

**HOUSING AUTHORITY
COUNTY OF SAN MATEO**

**PERSONNEL
POLICIES
AND
PROCEDURES**

Housing Authority of the County of San Mateo

Personnel Policies & Procedures

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**Duane Bay
Housing Authority Director**

Housing Authority of the County of San Mateo Personnel Policies & Procedures

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I. PROVISIONS FOR PERSONNEL POLICIES & ADMINISTRATION

SECTION 1. AUTHORITY TO ADOPT POLICIES: Under the authority of the Board of Commissioners, the Housing Authority of the County of San Mateo hereby prescribes and adopts these policies.

SECTION 2. APPLICABILITY: These policies apply to all positions under the Housing Authority, which include all positions and employments in service of the Housing Authority. These policies shall be binding upon all employees in the service of the Housing Authority.

SECTION 3. PURPOSE: These policies are prescribed to carry out fair and equitable personnel decisions, to provide for a system of effective personnel administration, and to establish procedures for employees.

SECTION 4. BASIS OF PERSONNEL POLICIES AND PROCEDURES: As applicable, the Housing Authority has duplicated and/or modified the personnel policies and procedures of the County of San Mateo as the basis for this document. Additional personnel policies and procedures which specifically apply to the Housing Authority may be established by the Director.

SECTION 5. SEPARABILITY: If any provision of these policies or the application of such provision to any person or circumstance shall be held invalid, the remainder of these policies or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 6. RESCISSION OF PRIOR POLICIES: The Housing Authority Personnel Policies and Procedures adopted November 14, 1978 are hereby rescinded.

II. PURPOSE & AUTHORITY

SECTION 1. PURPOSE OF THE HOUSING AUTHORITY: The Housing Authority was founded in 1941 and operates as part of the County of San Mateo's Department of Housing. The Department of Housing was established in 2005 by the Board of Supervisors who also sit as the Housing Authority's Board of Commissioners. The Mission Statement adopted for the Department by the Board of Supervisors is: "The Department of Housing is a catalyst for increasing access to affordable rental housing, increasing the supply of workforce housing, and supporting related community development, so that housing exists for people of all income levels and generations in San Mateo County." The Housing Authority is the largest provider of housing assistance for low income families in San Mateo County.

SECTION 2. AUTHORITY OF THE POSITION OF DIRECTOR: The Housing Authority Director has been authorized by Board of Commissioners to establish and revise these personnel policies and procedures. Throughout this document, the Housing Authority Director shall be referred to as the “Director.”

III. CLASSIFICATION OF POSITIONS

SECTION 1. GENERAL: All positions shall be classified according to the duties and responsibilities assigned. All classification actions shall be based on the principle that positions with similar duties and responsibilities, requiring similar qualifications shall be grouped together in common classifications. Positions in the same classification shall be designated by the same title, filled by using the same qualification standards and selection criteria, and compensated according to the pay scales of the classification. The Director shall periodically review the duties of positions and revise classification specifications and reallocate positions as needed.

SECTION 2. CONTENT: All classification specifications shall contain a title, the distinguishing characteristics of the work, illustrative examples of duties and the minimum qualifications required to perform the work. Classification specifications shall include only those educational, training, physical and experience requirements which are essential to adequate job performance. The content is illustrative and shall not be construed to be comprehensive or to limit the authority of the Housing Authority to direct and control the work of employees. Classification specifications will be prepared so as to promote the goals of equal employment opportunity, to encourage upward and lateral mobility of employees, (i.e., to avoid the creation of dead end jobs). The classification specifications shall constitute a guide for establishing minimum employment standards, for examinations, and for evaluating the qualifications of applicants. The title of the classification shall be the title of all positions in the classification and shall be used on all official records.

SECTION 3. CHANGE OF ASSIGNED DUTIES: No employee shall be required to regularly perform duties of a position outside of the classification to which appointed. However, employees may be temporarily assigned duties outside their classifications. In addition, under the conditions described in these policies as “Emergency Appointment,” the Director may temporarily assign to employees whatever duties are necessary to meet the requirements of the emergency situation. Whenever a manager proposes, or assigns on a permanent basis, duties which are significantly different from those described in the classification specification for that position, a report will be made to the Director, who will initiate a job study.

SECTION 4. CHANGES IN CLASSIFICATION STATUS OF INCUMBENT: Upon reclassification of filled positions the Director shall determine whether the action constitutes an upward, lateral or downward movement of the level of the position.

- A. Downward. An employee in a position reclassified to a lower classification shall have the right of either: (1) transferring to a vacant position in his/her present classification, provided the Director agrees, or (2) continuing in the same position in the lower classification at a "Y" rate of pay when the incumbent's pay is higher than the maximum step of the salary range for the lower classification.
- B. Lateral. The status of the incumbent will remain unchanged in the classification to which the position is reallocated.
- C. Upward. The Director will grant status to the incumbent when either: 1) there has been no essential change in the duties and responsibilities of the position during the individual's incumbency; or 2) there has been a gradual change in the duties and the incumbent has satisfactorily performed the higher level tasks for at least 13 biweekly pay periods. If neither of the conditions listed above exist, the incumbent may be transferred, demoted, laid off or compete for the reallocated position as specified elsewhere in these policies.

SECTION 5. PROMOTIONAL REQUIREMENTS WHERE EMPLOYMENT STANDARDS HAVE BEEN RAISED: If, in a given job classification series, the educational requirements have been raised due to a classification action, incumbents in a lower classification at the time the standards are increased shall only be required to meet the former educational requirements for the next higher classification when competing for promotion to the next higher classification in that series.

IV. RECRUITMENT

SECTION 1. METHODS: The Director shall determine the methods to be used in recruitment. The Director may postpone, cancel, extend or otherwise modify the recruitment efforts as circumstances indicate.

SECTION 2. EQUAL EMPLOYMENT OPPORTUNITY: In planning and conducting recruitments, the Director and all other persons involved will give due consideration to the goals of the Equal Employment Opportunity Program.

SECTION 3. ANNOUNCEMENTS:

- A. Announcements for examinations shall be emailed to all employees at the beginning of the recruitment period. Announcements shall be given such other publicity as the Director deems warranted to attract a sufficient number of qualified candidates to compete. Recruitments shall be of one of the following types:

1. Regular Recruitment: A regular recruitment shall be used in most cases. Regular examination announcements shall specify a filing period of at least 14 days and shall clearly state a final filing date.
 2. Continuous Recruitment: In instances where the need for employees is frequent or continuing, or there is a labor market scarcity, the Director may announce examinations with no final filing date and conduct recruitments of sufficient duration to assure the Housing Authority's needs are met. Any time a continuous recruitment is to be closed, at least 5 days' notice to that effect shall be given prior to the final filing date.
 3. Limited Recruitment: When it is anticipated that the applicant group will be large in relation to the anticipated vacancies, the Director may restrict the recruitment to limit the size of the applicant group by: a) establishing a shorter filing period than that required for regular recruitments; b) specify a maximum number of applications which will be accepted, and the recruitment shall close immediately when that number is reached; or c) other means which are appropriate to the circumstances.
- B. Recruitment or examination announcements will describe the duties of the position, minimum qualifications, salary, closing date for accepting applications (where applicable), testing or other selection procedures, and such other information as the Director considers appropriate.

V. APPLICATIONS

SECTION 1. FILING OF APPLICATIONS:

- A. Official application forms shall be provided by the Housing Authority. Application forms must be filled out completely and must be signed by the applicant. Applications which are filed become the property of the Housing Authority and will not be returned. A separate and complete application is required for each examination, unless otherwise specified in the examination announcement.
- B. For regular recruitments and for continuous recruitments that are being closed, applications must be received by the Housing Authority not later than the office closing time on the published last day to file or must be postmarked by the United States Postal Service before midnight of that date. The terms and conditions under which applications will be accepted for limited recruitment shall be specified on the announcement of examination. Where circumstances warrant, the Director may authorize the acceptance of late applications.

SECTION 2. QUALIFICATIONS OF APPLICANTS: Applicants must meet the minimum requirements stated in the classification specification and the examination announcement. Applicants may be required to submit evidence of service in the armed forces, education, training, licensure or required special qualifications.

SECTION 3. DISQUALIFICATION OF APPLICANTS: The Director may refuse to examine an applicant, or after examination refuse to certify an eligible, or may remove an eligible from the eligible list:

- A. Who is found to lack any of the announced requirements established for the examination.
- B. Who is physically or mentally unable to perform the duties of the classification.
- C. Who fails to appear for, or fails to pass, any required medical examination.
- D. Who is guilty of conduct not compatible with Housing Authority employment.
- E. Who has made false or misleading statements of material fact on the application.
- F. Who has used, or attempted to use, any unfair method to obtain an advantage in an examination or appointment.
- G. Who has directly or indirectly obtained confidential information of the content of the examination, or who has taken part in compiling, administering, or scoring the examination.
- H. Who has failed to submit an application correctly and fully or within the prescribed time limits.
- I. Who has been dismissed for cause from a position in public or private employment highly similar to the position applied for in the Housing Authority.
- J. Who has been convicted of a crime which is substantially related to the qualifications, functions or duties of the position for which application is made.

SECTION 4. FINGERPRINTING: Applicants before appointment, and employees after appointment, may be required to be fingerprinted.

SECTION 5. NOTICE OF ACTION ON APPLICATION: A person whose application is rejected shall be notified as to the reason for the rejection.

SECTION 6. APPEAL RIGHTS: The procedures for appeals are provided under Policy XII Appeals.

VI. EXAMINATIONS

SECTION 1. USE AND NATURE OF EXAMINATIONS: Examinations will be used to determine the eligibility of applicants for employment and their relative positions on eligible lists. Examinations used will be prepared in compliance with Federal and State laws or guidelines and will be based on job requirements.

SECTION 2. SCHEDULING OF EXAMINATIONS:

- A. The Director will schedule all examinations and will distribute notices and determine where they will be posted. Notices will be posted in the Housing Authority office in advance of the final date for filing applications in accordance with the provisions of these policies. The Director may schedule examinations in anticipation of future vacancies.
- B. For examinations opened on a continuous recruitment, the names of all candidates who took the same or comparable examinations for the same classification on different dates shall be ranked by score on one eligible list for the purpose of certification.
- C. When a specific position within a classification requires a unique or specialized background, the Director may restrict recruitments to those individuals possessing the unique or specialized background.

SECTION 3. CONTENT OF EXAMINATIONS: The content and combinations of tests to be used, the weights assigned to each test, and the passing points or minimum qualifying score for examinations shall be determined by the Director. Examinations may consist of one or a combination of any of the following: a screening committee, written tests, performance tests, oral examinations, appraisals of education and experience, physical agility tests, assessment center evaluation, or other job related selection criteria.

SECTION 4. TYPES OF EXAMINATIONS: The Director shall determine the types of examinations to be given. The types may be:

- A. Open Examinations: Any person who meets the minimum qualifications for the classification may compete.
- B. Promotional Examinations: Permanent and probationary employees who have served at least six months of continuous service in such status prior to the final date to file an application are eligible to compete. Persons who have been laid off and whose names are on a reemployment list are also eligible provided they had served at least six months of continuous service prior to lay off.

- C. Open and Promotional Examinations: Any person who meets the minimum qualifications for the classification may compete. In addition, any person competing in this type of an examination, and who meets the criteria described in Section 4, paragraph B, above, shall have 5 points added to the final passing score.

SECTION 5. CONDUCT OF EXAMINATION:

- A. The Director will insure the proper conduct and administration of examinations.
- B. The Director will notify all applicants in advance of the time, date, and place of examinations. Written examinations will be administered so that no examination paper will disclose the applicant's identity until after the examination has been scored and the passing point determined.
- C. Any candidate who receives or gives unauthorized assistance designed to aid the candidate in the examination process will be disqualified from the examination and may be barred from future examinations.

SECTION 6. NOTICE OF RESULTS OF EXAMINATIONS: As soon as examinations are scored and eligible lists established, applicants will be notified of the results and, if there are more than seven successful applicants, their scores and relative positions on the eligible list.

SECTION 7. REVIEW OF WRITTEN EXAMINATION MATERIALS: Written examination materials (score sheets and a keyed copy of the test materials) which are not standardized or used on a continuing basis may be reviewed for a period of three working days immediately following the test by any person having taken that test. During this period, such person may file in writing an appeal against any portion of the written examination, specifying the reason for protest. Scoring of the examination will be withheld pending a resolution of any appeals by the Director. Candidates may inspect their own test papers for a period of twelve working days following the close of the appeal period. There shall be no review of standardized tests.

SECTION 8. APPEALS:

- A. The Director will review appeals from ratings of oral examining boards or appraisal of qualifications boards which are below passing solely for reasons of alleged irregularity, bias, discrimination, or fraud in the conduct of such board. The purpose of this provision is not to substitute the judgment of the Director for that of the Qualifications Appraisal Board or the Oral Examining Board, but to provide relief to an appellant who presents evidence that there is reasonable cause to believe that the appellant's interests were prejudiced by irregularity, bias, discrimination, or fraud in the conduct of the examination.

- B. Such appeals must be submitted in writing by the appellant and must be received by mail, fax or hand delivery by the Director within 14 calendar days after notice of test results have been mailed to candidates, and must contain a statement of the facts upon which the appeal is based.
- C. If, after reviewing such an appeal, the Director finds that the applicant's score was affected by any condition listed in Subsection 8A, the Director shall direct that either:
 - 1. The appellant shall be reconsidered by an impartial board and the results integrated into the examination process, or;
 - 2. The entire appraisal and oral examination be invalidated and re-administered and applicants shall be so notified.

SECTION 9. SPECIAL CONSIDERATION FOR DISABLED INDIVIDUALS:

- A. Individuals with disabilities which, in the judgment of the Director, would prevent their handling the mechanical aspects of any part of the selection process on a relatively equal basis with non-disabled individuals may compete, at the discretion of the Director, in a modified selection process so as to allow the disabled person to compete on as equal a basis as possible.
- B. The Director may administer examination processes restricted to severely disabled individuals for entry level classifications provided that such persons either meet the minimum qualifications for the position or after completing a prescribed training program will meet the minimum qualifications.

SECTION 10. VETERANS PREFERENCE:

- A. Veterans preference shall be five points. It is the practice of the Housing Authority Director to allow veterans preference only upon initial entry. Disabled veterans shall be eligible for an additional five points. Preference shall be added to passing scores only. The policy for ranking eligibles in order of percent standing shall not be otherwise changed by application of veterans preference.
- B. For the purpose of this policy, “veteran” means any person who has served at least 90 consecutive days of active duty in the armed forces of the United States, for which period of service a campaign medal has been authorized by the government of the United States, and to which the applicant is entitled. To be eligible for veterans preference, an applicant must have received an honorable discharge or a discharge under honorable conditions, proof of which service and discharge must be submitted to the Director before the time of the examination. Active duty as used herein means full-time service in any of said armed forces, and does not include part-time service

in any reserve status or in the National Guard. Persons who elected a career in the Armed Forces and retired after twenty or more years of active military service shall not be eligible for veterans preference.

- C. Disabled veteran means any person who has been disabled as a result of any service given the status of a veteran under this policy and who has at least 30% disability as measured by the United States Veterans Administration, or equivalent authority for other branches of the service. Claim for disability preference must be accompanied by certified copy of record of the United States Veterans Administration, or other acceptable documentary evidence dated within the past six months.
- D. Veterans and disabled veterans must have all qualifications set for entrance to any examination and must pass all parts of an examination including written, oral, physical, medical, or performance examination, as may be required, before veterans preference shall apply.
- E. Preference shall not apply to promotional examinations, qualifying examination, or to any personnel transactions such as dismissal, transfer, or lay off.
- F. Claim for veterans preference shall be investigated and the Director may require suitable documentary proof of the status of anyone claiming veterans preference under this policy. Applicants claiming veterans preference in any examination must so state when the application is filed.

VII. ELIGIBLE LISTS

SECTION 1. ORDER OF ELIGIBLES: Applicants for employment who qualify in an examination shall have their names placed on the appropriate eligible lists in the order of their final scores.

SECTION 2. EFFECTIVE DATE OF ELIGIBLE LISTS: Eligible lists shall be in effect from the date on which approved by the Director. Changes in rank, or addition or subtraction of names because of errors or re-ratings, shall not change the effective date of an eligible list.

SECTION 3. DURATION OF ELIGIBLE LISTS:

- A. The duration of eligible lists shall be as follows:
 - 1. Promotional eligible lists are established for a period of nine months.
 - 2. Open eligible lists are established for a period of six months.
 - 3. Reemployment eligible lists are established for a period of one year.

4. Reinstatement eligible lists are established for a period of one year.
- B. When, in the opinion of the Director, an eligible list does not meet the needs of the Housing Authority, the Director may order new examinations to provide candidates. All successful applicants shall have their names placed on eligible lists in the order of their final scores.
 - C. Eligible lists may be extended by the Director provided that the total duration of the list does not exceed two years.

SECTION 4. REMOVAL OF NAMES FROM ELIGIBLE LISTS:

- A. The Director shall remove from eligible lists the names of all applicants that have remained thereon for the duration of the list.
- B. If, at the time of termination, an employee's name appears on a promotional eligible list his/her name shall be removed from the promotional list and placed on the open competitive eligible list for that classification, if any, in accordance with the final score.
- C. The Director may remove the names of applicants from an eligible list when, in his/her opinion, the applicant no longer possesses the minimum qualifications of the classification.
- D. The Director may remove from eligible lists the names of applicants who:
 1. Decline three offers of appointment.
 2. Request to have their names removed from an eligible list or state that they are not interested in employment in that classification.
 3. Fail to respond to an invitation for pre-employment interview following certification from an eligible list.
 4. Cannot be located by the U.S. Postal Service.
 5. Are appointed to permanent positions in the classification for which their names were on eligible lists. This does not apply to eligibles who are appointed to temporary positions.
- E. Where an applicant has been passed over three times for employment by the same appointing authority, the Director may remove the name of that applicant from that specific eligible list.

SECTION 5. ELIGIBLE LISTS/PERMANENT POSITIONS: Eligible lists for permanent positions shall consist of the following types:

- A. **Reemployment Eligible List:** The reemployment eligible list for each classification shall consist of the names of employees and former employees having probationary or permanent status and who were laid off or whose positions were reallocated downward as a result of reclassification. The rank order on such lists shall be determined by relative seniority. Such lists shall take precedence over all other eligible lists in making certification.
- B. **Promotional Eligible Lists:**
1. **Promotional Eligible Lists:** The names of applicants successful in promotional examinations shall be placed on promotional eligible lists for the classifications examined.
 2. Promotional eligible lists shall take precedence over general eligible lists.
- C. **General Eligible Lists:** The names of applicants successful in open examinations, open and promotional examinations, as well as persons complying with the provisions of Section 7 of this policy, shall be placed on general eligible lists for the classification examined, and such lists shall be used after those lists described in paragraphs A and B above have been exhausted in making certifications.
- D. **Reinstatement Eligible Lists:** A probationary or permanent employee who has resigned in good standing or accepted a voluntary demotion, may within two years following the effective date of resignation, request that the Director place his/her name on the reinstatement eligible list for any classification for which he/she is qualified. Additionally, employees who occupy positions which the Director has determined are at risk of being eliminated, may be placed on appropriate reinstatement lists prior to the anticipated date of layoff. This list may be considered by the Director in addition to either the promotional eligible or general eligible lists but cannot take precedence over general reemployment eligible lists.
- E. **Transfer of Eligibility:** Upon approval of the Director, the names of individuals having permanent status in the service of a public agency operating a civil service or merit system may be placed on a reinstatement eligible list for the comparable entry or journey level class in the Housing Authority service. In each case, the following conditions must be met:
1. The classification in which employment is contemplated must possess the same or lesser minimum qualifications as the class in which the individual holds permanent status.

2. The individual must have been employed by the other public agency within one year prior to the date of his/her application to the Housing Authority.
3. The individual must submit written information from the other public agency confirming the individual's permanent status and containing the following statements:
 - a. The employment record of the individual has been entirely satisfactory.
 - b. The individual has not been separated for cause.
 - c. The individual was appointed to the class in which he/she holds permanent status from an eligible list resulting from a qualifying or competitive examination.
 - d. If not currently employed by the other agency, the individual is eligible for reinstatement in the class in which he/she holds permanent status.

The names of such individuals shall be placed on the reinstatement eligible list.

4. The Director may make a determination that a specific classification is "Hard to Fill." If a classification other than an entry or journey level classification is so designated, then the above process may be used for that classification.

SECTION 6. ALTERNATE ELIGIBLE LISTS: Whenever there is no eligible list for a classification, or whenever it is in the best interest of the Housing Authority, the Director may certify names to vacancies from the eligible lists for related classifications provided that the required qualifications of the related classifications are at least equivalent to those of the classification in which the vacancy exists. The names of the persons thus certified shall remain on the eligible lists on which their names were originally placed.

SECTION 7. INACTIVE ELIGIBLE LIST AND REPLACEMENT OF NAMES ON ELIGIBLE LISTS:

- A. A person whose name is on an eligible list may request in writing that his/her name be placed on the inactive eligible list, after which time the Director will not certify that name to vacancies. Such person may have his/her name replaced on the active eligible list by making request at any time before the list expires. The total period of time that such person's name is on both the active and inactive eligible lists may not exceed the duration of that list.

- B. In addition to placing the name of an employee laid off on the reemployment eligible list for the classification in which laid off, the Director may place such employee's name on the promotional eligible list of any classification for which, in the Director's opinion, the employee is qualified. Such person's name shall be placed on the promotional eligible list above the names of persons who have not been laid off. If the names of two or more persons laid off are placed on the same promotional eligible list the names shall be ranked in order of a relative seniority as specified under Policy XIV.

SECTION 8. RESTORATION OF NAME OF REJECTED PROBATIONER TO ELIGIBLE LIST: The Director may, upon request by an employee rejected during the probationary period, restore that employee's name to the eligible list for that classification. However, the employee's name shall not be certified to the section from which rejected without approval of the Director. This request must be made, in writing, within 30 days from the date of rejection.

SECTION 9. RETURN TO ELIGIBLE LIST OF FORMER HOUSING AUTHORITY EMPLOYEES SEPARATED BY DISABILITY RETIREMENTS: The Director may place the names of any Housing Authority employees who have been disabled and are retired and are unable to perform their previous assignments on the reinstatement list of any classification for which those employees are qualified.

VIII. REQUISITION AND CERTIFICATION

SECTION 1. REQUISITION OR REQUEST FOR PERSONNEL: Whenever a vacancy is to be filled, other than by transfer or demotion, the appointing authority will notify the Director as far in advance as possible and request certification on a form prescribed by the Director. In cases where selective certification based on bona fide occupational qualifications or on special skill requirements is desired, the personnel requisition will include complete justification. Following receipt of a request for personnel, the Director will determine which eligible list is to be used.

SECTION 2. PRIORITY OF ELIGIBLE LISTS: Eligible lists shall be certified to fill permanent vacancies in the following order:

- A. Reemployment Eligible List
- B. Promotional Eligible List
- C. General Eligible List
- D. Reinstatement Eligible List shall be certified in addition to B and C above and shall be considered for appointment at the discretion of the appointing authority.

SECTION 3. CERTIFICATION FROM REEMPLOYMENT ELIGIBLE LISTS: If a reemployment eligible list is used, the Director will certify the name of the person who is the highest on the list and available for employment. This person shall be appointed if the position is to be filled. The Director may remove from a reemployment eligible list the name of any person who waives employment after certification.

SECTION 4. CERTIFICATION FROM OTHER ELIGIBLE LISTS:

- A. If a list other than a reemployment eligible list is to be used, the Director shall certify the top seven available candidates to the vacancy. If any other candidates have the same score as the number seven candidate, then they shall also be certified to the vacancy.
- B. If more than one vacancy occurs then the base number of candidates to be certified shall be increased by one for each additional vacancy in each case.
- C. All names on the reinstatement eligible list may be certified in addition to the promotional or general eligible list.

SECTION 5. PROCEDURE WHEN ELIGIBLE LIST CONTAINS SIX OR LESS NAMES: When an eligible list, other than a reemployment eligible list, contains six or less names the Director shall certify the remaining name(s) to the appointing authority. If the latter does not wish to appoint the person(s) certified the Director may either schedule another examination or use an alternate eligible list. A person(s) whose name(s) appeared on the eligible list for the classification in which the vacancy exists shall be included in the certification, even though additional name(s) are certified from an alternate eligible list. In the case of a new examination, the current eligible list will be expired and the person(s) on that list will be notified of the new examination process.

SECTION 6. NOTIFICATION TO ELIGIBLES: The Director will notify applicants whose names have been certified regarding the person(s) to contact regarding pre-employment interviews.

SECTION 7. PROCEDURE WHEN NO ELIGIBLE LIST EXISTS: When no eligible list exists, a provisional appointment may be made as specified under Policy IX.

SECTION 8. CERTIFICATION TO TEMPORARY AND EXTRA HELP POSITIONS:

- A. The Director may refer qualified persons from whatever sources are deemed appropriate.
- B. If the persons are referred and appointed from existing eligible lists to extra help entry or journey level positions, such extra help employees may be given a probationary appointment without further examination provided:

1. The person is appointed to the same classification as originally certified for the extra help appointment,
2. There has been no break in service of more than 30 days during the period of the extra help appointment, and
3. The eligible list that the extra help employee was appointed from has since expired.

SECTION 9. CERTIFICATION OF EMPLOYEES HIRED UNDER FEDERAL OR OTHER SPECIAL PROGRAMS DESIGNED TO REDUCE UNEMPLOYMENT: Persons hired into Federal or special programs designed to reduce unemployment may be certified in addition to candidates on General Eligible lists for entry or journey level positions provided that the employee of the Federal or other program is on the eligible list for the classification.

IX. APPOINTMENT, PROBATION, PROMOTION, DEMOTION & TRANSFER

SECTION 1. GENERAL: Vacancies may be filled by permanent, probationary, provisional, or temporary appointments, as well as by transfer, promotion, or demotion.

SECTION 2. APPOINTMENT AND NOTIFICATION OF APPLICANTS: The appointing authority will interview each applicant who responds to a certification before making an appointment. After making the selection the appointing authority will notify each applicant interviewed of the results.

SECTION 3. PERMANENT APPOINTMENT: Employees who have successfully completed the probationary periods designated for their classifications shall be given permanent status. Former permanent employees appointed from a reemployment eligible list shall be given permanent appointment when reemployed.

SECTION 4. PROBATIONARY APPOINTMENT: All appointments to fill permanent vacancies shall be probationary appointments, except for demotions or transfers of permanent employees, or appointments from reemployment eligible lists unless otherwise provided in this policy.

Former probationary employees serving probation periods of one year or less and whose names were placed on a reemployment eligible list before they achieved permanent status shall start a new probationary period when appointed from a reemployment eligible list.

Former probationary employees serving probation periods of more than one year and whose names were placed on a reemployment eligible list before they achieved

permanent status shall resume their probationary period when appointed from a reemployment eligible list.

SECTION 5. PROBATIONARY PERIODS:

- A. The probationary period is the final phase of the examination process. It shall be used by the appointing authority for the effective adjustment of new employees through supervision, counseling, and evaluation, as well as for the elimination of any probationary employees who do not meet the required standards of work. The appointing authority may terminate a probationary employee at any time during the probationary period without the right of hearing by or appeal to the Director except when an employee alleges, and substantiates in writing, discrimination based on race, color, religion, sex, national origin, age or disability as the reason for termination. In case of rejection during probationary periods, employees shall be given written notice, with reasons therefor, at once. An appeal to the Director based on the above described allegation and written substantiation of discrimination must be received by mail, fax or hand delivery by the Director within 14 calendar days of the date on which the notice of rejection is mailed or hand delivered to the employee.
- B. Probationary full-time employees shall undergo a probationary period of 13 full biweekly pay periods, unless a longer period, not to exceed 26 full biweekly pay periods is prescribed by the Director for their classifications. Probationary part-time employees shall undergo a probationary period of 1040 hours, unless a longer period is prescribed by the Director for their classifications. Management employees shall undergo a probationary period of 26 full biweekly pay periods. Probationary periods of individuals may be extended with good cause upon request of the manager and concurrence of the Director. In no event shall a probationary period for employees exceed 26 full biweekly pay periods. Probation periods shall be automatically extended by any leave of absence by the length of such leave provided such leave exceeds 10 working days and provided such extension is in full pay period increments.
- C. Time worked by an employee in a temporary, extra help, or provisional status shall not count towards completion of the probationary period. The probationary period shall start from the date of probationary appointment. Probationary employees in permanent part-time positions shall be credited with that proportion of full-time employment which they work in a probationary status.
- D. An employee who is not rejected prior to the completion of the prescribed probationary period shall acquire permanent status automatically.
- E. An employee who is laid off and subsequently appointed as a result of certification from a general employment eligible list to a position in a different classification than

that from which laid off shall undergo the probationary period prescribed for the classification to which appointed.

SECTION 6. TEMPORARY APPOINTMENT: With approval of the Director, a person may be appointed temporarily to fill a regularly established, permanent position during the temporary absence of the incumbent. If a person appointed is a permanent Housing Authority employee he/she shall retain the right to return to his/her permanent position when the employee who has been temporarily absent returns. Probationary employees may not receive temporary appointments. Permanent Housing Authority employees who accept a temporary appointment shall not suffer any loss of employee benefits. No person shall achieve permanent status as a result of certification or appointment to a temporary position.

SECTION 7. PROVISIONAL APPOINTMENTS: When no eligible list exists for a classification the Director may either certify from an alternate eligible list or authorize a provisional appointment to fill a vacant permanent position. The person appointed must meet the minimum qualifications for the classification and be otherwise eligible. After an eligible list is established for that classification the Director will certify names to fill the position with a probationary employee. If the provisional employee does not receive a probationary appointment he/she must vacate the position within thirty days following certification. In no case may a provisional employee occupy a permanent position for more than six months.

SECTION 8. EXTRA HELP APPOINTMENT:

- A. Positions needed because of temporary requirements, or other unusual work conditions may be filled by extra help appointments.
- B. Extra help employees have no tenure and may be terminated at any time without right of appeal or review by the Director.
- C. Extra help employees are not entitled to employee benefits other than pay for time worked.
- D. No person shall achieve permanent status as a result of certification or appointment to an extra help position.

SECTION 9. EMERGENCY APPOINTMENT: In event that a certification procedure prescribed by the Housing Authority would, in an emergency situation, delay or impair efficiency of its operations, or might cause stoppage of public business, or in order to meet any emergency, the appointing authority may make emergency appointments for the duration of the emergency and for a time thereafter sufficient to permit an orderly return to the normal conduct of public business. When such emergency appointments are made the appointing authority shall immediately notify the Director, naming the appointees, dates of appointment, classifications in which hired, duties of the positions to which appointed, and the nature of the emergency.

SECTION 10. PROMOTIONS:

- A. Except as provided in paragraph B of this section, permanent employees who are promoted to a higher classification shall undergo the probationary period prescribed for the higher classification, but if rejected during the probation period shall have the right to demote to their former classification if a vacancy in their former classification exists. If no vacancy exists, such employee shall be placed in the longest standing vacancy (as determined by the requisition form date) for which the employee meets the minimum qualifications. If no vacancy exists, such employee shall displace the least senior employee as specified under Policy XIV. If no less senior position exists, then the employee shall be removed from Housing Authority service.

- B. Where flexible staffing exists in a general series of classifications, employees in lower level classifications may be promoted to the higher level classifications without examination or certification from an eligible list that the Director approves such action and that the employee satisfies all other requirements of the position. Where flexible staffing exists between trainee and journey level classifications the employees shall not have the right to revert to their former trainee classifications if rejected during the probationary period.

Note: Employees in flexibly staffed classifications shall not serve a second probationary period when promoted from the trainee to the journey level if they have completed the probationary period at the trainee level. If such employees promote from the trainee level to the journey level without having completed the probationary period for the trainee level, they shall serve the remainder of the probationary period after promotion to the journey level and shall not have the right to revert to their former trainee classification if rejected during the probationary period.

- C. This section does not apply in cases where there is limited flexible staffing as delineated by the Housing Authority.

SECTION 11. DEMOTIONS:

- A. Demotions may be ordered as part of a reorganization or reduction in force, at the request of the employee, or for cause. Demotions may be made only with approval of the Director. The procedures for appeals and hearings are provided under Policy XII.

- B. An employee may, with the approval of the Director, demote to a vacant position in another classification for which he/she possesses the skills and fitness. Employees who demote to a classification in another series may be required by the Director to start a new probationary period. If unsuccessful in the new probationary period the employee will be terminated from Housing Authority service. If a new probationary

period is a condition for demotion, the employee must sign a statement indicating an understanding of this fact prior to the effective date of the demotion. At the approval of the Director, a demoted employee may have his/her name placed on the reinstatement eligible list for the classification from which demoted.

- C. A permanent employee who is involuntarily demoted shall be given a permanent appointment in the lower classification.

SECTION 12. TRANSFERS:

- A. An employee may, with the approval of the Director, transfer to a vacant position in the same classification. Probationary and permanent employees who transfer to a classification in another series may be required to start a new probationary period. If unsuccessful in the new probationary period, the employee will revert to the prior classification as specified in Section 10. If a new probationary period is a condition for transfer, the employee must sign a statement indicating an understanding of this fact prior to the effective date of the transfer.
- B. The Director may approve without examination or certification involuntary transfer of employees in the same classifications because of reorganizations or changes in workload. Employees affected shall be given reasonable written advance notice.

X. EMPLOYEE PERFORMANCE EVALUATION

SECTION 1. PROVISION OF JOB PERFORMANCE EVALUATION SYSTEM: The Director shall establish a system for measuring, reporting, and recording the job performance of Housing Authority employees. The objectives of this system will include, but not be limited to, assisting managers and their employees in measuring progress towards goals, employee development, and recording for possible future use information needed for personnel decisions affecting employees who are evaluated. This system shall apply to all probationary and permanent employees, as well as other employees designated by the Director.

SECTION 2. UTILIZATION OF JOB PERFORMANCE EVALUATION: The Director shall determine the use and significance, if any, of job performance evaluations in determinations regarding examinations, salary increases or decreases, promotions, demotions, transfers, dismissals, suspensions, and order of layoffs.

An employee who receives a below standard evaluation shall receive periodic special evaluations as determined by the Director. Such employees shall not be eligible for merit increases until the performance is raised to standard.

SECTION 3. REVIEW OF EVALUATIONS WITH EMPLOYEES: Managers preparing job performance evaluations shall discuss with employees their evaluations. Employees shall have access to their evaluations on file at the Housing Authority.

SECTION 4. APPEAL OF EVALUATION BY EMPLOYEE:

Permanent employees may appeal to the Director for a review of performance evaluations which are below a standard score or rating set by the manager who prepared the evaluation.

Any appeal for review under this section must be received by mail, fax or hand delivery to the Director within 14 calendar days of receipt of the below standard evaluation.

Upon receipt of the request for review, the Director shall review the facts and order such action as the Director deems appropriate. If desired by the Director, a fact-finding committee may be convened. This committee shall be comprised of two managers of the Housing Authority (excluding the manager who prepared the evaluation) as appointed by the Director. The committee shall formally review the performance evaluation issues, identify any abuse of discretion, and make formal recommendations to the Director whose decision is final.

Review, as used in this section, is defined as a fact-finding examination for the purpose of detecting and correcting any abuse of discretion.

XI. DISCIPLINARY ACTION

SECTION 1. AUTHORITY TO DISMISS, SUSPEND, REDUCE IN STEP OR DEMOTE: The Director may dismiss, suspend, reduce in step or demote any employee provided the Housing Authority policies are followed, and provided further that any permanent employee shall have the right to appeal and/or grieve such an action as specified under Section 4 below.

All employees are covered by the Non-Punitive Discipline Program. A disciplinary letter which equates to a suspension of a specified length (e.g., one day, three days, etc.) may be issued in lieu of a suspension. For the purpose of establishing progressive discipline, the disciplinary letter carries the same weight as a suspension. The disciplinary letter is subject to the same appeal rights as other disciplinary actions.

SECTION 2. NOTICE: A regular employee shall be given not less than 5 working days notice of disciplinary action. In situations where immediate disciplinary action is deemed appropriate by the Director, a shorter period of notice may be approved by the Director. The notice shall give the grounds for disciplinary action.

The Director or designee shall give written notice (Skelly Notice) of intent to suspend, demote or terminate an employee. Such notice must be served on the employee in person or by certified or registered mail prior to the disciplinary action becoming effective and shall include:

- A. Statement of the nature of the intended disciplinary action(s);
- B. Effective date of the action(s);
- C. Statement of the cause thereof;
- D. Statement of the specific acts or omissions upon which the cause is based;
- E. Statement advising the employee of his/her right to respond to such intended action and the right to representation;
- F. Statement that documentary evidence supporting the proposed disciplinary action(s) is available for review by the employee.

SECTION 3: SKELLY HEARING: After a Skelly notice has been issued and prior to disciplinary action being initiated, a designee of the Director shall conduct a Skelly hearing upon the request of the affected employee. At this hearing, the employee and his/her representative shall be afforded the opportunity to respond to the charges, either orally or in writing. The Director may reduce, modify or rescind the intended action as a result of the Skelly hearing.

SECTION 4: DISCIPLINARY APPEALS AND GRIEVANCES. Subsequent to a disciplinary action, any permanent employee may file an appeal in accordance with Policy XIII Appeals. Employees covered by a Memorandum of Understanding may file a grievance in accordance with their agreement.

SECTION 5. CAUSES FOR DISMISSAL, SUSPENSION, REDUCTION IN STEP OR DEMOTION: A permanent employee may be dismissed, suspended, reduced in step or demoted for cause only. The following, among others, are causes which, if shown to the satisfaction of the Director to be related to work performance, are sufficient for such action:

- A. **Absence Without Leave.** Absence without leave shall mean any time an employee is absent from the workplace without authorization or without an explanation satisfactory to the appointing authority. This includes an employee's failure to report to work after a leave of absence has expired or after such leave of absence has been disapproved or revoked.
- B. **Conviction of a criminal offense** which is substantially related to the qualifications, functions or duties of the employee's position. Conviction shall mean a termination of criminal proceedings adverse to the employee upon a verdict, by plea of guilty,

upon a judgment against the employee, or upon a plea of nolo contendere, without regard to subsequent disposition of the case by suspension of sentence, probation, or otherwise.

- C. Dishonesty.
- D. Abuse of sick leave.
- E. Unacceptable Performance. Unacceptable performance shall mean want of ability suitable to the work, either as regards natural qualities or experience or deficiency of disposition to use one's ability and experience properly, or failure to continue to perform at an acceptable level.
- F. Through willful misconduct, causing damage to public property or waste of public supplies, or waste of public time.
- G. Being, or having been at the time of employment, disqualified as an applicant for employment and having willfully concealed or misrepresented such facts in an application for employment.
- H. Insubordination. Insubordination shall mean that the employee, having then the ability to do a reasonable act which he/she is directed to do by an employee of the Housing Authority with authority to direct his/her activities on the job, willfully fails or neglects to perform the directed act.
- I. Disrespectful or discourteous conduct toward a Housing Authority contact, another employee, or a member of the public.
- J. Willful violation of any of the provisions of the Housing Authority policies and procedures relating to the conduct of Housing Authority employees.
- K. Excessive absenteeism and/or tardiness.
- L. Impairment of an employee's ability to perform his/her duties at a satisfactory level due to being under the influence of alcohol or drugs while at work or the use of alcohol or drugs during working hours, except where such drugs have been prescribed and are being used in accordance with specific instructions from a licensed physician. For employees covered by the Department of Transportation Alcohol and Drug Testing Program, refusal to submit to an alcohol or drug test which is ordered in accordance with the Housing Authority's Policy and Procedures or a positive alcohol or drug test shall also constitute cause for disciplinary action.
- M. Sexual Harassment and/or discrimination toward a Housing Authority contact, another employee, or a member of the public.

- N. Misuse of Position. Misuse of position shall mean knowingly using one's position or one's status as a Housing Authority employee for personal gain or for the gain of another; or knowingly using one's position or one's status as a Housing Authority employee to obtain or provide information or services in a manner other than that available to the general public. Acceptance of discounts normally available to all Housing Authority employees shall not be considered misuse.
- O. Failure to follow policies, procedures or work policies, or negligence in the performance of one's duties.

XII. APPEALS

SECTION 1: AUTHORITY: Unless otherwise specified in these policies, appeals to actions taken under the authority of the Housing Authority shall be made to the Director.

SECTION 2: PETITION FOR AN APPEAL: Appeals must be submitted in writing within 14 calendar days of any ruling of the Director. Any employee's petition for appeal shall be signed by the petitioner, and shall state the petitioner's mailing address, the ruling or action being appealed from, and the facts or reasons in detail upon which the petitioner is basing the case. An appeal may be denied if the petition fails to state specific facts or reasons in detail upon which the petitioner is basing the case.

SECTION 3: METHOD OF RESOLVING AN APPEAL: The Director shall review and investigate all appeals, shall determine whether the appeal shall be granted, granted in part, or denied, and shall notify all parties of the decision. At the Director's discretion, additional fact-finding activities may be conducted.

Decisions of the Director with respect to such appeals shall be final and binding on all parties.

XIII. RESIGNATION

SECTION 1. RESIGNATION IN GOOD STANDING:

- A. In order to resign in good standing a permanent or probationary employee shall submit a written notice to the appointing authority at least 14 calendar days in advance, unless the latter agrees to shorter notice. The appointing authority shall forward this notice to the Director for inclusion in the employee's personnel file. Failure by the employee to give this notice may result in forfeiture of future employment rights, as well as the right to have his/her name replaced on the reinstatement eligible list.

- B. Resignation severs all seniority and employment rights, except that of requesting replacement of the former employee's name on an appropriate eligible list, as provided in Policy VII.

SECTION 2. RESIGNATION NOT IN GOOD STANDING: The Director may refuse to replace the name of a former permanent or probationary employee upon an eligible list or exclude him/her from examinations if such employee has resigned while charges are pending against him/her or while under suspension or has, without the Director's approval, given less than 14 calendar days notice in advance of resignation.

XIV. REDUCTION IN FORCE, LAY OFF & REEMPLOYMENT

SECTION 1. WHEN LAY OFFS MAY BE MADE: The Director may lay off employees because of lack of work, lack of funds, reorganization, or otherwise when in the best interests of the Housing Authority. The procedures and order of lay offs shall be in accordance with the Housing Authority policies.

SECTION 2. REPORTS AND NOTICES OF LAY OFF: The Director will give at least 14 calendar days advance written notice to employees to be laid off, unless a shorter period of time is determined by the Director.

SECTION 3. PRECEDENCE BY EMPLOYMENT STATUS: No permanent employee shall be laid off while employees working in an extra help, temporary, provisional, or probationary status are retained in the same classification unless that employee has been offered the extra help, temporary or provisional appointment. The order of lay off among employees not having permanent status shall be according to the following categories:

- A. Extra Help
- B. Temporary
- C. Provisional
- D. Probationary

SECTION 4. COMPUTATION OF SENIORITY/PREPARATION OF LAY OFF LIST:

- A. The Director will prepare a lay off list, which shall govern the order of lay offs.

- B. Lay offs shall be by job classification according to reverse order of seniority as determined by total continuous Housing Authority service, except as specified in Section 3. In event that two or more employees have the same seniority, the examination score for their present classifications shall determine seniority. The following provisions shall apply in computing total continual service:
1. Time spent on military leave and leave to accept temporary employment outside the Housing Authority shall count as Housing Authority service.
 2. Time worked in an extra help status shall not count as Housing Authority service.
 3. Time worked in a permanent, probationary, provisional, or temporary status shall count as Housing Authority service. Part-time status shall count at the rate of one year of continuous employment for each 2080 straight time hours worked.

SECTION 5. EMPLOYEE OPTIONS:

- A. Employees who are laid off shall have any of the following two choices:
1. Taking a voluntary demotion to a classification in which the employee had prior probationary or permanent status provided such a position is held by an employee with less seniority.
 2. Displacing the employee in the same classification having the least seniority in Housing Authority service.
- B. Part-time employees shall not displace full-time employees, unless the part-time employee has held full-time status in the classification.

SECTION 6. NAMES OF EMPLOYEES LAID OFF TO BE PLACED ON REEMPLOYMENT ELIGIBLE LISTS: The names of employees laid off shall be placed on reemployment eligible lists as specified in Policy VII. Former employees appointed from a reemployment eligible list shall be restored all rights accrued prior to being laid off, such as sick leave, vacation credits, and credit for years of service. However, such reemployed employees shall not be eligible for benefits for which they received compensation at the time of or subsequent to the date they were laid off. The provisions of this section shall not apply to employees who have accepted severance pay upon termination of employment.

XV. SCHEDULE OF COMPENSATION

SECTION 1. Schedules of compensation and other benefits for employees of the Housing Authority shall be interpreted as provided in this Section, unless otherwise indicated in an ordinance or resolution adopted by the Board of Commissioners.

- A. The rates of pay set forth in the compensation schedules represent the standard biweekly rate in terms of dollars. The pay schedules will consist of steps as may be found advisable for the separate classifications. The compensation rates within each schedule are designated as Steps A, B, C, D, and E. When a rate of pay is higher than the maximum step of the schedule for the classification, the rate of pay so authorized will be designated as a "Y" rate by the Board of Commissioners. Such Y rate of pay shall be discontinued when the incumbent ceases to occupy the position, or whenever Step E of the salary range assigned to that classification equals or exceeds such Y rate.
- B. The rates of pay set forth in the schedules of compensation, unless otherwise indicated in such schedules, represent the total compensation due employees, except for overtime compensation and other benefits specifically provided for by the Board of Commissioners.
- C. The rate of pay set forth in the schedule of compensation represents for each classification the standard rate of pay for full-time employment, unless the schedule specifically indicates otherwise.
- D. Where part-time service is on an irregular basis, payment for such service shall be calculated according to procedures established by the Director.
- E. The rates of pay set forth in the schedule of compensation do not include reimbursement for actual and necessary expenses for traveling, subsistence, and general expenses authorized and incurred incident to Housing Authority employment.

XVI. ADMINISTRATION OF SCHEDULES OF COMPENSATION

The schedules or ranges of compensation shall be administered as follows:

- A. Except as herein otherwise provided, the entrance salary for a new employee entering Housing Authority service shall be the minimum salary for the class to which appointed. When circumstances warrant, the Director may approve an entrance salary which is more than the minimum salary. Such a salary may not be more than the maximum salary for the class to which that employee is appointed unless such salary is designated as a Y rate by the Board of Commissioners.

- B. All exercise of approval authority over special merit salary increases and hiring rates delegated by the Board of Commissioners shall be approved by the Director.
- C. Permanent and probationary employees serving in regular established positions shall be considered by the appointing authority on their salary anniversary dates for advancement to the next higher step in the salary schedule for their respective classes as follows. All increases shall be effective at the beginning of the next full pay period.
1. After completion of 1040 regular hours satisfactory service in Step A of the salary schedule, and upon recommendation of the appointing authority, the employee shall be advanced to the next higher step in the salary schedule for the classification. If an employee is appointed at a step higher than the first step of the salary range for that classification, the first merit increase shall be after completion of 2080 regular hours of satisfactory service.
 2. After the completion of 2080 regular hours satisfactory service in each of the salary steps above A, and upon recommendation of the appointing authority, the employee shall be advanced to the next higher step in the salary schedule for the classification until the top of the range is reached.
 3. If an employee completes the 1040 or 2080 hours in the middle of a pay period, the employee shall be eligible for an increase as follows:
 - a. If the merit increase period is completed during the first week of a pay period the increase will be made effective with the start of the then current pay period.
 - b. If the merit increase period is completed during the second week of a pay period the increase will be made effective with the start of the next pay period.
 4. Upon recommendation of the appointing authority and approval by the Director, employees may receive special merit increases at intervals other than those specified in this Section.
- D. Satisfactory service, for the purposes of these policies, will be evidenced by an employee performance evaluation report submitted to the Director indicating that the job performance of the employee meets the standards for employee performance established by the appointing authority. When an employee's performance evaluation report is less than standard for the period immediately preceding the salary anniversary date, that employee's salary increases shall be postponed until such time as the rating is standard or higher. Following such postponement of a salary increase the appointing authority shall submit a performance evaluation report

every two pay periods until the evaluation is standard or higher, or until the employee is terminated.

- E. Salary advancement hours balances for employees determine the timing of salary increases in the steps of the classification that they are in.
1. Changes in an employee's salary because of promotion, upward reclassification, postponement of salary step increase, or special merit increase will set a new salary advancement hours balance for that employee.
 2. Employees who are rejected during the probationary period and revert to their former classification shall return to the salary advancement hours balance held in the former class unless otherwise determined by the Director.
 3. The salary advancement hours balance for an employee shall not be affected by a transfer, downward reclassification or a demotion.
 4. Salary range adjustments for a classification will not set a new salary advancement hours balance for employees serving in that classification.
 5. A permanent employee accepting provisional employment in a higher or different classification in the Housing Authority, and who reverts to the former classification, shall retain the salary advancement hours balance in the former classification on the basis as if there had been no such provisional appointment.
- F. Upon recommendation of the appointing authority and approval by the Director, provisional, temporary, and extra help employees shall be advanced to the next higher step in the salary schedule upon completion of the periods of service prescribed in this section, provided that their service has been satisfactory. Also, upon recommendation of the appointing authority and approval by the Director, continuous service in provisional, temporary or extra help capacity shall be added to service in a regular established position for the purpose of determining an employee's salary anniversary date, eligibility for salary increases and vacation and sick leave accrual. However, such service may not be added if it preceded a period of over 28 consecutive calendar days during which the employee was not in a pay status, except as provided for in Policy XXIV.

XVII. SALARY STEP WHEN SALARY RANGE IS INCREASED

Whenever the salary range for a class is revised, each incumbent in a position to which the revised schedule applies shall remain at the step held in the previous range, unless otherwise specifically provided by the Board of Commissioners.

XVIII. SALARY STEP AFTER PROMOTION OR DEMOTION

When an employee is promoted from a position in one class to a position in a higher class and at the time of promotion is receiving a base salary equal to, or greater than, the minimum base rate for the higher class, that employee shall be entitled to the next step in the salary schedule of the higher class which is at least 5.7% above the rate he/she has been receiving, except that the next step shall not exceed the maximum salary of the higher class. When an employee is demoted, whether such demotion is voluntary or otherwise, that employee's compensation shall be adjusted to the salary prescribed for the class to which demoted, and the specific rate of pay within the range shall be determined by the Director. However, the Board of Commissioners may provide a rate of pay higher than the maximum step of the schedule for the employee's classification and designate such rate of pay as a Y rate.

XIX. ATTENDANCE AND HOURS OF WORK

- A. The standard work week for employees occupying full-time positions consists of forty hours, unless otherwise specified by the Board of Commissioners. The appointing authority shall fix the hours of work with due regard for the convenience of the public and the laws of the State. All time shall be accounted for in six minute increments.
- B. Employees occupying part-time positions shall work such hours and schedules as the Director and the appointing authority shall prescribe.
- C. Except as hereinafter provided, the Housing Authority offices shall be open for the transaction of business from 8:00 a.m. to 5:00 p.m. every day except Saturdays, Sundays and holidays. With the approval of the Director, the schedule of office hours may be changed as public convenience or necessity may require.
- D. The Housing Authority shall maintain complete attendance records for all employees showing time worked and including all categories of the employees' pay status such as straight time, overtime, shift differential pay, call back pay, vacation, sick leave, leaves of absence, and other categories. The Director shall insure that utilization of employee benefits such as vacations, all leaves of absence, and other related benefits and privileges do not exceed those which they have accrued or have been allowed.

XX. OVERTIME

- A. Definition: Any authorized time worked in excess of the full-time biweekly work schedule shall be considered overtime and shall be compensable at the rate of one and one half times the overtime worked, whether compensated by monetary payment or by the granting of compensatory time off. All overtime shall be calculated on the base pay for the classification. Extra help employees shall be paid at the overtime rate after having worked forty hours during their normal work week, which is a fixed and regularly recurring period of seven consecutive twenty-four hour periods. Overtime resulting from required attendance at training classes or training meetings shall be compensable at the straight time rate in an amount equal to the overtime worked. For the purpose of determining eligibility for overtime compensation, any absence with pay shall be considered as time worked. The smallest increment of working time that may be credited as overtime is six minutes. Portions of six minutes worked at different times shall not be added together for the purpose of crediting overtime.
- B. Compensation: As determined by the Director and in conformance with existing law, overtime may be compensated by monetary payment or by compensatory time off. Housing Authority employees shall receive compensation for overtime as follows:
1. Non-Exempt Employees: Non-exempt employees are compensated for overtime worked either by monetary payment or by compensatory time off, at the option of the employee. Compensatory time off which accrues in excess of 80 hours must be liquidated by monetary payment. All monetary payments for overtime must be paid not later than the next biweekly payroll following the pay period in which the overtime was worked.
 2. Exempt Employees: (Note: At the time of the adoption of this policy, all exempt Housing Authority employees are in management.) Management employees shall receive 5.0 hours of leave time each pay period and may accrue up to 260 hours. Each April, managers may opt to cash out up to 50% of their then current balance. Time remaining at separation must be compensated in cash.
- C. Requirements for Overtime
1. All compensable overtime must be authorized by the appointing authority or designated representative in advance of being worked. If prior authorization is not feasible because of emergency conditions a confirming authorization must be made on the next regular working day following the date on which the overtime was worked. Overtime worked must be in the job classification in which the person is regularly employed or in a classification for which the employee is authorized higher pay for work in a higher class.

2. Employees required to report back to work during off duty hours shall be compensated for a minimum of three hours of overtime. Employees in an on call status are excluded from this provision.
- D. Compensatory Time Off: When authorizing compensatory time off, the appointing authority shall consider when the employee desires to utilize such compensatory time off. The decision of the appointing authority shall be final. The smallest increment of compensatory time which may be taken off is six minutes.

XXI. HOLIDAYS

- A. Full-time employees in established positions shall be entitled to take all authorized holidays on full pay, not to exceed 8 hours for any one day. Part-time employees shall be entitled to holiday pay in proportion to the percentage of full-time hours worked during the pay period which includes each holiday, e.g., a part-time employee working fifty percent of the full-time hours in a pay period shall be paid for 4 hours for each holiday falling within that pay period. Extra help employees are not entitled to paid holidays. If such employees work holidays they shall be paid the same amount as for any other day.
- B. The holidays for the Housing Authority are:
1. January 1 (New Year's Day)
 2. Third Monday in January (M. L. King Jr.'s Birthday)
 3. February 12 * (Lincoln's Birthday)
 4. Third Monday in February (Washington's Birthday)
 5. Last Monday in May (Memorial Day)
 6. July 4 (Independence Day)
 7. First Monday in September (Labor Day)
 8. Second Monday in October (Columbus Day)
 9. November 11 (Veterans Day)
 10. Fourth Thursday in November (Thanksgiving Day)
 11. Friday following Thanksgiving Day
 12. December 25 (Christmas)
 13. Every day appointed by the President of the United States or the Governor of the State of California to be a day of public mourning, thanksgiving, or holiday. The granting of such holidays shall be discretionary with the Board of Commissioners.

* The Lincoln Birthday holiday shall be eliminated and replaced with a floating holiday (8 hours of holiday time) which will accrue on February 12.

If the legislature or the Governor appoints a date different from the one shown above for the observance of one of these holidays, then the Housing Authority shall observe the holiday on the date appointed by the Legislature or the Governor.

- C. If any one of the listed holidays falls on a Sunday and the employee is not regularly scheduled to work that day, the employee's first regularly scheduled work day following the holiday shall be considered a holiday. If any one of the listed holidays falls on a day other than Sunday and the employee is not regularly scheduled to work that day, or if an employee is required to work on a holiday, the employee shall be entitled to equivalent straight time off, not to exceed 8 hours, during the one calendar year following the holiday except as provided by individual memoranda of understanding.
- D. Employees working more than their regularly scheduled shift on a holiday shall be compensated for such excess time as provided in the Overtime section.

XXII. VACATIONS

- A. Vacation Allowance. Full-time employees, excluding seasonal and extra help, or as otherwise provided, shall be entitled to vacation with pay in accordance with the following schedule:
 - 1. During the first five years of continuous service, vacation will be accrued at the rate of 4 hours for each biweekly pay period.
 - 2. After the completion of five years of continuous service, vacation will be accrued at the rate of 4.9 hours for each biweekly pay period.
 - 3. After the completion of ten years of continuous service, vacation will be accrued at the rate of 5.9 hours for each biweekly pay period.
 - 4. After the completion of fifteen years of continuous service, vacation will be accrued at the rate of 6.5 hours for each biweekly pay period.
 - 5. After the completion of twenty years of continuous service, vacation will be accrued at the rate of 6.8 hours for each biweekly pay period.
 - 6. After the completion of twenty-five years of continuous service, vacation will be accrued at the rate of 7.4 hours for each biweekly pay period.
 - 7. No employee will be allowed to carry an accumulation of more than 52 biweekly pay periods' vacation accrual at any one time. However, employees may accrue unlimited vacation time in excess of the maximum allowance when such vacation accrues because of remaining in a pay status

during periods of illness or injury which precluded liquidating vacation credits earned in excess of the maximum allowed.

8. No vacation will be permitted prior to the completion of 13 full pay periods of continuous service in any status.
 9. Vacation may be used in increments of six minutes.
 10. Extra help employees do not accrue vacation credits, except that the service of an employee in an extra help capacity shall be included with service in a regular established position in computing vacation allowance for the purpose of this section. However, such service in an extra help capacity may not be included if it preceded a period of over 28 consecutive calendar days during which the employee was not in a pay status. Part-time employees shall accrue vacation allowance in direct proportion to hours worked.
- B. Vacation Schedule. The time at which employees shall be granted vacations shall be at the discretion of the appointing authority. Length of service and seniority of employees shall be given consideration in scheduling vacations and in giving preference as to vacation time.
- C. Vacation Allowance for Separated Employees. When an employee is separated from Housing Authority service, his/her remaining vacation allowance shall be added to his/her final compensation. Such employees shall not be allowed to remain on the Housing Authority payroll and accrue sick leave, vacation, or other benefits beyond the date of termination.
- D. Vacation Pay. Payment for vacation shall be at the base pay of the employee plus applicable differential, if any.

XXIII. SICK LEAVE & BEREAVEMENT LEAVE

- A. Accrual of Sick Leave: All employees, except extra help employees, shall accrue sick leave at the rate of 3.7 hours for each biweekly pay period of full-time work. Such accrual shall be prorated for any employee, except extra help employees, who work less than full time during a pay period. For the purpose of this section, absence in a pay status shall be considered work.
- B. Usage of Sick Leave:
1. Employees are entitled to be paid for sick leave used, to a maximum of the time accrued, under the following conditions:

- a. The employee's illness, injury, or exposure to contagious disease which incapacitates him/her from performance of duties. This includes disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom as determined by a licensed physician.
 - b. The employee's receipt of required medical or dental care or consultation.
 - c. The employee's attendance on a member of the immediate family who is ill.
 - d. The employee's attendance to an adoptive child for up to six weeks immediately after the arrival of the child in the home.
2. For the purposes of this section immediate family means parent, spouse, domestic partner, son, daughter, sibling, step children, mother-in-law, father-in-law, grandparents or grandchildren.
- C. Procedures for Requesting and Approving Sick Leave:
1. When the requirement for sick leave is known to the employee in advance of the absence, the employee shall request authorization for sick leave at such time, in the manner hereinafter specified. In all other instances the employee shall notify his/her manager as promptly as possible by telephone or other means.
 2. Before an employee may be paid for the use of accrued sick leave he/she shall complete and submit to his/her manager a signed statement, on a prescribed form, stating the dates and hours of absence and such other information as is necessary for the request to be evaluated. If an employee does not return to work prior to the preparation of the payroll, other arrangements may be made with the approval of the Director.
 3. The Director may require a physician's statement from an employee who applies for sick leave, or make whatever investigation into the circumstances that appears warranted before taking action on the request.
- D. Accounting for Sick Leave:
1. Sick leave may be used in increments of fifteen minutes.
 2. Payment for sick leave used shall be at the employee's base pay, plus applicable differential, if any.

E. Credits for Sick Leave:

1. When an employee who has been working in a seasonal or extra help category is appointed to a permanent position such appointee shall receive credit for such extra help or seasonal period of service in computing accumulated sick leave, provided that no credit shall be given for service preceding any period of more than 28 consecutive calendar days in which an employee was not in a pay status.
2. If an employee who has unused sick leave accrued is laid off and subsequently reemployed in a permanent position, such sick leave credits shall be restored upon reemployment. The employee shall not have any portion of sick leave credits restored for which he/she received compensation at the time of or subsequent to the day of layoff.

F. Incapacity to Perform Duties: If the appointing authority has been informed through a doctor's report of a medical examination, that an employee is not capable of properly performing his/her duties, he/she may require the employee to absent himself/herself from work until the incapacity is remedied. During such absence the employee may utilize any accumulated sick leave, vacation, holiday, and compensatory time.

G. Use of Sick Leave While on Vacation: An employee who is injured or who becomes ill while on vacation may be paid for sick leave in lieu of vacation provided that the employee:

1. Was hospitalized during the period for which sick leave is claimed, or,
2. Received medical treatment or diagnosis and presents a statement indicating illness or disability signed by a physician covering the period for which sick leave is claimed, or
3. Was preparing for or attending the funeral of a member of the immediate family.

To have sick leave considered in lieu of vacation the request and substantiation must be provided within 10 working days of the employee's return to work.

H. Sick Leave During Holidays: Paid holidays shall not be considered as part of any period of sick leave, unless the employee is scheduled to work on that holiday.

I. Bereavement Leave:

The Housing Authority agrees it will grant to all employees, upon notification to the employee's manager, two days with pay at his/her regular rate for the purpose of

arranging for and/or attending the funeral in the event of a death in the immediate family of such employee. It is understood that “immediate family” shall mean spouse, domestic partner, parents, parents-in law, child, child of domestic partner, siblings, grandparents, step parents of step children or any relative or dependent residing in the home of the employee at the time of death. The employer may require that the employee provide proof of death and/or relationship of the deceased.

Additional days of bereavement leave will be charged to the employee’s accumulated sick leave or vacation balance, or approved leave without pay.

XXIV. LEAVES OF ABSENCE

A. General:

1. Employees shall not be entitled to leaves of absence as a matter of right except in accordance with the provisions of law and these policies, provided, however, if a disability retirement application has been filed with the Director, a leave may be granted pending decision by the Director. Unless otherwise provided, the granting of a leave of absence also grants to the employee the right to return to a position in the same classification, or equivalent classification as held at the time the leave was granted. The granting of any leave of absence shall be based on the presumption that the employee intends to return to work upon the expiration of the leave. The cost of the provision of benefits during any leave may be recovered if the employee fails to return from leave after the period of leave and the employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave or other circumstances beyond the control of the employee.
2. Initial action to approve or disapprove any leave of absence shall be by the employee's manager; however, leaves of absence of more than two biweekly pay periods must also be approved by the Director. Denial of requested leave in whole or in part at the management level may be appealed by the employee to the Director, whose decision shall be final.
3. Employees on leaves of absence without pay for more than two biweekly pay periods shall not be entitled to payment by the Housing Authority of the premiums for their health, dental, life, or long term salary continuation insurance, except as provided hereinafter. The entitlement to Housing Authority payment of premiums shall end on the last day of two full biweekly pay periods in which the employee was absent. An employee who is granted a leave of absence without pay for reasons of the employee's illness or accident shall be entitled to have two biweekly pay periods

insurance premiums paid by the Housing Authority for each year of Housing Authority service, or major fraction thereof, up to a maximum of twenty-six biweekly pay periods payment of premiums.

4. Authorized Absence Without Pay for More than Twenty-Eight Days:

Authorized absence without pay which exceeds 28 consecutive calendar days, for either (1) a leave of absence for personal reasons, or (2) a leave of absence on account of illness or injury not compensated through Worker's Compensation benefits shall not be included in determining salary adjustment rights, or any seniority rights based on length of employment.

B. Disability Leave With Pay:

1. Definition: Disability leave with pay is an employee's absence from duty with pay because of disability caused by illness or injury arising out of and in the course of employment which has been declared to be compensable under the Worker's Compensation Law. Only permanent or probationary employees occupying permanent positions are eligible for disability leave with pay.

2. Payment: Payment of disability leave shall be at the base pay of the employee and shall be reduced by the amount of temporary disability indemnity received pursuant to Worker's Compensation Law.

3. Application for and Approval of Disability Leave With Pay

a. In order to receive pay for disability leave an employee must submit a request on the prescribed form to the appointing authority describing the illness or accident and all information required for the Director to evaluate the request. The employee must attach to the request a statement from a physician certifying to the nature, extent, and probable period of illness or disability.

b. No disability leave with pay may be granted until after the State Compensation Insurance Fund or Housing Authority's Worker's Compensation Adjustor has declared the illness or injury to be compensable under Worker's Compensation Law and has accepted liability on behalf of the Housing Authority, or the Worker's Compensation Appeals Board has ordered Worker's Compensation benefits to be paid.

4. Length of Disability Leave With Pay: Eligible employees shall be entitled to disability leave for the period of incapacity as determined by a physician, but not to exceed a maximum of 90 calendar days for any one illness or injury.

Holidays falling within the period of disability shall extend the maximum days allowed by the number of such holidays.

C. Disability Leave Without Pay:

1. Definition: Disability leave without pay is an employee's absence from duty without Housing Authority pay because of disability caused by illness or injury arising out of and in the course of employment which has been declared to be compensable under Worker's Compensation Law. Only permanent or probationary employees occupying permanent positions are eligible for disability leave without pay. Such leave is taken after the disabled employee has used up allowable disability leave with pay, as well as accrued credits for sick leave. At the employee's option, vacation and compensatory time of accruals may also be used.
2. Application for and Approval of Disability Leave Without Pay: In order to receive disability leave without pay an eligible employee must submit a request on the prescribed form to the appointing authority describing the illness or accident and all information required for the appointing authority to evaluate the request. The employee must attach to the request a statement from a physician certifying to the nature, extent, and probable period of illness or disability.
3. Length and Amount of Disability Leave Without Pay: Disability leave without pay may not exceed twenty-six biweekly pay periods for any one injury. The combined total of disability leave with pay and disability leave without pay for one accident or illness may not exceed thirty-two biweekly pay periods. In the event an employee is disabled and is receiving Worker's Compensation benefits this leave may be extended as long as such disability continues.

D. Leave of Absence Without Pay:

1. Purpose and Length: Only permanent or probationary employees occupying permanent positions are eligible for leaves of absence without pay under the provisions of this section.
 - a. Leaves Granted by an Appointing Authority: An appointing authority may grant leave of absence without pay for personal reasons up to maximum of two biweekly pay periods.
 - b. Leaves of Absence on Account of Illness or Injury: Leaves of absence without pay on account of illness or injury which are not job incurred may be granted for a maximum period of 26 full biweekly pay periods. This includes disabilities caused or contributed to by

pregnancy, miscarriage, abortion, childbirth, and recovery therefrom. Such leaves will be granted only after all accrued sick leave credits have been used and shall be substantiated by a physician's statement.

- c. Leaves of Absence for Personal Reasons: Leaves of absence without pay on account of personal reasons may be granted for a maximum period of 13 full biweekly pay periods. Such leaves shall only be granted after all accrued vacation, and holiday credits have been used.
- d. Leaves of Absence to Accept Temporary Employment Outside the Housing Authority: An employee may be granted a leave of absence without pay for up to four years in order to accept employment or training in a position outside the Housing Authority. The employment and/or training should provide for either an increase in the effectiveness of the employee in a current job assignment, or an enhancement of the employee's advancement possibilities within the Housing Authority.
- e. Housing Authority Parental Leave: An employee-parent of either sex may be granted a leave of absence without pay for the purpose of fulfilling parenting responsibilities during the period of one year following the child's birth, or one year following the placement of a child with an employee in connection with the adoption or foster care of the child by the employee. Leave under this section shall be for a maximum period of 13 biweekly pay periods, provided that the total leave when used in conjunction with leave under subsection f shall be no longer than 13 biweekly pay periods. Use of vacation, sick, compensatory time or holiday credits shall not be a pre-condition for the granting of leave under this subsection.
- f. Family Care and Medical Leave: Any permanent or probationary employee occupying a permanent position or any employee with 12 months of service and who has at least 1250 hours of service during the previous 12 months shall be granted Family Care and Medical Leave which shall be administered in accordance with the state Family Care and Medical Leave Act and the federal Family and Medical Leave Act of 1993. Such leave shall run concurrently with any other leave provided under this code. Use of accrued vacation, sick, compensatory time or holiday credits shall not be a pre-condition for the granting of leave under this section except for leave because of an employee's own health condition, for which the employee shall use any accrued sick leave.

2. Application for and Approval of Leaves of Absence Without Pay: In order to receive leave without pay an employee must submit a request on the prescribed form to the appointing authority describing the reasons for the request and all other information required for the appointing authority to evaluate the request.
- E. Military Leaves of Absence: The provisions of the Military and Veterans Code of the State of California shall govern military leave of Housing Authority employees.
- F. Absence Due to Required Attendance in Court: Upon approval by the Director any employee, other than extra help shall be permitted absence from duty for appearance in Court because of jury service, in obedience to subpoena or by direction of proper authority, in accordance with the following provisions:
1. Absence from duty will be with full pay for each day the employee serves on the jury or testifies as a witness in a criminal case, other than as a defendant, including necessary travel time. As a condition of receiving such full pay, the employees must remit to the Housing Authority Finance Officer through the Director, within 15 calendar days after receipt, all fees received except those specifically allowed for mileage and expenses.
 2. Attendance in Court in connection with an employee's usual official duties or in connection with a case in which the Housing Authority is a party, together with travel time necessarily involved, shall not be considered absence from duty within the meaning of this section.
 3. Absence from duty will be without pay when the employee appears in private litigation to which the Housing Authority is not a party.
 4. Any fees allowed, except for reimbursement of expenses incurred, shall be remitted to the Housing Authority Finance Officer through the Director.
- G. Absence Without Leave
1. Refusal of Leave or Failure to Return After Leave: Failure to report for duty after a leave of absence request has been disapproved, revoked, or canceled by the appointing authority, or at the expiration of a leave, shall be considered an absence without leave.
 2. Absence Without Leave: Absence from duty without leave for any length of time without an explanation satisfactory to the appointing authority is cause for dismissal. Absence without leave for four or more consecutive days without an explanation satisfactory to the appointing authority shall be deemed a tender of resignation. If within 30 calendar days after the first day of absence without leave a person who has been absent makes an

explanation satisfactory to the Director, the Director may reinstate such person.

H. Educational Leave of Absence With Pay:

1. Educational leave of absence with pay may be granted to employees under the conditions specified in this section. In order to be granted educational leave of absence with pay an employee must submit on the prescribed form a request to the appointing authority containing all information required to evaluate the request.
2. Educational Leave of Absence With Pay From Housing Authority Funds
 - a. The Housing Authority may, after approval of an employee's application, grant leave of absence with pay for a maximum of 65 working days during any fifty-two biweekly period for the purpose of attending a formal training or educational course of study. Eligibility for such leaves will be limited to employees with at least thirteen biweekly periods of continuous service and who are not extra help or temporary. Such leaves will be granted only in cases where there is a reasonable expectation that the employee's work performance or value to the Housing Authority will be enhanced as a result of the course of study. Courses taken as part of a program of study for a college undergraduate or graduate degree will be evaluated individually for job-relatedness under the above described criteria.
 - b. The employees must agree in writing to continue working for the Housing Authority for at least the following minimum periods of time after expiration of the leave of absence:

<u>Length of Leave of Absence</u>	<u>Period of Obligated Employment</u>
44 to 65 workdays	52 biweekly pay periods
22 to 43 workdays	26 biweekly pay periods
6 to 21 workdays	13 biweekly pay periods

XXV. LEAVE FOR MANAGEMENT EMPLOYEES

- A. The Director shall have the authority to credit a management employee up to 40 hours of vacation and 48 hours of sick leave in addition to normal vacation and sick leave accrual, provided such credit must be made within 180 days of employment.

- B. The Director shall have the authority to provide to a management employee advanced levels of vacation accrual as if the employee had otherwise been working for the Housing Authority the required number of years for the higher accrual rate, provided such credit must be made within 180 days of employment.

XXVI. TUITION REIMBURSEMENT

- A. The Housing Authority may reimburse an employee for tuition and related fees paid for taking course of study in an off duty status if the subject matter content of the course is closely related to the employee's present or probable future work assignments. Limits to the amount of reimbursable expenses may be set by the Director. There may be a reasonable expectation that the employee's work performance or value to the Housing Authority will be enhanced as a result of the course of study. Courses taken as part of a program of study for a college undergraduate or graduate degree will be evaluated individually for job relatedness under the above described criteria. The employee must both begin and successfully complete the course while employed by the Housing Authority.
- B. The employee must submit an application on the prescribed form to his/her manager giving all information needed for an evaluation of the request. The manager shall recommend approval or disapproval and forward the request to the Director for review and decision. In order to be reimbursed, the employee's application must have been approved before enrolling in the course.
- C. Upon completion of the course the employee must submit to the Director a request for reimbursement accompanied by a copy of the school grade report or a certificate of completion. The Director shall, if the employee satisfactorily completes the course, forward it to the Housing Authority Finance Officer for payment. Reimbursement may include the costs of tuition and related fees, but may not include costs of books or materials which become the property of the employee.

DEFINITIONS

These definitions apply throughout these policies unless otherwise specified.

1. **APPOINTING AUTHORITY OR POWER:** A person having the lawful power to make appointments or to remove persons from positions in the Housing Authority service.
2. **APPOINTMENT:** The designation of a person by an appointing authority to fill a vacant position, and the acceptance by such person of the position.
3. **CONTINUOUS SERVICE:** Uninterrupted employment in the Housing Authority service, except by authorized absence.
4. **DAY, WEEK, MONTH, YEAR:** Calendar day, week, month, or year.
5. **DEMOTION:** A change in classification of an employee from a position in one classification to a position in another classification which has a lower salary or salary range, either on a voluntary or involuntary basis.
6. **ELIGIBLE LIST:** An official list of names of candidates who have successfully passed an examination for a classification, or who have been laid off, and whose names are arranged in order of rank for certification to positions in a specific classification.
7. **FLEXIBLE STAFFING:** A series of two or more related classifications created in the salary ordinance as a single classification, with the appointing authority allowed a choice from any of the listed alternatives in filling a vacancy. In those flexible staffing series where the entry level is a training level, employees hired at that entry level are not expected to remain trainees on a permanent basis.
8. **LIMITED FLEXIBLE STAFFING:** A series of two or more related classifications treated as a single classification in the salary ordinance, but with a limit to the number of positions at any one level. Where this exists the classification that is limited can only be filled through competitive examination.
9. **PROMOTION:** Changing an employee from one classification to another classification having a higher range of compensation.
10. **REDUCTION IN STEP:** A reduction in step is movement to the next lower salary step in the range for a classification for a period not to exceed six months.
11. **SUSPENSION:** An involuntary absence of an employee from his/her position for a specified period of time without pay imposed by an appointing authority for disciplinary reasons or pending the investigation of charges made against an employee.
12. **TRAINEE CLASSIFICATION:** A classification in which positions are filled as a result of examination, but for which the minimum qualifications require no specific prior experience and in which an employee is being trained or gaining experience to perform at the experienced level in that series of classifications.

**OTHER PERSONNEL
POLICIES &
PROCEDURES**

A. Political Activities

Policy approved by the Board of Commissioners on January 29, 2008.

The following specific restrictions apply to all Housing Authority employees:

1. A Housing Authority employee may not engage in political activities during assigned hours of employment. This means that an employee cannot attend campaign functions or discuss candidates or measures on Housing Authority time.
2. A Housing Authority employee may not use Housing Authority telephones, stationary, equipment, or supplies, including copying machines, word processing, or intra-office mail, for political purposes, whether or not such activities occur during assigned hours of employment and whether or not the employee reimburses the Housing Authority.
3. A Housing Authority employee may not solicit, directly or indirectly, political contributions from other Housing Authority employees during assigned hours. However, an employee may request political contributions by mail or other means from the public which may include Housing Authority employees.

B. Violence in the Workplace

Policy approved by the Board of Commissioners on January 29, 2008.

I. POLICY

A. Purpose

The purpose of this policy is to:

- Establish a strong commitment to provide a safe work environment free of violence and threats of violence in all Housing Authority workplace facilities;
- Heighten awareness of domestic violence and use early prevention strategies to avoid or minimize the occurrence and effects of domestic violence in the workplace;
- Provide for training and education of all employees regarding this policy; and
- Set forth procedures for reporting, investigating and resolving incidents and reports of acts or threats of violence in the workplace.

B. Policy

The Housing Authority does not tolerate violence in the workplace. The safety and security of employees are of the highest priority to the organization. Threats of violence, threatening behavior or acts of violence against employees, visitors, customers, vendors conducting business with the Housing Authority, persons appearing on Housing Authority owned property seeking information or assistance from the Housing Authority or any person utilizing Housing Authority facilities for public meetings will not be tolerated. The Housing Authority is committed to providing a workplace in which the perpetration of domestic violence is neither tolerated nor excused, as well as providing resources and support for employees and managers to address the occurrence and effects of domestic violence in the workplace.

All employees are responsible for maintaining a safe work environment. Employees who make threats, exhibit threatening behavior, engage in violent acts against the life, health, wellbeing, family or property of others while at work or at employer-sponsored events may be removed from the premises, may be subject to disciplinary action, up to and including termination, and may be subject to criminal penalties, or all of these actions.

The act or threat may in and of itself, constitute grounds for dismissal regardless of whether or not the perpetrator intended to carry out the threat.

Workplace violence is a serious issue; therefore, joking about violence or making false reports and unsubstantiated allegations about violence in the workplace will not be tolerated and will be treated as a violation of this Housing Authority policy. In addition, retaliation by employees against other employees who report violations of this policy will not be tolerated. Employees who engage in such retaliation will be subject to disciplinary action, up to and including termination.

C. Definitions

Acts of Violence: The exertion of force or aggression with the intent of causing injury or abuse.

Threats of Violence: Remarks, gestures or communication which cause the individual to be concerned about their safety or the safety of others.

Domestic Violence: Abuse committed to a spouse or former spouse, cohabitant or former cohabitant, current or past dating relationship or person with whom the victim had a child. Abuse means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

An employee who feels that he/she has been the target of actual or threatened or domestic violence should follow the Housing Authority's reporting procedures even if the act or conduct does not appear to fall within one of the following examples of violent acts and threats.

Examples of Violence

Initiating physical combat or fighting through actions such as grabbing, pinching, or impeding, blocking or obstructing of movements, striking, punching, slapping, kicking, pushing or any other threatening physical actions;

Other acts by or against employees including, stalking, challenging another person to physical combat or fight, or any other action or conduct that implies the threat of harm;

Threatening communication, including mail, email, telephone calls, faxes, gestures, drawings, writings or verbal remarks;

Any other act or threat of violence, whether made indirectly or directly, including, but not limited to words, gestures, correspondence, symbols or physical acts which threaten the safety or physical security of Housing Authority employees or

which may inhibit employees from conducting business or providing services in a safe and physically secure environment. This includes, but is not limited to threats on Housing Authority premises, at Housing Authority functions or any other location where violence or threats of violence may have an adverse impact on the Housing Authority's ability to do business or provide services.

Illegal possession, use, or threat to use a gun, knife or other weapon of any kind on Housing Authority property, including parking lots, other exterior premises, in Housing Authority vehicles, or while engaged in business activities with or for the Housing Authority in other locations when such use violates this policy. In addition, employees are prohibited from possessing dangerous devices (i.e., explosives or materials for making explosives) in the workplace or at the work site unless expressly authorized by the nature of their work. This provision does not apply to public safety personnel acting within the scope of their duties.

D. Responsibility

The Board of Commissioners and Housing Authority Director shall be responsible for promulgating and enforcing all policies and procedures established to provide a safe working environment free of violence and threats of violence. This will be carried out by delegating responsibility and accountability for adhering to the Housing Authority's policy and procedures.

The Housing Authority Director shall be responsible for implementing this policy, including: communicating it to staff, ensuring that managers receive training and investigate reports of violence or threats of violence, taking appropriate corrective action and creating a supportive workplace environment in which employees feel comfortable seeking assistance for domestic violence concerns. The Housing Authority Director shall also ensure prompt investigation and resolution of complaints from employees who have experienced or witnessed violent or threatening behavior as defined in this policy if those employees are reporting acts or threats of violence.

Other Managers shall implement this policy as directed by the Housing Authority Director, and shall receive complaints from employees who have experienced or witnessed violent or threatening behavior in the workplace. Managers shall also take proactive steps to prevent behaviors that are listed under this policy's "Definitions" as "acts of violence." Such steps would include but are not limited to being alert to communication problems and taking steps to resolve them, and working with employees to correct identified behavioral problems. When threats or violent acts take place, managers shall complete appropriate documentation, investigate and recommend and/or take corrective actions consistent with the procedure for internal threats of violence applicable rules and regulations and authority delegated by the Housing Authority Director.

Whenever managers or supervisors become aware of a case of domestic violence, they should be prepared to provide important resource information to the victim. A list of local resource organizations and other community resources are available in every Housing Authority facility. Among others, resources include:

- Children and Families Services Commission Liaison 1-800-220-7575
- CORA (Community Overcoming Relationship Abuse) 1-800-300-1080
- National Domestic Violence Hotline 1-800-799-SAFE
- <http://www.co.sanmateo.ca.us/hsa.dir/familyviolence>

Where domestic violence is an issue, managers can help implement a Personal Workplace Safety Plan, which addresses safety concerns at work. In the development of the plan, managers may wish to call upon the resources of the Sheriff's Office. This plan may include: confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustments or leave necessary to obtain medical, counseling or legal assistance and workplace relocation.

No employer shall discharge or in any manner discriminate or retaliate against an employee who is a victim of domestic violence as defined in Section 6211 of the Family Code for taking time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of a domestic violence victim or his or her child.

No employer shall discharge or in any manner discriminate or retaliate against an employee who is a victim of domestic violence as defined in Section 6211 of the Family Code for taking time off from work to seek medical attention for injuries caused by domestic violence; to obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence; to obtain psychological counseling related to an experience of domestic violence; or to participate in safety planning and take other actions to increase safety from future domestic violence, including temporary or permanent relocation.

As a condition of taking time off for a purpose set forth in the preceding two paragraphs, the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible. When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification to the employer. Certification shall be sufficient in the form of any of the following:

1. A police report indicating that the employee was a victim of domestic violence;
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court,
3. Documentation from a medical professional, domestic violence advocate, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

To the extent allowed by law, employers shall maintain the confidentiality of any employee requesting leave under these provisions.

Each employee has a responsibility to treat all employees and others with whom she or he has employment contact respectfully. Further, employees are prohibited from threatening violence or taking violent action as outlined in the examples in this policy's "Definitions." It is the responsibility of any employee who feels that she/he has been the target of actual or threatened violence in the workplace or who has observed or otherwise learned of such conduct to immediately contact her/his manager or the Housing Authority Director. In cases where there is an imminent potential for violence, security or the local law enforcement agency should be contacted immediately. Survivors of domestic violence should talk with a trusted co-worker, manager, or union representative about the situation, contact MHN (Managed Health Network) contract provider and other resources and advise the manager if concerned about safety at work.

E. Preventive Measures

- Communicate the Housing Authority's Workplace Violence Prevention Policy & Procedures to all employees.
- Provide periodic training on the Housing Authority's Workplace Violence Prevention Policy & Procedures to all employees.
- Post emergency phone numbers on all Housing Authority telephones.
- Conduct periodic security checks (conducted by the Sheriff's Countywide Security Coordinator).
- Make available resource and referral information.

II. PROCEDURE

A. Purpose

To establish reporting procedures and an intervention process when acts or threats of violence occur in the workplace.

B. Reporting Incidents

All employees are required to report any incident they experience or witness to their manager, or if not available, to the Housing Authority Director, and, if warranted, to the responsible law enforcement agency (as discussed in the policy under "Definitions").

If a threat of violence occurs, any employee who witnesses or obtains information regarding such threat should in **immediate** situations:

1. Get to safety first and alert others and/or dial 9-1-1. (9-911 on inter-county phone lines) and/or pull the local alarm.
2. Notify his/her manager, or Housing Authority Director who will quickly assess the situation and, if appropriate, dial 9-1-1 (9-911 on inter-county phone lines), if previously not done and follow appropriate procedure contained in Section B-1 or B-2 below.

B-1. External Threats of Violence

A hostile situation can take place at any time at our facilities for a variety of uncontrollable reasons. The procedures presented in this document should serve as a resource for staff.

Phase I- Assessment

A. What to look for/what to do

- Look for unusual behavior!
It is very important that all staff pay particular attention to unknown individuals exhibiting suspicious behavior entering facilities with no apparent reason for their presence. Staff should immediately report the presence of such persons to their manager. In immediate situations, dial 9-1-1 (9-911 on intercounty phone lines).
- If the suspicious person leaves, report to the manager in which direction the person was going when last seen.

- Keep in mind, that if a suspicious person leaves any items/property behind, such as a box, bag or other type of container, **DO NOT TOUCH IT!** You should immediately leave and report the situation. If you can, describe the size, shape and location of the property left behind by the suspicious intruder to the manager or 911 dispatcher.

B. How to Behave

Bear in mind that you might be the first person to be able to assess the situation of an unknown person exhibiting suspicious behavior in the facility. Therefore, you are the one who must make the determination as to whether the situation places you in imminent danger or not. Imminent danger for the purposes can be defined as immediate concerns about the safety of yourself and fellow workers. If in imminent danger, don't panic, get to a safe place and alert others. Escape with fellow workers if possible. If not, hide in an office that locks and has a telephone. Dial 9-1-1 (9-911 on intercounty telephones) and describe the situation, the person, and the suspicious behavior.

When calling 9-1-1 (9-911 on intercounty phone lines), remember that it is very important to describe the person: race, sex, age (adult/juvenile) height, weight, hair color, eye color, facial hair, distinguishing marks, clothing color and type, shoe color and type, and what type of property or weapon the person was carrying or brandishing.

If you are not in imminent danger, inform your manager and co-workers of the situation. Dial 911 (9-911 on intercounty phone lines) and report the situation if you are alone and would like the person checked out or asked to leave.

Phase II – Intervention

After a threat or act of violence occurs, any employee who witnesses or obtains information regarding such event should:

- Notify his/her manager, the Housing Authority Director and the Sheriff's Countywide Security Coordinator at 363-4400.
- Obtain medical attention or MHN (Managed Health Network) assistance at 1-800-826-4690, if necessary.
- Cooperate with local law enforcement authorities if an investigation is conducted.
- Complete the Report of Incident Form (copy attached).

- If medical attention is needed, file a worker's compensation claim.

Phase III – Investigation

After an incident or threat of violence, the local law enforcement agency and/or Sheriff's Countywide Security Coordinator will conduct an investigation.

When an employee is alleged to have threatened or committed the act of violence, the Internal Threat Procedure contained in Section B-2 will be followed.

B-2. Internal Acts or Threats of Violence

This is a procedure for dealing with acts or threats of violence or domestic violence made by one Housing Authority employee toward another Housing Authority employee. This process describes steps to be taken in investigating acts or threats of violence. Decisions on any disciplinary action for employees accused of making acts or threats of violence or for employees who falsely accuse another of making acts or threats of violence must be based on individual circumstances in consultation with the Housing Authority Director.

IF THERE IS THE POTENTIAL FOR IMMINENT VIOLENCE, CALL 9-911 FOR LOCAL LAW ENFORCEMENT ASSISTANCE IMMEDIATELY.

Phase I – Assessment – Housing Authority Director

- A. Investigate the allegations by an initial interview of complainants.
- B. If these interviews indicate that a threat was made or an act of violence occurred, proceed with Phase II. If the interviews indicate that a threat was not made, conclude the process and communicate the interview results back to the individual who reported the incident.

Phase II - Investigation – Housing Authority Director, County Mental Health, County Employee Relations, County Counsel and the District Attorney's Office in cases of domestic violence. Coordinate security with Sheriff's Office

- A. The Housing Authority Director should contact County Employee Relations to convene the multi-disciplinary Workplace Violence Advisory Team (see attached for roles and responsibilities of the team) to plan the investigation. If local law enforcement is conducting a criminal investigation, consultation will be made through the Sheriff's Office on how to proceed with the administrative investigation:

1. If local law enforcement is conducting a criminal investigation, determine the legal possibility of securing:
 - Background check into criminal records
 - Firearms registration check
 - Check of Court records
2. Formally interview witnesses and other individuals who may have knowledge of the alleged threat. These interviews, together with the interview of the individual alleged to have made the threat and a review of documents and records, constitute the investigation and form the basis for any administrative action.
3. Interview the employee who made the threat(s) to determine their potential for violence and/or their intention of causing emotional distress by making threats. Based on this assessment, place the employee in one of the five categories listed below. This assessment will be made by a County Mental Health professional.

Category Description and Action

1. There is imminent danger of carrying out the threat. **Arrest or hospitalize (coordinate with Sheriff's Department). Determine whether disciplinary action is warranted.**
2. The subject is dangerous, but not imminently so. This could be a quid pro quo threat ("If I don't get that promotion ..."). **Place on administrative leave pending a decision on disciplinary action.**
3. There is insufficient evidence that the subject will carry out the threat, but sufficient evidence that he/she is making threat(s) to intentionally cause emotional distress. **Consider temporary reassignment or administrative leave depending on the level of distress being caused pending a decision on disciplinary action.**
4. There is insufficient evidence that the subject will carry out the threat or that he/she is making threat(s) to intentionally cause distress. However, the employee's threatening behavior could cause emotional distress. **Consider temporary reassignment or administrative leave depending on the level of distress being caused pending a decision on disciplinary action.**
5. Insufficient evidence for violence or emotional distress. This could be an inaccurate or unsubstantiated report in which case **no action** is appropriate, or it could be a false accusation. In the case of a false

accusation, **consult with County Employee Relations regarding appropriate disciplinary action for the employee making the false report.**

Phase III - Decision – Housing Authority Director in consultation with County Employee Relations and County Counsel

Based on the information gathered in the Investigation Phase, determine what disciplinary action, if any, is warranted. In the case of a false report, determine whether disciplinary action is warranted for the employee initiating the false report.

Phase IV - Communication – Housing Authority Director in consultation with County Employee Relations, County Mental Health and County Counsel

1. If the threat was a direct one (i.e., the threatening statement was made to the individual being threatened), keep that individual informed about the progress of the investigation. Advise the individual of the availability of counseling through managed MHN (Managed Health Network) and advise them that they should contact the local law enforcement agency since a direct threat may be a criminal act. Legal questions regarding the possibility of securing a restraining order should be directed to County Counsel by the Housing Authority Director.
2. If the threat was indirect (e.g., the individual making the threat tells a third party that he/she may harm someone else) you should advise the subject of the threat only after completing the initial assessment phase. This initial assessment phase should be completed immediately.
3. If staff becomes aware of the threat and individuals become fearful or anxious, you should either inform them individually of the availability of MHN or contact MHN regarding a general session. Other steps such as group meetings or discussions of personal security may also be appropriate.
4. If witnesses express concern, counseling through MHN should also be made available to them.

Roles/Responsibilities of Workplace Violence Advisory Team Members

Sheriff's Department The Undersheriff (or designee) and the Countywide Security Coordinator are the Sheriff's Office representatives on the team. The Sheriff's Department will provide advice if there is a criminal violation. In an emergency situation, Sheriff's representatives may assist with an incident though they would also call in local law enforcement where appropriate.

County Counsel The Advisory Team will have a representative from the County Counsel although any follow-up that is necessary (i.e., disciplinary action) will be handled by assignment. Any contact from the Housing Authority must come through the Housing Authority Director to the Housing Authority's assigned attorney.

Mental Health County representatives will assist in assessing the threat and its impact on co-workers and/or others and may obtain outside consultation if necessary.

Employee Relations The County Employee Relations Manager will participate on the Advisory Team. Disciplinary actions will be handled based on assignment.

MHN (Managed Health Network) MHN will still take the lead in dealing with group or individual critical incident debriefings or individual counseling of victims, collaterals and/or their family members.

Report of Incident or Unsafe Condition

(Please fill out clearly)

Type of Report

- Unsafe Condition
- Act or Threat of Violence in the Workplace
- Unsafe Act
- Suggestion
- Near Miss

Date and Time of Incident or Condition:

Location or Address of Incident or Condition:

Involved Parties:

Description of Incident or Condition:

Witnesses:

Was this reported to another agency: Yes No

Agency Name:

Name of observer:

Date of Report:

Job Title: Department: Phone:

Recommendation / Correction

What would you recommend or correct to prevent the incident from reoccurring.

Investigation / Review

Investigation / Review comments:

Person investigating / Reviewing Incident or Condition:

Date of Investigation / Review:

Copies: Housing Authority Director and County Risk Management

C. E-Mail

Policy approved by the Board of Commissioners on January 29, 2008.

I. Introduction

Overview

This policy outlines the proper use of Electronic E-Mail (Email) resources available to employees of the Housing Authority. The policy has been revised to address issues of unsolicited junk mail (SPAM).

Background

In recent years, many Housing Authority employees have acquired the ability to communicate electronically, both with other employees and with computer users outside the Housing Authority. This is done primarily through networked computer systems and via the Internet. This ability to communicate electronically has led to increasingly complex issues regarding employee privacy, security of confidential information, the potential for harassment (based on gender, race and other categories), and concerns about what responsibility the Housing Authority has for the content of messages sent and received on Housing Authority employees' computers. Additionally, with the growth of Email use within the Housing Authority, the stability of the Housing Authority's Email systems has also become critical to the Housing Authority's business. This Email Policy addresses some of these issues by setting out appropriate and inappropriate uses of Email by Housing Authority employees, as well as issues related to the stability of the Housing Authority's Email systems. As used here Email includes all messages and attachments, processed by any Housing Authority Email system using the Housing Authority's computer network.

Public Records Act Considerations

Since electronic messages are subject to the same level of review as paper documents regarding legal retention periods, agencies should establish standards, procedures and techniques to ensure proper retention and disposal of Email.

Other Housing Authority Policies

The Housing Authority has other policies that address specific areas of information security including policies on Internet use, Email and portable computing. These policies are cumulative and in the event of conflict, the policies providing the Housing Authority with the greatest level of security apply.

Email Privacy

Since Email messages are intended for Housing Authority business, Housing Authority employees shall have no right or expectation of privacy in any Email message in the Housing Authority Email systems. The Housing Authority reserves the right to monitor, audit, delete and read Email messages received or sent on Housing Authority computing devices. The Housing Authority Director may override user passwords. Managers shall have the right to review any Email message of any employee supervised by them at any time and for any reason. If the messages to be reviewed are no longer available within the Housing Authority, the messages may be searched for in other systems with the approval of the head of that system. Information Services monitors the use of the Housing Authority's Email systems and may report to the Housing Authority on usage and suspected misuses of Email.

Every user must employ an Email password in addition to a unique Email user-ID to isolate the communications of different users. Email passwords are to be kept private and not shared with others.

Consent to Policy

Use of the Housing Authority Email systems constitutes consent to this policy.

II. Purpose of Email

The purpose of Email is to communicate between individuals and groups and to promote effective and efficient use of time and resources in order to carry out the business of the Housing Authority.

III. Uses

Listed below are examples of appropriate and inappropriate Email use.

A. Examples of Appropriate Use

1. Providing or requesting information regarding Housing Authority business (e.g. meeting notification, budget issues, etc.).
2. Transmitting small documents or files (vs. printing and mailing the documents).
3. General announcements within the scope of the sender's job responsibilities.
4. Informational announcements that need to be communicated to Housing Authority employees (e.g., "Spare the Air Day").

B. Examples of Inappropriate Use

1. Any material or comment that is discriminatory, offensive, defamatory or harassing.
2. Illegal activities.
3. Copyright infringement.
4. Items of a political nature or having to do with political activities.
5. Union business that does not have to do with regular correspondence for purpose of employee representation.
6. Formal or informal corrective action or other personnel actions sent to the subject of the action.
7. Use of Email when signed documents are required. (Note: use of Email to distribute documents for signature is acceptable).
8. Purposely creating any message that purports to be from another person without their permission.
9. Unauthorized use of Housing Authority mailing lists.
10. Creating or forwarding "chain letters" or other "pyramid" schemes of any type.
11. Membership or participation in non work-related mailing lists using Housing Authority Email IDs.
12. The transmission of sensitive information to any party outside the Housing Authority without prior approval of the Housing Authority Director. Information is defined as sensitive if it considered by the Housing Authority to be confidential or may be damaging to the Housing Authority, its employees, its customers or clients.
13. Use of Email as a file transfer or sharing mechanism for large documents (generally, documents larger than ten megabytes).
14. Continuous connections to non-Housing Authority Email systems through Internet based Instant Messengers.

IV. Mailing Lists

The Housing Authority is responsible for the creation and maintenance of its user community and mailing lists. The Housing Authority Director may determine restrictions on the use of mailing lists and establish related procedures regarding mailing lists.

V. Unsolicited Email

The Housing Authority recognizes that at this stage of Internet development, Email systems are a primary means of distributing Computer Viruses and distributing unsolicited commercial Email, commonly known as SPAM. Through the County's Information Systems, the Housing Authority will take appropriate actions to filter and restrict incoming Email in order to protect the County and Housing Authority's computer systems and relieve the Housing Authority's Email system of unsolicited Email.

Email users should treat all unsolicited Email with suspicion, particularly Email received from the Internet. If the user is unsure of the authenticity and integrity of an Email it should be referred to the Housing Authority's Information Technology liaison.

VI. Violations

Violations will be investigated and may result in disciplinary action up to and including dismissal from Housing Authority employment.

D. Internet Usage

Policy approved by the Board of Commissioners on January 29, 2008.

I. Introduction

This policy outlines the proper use of Internet resources available to employees of the Housing Authority.

Background

The Internet is a global electronic information network used by educators, businesses, the government, the military and other organizations. As a resource tool, the Internet is similar to books, magazines, video and CD-ROM with the advantage of all information being available electronically.

San Mateo County has implemented the necessary network infrastructure to provide Internet access to Housing Authority employees connected to the County's Wide Area Network. In addition, the County has implemented a World Wide Web server and created a County Home Page. This will allow the Housing Authority to have a presence on the Internet as an aid in communications to the public at large.

Public Records Act Considerations

Since electronic media is subject to the same level of review as paper documents regarding legal retention periods, the Housing Authority establishes standards, procedures and techniques to ensure proper retention and disposal of all information displayed from or transmitted to the Internet.

Other Housing Authority Policies

The Housing Authority has other policies that address technology-specific areas including policies on information security, Email and portable computing. These policies are cumulative and in the event of conflict, the policies providing the Housing Authority with the greatest level of security apply.

Internet Privacy and Monitoring

Since Internet access and use are intended for Housing Authority business, Housing Authority employees shall have no right or expectation of privacy in any Internet activity using Housing Authority equipment or networks. Managers shall have the right to review any Internet activity of any employee supervised by them at any time and for any reason.

If the activity to be reviewed goes beyond the Housing Authority, other systems and records may be searched with the approval of the head of that system. The Housing Authority may monitor and report on Internet use by Housing Authority employees. Managers may restrict Internet use by anyone supervised by them at any time and for any reason. The Housing Authority may restrict access to Internet sites whose content appears to have no purpose related to the business of the Housing Authority.

Consent to Policy

Use of the County's Internet Capability to access sites outside of the County and Housing Authority constitute consent to this policy.

II. Purpose of the Internet

The purpose of Internet access is to distribute, or make available, information to public constituencies or to perform research in support of Housing Authority work assignments.

III. Uses

All Internet activities should be directly related to Housing Authority business. Use of the Internet should be handled as judiciously as the publication of Housing Authority documents or the purchase of reference documents.

Listed below are examples of appropriate and inappropriate Internet use.

A. Examples of Appropriate Use

1. Obtaining information regarding Housing Authority business, i.e., policy, legislation, public meetings, technical research, etc.
2. Transmitting or receiving a file or document (in conjunction with Email).
3. Providing information regarding Housing Authority business to the public, i.e., meeting agendas, key points of contact, etc.
4. Delivery of Housing Authority services.

B. Examples of Inappropriate Use

1. Generating, sending, requesting, willfully receiving or archiving material in any form, i.e., text, graphics, etc. that is discriminatory, offensive, defamatory or harassing.
2. Activities resulting in personal gain, i.e., items for sale.

3. Illegal activities.
4. Copyright infringement.
5. The transmission of sensitive information to any party outside the Housing Authority without prior approval of the Housing Authority Director. Information is defined as sensitive if it is considered by the Housing Authority to be confidential or may be damaging to the Housing Authority, its employees, its customers or clients.
6. Transmitting any Housing Authority sensitive information over the Internet by other than secured transmission.
7. Creating acts of fraud, waste or abuse through Internet activities.
8. Other acts of misconduct as outlined in the Housing Authority policies with specific reference to willful misconduct, discrimination, sexual harassment and misuse of position.
9. Multiple Internet sessions, unless needed for official Housing Authority business.
10. Downloading, installing or running any programs or services that provide ongoing communications with the Internet which have not been approved by the County's Chief Information Officer, including but not limited to instant messengers, screen savers, peer to peer communications such as Kazaa and any streaming media which does not fulfill legitimate job functions.
11. File downloads not connected with Housing Authority business.

IV. Housing Authority Use and Responsibility

It is the Housing Authority's responsibility to insure appropriate use of Internet resources which is consistent with the County policy at large.

Housing Authority information published on the County of San Mateo World Wide Web (WWW) server and links on System pages to other Web sites should be in alignment with the mission and vision of the Housing Authority. Any Housing Authority information to be published on the County WWW must be approved by the Housing Authority Director or a designee prior to submission to the Information Services Department for uploading to the Internet server. In addition, all Housing Authority WWW pages should adhere to general County design guidelines in order for the Housing Authority's presence on the County WWW to have the same look and feel.

It will be the responsibility of the Housing Authority to periodically review its web pages and provide timely updates.

V. Information Services Department Responsibilities

The County Information Services Department will be responsible for maintaining the County's Wide Area Network infrastructure and operation of the gateway servers to the Internet. Upon request of the Housing Authority, the Information Services Department will provide Internet usage statistics. Information Services will also provide WWW page development and customer support for the Housing Authority as needed.

VI. Email

Use of Email on the Internet is incorporated in the Housing Authority's Email policy.

VII. Violations

Violation will be investigated and may result in disciplinary action up to, and including, dismissal from Housing Authority employment.

E. Information Technology Security

Policy approved by the Board of Commissioners on January 29, 2008.

I. Introduction

Overview

This policy outlines the proper use of Information Technology resources owned or operated by the County of San Mateo and used by the Housing Authority. This policy establishes standards for the base configuration and operation of those resources. The policy applies to employees, contractors, consultants, temporary and other workers at Housing Authority offices, including all persons affiliated with third parties. The policy applies to all computer equipment and related devices owned or operated by the County for use by the Housing Authority and/or by the Housing Authority, to all computers and communications devices not owned or operated by the Housing Authority that are present on Housing Authority premises and to computers and communications devices that remotely access the County's internal network. It includes all software, firmware and other elements of those devices and their interconnections. Effective implementation of this policy will help protect the integrity of the County's network and the Housing Authority's information/data and minimize unauthorized access to information residing on the network.

Due to the rapidly changing nature of technology and its impact on the workplace the County's Chief Information Officer will review the County's Information Technology Security Policy annually and recommend any necessary changes to the County Manager. The Chief Information Officer is responsible for maintaining documentation of all variances to the County policy and reporting variances to the County Manager annually. The Housing Authority Director and the Housing Authority's Information Technology liaison will keep this policy up to date and will advise the Chief Information Officer of all situations that require deviation from or exception to this policy.

Effective security is a team effort involving the participation and support of every Housing Authority employee and affiliate who deals with Housing Authority information and/or information systems. It is the responsibility of the Housing Authority to insure that its employees are familiar with this policy. It is the responsibility of every computer user to conduct their activities accordingly. Use of information systems available to the Housing Authority constitutes consent to this policy.

Definitions

The following terms have the meanings indicated below unless the context indicates otherwise.

County Network:

As used here "County network" includes San Mateo County's information network backbones, department Local Area Networks and all devices that attach, directly or indirectly, to the networks including remote attachments.

Employees:

As used here "employees" include all Housing Authority employees as well as temporary and other workers and all contractors, consultants, vendors, and business affiliates, including persons affiliated with third parties who operate computer equipment on behalf of the Housing Authority or operate computer equipment that remotely access the County's internal network and Housing Authority information/data.

Users:

This is synonymous with employee.

Chief Information Officer:

As used here "Chief Information Officer," or this officer's designee, is the County's Information Technology Security Officer. In this capacity the Chief Information Officer is responsible for implementing security policy, issuing security alerts, documenting security incidents and reporting to executive management on the state of information security related to the County system.

Department of Information Services:

As used here "Department of Information Services" generally refers to the Communications Division within the County's Department of Information Services. The Communications division is responsible for the maintenance and County's information network backbone.

Information Services Department:

This is synonymous with the County's Department of Information Services.

Other Housing Authority Policies

The Housing Authority has other policies that may address specific areas of information security including policies on Internet use, Email and portable computing. The Housing Authority's policies are modeled after the County's policies to provide the greatest level of security required by the County and Housing Authority.

II. User Responsibility and Acceptable Use

The purpose of this section is to outline the acceptable uses of the Housing Authority's computer equipment and detail some of the prohibited and inappropriate uses. Inappropriate use exposes the County and Housing Authority to risks including virus attacks, compromise of network systems and services, and legal issues. The lists are not exhaustive, but attempt to provide a framework for activities that fall into the category of unacceptable use.

User Responsibility

1. Users are responsible for protecting any information used or stored in their San Mateo County/Housing Authority accounts or equipment and any information within their area of work responsibility.
2. Users are responsible for reporting any security breaches or weaknesses they become aware of to the Housing Authority Director and the Housing Authority's designated Information Technology support staff.
3. All documents and other data created or maintained by users should be saved on network drives, rather than local drives, unless directed differently by the Housing Authority's designated Information Technology support staff or as required by government regulation.
4. All unsolicited Email should be treated with suspicion; particularly Email received from the Internet. If the user is unsure of the authenticity and integrity of an Email it should be referred to the Housing Authority's Information Technology liaison or deleted.

Requests for Information

Targeted attacks on corporate information resources often begin with the acquisition of key information through deceit, using deceptive interactions with trusting employees of the targeted enterprise. This information is later used as the cornerstone of technical attacks on the enterprise. Protecting the County and Housing Authority from attacks of this nature is the responsibility of every Housing Authority employee. Users must not divulge details or instructions regarding passwords, remote access, including external network access points or dial-up numbers unless the following conditions have been met.

1. The requester has been positively identified.
2. The requester's authorization to receive the requested information has been verified.

3. Providing of the information is within the job responsibilities of the information provider.

Internal information not designated as Public information is to be shared only within the Housing Authority or with authorized persons. Prior to releasing any information that is not designated as Public over the telephone, the person releasing the information must personally recognize the requester's voice through prior business contact or verify that the call is being made from an internal telephone number that has been assigned to the requester.

Prohibited Activities and Inappropriate Uses of Information Technology

The following activities are prohibited except when necessary to fulfill legitimate job functions.

1. Creating security breaches including, but not limited to, unauthorized access, alteration, destruction, removal and/or disclosure of data, information, equipment, software or systems.
2. Creating disruptions of network communication including, but not limited to, pinged floods, packet spoofing, denial of service, and forged routing information
3. Port scanning, security scanning, network sniffing or SNMP monitoring unless authorized by the Chief Information Officer. Port scanning within assigned network segments is authorized for the Housing Authority's Information Technology liaison.
4. Circumventing user authentication or security of any workstation, terminal device or account.
5. Deliberate over-extension of the resources of a system or interference with the processing of a system.
6. Installing software on Housing Authority computers that is not authorized by the Housing Authority Director and the Housing Authority's Information Technology liaison.
7. Adding unauthorized hardware devices that may compromise the integrity of the County network, including, but not limited to, modems, FAX cards and unauthorized wireless access points.
8. Downloading, installing or running any programs or services that provide ongoing communications with the Internet which have not been approved by the County's Chief Information Officer, including but not limited to instant

messengers, screen savers, peer to peer communications such as Kazaa and all streaming media.

9. Using Housing Authority computers and resources for commercial purposes, personal gain, political campaigns or activities that are not compatible with the Housing Authority.

10. Using a Housing Authority computing asset to generate, send, request, receive or archive material in any form, i.e., text, graphics, etc., which contains offensive language or is harassing in nature.

11. Disclosing or requesting disclosure of confidential passwords, personal identification numbers and/or access devices or information for accessing accounts, equipment, and telephone voice mail.

12. Any use that violates federal, state or local laws.

Privacy of Personal Data

While the Housing Authority desires to provide a reasonable level of privacy for employees, users should be aware that all information on systems used by the Housing Authority is the property of the Housing Authority. Because of the need to protect the County network, the confidentiality of personal information stored on any network device belonging to the County or Housing Authority cannot be guaranteed. Housing Authority employees have no right or expectation of privacy of information stored on County information systems. The Housing Authority reserves the right to audit networks and systems on a periodic basis through the Chief Information Officer to ensure compliance with this policy.

III. Password Management

Passwords are an important aspect of computer security. They are the front line of protection for user accounts. Poorly chosen passwords may result in the compromise of the County's entire enterprise network. As such, all employees (including contractors and vendors with access to County systems used by the Housing Authority) are responsible for taking the appropriate steps to select and secure their passwords. The following standards apply to all passwords that allow user access to the County network, or devices attached to the County network, and to Secure systems. The Chief Information Officer must be notified of any systems whose design prohibits complying with this section.

1. All users must have unique account IDs that identifies a single account owner.
2. User account names and passwords must not be the same.
3. All account IDs must have unique passwords.

4. The minimum password must contain at least six characters.
5. At least one character in each password must be non-alpha.
6. Passwords must not contain consecutive identical characters.
7. Passwords are not to be shared, posted, or recorded except in a secure manner.
8. Passwords should change at the user's first log-on and thereafter at intervals of not more than sixty days.
9. New passwords must be unique from previously used passwords.
10. For Secure systems the minimum length password is eight characters.

For purposes of this Housing Authority policy which is integrated with the County's policy, Secure systems include Criminal Justice systems, Child Protective Services systems, Financial Management Systems, systems containing Protected Health Information as defined by HIPAA, passwords that remotely access the County network and all system-level passwords. The nature of data in a Secure system is such that any unauthorized disclosure would violate laws pertaining to confidentiality or could seriously impact the County and Housing Authority, its customers or clients. The Housing Authority Director may designate other systems for which s/he has primary responsibility as Secure systems that will thereby be subject to the provisions of this section.

Password resets requested of support staff by telephone or Email must not be undertaken until the identity of the requester has been verified. Acceptable verification includes:

1. Personal recognition of the requester including recognition of the requester voice.
2. Call back to the requester's telephone, as listed in the Housing Authority or County telephone directory.
3. Challenge/response keyword verification where the requester responds correctly with two pieces of pre-determined personal information.

IV. System Auditing and Configuration Standards

Auditing

Information Services

The Chief Information Officer will maintain a database of all servers on the County network including server hardware descriptions and operating system versions, physical server locations, and Housing Authority contact and backup contact information. The Chief Information Officer will verify the information in the server/contact database annually.

The Information Services Department will monitor network traffic as necessary and appropriate, to determine network utilization and availability and for the detection of unauthorized activity and intrusion attempts.

When a security problem or potential security problem is identified, Information Services will seek the co-operation of the appropriate contacts for the systems and networks involved in order to resolve such problems. In the absence or unavailability of such individuals, Information Services will act unilaterally to contain the problem, up to and including temporary isolation of systems or devices from the network, and notify the responsible system administrator when this is done.

Housing Authority

Through its Information Technology liaison, the Housing Authority should enable auditing on all production servers capable of generating audit logs. As audit logs, by default, capture large volumes of information, the logging functions should be tuned to capture only the necessary information. The logs should be reviewed on at least a weekly basis. Online logs older than one week, which do not contain suspicious data, may be purged, provided archived logs for the previous four weeks are available. The Chief Information Officer must be notified of any systems that do not have logging enabled.

Standard events to audit include:

1. User ID.
2. Date/time of log on/off.
3. Terminal identification.
4. Successful/rejected system access attempts.
5. Successful/rejected data and other resource attempts.

Significant computer security compromises or events should be reported to the Information Services Department who will assist in reviewing log files and other data. Information Services will assist the Housing Authority in remedying the security breach, prescribing corrective measures as needed. Security-related events include, but are not

limited to: port-scan attacks, evidence of unauthorized access to privileged accounts, repeated anomalous occurrences that are not related to specific applications on the host computer. Information Services will maintain a database of security incidents.

The Housing Authority's Information Technology liaison will provide the Chief Information Officer the following information on any server connecting to the County network within five business days of the server being brought on line: server hardware description and operating system version, physical server location, Housing Authority contact and backup contact information.

Configuration Standards

Information Services

The Information Services Department will prepare system configuration recommendations and guidelines for network and system administrators and provide assistance and advice to the extent possible with available resources. The Chief Information Officer will publish security alerts, vulnerability notices and patches, and other pertinent information in an effort to prevent security breaches.

Housing Authority

Internal Servers

This section establishes the minimum standards for the base configuration of internal server equipment that is owned or operated by San Mateo County, and to servers registered under any County owned internal network domain.

1. General-purpose server operating systems for current products should be within two revision levels of the most current version supported by the software publisher and the Information Services Department. Servers with legacy operating system versions which have reached the software publisher's end-of-life should be at the last production release with plans to replace the operating system with a currently supported operating system as soon as possible. Special purpose servers not meeting these requirements must be registered in the County server database with additional information documenting the server function
2. System default administrator accounts password must be changed prior to placing the server on the production network. System default administrator accounts should be deactivated unless they are necessary for the proper functioning of server based software. Software that requires access to default administrator accounts should be avoided.
3. Any services or programs that launch automatically on boot-up which are not necessary for the proper functioning of a server must be disabled. Particular

attention must be given to disabling SNMP if not used or changing SNMP community strings if it is used. Community strings must follow County password management standards.

4. Any services or programs that allow access and/or management of a server or its applications must not use system default passwords; anonymous accounts, default scripts or default access configuration strings.
5. The most recent security patches recommended by the Chief Information Officer must be installed on all servers connected to the County network as soon as practical. The Chief Information Officer must be notified if recommended security patches are not installed within two weeks of the recommendation.
6. Trust relationships between systems are a potential security risk. Any trust relationships extending beyond organization boundaries must be reported and documented in the server database maintained by the Chief Information Officer.
7. Access to services should be logged and/or protected through encrypted access-control methods over secure channels, if possible. Remote administrator access must be performed over secure channels.
8. System Administrators should use the security principles of least required access to perform a function. Tree level access should not be used to perform branch level operations.
9. Administrator and Root accounts should not be used when non-privileged accounts will do.
10. Servers should be physically located in an access-controlled environment and should not operate from uncontrolled cubicle areas.
11. All servers connected to the County network, whether owned by the County or other entity, must be continually executing approved virus-scanning software, with a current virus database, configured using settings published by the Chief Information Officer.
12. For disaster recovery purposes all production servers must be recoverable from backup copies no more than one business day old, through an off-site backup method approved by the Chief Information Officer.
13. Automatic logoffs should be enabled at the network level and in sensitive applications where possible.
14. All servers and workstations must be set to limit the number of successive invalid attempts to logon. At minimum network user accounts should

automatically lock following three invalid access attempts within any two-hour period of time. Accounts should remain locked for a minimum of two hours, unless reset by appropriate Information Technology staff.

15. Any deviations to these guidelines must be reported to the Chief Information Officer for inclusion in the server database.

Workstations

As used here, "workstations" include desktop computers, portable computers and other general purpose computing devices used by end users to process computer instructions.

1. Desktop operating system versions for current products should be within two revision levels of the most current version supported by the software publisher and the Information Services Department. Operating systems for legacy devices should be at the last production release with plans to replace the operating system with a currently supported operating system as soon as possible.
2. Any services and programs that are not necessary for the proper functioning and intended purpose of a workstation must be disabled.
3. All workstations connected to the County network, whether owned by the County or other entity, must be continually executing approved virus-scanning software, with a current virus database, configured using setting published by the Chief Information Officer.
4. All workstations capable of time initiated security activity, such as password protected screen savers or automatic log off should have the security function enabled. Events should occur within fifteen minutes of inactivity on the workstation. Where possible and for Secure applications and systems, automatic logoffs should occur within ten minutes of inactivity.
5. User authorities, permissions and rights should be set at the minimum required to accomplish the user's job function. In Windows environments accounts with Administrator privileges should be reserved and restricted to functions and persons requiring those rights.

The Housing Authority's Information Technology liaison must annually audit its workstations to determine manufacturer, model, workstation operating system version, operating system revision level, and virus scanning software and virus database version. Manufacturer's serial number and MAC address must be used to identify each workstation. A copy of the audit shall be provided to the Chief Information Officer for inclusion in a workstation database

Portable Computers and Portable Computing Devices

Portable computers and portable computing devices also known as Personal Data Assistants (PDAs) pose an increased security risk because they may contain private, confidential or sensitive Housing Authority information, and being portable, are more at risk of loss, theft, or unauthorized access than standard desktop computers. As used here a PDA is any portable electronic device used to download information from, upload information to or otherwise communicate with the County network used by the Housing Authority or any device attached to the County network. Examples of PDAs include Palm Pilots, Handspring Visors, Sony Clies, Microsoft products including Windows CEs, Pocket PCs, and Tablet PCs, Blackberry's and mini notebooks. In some cases these tools, both portable computers and PDAs, are the personal property of the employee rather than the Housing Authority but if they contain information obtained from the County network they are subject to Housing Authority and County policies with respect to the acceptable use and security of that information.

No Housing Authority employee may use a portable computer or PDA which is the personal property of the employee or some entity other than the Housing Authority for Housing Authority business purposes or a purpose that supports Housing Authority business without the authorization of the Housing Authority Director or designee.

No Housing Authority employee may download to, upload to, or maintain on a portable computer or PDA Housing Authority information considered to be sensitive without the authorization of the Housing Authority Director or designee. Housing Authority information is defined as sensitive if it considered by the Housing Authority to be confidential or may be damaging to the Housing Authority, its employees, its customers or clients.

Employees assigned Housing Authority-owned portable computers or PDAs are responsible for the security of the devices, all associated equipment and all data in the devices when they are taken to locations outside of Housing Authority facilities.

Sensitive information that resides on portable computers and PDAs must be encrypted.

The Housing Authority is responsible for maintaining a current list of employees within their organizations who are using portable computers or PDAs that may be subject to this policy. This information is to be provided to the Chief Information Officer upon request for the purpose of trending the growth of these devices.

Wireless Systems

Access to the County network via unsecured wireless communication capable of transmitting packet data is prohibited. Wireless implementations must use encryption technologies approved by the Chief Information Officer. The Chief Information Officer

must be informed of planned wireless implementations prior to their being brought on line and will maintain a database of approved wireless installations.

Modems and FAX Machines

Except for portable computers, where the intent of modem is for remote access into the County network, no modems may be attached to or installed in any computer connected to the County network unless approved by the Chief Information Officer. All modems must have the modem auto-answer feature disabled unless approved otherwise by the Chief Information Officer. Modems with auto-answer enabled must be set to answer no earlier than the fourth ring. Call forwarding services that permit forwarding calls to external telephone numbers must not be placed on any dial-up modem or fax telephone number within the Housing Authority. The Chief Information Officer will maintain a database of approved modem installations.

Routers and Switches

This section describes a required minimal security configuration for all routers and manageable switches connecting to a production network or used in a production capacity at or on behalf of the Housing Authority. All routers and switches connected to the County's production networks are affected. Routers and switches within internal, secured labs, not connected to the County backbone, are not affected.

The following configuration standards are required:

1. TACACS+ must be used for all user authentication's whenever possible.
2. Emergency local account passwords must be "single use" passwords.
3. All passwords on network devices must meet County password standards and be kept in a secure encrypted form.
4. The following must be disallowed:
 - 4.1. IP directed broadcasts
 - 4.2. Incoming packets at the router source with invalid addresses such as RFC1918 address
 - 4.3. TCP small services
 - 4.4. UDP small services
 - 4.5. All source routing
 - 4.6. All web services
5. Default SNMP community strings must be replaced with community strings published by the Chief Information Officer.
6. All console sessions must force a login.

7. Routers must be configured for auditing and every router command must be sent to an auditing server designated by the Chief Information Officer.
8. Access lists must be used to restrict the devices that can make requests or give instructions to routers and switches.
9. Router and Switches must have a designated point of contact and be included in a database maintained by the Chief Information Officer.

DMZ Servers

Devices that are Internet facing and outside the San Mateo County firewall, and devices that are inside the San Mateo County firewall which are exposed to the Internet by virtue of their relationship with Internet facing devices, are considered part of the "de-militarized zone" (DMZ) and are subject to this section. These devices are particularly vulnerable to attack from the Internet since they reside outside the County's firewalls. All server equipment or devices deployed in a DMZ owned or operated by San Mateo County or registered in any Domain Name System (DNS) domain owned by San Mateo County, must follow this policy unless a wavier is obtained from the Chief Information Officer.

1. All server configuration standards for internal servers are required configuration standards for servers in the DMZ unless otherwise approved by the Chief Information Officer.
2. Trust relationships between systems may only be introduced according to business requirements, must be documented, and must be approved by the Chief Information Officer.
3. Access control lists must be used to restrict services and applications not for general access.
4. Insecure services or protocols must be replaced with more secure equivalents whenever such exist.
5. Remote administration must be performed over secure channels or console access independent from the DMZ networks.
6. No data other than copied data may reside on servers outside the firewall.
7. All server content updates must occur over secure channels.
8. New installations and all configuration changes must follow the Information Services Department's Change Management process.

V. Application Development and Deployment

The Housing Authority's Information Technology liaison should insure that any software purchased or developed for general use in the Housing Authority has been tested and properly operates on all hardware and software platforms for which the software is intended. Software that requires that the end user's computer workstation be configured with authorities beyond that of a common user should be avoided.

Application producers and developers must ensure their programs contain the following security precautions.

1. Applications should support authentication of individual users, not groups.
2. Whenever possible the use of system accounts rather than local user accounts should be used.
3. Applications should not store passwords in clear text or in any easily reversible form.
4. Applications should provide structured role management, so that administrative accounts can take over the functions of other accounts.
5. Secure systems should feature automatic user inactivity logoffs.

VI. Remote Access

This section defines standards for connecting to the County network from computers outside the County network. The standards are designed to minimize the potential exposure to San Mateo County and the Housing Authority from damage that may result from attachment to the County network, or from unauthorized use of County resources. The policy applies to all employees and other parties who connect to the County's network.

Authorized users and entities may access the County network only through systems and processes administered or approved by the Information Services Department. Users may access the County network via the Internet using a virtual private network client (VPN) approved by the Chief Information Officer or dial directly into a County-managed Access Server (modem pool).

1. Remote Access connections must adhere to the County's Acceptable Use and Password Management Policies.
2. It is the responsibility of individuals or organizations with Remote Access privileges to ensure that unauthorized users are not allowed access to San Mateo County internal networks.

3. All computers connected to San Mateo County internal networks via a Remote Access technology must use an approved firewall and up-to-date anti-virus software, with a current virus database, configured using setting published by the Chief Information Officer. This includes personal computers and third party connections.
4. Remote connections will be automatically disconnected from San Mateo County's network after sixty minutes of inactivity. The user must then logon again to reconnect to the network. Pings or other artificial network processes are not to be used to keep connections open.
5. Only VPN clients approved by the Chief Information Officer may be used.
6. By using Remote Access technology with personal equipment, users understand and agree that their machines are a de facto extension of San Mateo County's network during connection periods, and as such are subject to the same security standards as apply to San Mateo County and Housing Authority-owned equipment.
7. Housing Authority employees and contractors with remote access privileges must ensure that their remotely connected personal computer or workstation is not connected to any other network at the same time, with the exception of personal networks that are under the complete control of the user. Vendors and other business affiliates who remotely connect to the County while connected a corporate network must be registered with the Chief Information Officer.

The Chief Information Officer must approve any exceptions to this policy. Exceptions will be maintained in an exception database and must be renewed annually.

VII. Employee Exit Procedures

With the assistance of its Information Technology liaison, the Housing Authority should establish Exit procedures so that when an employee leaves Housing Authority Service and/or transfers to a County department or division a structured exit process is followed. This process should include the recovery of all keys and badges and revocation of computer access, including the disabling of all network accounts, system accounts, application accounts, Email accounts and remote access accounts as well as revocation of voicemail account access. The Housing Authority should verify the integrity of systems and data turned over by departing employees prior to their departure.

The Housing Authority's Information Technology liaison should audit user accounts on a regular basis. Accounts of employees who have left service should be disabled after a period of not more than five days. Employees who remain in service should not access accounts of employees who have left service except when directed by the Housing Authority Director. Accounts which have been inactive for more than thirty

days should be disabled until a final disposition on the account has been determined.

VIII. Violations

Violations will be investigated and may result in disciplinary action up to and including dismissal from Housing Authority employment, or cancellation of contractual relationship.

F. Reporting of Convictions

Policy approved by the Board of Commissioners on January 29, 2008.

Any Housing Authority employee who is convicted of a felony or a misdemeanor subsequent to employment must report such conviction to the Housing Authority Director within seventy-two hours of the conviction. A conviction will not necessarily result in dismissal. Each conviction will be reviewed/investigated to determine if it is substantially related to the responsibilities of the job prior to making a determination about potential action. **Failure to report a conviction within seventy-two hours of the conviction may result in disciplinary action up to, and including, dismissal absent an explanation of the failure to report which is satisfactory to the appointing authority.**

G. Equal Employment Opportunity

Policy approved by the Board of Commissioners on January 29, 2008.

The Board of Commissioners' Commitment to Equal Employment Opportunity

The Board of Commissioners takes this opportunity to express its philosophy that an essential component of excellence at the Housing Authority is the diversity of its community. We recognize, welcome, and appreciate our workforce. This diversity allows us to respond to the needs of our customers in a more effective and culturally sensitive manner and provides a reflection of the community we serve.

Through adoption and dissemination of this policy, the Board of Commissioners commits the Housing Authority and all employees to a diverse, results-oriented, **equal employment opportunity** environment aimed at a balanced workforce free of illegal discrimination and harassment.

I. Language Diversity

While the Housing Authority recognizes English as the primary language of the workplace and encourages its mastery, it also acknowledges the fact that other languages are both necessary and welcome in providing the best service possible to all. For employees for whom English is a second language, the Housing Authority affirms the right to speak another language freely without threat of discrimination or reprisal. It is important, however, that the right to speak a language other than English is not used as a tool to exclude or demean co-workers.

II. Discrimination

The Board of Commissioners hereby restates its commitment to ensuring that no employee or applicant shall be discriminated against based on sex, pregnancy, childbirth or related medical conditions, race, veteran status, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, use of family medical leave, or any other basis protected by federal or state law. This policy shall apply to all employment practices.

The Housing Authority will take positive measures toward eliminating artificial barriers to employment and achieving equal opportunity through its continued implementation and coordination of its equal employment opportunity goals and practices, and through its review and evaluation of hiring and promotional policies and procedures.

It is the policy of the Board of Commissioners that equal employment opportunity is consistent with the basic merit system principle that all persons be afforded equal access to positions in public service based on their ability to do the job. Hiring will be made solely on the basis of job-related criteria, and all employment decisions will be made on the basis of merit, in conformity with these principles of equal opportunity.

The Housing Authority considers violation of this policy, on the basis of any of these categories, to constitute misconduct that undermines the integrity of the employment relationship. Corrective action up to, and including dismissal shall be taken against individuals who violate any provision of this policy.

III. Harassment

It is the policy of Housing Authority to maintain an environment free from illegal harassment in the workplace. The Housing Authority will not tolerate any action that illegally harasses, disrupts, or interferes with another's work performance; or creates an intimidating, offensive, or hostile work environment. The Housing Authority encourages its employees and contractors to respect the differences of others. All are expected to act in a responsible, professional manner and to contribute to a productive work environment that is free from harassing or disruptive activity. All can expect to work in an environment free from harassing behaviors.

This policy unequivocally extends to all forms of harassment based on the criteria set forth in Section II. Discrimination. The Housing Authority considers harassment on the basis of any of these categories to constitute misconduct that undermines the integrity of the employment relationship. Protection against harassment covers all employees, applicants and independent contractors (as defined by the California Fair Employment and Housing Act). Corrective action, up to and including dismissal, shall be taken against individuals who violate this policy.

Harassment is a systematic persecution through persistent and conscious behavior that intimidates, threatens, degrades, torments, or places demands upon another, to the extent that it creates a pervasively hostile work environment. Harassing behavior includes, but is not limited to:

- Verbal conduct, such as epithets, derogatory or insulting comments, taunting, heckling, slurs, jokes, stories, disparaging terms, or unwanted sexual advances or comments;
- Physical conduct, such as impeding or blocking movement, gestures, physical interference with normal work movement, unwelcome touching, or assault;
- Visual conduct, such as derogatory or sexually oriented posters, photographs, letters or other writings, email, cartoons, graffiti, drawings, or gestures;
- Hazing by exacting unnecessary work, banter or ridicule;

- Treating in a disparate manner; or
- Retaliating for reporting harassment.

In addition to the above, sexual harassment shall include unwelcome, unwanted, sexual advances or overtures, requests for sexual favors, and other verbal, physical or body language of a sexual nature. The actions above will be considered sexual harassment when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting that individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

IV. Retaliation

Retaliation is defined as unlawful punishment of an employee because that employee reported unlawful discriminatory conduct, or participated in an investigation of discrimination. The most obvious types of retaliation are denial of promotion, refusal to hire, denial of job benefits, demotion, suspension and discharge. Other types of adverse action include threats, reprimands, negative evaluations, or harassment. The source of retaliation may be from a manager toward an employee, or from one employee or group of employees toward another employee.

The Board of Commissioners recognizes that the ability to communicate, report, and oppose illegal activity is the singular most effective tool employees and applicants have to prevent and stop such activity. If retaliation for reporting or opposing illegal activity were permitted to continue without remedy it would have a chilling effect upon employees and applicants who speak out against, or oppose, such activity.

The Housing Authority does not tolerate any acts of retaliation. Housing Authority employees are forbidden to retaliate against the efforts of any employee or applicant in reporting any violation of this Equal Employment Opportunity Policy. Corrective action, up to and including dismissal, shall be taken against individuals in violation of any provision of this policy.

V. Reasonable Accommodations

The Americans with Disabilities Act (ADA) and California's Fair Employment and Housing Act (FEHA) prohibit employment discrimination on the basis of a permanent

disability. It is the policy of the Housing Authority that no qualified applicant or employee with a permanent disability shall be excluded from participation, be denied the benefits, or be subjected to discrimination because of their disability. The Housing Authority is committed to provide reasonable accommodations to qualified individuals with disabilities if it does not result in an undue hardship on the operations of the Housing Authority. The County's ADA Coordinator in Human Resources is available to assist Housing Authority applicants, employees and management in providing accommodations.

VI. Employee Responsibilities

All Housing Authority employees (including managers) have the responsibility to:

- Understand and abide by the Housing Authority's Equal Employment Opportunity Policy, and comply with its terms.
- Respect the differences of others.
- Contribute to a harassment-free environment by acting and behaving in an appropriate manner.
- Immediately report any violations of this policy that they personally observe, or have knowledge of.
- Cooperate completely in any investigation of violations of this policy.

VII. Manager Responsibilities

All managers have additional responsibility to:

- Be proactive and foster a work environment free of discrimination and harassment.
- Eliminate personal biases from employment decisions and practices.
- Ensure employment, performance or conduct decisions and practices are based on a consistent set of criteria that is applied equally to all employees and not based on non job-related factors.
- Ensure that tradition and stereotypes do not create a "glass ceiling" to advancement of persons historically excluded from middle and upper management positions.
- Set a positive example.

- Keep consistent documentation on all employees.
- Take each complaint concerning violations of this policy seriously. Failure to report an incident of harassing or discriminatory conduct is itself a violation of this policy.
- Ensure that all employees are aware of this policy and the procedures for communicating a complaint.
- Conduct complete and thorough investigations.
- Take corrective action whenever an investigation results in a finding that this policy has been violated.
- Prohibit retaliation against an employee or applicant who has complained of a violation of this policy, or who has participated in an investigation of complaints.
- Maintain a record of both informal and formal complaints and resolutions.
- Respect confidentiality to the greatest extent possible by only sharing information regarding complaints and investigations with those who have a “need to know.”

VIII. Complaint Resolution Procedures

Housing Authority Complaint Procedures

Employees and applicants are encouraged to attempt resolution of complaints as quickly as possible at the lowest and least formal level. However, if deemed inappropriate in the judgment of the individual, then he or she is encouraged to pursue resolution at a higher level. The most important consideration should be resolution of the issue in a prompt and fair manner. The Housing Authority recognizes these reporting procedures:

a. Resolution within the Housing Authority

An employee can discuss the complaint/issue and seek a remedy with his/her immediate manager. If the complaint/issue is not resolved, or the behavior of the employee’s manager is an issue, the employee is encouraged to pursue resolution through discussion with the Housing Authority Director or the Director’s designee.

b. Filing a Grievance

Employees covered by a Memorandum of Understanding (MOU) have the right to file a grievance for violation of a provision contained in that MOU. Each MOU prescribes

timeframes within which grievances must be filed to be considered timely and outlines the process. The grievance must state the provision of the MOU that is alleged to have been violated.

c. External Agencies

In addition to the above, or in place of the above procedure, employees and applicants have the option of filing a complaint with either, or both, the state and federal external compliance agencies. The address and phone numbers for each agency are listed below:

California Department of Fair Employment and Housing

121 Spear Street, Suite 430

San Francisco, CA 94105

(800) 884-1684 or

www.DFEH.gov

111 North Market Street

San Jose, CA 95113

(800) 884-1684

www.DFEH.gov

United States Equal Employment Opportunity Commission

350 Embarcadero, Suite 500

San Francisco, CA 94105

(415) 625-5600

www.EEOC.gov

H. Drug Free Workplace

Policy approved by the Board of Commissioners on January 29, 2008.

I. Policy

A. Purpose

This policy reflects the Housing Authority's position on alcohol and drug problems. It is intended to negate informal practices that may exist in connection with alcohol and drug problems, especially those that lead to the cover-up and protection of the abuser. It puts a responsibility on all levels of management to be alert to unsatisfactory or still acceptable but deteriorating job performance, and to follow the Program whenever this occurs.

B. Policy

The Housing Authority recognizes alcohol and drug problems as treatable.

For the purpose of this Policy, alcohol and drug problems exist when an employee's consumption of alcohol or drugs begins to interfere with job performance or attendance.

The social stigma often associated with alcohol and drug problems is inappropriate and is an impediment to effective treatment. The Housing Authority expects that this Policy will encourage self-referral of employees who suspect that they may have an alcohol or drug problem.

This Policy is intended to assure that no employee with an alcohol or drug problem will have his or her job security or promotional opportunities jeopardized by a request for help. Employees are encouraged to seek help and assistance through the Housing Authority and/or through their personal physician. No employee shall be discriminated against, retaliated against, disciplined, or suffer any other employment-related repercussions because the employee seeks help or referral to deal with an alcohol or drug-related problem.

The individual's rights to confidentiality and privacy are recognized. The pertinent information and records of employees with an alcohol or drug problem will be preserved in the same manner as all other confidential records.

Managers should not attempt to diagnose an alcohol or drug problem. Manager-initiated referral for diagnosis and treatment should be based strictly on unsatisfactory or deteriorating job performance or attendance problems resulting from apparent behavioral problems, whatever their nature.

Employees with alcohol or drug problems will receive the same careful consideration and opportunities for treatment that are presently extended to employees with any other problems. It will be the responsibility of the employee to comply with the referral for diagnosis and to cooperate with the prescribed treatment. An employee's refusal to accept diagnosis or treatment, or failure to respond to treatment will be handled in the same manner as other problems when job performance or attendance continues to be adversely affected.

Implementation of this Policy will not require or result in any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance requirements.

It is the policy of the Housing Authority to maintain a drug free workplace. The illegal manufacture, distribution, possession, or use of drugs, or acting under the influence of drugs, in this workplace is strictly prohibited. Penalties may be imposed upon employees for drug violations, up to and including termination of employment. Employees must comply with the Drug Free Workplace Policy and notify the Housing Authority within 5 days of any criminal drug statute conviction for any violation occurring in the workplace.

I. Portable Computing

Policy approved by the Board of Commissioners on January 29, 2008.

I. Introduction

Overview

This policy outlines the proper use of portable computers and portable computing devices available to or used by Housing Authority employees in support of their assigned duties.

Background

In recent years an increasing number of employees have acquired access to portable computers to enhance their work. Additionally new portable computing technologies, including Personal Data Assistants (PDA), have become common with employees uploading and downloading work-related information to these devices. In some cases these tools, both portable computers and portable computing devices, are the personal property of the employee rather than the employer but information obtained from any employer-owned network or system is the property of the employer. Devices containing Housing Authority information are subject to Housing Authority policies with respect to the acceptable use and security of that information.

As used here a portable computing device is any portable electronic device employed by the user to communicate with, download information from or upload information to the Housing Authority network provided by the County or any device attached to this network.

Portable computers and portable computing devices pose an increased security risk because they may contain private, confidential or sensitive Housing Authority information, and being portable, are more at risk for loss, theft, or other unauthorized access than the Housing Authority's desktop computers.

Portable computers and portable computing devices may be more vulnerable to viruses and other such threats because the user may not regularly use virus protection software and other safeguards available to the Housing Authority's desktop computers.

Portable computers and portable computing devices may be the personal property of Housing Authority employees and, as such, not included in Housing Authority inventories or known to Housing Authority management.

Other Housing Authority Policies

The Housing Authority has other policies that address specific areas of information security including policies on Internet use, Email and portable computing. These policies are cumulative and in the event of conflict, the policies providing the Housing Authority with the greatest level of security apply.

II. Policy

No Housing Authority employee or contractor may download to, upload to, or maintain on a portable computer or portable computing device Housing Authority information considered to be sensitive without the authorization of Housing Authority Director or the Director's designee. Housing Authority Information is defined as sensitive if it is considered by the Housing Authority to be confidential or may be damaging to the Housing Authority, its employees, its customers and clients.

No Housing Authority employee or contractor may use a portable computer or portable computing device which is the personal property of the employee or some entity other than the Housing Authority for a Housing Authority business purposes or a purpose that supports Housing Authority business without the written authorization of the Housing Authority Director or the Director's designee.

III. Employee Responsibilities

Housing Authority employees who use portable computers are responsible for insuring that the following requirements are met:

1. Housing Authority owned computers, associated equipment and software are for business use only, not for the personal use of the employee or any other person or entity. Employees will not permit anyone else including, but not limited to, the employee's family and/or associates, clients, clients' families, or unauthorized officers, employees or agents of the Housing Authority to use Housing Authority owned personal computers for any purpose.
2. Employees may not download or install any software onto any Housing Authority owned computer except as permitted by Housing Authority information technology policies.
3. Employees will not connect any additional peripherals to Housing Authority owned computers without the authorization of the Housing Authority Director or the Director's designee.

4. Employees assigned portable computers are responsible for the security of the computer, all associated equipment and all data when the equipment is taken to locations outside of Housing Authority facilities.
5. Sensitive information that resides on portable computers and portable computing devices must be encrypted.
6. Portable computers may remotely attach to the Housing Authority only through Remote Access systems maintained by the County's Information Services Department.
7. Employees must report any lost or stolen equipment, including personally owned equipment if it contains Housing Authority information/data, or any breach of security or confidentiality to his or her manager as soon as possible.

IV. Housing Authority Responsibility

The Housing Authority must supply locking security devices with Housing Authority supplied portable computers. Such devices must allow the portable computers to be tethered to a non-portable object via the computer's universal security cable slot. Employees are responsible for using the locking device when leaving the computers for any length of time in unsecured locations including Housing Authority offices. The Housing Authority Director or the Director's designee is responsible for the maintenance of an up-to-date list of employees who are using portable computers or portable computing devices that may be subject to this policy.

V. Violations

Violations will be investigated and may result in disciplinary action up to and including dismissal from Housing Authority employment.

J. FMLA (Family Medical Leave Act)

Policy approved by the Board of Commissioners on January 29, 2008.

1. What types of leave are covered under the federal and state family leave laws?

The laws guarantee covered employees the right to take an unpaid leave for a maximum of twelve weeks in a 12 month period for:

- Birth or adoption of a child (including placement in foster care);
- Care for a parent, child or spouse when that relative is unable to care for himself or herself because of a serious health condition (Housing Authority policy extends this to include domestic partners, children of domestic partners or young adult dependents); or
- Employee's own serious health condition that makes the employee unable to perform the essential functions of their job.

2. How is the 12 month period counted?

Eligible employees are allotted 12 weeks (480 hours) of FMLA each calendar year. The 12-week period is the total amount of leave available for each calendar year, regardless of the number of qualifying events.

3. Who is eligible for FMLA?

Permanent, probationary and extra help employees who have worked for the Housing Authority for at least one year and who have worked at least 1,250 hours during the previous 12 months.

4. How do the Housing Authority's leave of absence policies integrate with Family and Medical Leave?

In general, current Housing Authority leave policies are more generous and permit employees to request up to a maximum of 26 or 52 weeks depending on the type of leave taken. In some cases, like a Medical Leave of Absence, employees are required to exhaust all sick leave before entering an unpaid status. For other leaves, like Parental Leave, no sick leave or vacation credits need to be taken before the leave is approved. Questions 9 and 10 below explain how sick leave, vacation and other leave categories are treated when applying for Family and Medical Leave.

5. Can the Housing Authority deny Family and Medical Leave to one of its employees?

Generally, no, if the employee meets all criteria for Family and Medical Leave, including advance notice and certification requirements described below (see Questions 7 and 8).

6. What basic rights are provided to employees under federal and state leave laws?

Health Premium Payment

The Housing Authority must maintain the employee's coverage under any group health plan on the same basis as usually provided. For permanent and probationary employees, the Housing Authority is responsible for continuing its contribution to the employee's health premium up to the 12 week maximum period. Employees must continue to make their own contributions for health coverage. Extra Help do not receive health coverage benefits and thus do not receive continued health coverage during their leaves.

Reinstatement Rights

Current policy requires the Housing Authority to return permanent employees to the same or equivalent position so the new laws do not provide an additional right. Eligible extra help employees who take a leave of absence under these laws are entitled to return to the same or equivalent position held prior to the leave. This is an additional right. Extra Help employees must have worked for the Housing Authority at least one year and must have worked 1,250 hours in the preceding 12 months to assure that this return right is granted.

7. Must the leave be taken in blocks of time or can it be taken in increments or on a reduced work schedule?

Leave taken for childbirth, adoption or foster care may be taken intermittently with Housing Authority approval. For example, a pregnant employee may use her leave for periodic prenatal doctor's visits.

Leave taken to care for a seriously ill family member or for the employee's own serious health condition may be taken whenever medically necessary including on an intermittent basis if medically necessary. The law defines serious health condition as:

- Inpatient treatment, or
- Incapacity requiring absence from work for 3 days that also involves treatment or supervision by a health care provider, or

- Continuing treatment for a condition that is:
 - Incurable
 - So serious that without treatment the condition would result in a 3 day absence
 - Prenatal care

8. Must the employee provide advance notice of the need for leave?

Yes, the employee must provide 30 days advance notice when the leave is foreseeable. In all other cases, the employee must provide as much advance notice as possible.

9. Can the Housing Authority request verification or certification of the leave?

Yes. The Housing Authority may require the following information from a licensed healthcare professional for certification of the employee's own illness or that of a family member:

1. The date on which the serious health condition started.
2. The probable duration of the condition.
3. An estimate of the amount of time the employee needs to care for a family member.
4. Verification that the serious health condition warrants participation of a family member to provide care.

For 1 and 2 above, the certification must indicate that the employee is unable to perform the functions of his or her position. Additionally, the Housing Authority may require a second or third opinion (at the Housing Authority's expense) and a fitness for duty report prior to the employee's return to work.

10. Can the Housing Authority require an employee to use other sources of accrued leave in conjunction with family leave?

Yes, for leave other than the employee's own illness, sick leave may be taken prior to a leave of absence, but is not required.

11. What enforcement rights does an employee have?

An employee who feels their rights have been violated can report the matter to the Housing Authority Director or the Director's designee. The Department of Labor is authorized to investigate and resolve complaints of violation. An eligible employee may bring a civil action for violations.

K. Whistleblower Policy

Policy approved by the Board of Commissioners on January 29, 2008.

Purpose

This document establishes the administrative policies and procedures to implement the Housing Authority's whistleblower policy (modeled after Chapter 2.206 of the San Mateo County Ordinance Code).

This policy seeks to protect the integrity of the Housing Authority by providing a mechanism for reporting of improper activity, including but not limited to violating local campaign finance laws, conflict of interest laws, or ethics; misusing Housing Authority resources; or using a Housing Authority position to advance a private interest.

As well, the Housing Authority policy provides for the protection of those who report such activity. The policy provides that reports of improper Housing Authority activity regarding improper financial activity, as well as retaliation and complaints of retaliation for such reporting should be filed with the Board of Commissioners and reports of other types of improper activity should be filed with the District Attorney or the County Counsel.

Filing and Investigation of the Complaint

Complaint forms shall be available in the County Counsel's office. Complaints shall be submitted within 45 days of learning of the improper activity, retaliation, or the threat of retaliation for reporting the activity.

The complaints shall be received, logged and processed by the County Counsel's office. Upon receiving such a complaint, the Housing Authority shall forward the complaint to the County Counsel immediately.

The County Counsel will in the first instance determine whether there is a possibility that criminal action has taken place and will confer with the District Attorney prior to the initiation of any investigation in which criminal activity reasonably appears to be a possible outcome. Once the County Counsel has reported the complaint to the District Attorney, the District Attorney will determine whether the investigation shall be conducted by that office. If so, the District Attorney will so advise the County Counsel, whose investigation will be suspended during the pendency of the criminal investigation.

If the District Attorney determines that a criminal investigation will not be conducted, the District Attorney shall so inform the County Counsel, who will determine the method of

investigation, including, but not limited to whether outside licensing agencies should be informed.

The County Counsel will identify the person(s) and work with the person(s) who originated the complaint to take those steps necessary to address the improper Housing Authority activity. The County Counsel shall receive a report of the action taken, and shall make a report to the Board of Commissioners. The report to the Board of Commissioners shall be made within ninety days of the County Counsel's receipt of the complaint. If the investigation is not completed by the end of ninety days, the County Counsel shall make an interim report.

Confidentiality

Both the filing of the complaint and its investigation shall be confidential. All involved parties, including the complainant, investigators and witnesses shall treat the complaint as well as all information gathered and prepared in the course of the investigation as confidential unless disclosure is necessary to conduct the investigation or required by state law. If any disclosure is necessary, it shall be provided only on a need to know basis.

L. Code of Conduct

Policy approved by the Board of Commissioners on January 29, 2008.

I. Purpose

The Code of Conduct establishes standards for officers, employees, and agents of the Housing Authority of the County of San Mateo (herein referred to as PHA) that will assure the highest level of professional behavior and public service.

II. Definitions

“Member” refers to all officers, employees, and agents of the PHA. “Employer” refers to the PHA.

III. Conflict of Interest

The PHA shall comply with 24 CFR 982.161 which states:

- A. Neither the PHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:
 - 1. Any present or former member or officer of the PHA (except a participant commissioner);
 - 2. Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs;
 - 3. Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or
 - 4. Any member of the Congress of the United States.
- B. Any member of the classes described in paragraph A of this section must disclose their interest or prospective interest to the PHA and HUD.
- C. The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

The PHA shall comply with 24 CFR 84.42 which states:

No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

IV. Personal Behavior

- A. A member shall not engage in acts or be associated with activities which are contrary to the public interest or which are discreditable to the PHA.
- B. A member shall not engage in private employment or hold himself/herself out as an independent practitioner for remuneration, except with the consent of his/her employer, if required.
- C. A member shall not purposefully transmit or use confidential information obtained in his/her professional work for personal gain or other advantage.

V. Gift Policy

- A. A member shall not solicit gifts, gratuities, and favors from program participants, owners, suppliers, and contractors, parties to sub-agreements or other persons or companies doing business, or proposing to do business with the PHA.
- B. A member may accept small gifts such as food or beverages, or gifts of minimal value if offered. Minimal value means small gifts with estimated value under \$20.00. Monetary gifts (cash, money orders, checks) of any amount are prohibited. All monetary gifts and non-monetary gifts with a value exceeding \$20.00 must be declined and the circumstances surrounding the incident must be reported to the PHA director or Deputy Director.

VI. Professional Competence and Performance

- A. A member shall strive to perform the duties of his/her position and supervise the work of his/her subordinates with the highest degree of professional care.

- B. A member shall render opinions, observations, or conclusions for official purposes only, after appropriate professional consideration of the pertinent facts.
- C. A member shall exercise diligence, objectivity, and honesty in his/her professional activities, and shall be aware of his/her responsibility to identify improprieties that come to his/her attention.
- D. A member shall be aware of and shall strive to apply requirements and standards prescribed by authorized government agencies, which may be applicable to his/her work. This principle recognizes that special professional criteria are promulgated by authorized governmental agencies (e.g., U. S. Department of Housing and Urban Development, the Office of Management and Budget, the Treasury Department, and others) which require attention to certain assignments.
- E. In the performance of any assignment, a member shall consider the public interest to be paramount.
- F. A member shall not engage in any activity or relationship which creates or gives the appearance of a conflict with his/her responsibilities to his/her employer.
- G. In speaking engagements or writings for publication, a member shall identify personal opinions which may differ from official positions of his/her employer.

Any member who fails to abide by the PHA's Code of Conduct policy is subject to disciplinary action up to and including termination of employment as outlined in the PHA's personnel policy and its union contract, or termination of the service contract as determined by action of the PHA's Board of Commissioners.

To ensure that all members are aware of the PHA's Code of Conduct, a copy of the policy shall be given to each member and acknowledgement of receipt of the Code of Conduct shall be kept in members' personnel files. The policy shall be posted on the PHA's web site and made a part of the new employee orientation for each new member.

ACKNOWLEDGEMENT OF RECEIPT

I, _____, _____
(Print Name) (Print Job Title)

an employee of the Housing Authority of the County of San Mateo hereby acknowledge that:

- 1) I have received notice of the availability of the Housing Authority Personnel Policies & Procedures on the Department of Housing intranet site; and
- 2) I have received and read the following Housing Authority policies.

(Place your initials to the right of each policy to indicate that you have read it.)

Policy:

Initials:

- | | |
|---|-------|
| A. <u>Political Activities</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| B. <u>Violence in the Workplace</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| C. <u>E-Mail</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| D. <u>Internet Usage</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| E. <u>Information Technology Security</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| F. <u>Reporting of Convictions</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| G. <u>Equal Employment Opportunity</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| H. <u>Drug Free Workplace</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| I. <u>Portable Computing</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| J. <u>FMLA (Family Medical Leave Act)</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| K. <u>Whistleblower Policy</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |
| L. <u>Code of Conduct</u>
(approved by Board of Commissioners on January 29, 2008) | _____ |

By signing I also acknowledge my responsibility to abide by these policies.

Signature: _____ Date: _____