts

1. The driver and all occupants of a HACA-owned vehicle are required to wear safety belts when the vehicle is in operation or while riding in the vehicle. The driver is responsible for ensuring passengers wear their safety belts.
2. Children under 4 years of age or under 40-pounds in weight must be secured in a Department of Transportation (DOT) approved child safety seat.

#### B. Impaired Driving

The driver must not operate a vehicle at any time when their ability to do so is impaired, affected, influenced by alcohol, illegal drugs, prescribed or over-the-counter medication, illness, injury or fatigue.

#### C. Traffic Laws

Drivers must abide by the federal, state and local motor vehicle regulations, laws and ordinances.

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#### D. Defensive Driving

Drivers are required to participate in defensive driving training on a periodic basis and must familiarize themselves with the basics of defensive driving.

*rev. Fleet Management, Driver Safety & Vehicle Use Policy/14/20 (previously referenced in the Personnel Rules)*

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### ***ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING***

I acknowledge the receipt of a copy of the Housing Authority of the County of Alameda's "Fleet Management, Driver Safety & Vehicle Use Program." I have read and understand my responsibilities under this program and I agree to abide by my responsibilities as outlined. I understand that I will be subject to discipline for violating this program or subject to other appropriate sanctions for failing to fulfill my responsibilities as outlined in the program.

Employee Name:	
Signature:	
Date:	