



Housing Authority of the
County of Alameda

22941 Atherton Street, Hayward, CA 94541

Tel. 510.538.8876 TDD 510.727.8551 Fax 510.537.8236 www.haca.net

PERSONNEL COMMITTEE MEETING
Special Meeting: November 10, 2021
Time: 8:00 a.m.

Due to the COVID-19 public health emergency, the Personnel Committee meetings are teleconferenced to protect the public's health and prevent the disease and its variants from spreading in our communities. The public can still attend and participate in the meetings through Zoom or by telephone. Here are the instructions on how to access this meeting:

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

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

PUBLIC COMMENT

Members of the public can email their public comment(s) to melissat@haca.net. Public comments on a matter that is **not** on the Personnel Committee's agenda will be read during the "Public Comment" period of the meeting. Public comments on a specific agenda item should include the person's name and the agenda item number. The public comments submitted by email will be read when the Personnel Committee Chairperson calls for public comments on the agenda item. The public may also voice their public comments during the meeting by joining the meeting on Zoom or by telephone. If a member of the public is submitting their comments on Zoom or by telephone, there is a time limit of 3 minutes for each public speaker. The Chairperson has the discretion to further limit this time if warranted by the number of public speakers who wish to address the Personnel Committee.

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

(CONTINUED ON NEXT PAGE)



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2.	APPROVAL OF THE MINUTES OF THE SEPTEMBER 8, 2021 MEETING	ACTION	3
3.	PUBLIC COMMENT - <i>On matters not on the agenda</i>		
4.	NEW BUSINESS		
4-1.	<u>Personnel Rule 1-2.</u> Approve Amendments to Personnel Rules	ACTION	8
5.	ADJOURNMENT		

PERSONNEL COMMITTEE
MEETING MINUTES
September 8, 2021



Housing Authority of the
County of Alameda

PC AGENDA ITEM NO.: 2.

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

SUMMARY ACTION MINUTES

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

1. CALL TO ORDER / ROLL CALL

CALL TO ORDER:

Chairperson Hannon called the meeting to order at 7:15 a.m.

ROLL CALL:

Present:

Chairperson Michael Hannon
Commissioner Pete Ballew
Commissioner Angela Finley
Commissioner Yang Shao

Excused:

Commissioner Mark Gerry

2. APPROVAL OF THE MINUTES OF THE JULY 14, 2021 PERSONNEL COMMITTEE MEETING

Recommendation: Approve the minutes of the July 14, 2021 Personnel Committee meeting as presented.

Motion/Second: Ballew/Hannon.

Upon a roll call vote being taken the votes were:

Ayes: Cmr. Ballew, Finley, and Hannon.

Abstain: Cmr. Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

3. PUBLIC COMMENT

On matters not on the agenda.

None.

4. NEW BUSINESS

4-1. **ACTION: APPROVE AMENDMENTS TO PERSONNEL RULES 4, 5, 8, 13, AND 16** **PERSONNEL RULE: 1-2.**

Charla Freckmann, Human Resources Manager, presented the staff report. Ms. Freckmann stated for the record that there is an error in the staff report. Ms. Freckmann explained that the staff report erroneously states that the first letter of the candidates last name will be used to break a tie in the overall examination scores. She further explained that the revisions in the attachment to the report state that the exam scoring will be used to break a tie or if needed, the date and time of submission of application would be used and clarified that this particular revision is the one that is being proposed. Ms. Freckmann reported that staff is proposing to revise Articles 4, 5, 8, 13, and 16 of the Personnel Rules in order to update language, to reflect current practices and she described the proposed revisions. She recommended the Personnel Committee approve the proposed revisions.

Commission Discussion:

Amendments to Article 4:

Cmdr. Ballew asked if the Personnel Rules state that salary is tied to performance. Ms. Freckmann indicated that the rules do not state this. Cmdr. Ballew recommended that staff add this to next round of labor contract negotiations. Cmdr. Ballew and Ms. Freckmann also discussed the definition of a work week. Ms. Freckmann indicated that staff is planning to address this in the next round of labor contract negotiations since changes need to be made to these definitions as a result of HACA's recent conversion to a new payroll system. Cmdr. Hannon and Ms. Freckmann discussed step increases. Cmdr. Hannon asked if HACA's practice is consistent with the county and other agencies. Ms. Freckmann indicated that HACA's Personnel Rules were initially based on the county's personnel rules but HACA's Personnel Rules have been updated through the years. Cmdr. Hannon and Ms. Freckmann also discussed some of the provisions on compensation.

Amendments to Article 5:

Cmdr. Shao and Ms. Freckmann discussed performance reviews. Chairperson Hannon and Mr. Wiest discussed the schedule for employee evaluations. Mr. Wiest indicated that HACA's evaluations are not current. He commented that the performance evaluation process is in need of updating that this is a priority for staff.

Amendments to Article 8:

Cmdr. Ballew and Ms. Freckmann discussed the methodology described in Article 8 for breaking ties in overall examination scores. He recommended that staff include a stipulation that would allow the Executive Director the discretion to break a tie. The other PC members agreed. Cmdr.

Ballew asked if this would require a meet and confer and Ms. Freckmann stated that this would not as it would be within management rights. Cmr. Hannon and Ms. Freckmann discussed the extension of eligibility lists. Cmr. Hannon and Ms. Freckmann also discussed Section 8.3.

Motion/Second: Ballew/Hannon.

Upon a roll call vote being taken the votes were:

Ayes: Cmr. Ballew, Finley, and Hannon.

Abstain: Cmr. Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

5. ADJOURNMENT

There being no further business to discuss, Chairperson Hannon adjourned the Personnel Committee meeting at 8:00 a.m.

Respectfully submitted,

Melissa Taesali
Executive Assistant/
Housing Commission Clerk

Kurt Wiest
Executive Director/Housing Commission Secretary

Approved:

Michael Hannon
Personnel Committee Chairperson

NEW BUSINESS
November 10, 2021

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

PERSONNEL COMMITTEE AGENDA STATEMENT

Meeting Date: November 10, 2021

Action: Approve Amendments to Personnel Rule 8

Personnel Rule: 1.2

BACKGROUND

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

DISCUSSION

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

On September 8, 2021, your Personnel Committee approved updates to certain provisions of the Personnel Rules that were in further need of clarification and revision. Upon subsequent review of Article 8, additional revisions are necessary to both incorporate your Committee's recommended changes and to further clarify provisions in this section.

The tracked and clean versions of the revisions are under Attachment A. None of the recommended revisions for your consideration today involve the obligation to meet and confer with the recognized employee organization.

Summary of Proposed Revisions to Article 8 – Employment Lists and Certification

Section 8.1(C)(1) has been updated, based on the Committee's recommendation, to allow the Executive Director the discretion to resolve ties in overall examination scores for outside candidates. Language has also been added in Section 8.1.(C)(2) to clarify references to internal candidates.

Section 8.3(G)(3) has been updated, based on the Committee's recommendation, to give the Executive Director the discretion to restore a name to active status on an eligibility list.

A proposed Section 8.4 has been added to outline provisions that allow the Executive Director to cancel an existing eligibility list, so that a new list can be established through an open and/or promotional recruitment process. Language in Section 8.3(D) has also been modified to reflect the addition of Section 8.4.

Recommendation

Staff recommends the revisions to Article 8 of the Personnel Rules be approved and your committee recommend the Housing Commission adopt same.

ATTACHMENT A
November 10, 2021

Article 8 EMPLOYMENT LISTS AND CERTIFICATION

Section 8.1 ESTABLISHING ELIGIBILITY LISTS

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

B. Order of Names on Eligibility Lists

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

C. Resolving Ties

1. Candidate Scores

If two or more candidates attain the same total score in an examination, the tie shall be resolved either by extending the total score to the fourth decimal place and then rounding up the total score, or at the discretion of the Executive Director.

2. Internal Candidate (Employee) Scores

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

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

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

Section 8.2 TYPES OF ELIGIBILITY LISTS

A. Open and Promotional Eligibility Lists

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

B. Preferred Lists

1. Preferred lists shall consist of the names of former Housing Authority employees who were involuntarily separated from the classification by a reduction in force or layoff. The names of those individuals shall be ranked in order of total Housing Authority service. Employees who held tenure in the class shall have priority over employees who did not complete the probationary period for that classification. Preferred lists shall be maintained by classification.
2. Acceptance of an appointment from a preferred list to the classification from which the employee was laid off or from which the employee accepted demotion will result in the employee's name being removed from all other preferred lists.
3. Acceptance of an appointment from a preferred list to a classification other than the one from which the person was laid off or from which the employee accepted demotion will result in the employee's name being removed from all other preferred lists for classifications of equal or lower salary level except the preferred list for the classification from which the person was laid off or demoted.
4. When more than one preferred list exists due to multiple layoffs, the lists shall be combined for each classification with employees on the lists being ranked in order of total Housing Authority service. Total Housing Authority service shall be determined as of the effective date of layoff or demotion.
5. Employees who are laid off may request that the Personnel Officer have their name placed on preferred lists for other classifications in which they previously held tenure.

C. Alternative Lists

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

D. Priority of Lists

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

- Preferred lists
- Promotional lists
- Open eligible lists

E. Duration of Lists

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

F. Extension of Eligibility for Service Induction

1. Individuals who are on an eligibility list at the time they are inducted into the Armed Forces of the United States may have their eligibility status extended, provided that they request the extension in writing. The request for extension shall be made not later than ninety (90) days after termination of military service.
2. Appropriate evidence of an honorable discharge from military service will be required.
3. A candidate whose eligibility has been extended shall retain their relative position according to their overall score and ranking on the eligibility list.

G. Removal of Names From an Eligibility List

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

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

Section 8.3 CERTIFICATION**A. Availability For Certification**

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

B. Unavailability for Certification

When a candidate indicates on the Certification Form that they are not available for employment, their names shall be withheld from certification on the eligibility list.

C. Preferred List Certification of Names

Whenever a position is to be filled from a preferred list, the name of the candidate who ranks first on the list shall be certified and the hiring manager shall re-employ that candidate.

D. Number of Names to be Certified

1. The Personnel Officer shall certify as many names as requested by the hiring manager but not less than the first three (3) candidates on the eligibility list who have indicated that they are available for appointment pursuant to Section 8.3.A. above regarding availability for certification.
2. When a promotional list has less than three names on it, the Personnel Officer may certify 2 additional names from the open eligibility list for the same classification if one exists.
3. When the promotional list has three or more names on it, additional certification from the open eligibility list shall only take place by direction from the Executive Director or their designee.
4. When there are fewer than three (3) names available for certification, the Executive Director or their designee may elect to do the following: (1) appoint from the names available, (2) disregard those names and request an authorization for a provisional appointment, or (3) cancel the eligibility list based on the provisions in Section 8.4.
5. Once the names of all available candidates have been certified on an eligibility list, the hiring manager may use the rule of the list and appoint any certified candidate from the eligibility list.

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Deleted: so that a new list can be established through an open and/or promotional recruitment process based on the provisions in

E. Notice of Certification

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

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

F. Two Refusals of Appointment

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

G. Candidate's Request to be Withheld From Certification

1. A candidate may provide written notification to the Housing Authority that they desire to have their name be withheld from certification. Upon receipt of such request, the name of the candidate will remain inactive on the eligibility list from which it is being withheld.
2. The names of candidates that have been withheld from certification voluntarily may be restored to active status on the eligibility list from which they were withheld. The candidate's name shall be restored to active status upon receipt by the Human Resources Office of a written request from the candidate to have their certification status restored.
3. When the request is to restore a name to a list on which there are fewer than three (3) available candidates, restoration to active status shall be by direction of the Executive Director or their designee.

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H. Separated Housing Authority Employees

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

Deleted: <#>Cancellation of Certification¶

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

I. Objection to Certified Candidate

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

J. Completion of Certification Form

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

Section 8.4 CANCELLATION OF ELIGIBILITY LISTS

The Executive Director or their designee may cancel an existing eligibility list in the following circumstances:

1. When there are fewer than three (3) names available for certification; or
2. When the Executive Director or their designee decides not to fill a vacant position after a list has been established with certified names of candidates; or
3. When all remaining certified candidates have completed the exam process, including second interviews and/or written exercises conducted by the appointing manager, and both of the following conditions apply:
 - a. The appointing manager has deemed all remaining certified candidates as being unsuitable for appointment for any remaining vacancies in the classification, for reasons including, but not limited to, a lack of satisfactory professional references and/or less than satisfactory performance in the overall interview phases and/or applicable written exercises; and
 - b. Waiting for the existing eligibility list to expire (generally after one year from the date of list approval) creates an undue burden on staffing, operations, or service delivery.

Cancellation of an existing eligibility list allows HACA to establish a new list through an open and/or promotional recruitment process.

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3. When all remaining certified candidates have completed the exam process, including second interviews and/or written exercises conducted by the appointing manager, and both of the following conditions apply:
 - a. The appointing manager has deemed all remaining certified candidates as being unsuitable for appointment for any remaining vacancies in the classification, for reasons including, but not limited to, a lack of satisfactory professional references and/or less than satisfactory performance in the overall interview phases and/or applicable written exercises; and
 - b. Waiting for the existing eligibility list to expire (generally after one year from the date of list approval) creates an undue burden on staffing, operations, or service delivery.

Cancellation of an existing eligibility list allows HACA to establish a new list through an open and/or promotional recruitment process.