

**PERSONNEL POLICIES AND PROCEDURES
HOUSING AUTHORITY OF THE CITY OF TEMPLE**

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PERSONNEL POLICIES AND PROCEDURES

This is not a contract of employment. Any individual may voluntarily leave employment upon proper notice, and may be terminated by the employer at any time and for any reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or existing employee. The contents of this handbook are subject to change at any time at the discretion of the employer.

Throughout this manual, whenever feminine gender is used, it is deemed to include masculine gender as well.

Legal opinion that this statement of Personnel Policies and Procedures is in compliance with state and local civil service laws is found in Section IX, APPENDIX C.

I. GENERAL PROVISIONS

A. At Will Employment

The Housing Authority of the City of Temple (Housing Authority) is an “at will” employer. All officers and employees shall be subject to preemptory discharge. This policy is intended to provide general guidelines to supervisors and employees, and is not intended to contractually limit the manner or procedures for disciplining or suspending employees. Any employee who has been off work for a six-month consecutive period will be terminated by the Executive Director.

B. Purpose

The purpose of these policies is to provide a set of policies and procedures governing employment with the Housing Authority and maintaining harmonious and productive employee relationships in the conduct of Housing Authority business. The Executive Director may authorize variances to the rules and requirements to reasonably accommodate employees with disabilities.

C. Applicability

These policies are designed to be in compliance with HUD requirements. They apply equally to the Section 8, Rental Development, or any other programs, which may be administered by the Housing Authority.

D. No Contract Created

The policy is not a contractual agreement. The Housing Authority does not intend to create an agreement or contract through the adoption of written application for employment, statements concerning introductory status, or the issuance of employee handbooks. The policies and procedures contained within this manual are available for inspection by all Housing Authority employees.

E. Merit System

The employment of personnel and actions affecting employees shall be based solely on merit, ability and justice.

F. Personnel Records

The Housing Authority will maintain personal work history records of each active and inactive employee for 5 years. The Housing Authority will keep all information regarding the medical condition or history of an applicant or employee in strict confidence. Release of information contained in employee personnel files is controlled by State and Federal law. The Housing Authority shall not release information about current or former employees to outside parties unless authorized by current or former employee except as outlined below.

Personnel files are open for inspection as follow:

1. All information in an employee's personnel file is available to the employee or a duly authorized representative of the employee within a reasonable time following submission of a written request to the Housing Authority. An employee who objects to material in her personnel file may submit a statement about her objection to the Executive Director for filing in her personnel file.
2. Information in an employee's personnel file required by law to be disclosed to the public is available for inspection within a reasonable time following receipt of a proper, written request.
3. Information in an employee's personnel file is subject to inspection when required by valid discovery requests of parties in litigation and upon order of a court of competent jurisdiction.
4. Supervisors and other members of the Housing Authority staff may inspect portions of personnel files, subject to determination by the Executive Director that they have a need to know the information, e.g., restrictions on work or duties of an employee, information about emergency medical treatment or conditions, information about worker's compensation claims, information for government compliance reporting.
5. Requests by law enforcement agencies and other governmental bodies for information that by law must be made available to the public, may be accommodated without a written request, subject to determination by the Executive Director that the inspection is a legitimate function of the requester.

G. Amendment of Policies

The Housing Authority Board of Commissioners reserves the right to change policies contained within this Manual. Changes in these policies will be periodically incorporated into the Personnel Policies and Procedures Manual.

H. Amendment of Procedures

The Executive Director may adopt administrative directives to implement these procedures as needed, provided that such directives are consistent with this Manual.

I. Affirmative Action Statement

It is the policy of the Housing Authority to provide equal employment opportunities to all persons without regard to race, color, disability, religion, sex, national origin, age, or communicable disease, in accordance with applicable local, state and federal laws, including but not limited to the following: Civil Rights Act of 1964; 41 U.S.C. Sec. 1983; Age Discrimination in Employment Act; Rehabilitation Act of 1973; Fair Labor Standards Act; Equal Pay Act;

Americans with Disabilities Act; Texas Commission on Human Rights Act; and the Civil Rights Act of 1991.

J. Administration

The Executive Director shall be responsible for the administration of employment policies, monitoring all Housing Authority policies and procedures, and ensuring compliance with employment laws. In the absence of the Executive Director, the employee designated by her/him shall have the authority to act on behalf of the Executive Director.

II. STAFFING AND DEVELOPMENT

A. Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects

The Housing Authority's employment practices are subject to Section 3 of the Housing and Community Development Act of 1968. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower income residents of the complex areas and contracts for work in connection with the complex be awarded to business concerns which are located in or owned in substantial part by persons residing in the area in which the complex is located.

B. Nepotism

No person related within the second degree by affinity or consanguinity to the Chairman, any member of the Housing Authority Board of Commissioners, or the Executive Director shall be appointed to a paid position with the Housing Authority. This prohibition shall not apply, however, to any person who shall have been continuously employed by the Housing Authority for a period of two years prior to an event which caused the relationship to exist. Hiring of relatives within the same department may be permitted when recommended by the Supervisor and approved by the Executive Director.

C. Age Requirements

No person under 18 years of age shall be appointed to any regular full-time position, but minors who are at least 16 years of age may be employed part time if a release of liability is furnished.

Otherwise, age restrictions do not apply to any positions except where specifically required in the job qualifications. An age limit for a position must be job related.

D. Kaleidoscope Education Requirements

All teaching staff will be required to have or earn a CDA credential within 24 months of employment.

E. Selection Procedures

Selection of new employees shall be the responsibility of the Executive Director. Appointment to the position of Executive Director will be made by the Board of Commissioners. The following conditions shall apply in all cases:

1. A valid application must be on file.
2. The vacancy must have been adequately advertised and qualifications for available positions must be clearly stated in all position vacancy announcements. Qualification standards for employment should include education, experience, skills and abilities necessary to adequately perform the job.

3. A pre-employment physical examination may be required for a specific job provided that all employees in that job classification must take an examination regardless of whether they are handicapped. The Housing Authority may not conduct or seek to make an inquiry as to whether an applicant is handicapped or the nature or severity of the handicap.
4. After an offer of employment is made, the Housing Authority will require the applicant to sign releases for the Housing Authority to obtain the applicant's driving record and criminal record. If the reports show the new hire does not meet the Housing Authority-owned vehicle operator standards or exceeds criminal history criteria for employment, the new hire will be terminated immediately.
5. Applicant references are required and will be considered in the selection process.
6. Full time positions established by the Housing Authority are subject to change based on recommendation of the Executive Director and approval of the Board of Commissioners. For a complete list of current full time positions see Section IX, Appendix A.
7. Approved applicants will be processed for employment in accordance with established Personnel policies and procedures.

F. Employee Testing

The Executive Director shall make job offers conditioned upon a prospective employee passing a physical examination, including a back exam, if applicable for the position, to determine if the applicant can perform the essential functions of the job effectively and safely. The physician appointed by the Executive Director and compensated by the Housing Authority, will perform the medical examination. Each prospective employee must sign a written authorization and submit to a voluntary drug-screening program. The purpose of this program is to provide a safe, healthy and productive work place for all employees. (See Section VIII, Drug and Alcohol Policy)

The appointed physician shall administer the drug testing. If an applicant has a positive drug test or refuses to submit voluntarily to drug testing, the applicant will not be hired.

The requirements of the job may require a prospective employee to take a skills test, an agility test or a psychological test to measure actual skills and ability needed to perform the essential functions of the job.

G. Employee Processing and Orientation Procedures

Housing Authority Employees

The Housing Authority will process new employees on their first day of employment.

During processing, the Housing Authority will provide new employees a brief explanation of employee benefits, and will complete the necessary forms for enrollment in the eligible benefit programs. The new employee must furnish the following documents and information during processing:

1. Proof of identity and eligibility to work in the U.S. This is accomplished by furnishing a U.S. passport or a U.S. driver's license with picture together with a Social Security card issued by the S.S. Administration or U.S. Birth Certificate, or proof of naturalization or proof of resident alien employment authorization status. New employees, whose job requires driving a Housing Authority vehicle, that do not provide a copy of their Texas drivers license within 30 days of their hire date will be terminated immediately.
2. Name and telephone number of a person to contact in case of emergency.

Kaleidoscope Employees

Each Kaleidoscope (KS) employee will attend eight hours of orientation prior to beginning work.

Upon employment, KS employees will be given an "Employee Packet" containing copies of the Minimum Standards for Day Care Centers, NAEYC Code of Ethical Conduct and Statement of Commitment, KS Classroom & Support Staff Procedures Manual, KS Parent Handbook and a name badge and apron to use while employed at Kaleidoscope. If employment separation occurs, the entire packet plus name badge and apron must be returned.

H. Training

1. To meet individual and organizational needs, it is the policy of the Housing Authority to provide training and development opportunities to encourage high quality performance, to prepare employees for new or increased responsibilities, and to extend opportunities for individual growth, promotion, development, and self-fulfillment. The Executive Director will assist in developing and conducting training to meet their specific needs, as well as identify resource persons and programs with the intention of increasing employee efficiency and effectiveness.
2. *All Kaleidoscope employees will be required to continue their study of and training in early childhood education practices in order to keep abreast of new research findings and other applicable knowledge and are required to obtain a minimum 20 hours of training per year as required under CCS's preferred vendor criteria. Training may include, but is not limited to, in-service training classes at KS, study of current books/periodicals relating to early childhood education, attendance at early childhood workshops, and enrollment in pertinent college courses. The State of Texas' minimum training standard of 15 hours per year can be earned concurrently with the 20 hours required by CCS, but excludes CPR and First Aid courses.*

It is a KS staff responsibility to attain training hours. Failure to do so is grounds for termination.

3. *Kaleidoscope will pay for training, such as enrollment in workshops or college courses in the field of Early Childhood as the budget allows, if approved by the Director. If the training is not successfully completed, the cost will be deducted from the employee's subsequent paychecks. Should the employee voluntarily or involuntarily leave Kaleidoscope's employ prior to a period of 12 months from completion date, the amount paid for the training shall be deducted from the employee's remaining paychecks.*

4. *CDA Credentialing Costs. If costs are paid by Kaleidoscope (KS), the employee must work a minimum of two years for KS in a teaching position after the CDA credential is validated to avoid full or partial reimbursement to Kaleidoscope.*

I. Authorized Personnel on the Job Site

Supervisors may designate certain work areas off-limits to unauthorized personnel. Relatives and friends of employees should limit visits to the job site during the employee's normal working hours.

Visits by employee's children, other relatives or other persons to job sites will be allowed during normal business hours only on an occasional basis for a short period of time.

Occasional is defined as not more than twice each month and short period of time is defined as not more than 15 minutes.

Exceptions will be made for events such as retirement ceremonies or other gatherings sponsored by the Housing Authority.

J. Trial Period

1. In order to become a regular employee, each employee must complete a trial period of six months following initial employment or reemployment in a full time budgeted position.
2. The trial period provides a specific time frame for supervisors to monitor, evaluate, and assist an employee in adjustment to service with the Housing Authority. The purpose of the trial period is to identify and retain those employees who demonstrate the skills and meet the performance levels required of various positions.
3. A trial employee will be advised of satisfactory or unsatisfactory progress by their immediate supervisor or Executive Director. Areas for improvement will be identified when needed.
4. Employees who commit the following acts will be summarily dismissed:
 - (a) Is incapable or unmotivated to perform the duties of her position to the satisfaction of the Executive Director,
 - (b) Is addicted to the habitual use of narcotics, intoxicating beverages, or illegal drugs,
 - (c) Is found to have used or is found using intoxicants and / or drugs while on duty, or
 - (d) Has practiced fraud or deception or made false statement(s) in the Standard Employment Application.
5. Employee completion of the trial period does not change the employment at-will relationship and the employee may be terminated at any time with or without notice, for any reason, either during or after the trial period.

K. Temporary Personnel

These personnel shall be employed by the Executive Director as needed to perform work for periods not to exceed six months, and within approved budgetary limitations. A Temporary employee who is placed in a regular full time budgeted position must serve a trial period of six months. However, sick leave, holidays, personal leave, and other benefits which would have accrued if the employee had occupied a regular full time budgeted position, will not be credited for the temporary employment period.

Kaleidoscope Employees

Kaleidoscope may employ substitute teachers who will be considered temporary employees.

The Director may arrange for substitutes, or the staff may present substitute options for the Director's approval.

L. Job Description

All Housing Authority employees shall be provided with a copy of a position description that is clear and concise and relates to their stated duties and responsibilities.

M. Promotion / Demotion / Reassignment

1. These personnel actions will be made on the basis of skills, abilities, and demonstrated performance of Housing Authority employees so as to make Housing Authority employment attractive to the highest qualified personnel and to enable the Housing Authority to accomplish its goals and objectives. In circumstances where an employee is clearly qualified for promotion to an existing position, a vacancy will not be considered to have existed and promotion may be accomplished without advertisement. The Executive Director is authorized to make promotion, demotion and reassignment personnel decisions. Promotion to the position of Executive Director will be determined by the Board of Commissioners.

A promotion will be accomplished after careful and thorough review of an employee's qualifications, previous work history and demonstrated performance and shall take effect as soon as is practical. Each employee who is promoted shall receive an appropriate increase in pay at the time of promotion and shall serve a six-month probationary period in her new position. Any employee who fails to complete her probationary period with satisfactory performance shall be demoted to the pay level held prior to promotion and assigned commensurate duties.

2. Demotion of any employee may be accomplished at any time an employee fails to satisfactorily carry out the duties established for the position.
3. Voluntary reassignments may be requested by an employee or lateral reassignments made by the Executive Director when the best interests of the Housing Authority is served by such action.

N. Staff Evaluations

Annually, employees will be evaluated by their designated supervisor. Results will be kept confidential and discussed privately with the staff member.

Evaluations shall cover but not be limited to:

- Fulfillment of job obligations as stated in the job description and employee's performance.
- Compliance with policies and procedures.
- Attendance, dependability and reliability.
- Initiative and willingness to cooperate and work as a team.
- Exhibiting a positive attitude and professional demeanor towards other employees, residents and the public.
- Appropriate appearance.
- Availability and flexibility to work in assigned areas and at any time required.

Kaleidoscope evaluations will also include assessment of compliance with the following:

- *Compliance with State of Texas Minimum Standards and NAEYC Accreditation Standards for Child Care Centers.*
- *Performance observation results.*
- *Performance observations of staff may be made by any supervisor and documented on a Performance Observation form. Any recorded observation will be copied and placed in the staff person's mailbox. The original will go into the employee's personnel file.*
- *Self-Evaluation - Each staff member will be expected to evaluate their strengths and weaknesses and set goals for the following year.*

O. Separation

1. Dismissal - The Executive Director may, after careful and factual consideration, dismiss an employee. When dismissal is for poor performance of duties, the employee will, except in cases of grossly poor performance, first be counseled by the immediate supervisor or Executive Director and given an opportunity to improve performance. Any employee who has been off work for a six-month consecutive period will be terminated by the Executive Director. Immediate dismissal may be accomplished for serious matters such as; being under the influence of narcotics or alcohol while on duty, practicing fraud or theft, releasing a master key to any non-employee, knowingly making false statements affecting employment, practicing insubordination by refusing to follow the proper order of a supervisor or cursing or making deprecating remarks to or about a supervisor or fellow employee. An employee who is terminated for gross misconduct will forfeit payment for any accrued personal leave.
3. Resignation - To resign in good standing, an employee shall submit her resignation in writing through her supervisor to the Executive Director at least 10 working days before the effective date of resignation. The employee must be on the job site performing her regular duties the entire 10 days for it to be considered a proper notice. An employee who gives less than the proper 10 working days notice will forfeit payment for any accrued personal leave.

III. TERMS OF EMPLOYMENT

A. Secondary Employment

The full-time position an employee holds with the Housing Authority shall take precedence over any other occupational interest of the employee. An employee desiring or engaging in secondary employment must report that outside employment to the Executive Director. If the secondary job is hazardous, presents a conflict of interest or otherwise has an adverse effect on the employee's work with the Housing Authority, the employee must give up her outside work or resign from Housing Authority service. See Section VIII, F, 8, "Outside Employment and Other Activity" for further restrictions.

B. Time, Attendance and Breaks

1. Housing Authority Hours

Work hours are normally 8:00 a.m. to 5:00 p.m., unless different hours are required to provide desired services. All employees are expected to observe work hours as assigned.

2. Kaleidoscope Hours

- *Work hours will be from 7:15 a.m. – 5:30 p.m., Monday through Friday. Employee working hours will vary within this timeframe, but no more than 40 hours will be scheduled in a work week.*
- *Due to unexpected events, unplanned absences will occur and staff may be asked to rearrange their working hours. Flexibility in hours is expected.*
- *Staff must report to work on time so that proper ratios can be maintained in the classrooms.*
- *Each employee is expected to clock in and out using the Center's automated system. The time record is used to calculate the employee's hours of work each pay period. The employee is required to sign her name on the computer generated time sheet at the end of each pay period, and all entries on the time card must be made in ink. It is the employee's responsibility to verify that the hours recorded are correct.*

3. Attendance

Employees are required to be at their place of work in accordance with work schedules established by their supervisor, unless excused by their supervisor. Any employee who fails to report to work, is habitually tardy, leaves the work place without proper authorization, misuses leave, or fails to properly report or request her absence is subject to disciplinary action or termination. Any employee who has been off work for a six-month consecutive period will be terminated by the Executive Director.

4. Breaks

Housing Authority Maintenance Staff - If authorized by their immediate supervisor, maintenance employees may take two (2) 15-minute breaks each working day, one at 10:00 a.m. and one at 3:00 p.m. Such breaks are considered a privilege and not a right, and shall never interfere with proper performance of work responsibilities and work

schedules. Breaks will not involve travel from work location, nor will they accrue. Breaks not taken are forfeited. Maintenance employees may smoke during breaks as long as they adhere to the requirements of the Smoking Policy contained in Section VIII.

C. Telephone Equipment Usage

Housing Authority Owned Equipment

Personal calls are to be limited and long distance calls are to be made only to conduct Housing Authority business.

Employee Owned Equipment

Employees with access to Housing Authority telephones, administrative and Kaleidoscope employees, must turn off and store personal cell phones while on duty. All other employees must keep personal cell phone usage to a minimum while on duty.

Operation of Equipment While Driving Housing Authority Vehicles

While driving Housing Authority vehicles, employees shall use hands free cell phone devices regardless of ownership of the cellular device.

Employees who are charged with traffic violations resulting from the use of cell phones while driving Housing Authority vehicles will be solely responsible for all liability that results from such actions.

Discipline

Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy. It is the responsibility of each employee to be aware of the details of the foregoing policy.

D. Driver's License Checks

The Housing Authority may check the driving records of all employees annually. Anyone found to have outstanding warrants is required to clear these to continue Housing Authority employment. Any employee who drives a Housing Authority vehicle as part of her job, and found to have an unsatisfactory traffic record is subject to disciplinary action, reclassification to a non-driving position, or termination.

E. Dress Code & Appearance

All Employees

Employees must dress appropriately for the type of work they will perform. Any employee who comes to work dressed inappropriately, in the sole discretion of their supervisor, will be asked to go home and change. Staff will not be paid for this absence.

Housing Authority Office Personnel

All office personnel will strive to dress and appear as professional people. When the manner of one's dress and condition of personal hygiene interferes with professionalism, the supervisor is responsible for correcting the situation. The following guidelines must be followed:

- Employees shall report to work in clean clothing.
- Immodest or unconventional manner of dress such as tank tops, halter tops, spaghetti strap tops, backless tops, deep plunging neckline tops, revealing tops, see-through tops and mid-riff tops are not permitted. Shirts, blouses and tops that do not cover the entire stomach and back areas are not permitted.
- No "T-shirts," tennis shoes, track shoes or hiking shoes
- Hose or socks are required
- No body jewelry except pierced earrings for women.
- No visible tattoos.
- Exceptions may be made by department heads for special events (Halloween, etc.)

Housing Authority Maintenance Staff

- Maintenance employees shall report to work in clean clothing.
- Short pants or jeans are permitted, provided they are in reasonable and decent condition. Shorts can be no more than 6 inches above the knees.
- Maintenance employees are required to wear uniform shirts designated by the Housing Authority while on duty. The uniforms shall not be worn unless at work or on call after hours.
- Tennis shoes, lace-up boots and hiking shoes are permitted. Open face shoes, sandals and flip flops are not allowed.
- Hats are allowed but must be the ones supplied by the Housing Authority.
- Check with your supervisor about what duties you will be performing and dress accordingly.
- No body jewelry except pierced earrings. Earrings should be small.
- No offensive, visible tattoos.

Kaleidoscope Staff

All staff will strive to dress and appear as professional people and dress appropriately for working with young children. The following guidelines must be followed:

- *Employees shall report to work in clean clothing.*
- *Slacks/Jeans – These must be comfortable and not restraining. Tight jeans are not acceptable.*
- *Skirts – Any type may be worn as long as it is not immodest.*
- *Blouses – Immodest or unconventional manner of dress such as tank tops, halter tops, spaghetti strap tops, backless tops, deep plunging neckline tops, revealing tops, see-through tops and mid-riff tops are not permitted. Shirts, blouses and tops that do not cover the entire stomach and back areas are not permitted. Concert T-shirts or T-shirts with transfers, etc. are not allowed.*

- *Shorts – Very short styles are not acceptable. Follow the fingertip rule.*
- *Swimsuits – Only one-piece suits are appropriate on swimming field trips.*
- *Shoes – Wear comfortable shoes, sandals, tennis shoes, etc. High-heeled shoes are not allowed.*
- *Overly large, baggy, slouchy clothing is not allowed.*
- *No body jewelry except pierced earrings for women. Earrings should be small and not dangly style.*
- *No visible tattoos.*
- *No nail polish on male staff members.*

F. Theft or Misuse of Property

As a public employer and as public employees entrusted with the responsibility of administering public assets efficiently, the Housing Authority and its employees must ensure that the Housing Authority property is used for the sole purpose of providing services to the residents. The theft, misuse or use of any Housing Authority property without authorization is strictly forbidden and may result in disciplinary action and prosecution. All supervisors should develop specific procedures to ensure that all property under their control is properly inventoried and maintained, and that use is restricted to authorized Housing Authority business.

G. Solicitation

Solicitation by employees or vendors in Housing Authority offices, on the job site or within the community (in the name of the Housing Authority), must have prior approval of the Executive Director.

H. Commissioners

1. No person shall be barred from serving on the Housing Authority Board of Directors because of her residency in a lower income housing complex.
2. The employment of a Housing Authority Commissioner during her tenure or for one year thereafter in a salaried position with the Housing Authority constitutes a conflict of interest under Section 19 of the ACC unless waived by the HUD Field Office under provisions of HUD Handbook 7401.7, October 23, 1987.

I. Education Policy

Employees requesting time off from work to attend classes must receive approval from the Executive Director. Employees must make arrangements with the Housing Authority to make up the time outside of normal work hours or to receive a reduction in pay equal to the number of hours missed. Class attendance must not interfere in any way with the accomplishment of Housing Authority responsibilities. The Housing Authority may pay tuition for off-duty work related education when approved by the Executive Director.

J. Tape Recorders

The Housing Authority prohibits the use of tape recorders or other voice recording devices on Housing Authority owned/controlled property, unless authorized by the Executive Director to conduct Housing Authority business and required notices of consent have been signed.

Any unauthorized voice recordings will be handled as a disciplinary matter.

K. Imagery Devices

Use of cellular telephones and other like equipment for the purposes of digital photography, video taping and other imagery recording is not allowed on Housing Authority property without the written consent of the Housing Authority and of each person whose image will be recorded with such a device.

Any unauthorized use of imagery devices will be handled as a disciplinary matter.

IV. COMPENSATION

A. Policy

It is the policy of the Housing Authority to provide sufficient compensation for its employees in order to attract and retain qualified individuals for all positions. The Executive Director will periodically conduct salary surveys to ensure that each job is paid at a rate appropriate for the level and type of work performed, both in relation to other positions in the Housing Authority and to the state and local competitive labor markets.

B. Wage & Salary

Compensation is designed to provide increases to employees as rewards for performance. The advancement of employees is dependent on the employee meritoriously performing her job duties and the availability of funds in the Housing Authority budget. Merit increases are based solely on performance criteria only; no merit raises shall be given for longevity.

C. Overtime

All employees shall be required to work overtime when necessary as determined by supervisors or the Executive Director. Employees are expected to respond to reasonable requests to work overtime and may be subject to disciplinary action for failing to stay or report for overtime.

For hourly employees, overtime is based on hours worked in excess of forty (40) hours per workweek and is paid at 1-1/2 times the hourly rate. The Department Director must approve all overtime in advance. All employees must be paid in accordance with the Fair Labor Standards Act.

D. Emergency Maintenance On-Call Time

Maintenance employees shall be required to work on call time when necessary as determined by supervisors or the Executive Director. Employees are expected to respond to a reasonable request to work on call time and may be subject to disciplinary action for failing to stay or report for on call time.

Hourly employees will be paid an hourly stipend for on call duty. When hourly employees are called to perform work, overtime pay will be substituted for the stipend during the time the employee is engaged in work. Salaried maintenance employees will be paid a flat stipend for the time worked outside of normal work hours. Time sheets will be completed for on call duty periods reflecting time actually worked.

E. Payday

Paychecks are issued every other Friday to employees. If payday falls on a Housing Authority holiday, employees are paid on the preceding regular workday. Unless an exception is authorized by the Executive Director due to an unusual circumstance such as employee

incapacitation, an employee must give written authorization to her supervisor or Housing Authority Administration if someone other than the employee will pick up her paycheck.

F. Time Sheets

Time sheets are kept for each Housing Authority employee. For any time away from work, a leave slip should be signed by the employee and submitted through her supervisor for signature and approval by the Executive Director.

G. Paycheck Information

Payroll Deductions. In addition to mandatory paycheck deductions (e.g., income taxes, retirement), payroll deductions are made for other authorized items by submitting required paperwork to the Payroll Clerk. A written request must be made to cancel a payroll deduction. The following are deductions from each employee's paycheck, if applicable;

--Social Security and Medicare Tax in the amount of the current authorized rate (7.65%, in 1993) of the employee's gross income is deducted. The amount is matched by the Housing Authority.

--Federal Income Tax is withheld according to individual salary and the number of dependents stated on the employee's W-4 Form.

--ICMA Retirement in the amount of 5.5% of the employee's gross income is deducted for the Housing Authority retirement fund (ICMA 401a). The Housing Authority will contribute 7% of the employee's gross pay to the retirement fund. Also, the employee may elect to participate in the ICMA 457 Plan.

--Other payments as required by law.

H. Garnishment of Wages

The Payroll office will follow court orders concerning garnishment of an employee's wages. Employees will be charged a nominal fee to cover the administrative costs of processing garnishments, including child support and other court ordered withholdings.

V. EMPLOYEE BENEFITS

FOR PURPOSES OF THIS SECTION: A FULL TIME REGULAR EMPLOYEE IS DEFINED AS SOMEONE WHO IS SCHEDULED TO WORK 35 TO 40 HOURS PER WEEK.

A. Personal Leave

1. Personal leave may be used for scheduled vacation, doctor appointments in 15-minute increments, personal illness, or physical incapacity. Personal leave pay will not be granted for hours before or after the regularly scheduled working hours or for overtime hours scheduled.
2. All full-time regular employees shall accrue the following personal leave:

Years of Service	Hrs. / Mo.
Less than 10 years	10 hours
More than 10 years	14 hours
3. Regular, part-time employees in a designated budgeted position whose officially scheduled work week is at least 20 hours per week shall accrue five hours of personal leave per month.
4. Temporary employees do not accrue personal leave or any other benefits.
5. Employees are strongly encouraged to accumulate enough personal leave to provide for unforeseen emergencies. Employees may accumulate a maximum credit of two (2) years. Employees will lose credit for unused personal leave in excess of these maximums on the anniversary date of hire.
6. Trial employees are not entitled to receive paid personal leave until six months of employment has been completed. However, credit accrues during this period.
7. Employees must plan usage of personal leave with their supervisor prior to taking leave. A supervisor shall schedule an employee's leave, giving consideration to the ability of the remaining staff to do the work of the organization. The employee has the responsibility to assure that the leave request is made in writing within a reasonable length of time prior to the commencement of leave. Management has the responsibility to respond to requests in a timely manner according to established guidelines.
8. To receive paid personal leave for doctor appointments, minor illness or physical incapacity, an employee shall communicate with her immediate supervisor before or within fifteen minutes after the time set for beginning work. A leave slip must be completed within one day of returning to work. A supervisor may request supporting documentation for medical appointments.
9. The filing of false claims for personal leave for sick or emergency use is grounds for dismissal.

10. When any employee resigns, is dismissed, or separates from Housing Authority employment, the employee cannot be paid for more than a total of two year's accrued leave. Employees are not paid for any personal leave if they leave the service of the Housing Authority, voluntarily or otherwise, during their first six months of employment. Employees shall forfeit final pay for personal leave if they give less than the required two (2) weeks notice.
11. When an employee is on leave of absence without pay, military leave or any authorized absence (exclusive of personal leave and major medical leave) for more than fifteen (15) cumulative working days in any one month, personal leave credit is not earned for that month.
12. Personal leave is paid at the same rate as hours worked during the basic work week. Paid personal leave hours, except buy back personal leave hours, are counted as hours worked for establishing the work period and eligibility for earning benefits.
13. An employee may request payment for personal leave hours in lieu of taking paid time off at the same rate as hours worked providing the employee maintains a balance of 60 hours of accrued personal leave. Hourly employees may request payment for leave in any increment. Salaried employees must buy back leave in eight (8) hour increments. The employee has the responsibility to ensure that the buy back request is made in accordance with established procedures. The request must be approved by the Executive Director.

B. Major Medical Leave

1. Major medical leave is a benefit that provides limited financial protection in the event an employee experiences an extended illness, major surgery or serious injury that requires a return to work authorization by a physician. Employees are not entitled to receive major medical leave until six months of employment has been completed. This restriction does not apply to Workers' Compensation. Major medical leave may be utilized after an employee has been on personal leave because of illness or non-occupational injury for five (5) consecutive working days. Eligible employees who are hospitalized at least one night during the five (5) day period are eligible for major medical leave on the first day of hospitalization.
2. All full-time, regular employees shall earn 4 hours of major medical leave each month. Regular part-time employees in a designated, budgeted position who work at least 20 hours per week shall earn 2 hours of major medical leave each month. Major medical leave may be accrued to a limit of 60 days. Provided that the employee has 10 years of service, the required two week notice is satisfactorily completed, and there is no termination or resignation in lieu of termination, the employee will be paid for 50% of her accrued major medical leave. This benefit will only be paid one time regardless of the employee's number of employment terms.
3. When absence due to illness exceeds the amount of total accrued personal and major medical leave earned and authorized, the pay of an employee is discontinued until she returns to work. (The employee can request an unpaid leave of absence. See Section VI, Leave of Absence without Pay.) Leave is not advanced.

4. The Executive Director may require satisfactory proof of the proper use of major medical leave and may disallow leave without such proof. An employee must furnish a physician's statement for all major medical leave requests. The Executive Director may require the employee to get a second opinion. If a pattern of major medical leave misuse develops, the employee is subject to disciplinary action, up to and including dismissal.
5. When an employee is on leave of absence without pay, military leave or any other authorized absence, (exclusive of personal leave and major medical leave) for more than fifteen (15) cumulative working days in any one month, major medical leave credit is not earned that month.
6. Major medical leave can be utilized for maternity leave. An employee who is pregnant should be granted major medical leave for a reasonable period as determined in advance, when possible, by the employee, the employee's physician and the Executive Director's estimate of requirements of the job.

C. Holidays

Regular, full-time employees will receive the following paid holidays:

New Year's Day
Martin Luther King
Good Friday
Memorial Day
Fourth of July
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

1. If a holiday (other than the Christmas holidays) falls on a Saturday, the designated day off is the preceding Friday; if the holiday falls on a Sunday, the designated day off is the following Monday.
2. If one of the Christmas holidays falls on a weekend, the Executive Director shall designate the holiday dates.
3. Regular, part-time employees in designated budgeted positions whose officially scheduled work week is at least twenty (20) hours per week or more are entitled to 4 hours pay each holiday.
4. Regular employees required to work on a holiday are given an alternate day off unless it is not deemed feasible by the supervisor. In that case the employee is paid time and one-half for the actual hours worked on that holiday.
5. Temporary employees are paid their regular rates on a holiday only if required to work.
6. An employee who is absent without authorization, or who is on leave without pay for at least 4 hours on the day immediately preceding or following a holiday(s), shall lose pay for the holiday(s) as well as the pay for that day. Leave cannot be taken intermittently in order to gain payment for holidays.

D. Group Health Plan:

1. Medical Insurance.

The Housing Authority offers medical insurance to regular, full-time employees. Employees will make coverage selections annually and the cost will be based on the coverage selected. The cost will be set for both employee only coverage and for family coverage. Costs will be reduced for non-tobacco users. After thirty (30) days of continuous employment, all eligible employees are covered by the insurance plan as of the first day of the next month. Employees eligible for medical insurance may also elect to insure eligible dependents. Dependents covered are:

- a. Employee's spouse
- b. Unmarried children (including any stepchildren or adopted children) who rely on the employee for their principal support and maintenance. Coverage will be in accordance with the terms of the current health insurance plan.

If an employee is off work without pay and has dependent coverage, the employee must make arrangements with the payroll office to pay the cost of the dependent coverage on a monthly basis. If payments are not made on a timely basis, coverage is terminated.

During open enrollment, employees can make adjustments not otherwise allowed during the rest of the year. Other than open enrollment, employees can add dependents in accordance with the health plan under one of the following circumstances:

- (1) Marriage: add new spouse / stepchildren
- (2) Newborn: effective date of birth
- (3) Adopted child(ren): effective official date of adoption

Employees can drop dependent coverage at any time subject to IRS restrictions for changes in pre-tax deductions. An employee must sign a change form before this becomes effective. The transaction is effective on the first day of the upcoming month.

2. Dental Insurance

All regular full-time employees of the Housing Authority who are enrolled in the medical insurance plan must also enroll in the dental plan. The employee is responsible for applicable costs of the dental coverage based on the medical insurance plan selected.

3. Prescription Drug Rider

All regular full-time employees of the Housing Authority who are enrolled in the medical insurance plan must also enroll in the prescription drug rider plan. The employee is responsible for applicable costs of the prescription coverage based on the medical insurance plan selected.

4. Consolidated Omnibus Reconciliation Act (COBRA)

Federal law requires that the Housing Authority offer medical insurance coverage to dependents who are discontinued under an employee's coverage due to age, divorce, termination of the employee's employment, or the employee's death at a rate not to exceed cost plus 2%. An employee must notify the Housing Authority office within sixty (60) days of the qualifying events so the office can send notice to these dependents. Likewise, eligible employees who are leaving Housing Authority service can continue insurance coverage under the Consolidated Omnibus Reconciliation Act of 1986.

5. Change of Address or Dependency

Employees should report all address changes to the Housing Authority as soon as possible so Personnel can adjust permanent records. Changes to employee status (e.g., marriage, divorce, and adoption of children) should likewise be reported so that insurance records are changed. The employee must come to the office and sign a change form so the Housing Authority Office and the insurance company are informed of any of the above changes.

E. Employer Paid Childcare

In lieu of medical insurance, regular full-time employees, **who already have medical insurance coverage**, may choose to have employer paid childcare at Housing Authority's childcare center, Kaleidoscope, in the amount of the current employer provided amount for single coverage. Proof of health insurance coverage must be provided to Housing Authority initially and on an annual basis.

An employee must choose which benefit she wants at employment. Changes from one benefit to the other are allowed during the open enrollment month.

F. Workers' Compensation

Medical expenses incurred for compensable on-the-job injuries as defined under the Workers' Compensation Act are paid at no expense to the employee. An injured employee may use major medical leave and/or personal leave during the first seven calendar days, provided the employee returns to work within four weeks from the date of injury. Beginning on the 8th day of disability, the employee will be compensated up to the maximum benefits as controlled by the Workers Compensation Act. An employee may supplement her workers compensation using accrued major medical leave and/or personal leave in the amount necessary to make up the difference between such benefits and regular pay. The employee must make the request for the leave. If an employee is off for a period of 4 weeks, the employee is reimbursed for the first five days by workers' compensation.

An injured employee continues to accumulate major medical and personal leave for 90 days from the date of injury. The Housing Authority continues to provide for health benefits. An employee who has dependent coverage must make arrangements to pay, on a monthly basis, the employee's part of the cost of dependent coverage.

1. An employee who suffers an occupational injury or illness, however minor, shall report the incident to her immediate supervisor within twenty-four (24) hours after it occurs.

2. Upon notification of an occupational injury or illness, the immediate supervisor will conduct an investigation and complete the **Employer's First Report of Injury or Illness (TWCC-1)** within twenty-four (24) hours of when the injury was reported.
3. When an on-the-job injury requires professional medical attention, the attending physician must complete a **Workers' Compensation Injury-Doctor Medical Report** at the time of treatment. The employee must return the completed medical report to her supervisor following the physician's examination. If the employee cannot return the form due to the injury, it is her supervisor's responsibility to forward it to the Executive Director. The employee must have a **separate Workers' Compensation Injury-Doctor's Medical Report** completed for each subsequent visit to a doctor or hospital. The supervisor shall forward the report to the Executive Director.
4. The **Employer's Supplemental Report of Injury** form shall be completed by the supervisor and submitted to the Executive Director within twenty-four (24) hours of any of the following occurrences:
 - a. Employee returns to work from disabling injury;
 - b. Employee does not return to work after 60 consecutive days (additional report required after every 60 days of lost time);
 - c. Employee, who previously returned to work, loses additional time.
 - d. Employee who initially reported no lost time, begins to lose time because of the injury; or
 - e. Employee resigns or is terminated.
5. An employee returning to work from a lost-time injury must submit a completed **Workers' Compensation Injury-Doctor's Medical Report** reflecting her release, which should be attached to the completed Employer's Supplemental Report of Injury form and sent to the Executive Director within twenty-four (24) hours of her return.
6. If the Housing Authority so desires the employee will submit to an independent examination by a physician of the Housing Authority's choice. The Housing Authority shall have a right to rely on this physician's diagnosis, prognosis and recommendation for treatment in evaluating the eligibility of the employee for the Housing Authority benefits.
7. Employees who miss work due to on-the-job back, shoulder, knee, or neck injuries and are released by their physician to return to regular duty may also be examined by Housing Authority Physician before returning to work. Failure to advise the Executive Director of the status of an injured employee may result in delay in the employee's receiving Workers' Compensation payments.
8. First Aid and Medical Treatment.
 - a. First Aid Only. Superficial injuries such as minor cuts, bruises, small punctures and scratches may be treated in the field or office by an employee qualified to administer first aid. (First aid and CPR certification courses are available on request.) It is not necessary to have a physician treat an injury in order to validate an on-the-job injury claim. As long as the injury is reported to the supervisor, the employee is covered for medically necessary treatment should a physician's care be needed later.
 - b. Medical treatment. Employees shall have the sole right to select or choose the persons or facilities to furnish medical aid, chiropractic services, hospital services and nursing. Employees do not have the option to change doctors unless referred by

the initial treating physician or when authorized by the Housing Authority insurance carrier. A supervisor or an assigned employee shall transport the injured employee from the work site to the treating facility, if an ambulance is not needed.

- c. Emergency Medical Treatment. Serious injuries such as profuse bleeding, broken bones, unconsciousness and shock warrant emergency medical treatment.
 - (1) Request emergency transport and treatment on a 24-hour basis by calling the Temple Fire Department at 911.
 - (2) If qualified, administer necessary first aid until help arrives.
 - (3) Advise ambulance personnel of the nature of the injury, if known.
 - (4) Report circumstances of accident to immediate supervisor after the emergency is under control or at the beginning of normal work hours the next work day.

9. Reporting Responsibilities of Employees with Occupational Injury

- a. An employee authorized by a physician to be off-duty due to an occupational injury is required to report by telephone every Monday morning by 10 a.m. to her supervisor. If an employee cannot report personally, she must have someone call on her behalf. The supervisor must know the employee's status in order to efficiently plan and assign work duties. An employee who fails to report in accordance with this policy shall be subject to the following disciplinary actions:
 - (1) First Violation - Written notice to employee of violation and explanation of the importance to report in weekly.
 - (2) Second Violation - written notice to employee that continued violation will result in termination of employment.
 - (3) Third Violation - notice of termination.
- b. An employee authorized to be off-duty due to an occupational injury shall be subject to disciplinary action including dismissal if she:
 - (1) Engages in part-time or full-time work for self or others, paid or unpaid, which is inconsistent with the injury claimed.
 - (2) Falsifies or misrepresents her physical condition or disability as being worse than it is.
 - (3) Fails or refuses to follow the instructions of the treating physician.
 - (4) Fails to report for examination or treatment as directed by the treating physician.
 - (5) Refuses to return to regular or restricted duty when authorized by the treating physician and offered by the Housing Authority.

10. Reporting Procedures for Employees Returning to Work from a Disabling Injury or Illness

An employee who is released to return to work on less than full-duty status will perform restricted duty tasks when suitable work is available. This duty will be assigned by the Executive Director as determined by economic and operating conditions. Restricted duty assignments may be in a position other than the employee's original position. Duties shall

be assigned in accordance with the best interests of the Housing Authority, considering the employee's abilities and limitations.

An employee released by the treating physician to perform restricted duty work shall report to her supervisor with the **Workers' Compensation Injury Doctor's Medical Report** indicating any restrictions. If the period of restricted duty is less than one calendar week and the examining physician has indicated that no further treatment is necessary, the employee will automatically revert to full-duty status on the designated date, barring any complications.

If an employee refuses restricted duty when authorized by the treating physician offered by the Housing Authority, the Housing Authority will file for a hearing to stop Workers' Compensation payments and the employee is subject to disciplinary action, including dismissal.

11. Termination Due to Business Necessity

The Executive Director may terminate an injured employee due to business necessity. If the terminated employee is absent due to an on-the-job injury, benefits under the Worker's Compensation Act will not be affected. The following must apply before the supervisor can recommend termination due to business necessity:

1. The employee has been off work due to the injury for at least ninety (90) calendar days in a one (1) year period and has used all accrued sick leave and annual leave.
2. The employee holds a critical position and her absence is affecting the department's performance.
3. The employee's frequency and number of lost-time injuries and number of days she has been unable to perform the essential functions of her position, with or without reasonable accommodation, is such that the employee's contribution to the Housing Authority is minimal or non-productive.

It is the Executive Director's responsibility to make a written report fully justifying the reasons for a business necessity termination.

12. Any employee who has been off work for a six-month consecutive period will be terminated by the Executive Director.

G. Retirement

Regular full-time employees are required to join the Housing Authority retirement system.

1. Employees will become participants in the plan on the first pay-period after the employee has worked 1040 hours.
2. Retirement will not be withheld until the employee is enrolled in the plan.
3. Employee Contributions. Five and one half percent (5.5%) of employee gross pay will be withheld by payroll deductions.
4. Housing Authority Contribution. The Housing Authority will contribute seven percent (7%) of employee gross pay to the retirement plan.

5. Termination. Employee may make application to withdraw all of her contributions plus interest earned and vested Housing Authority contributions. Refund will be made to employee approximately 6 to 8 weeks after termination.
6. Vested Rights in Housing Authority Contribution. The employee will have vested rights to the Housing Authority Contribution in the following amounts:
 - 20% after completion of 3 years service
 - 40% after completion of 4 years service
 - 60% after completion of 5 years service
 - 80% after completion of 6 years service
 - 100% after completion of 7 years service
7. Retirement Benefits. The amount of the monthly benefit which a member will receive upon retirement is based on and varies with the following;
 - a. The total deposit and the amount the member has made plus interest allowed on such deposits.
 - b. Which of the benefit payment plans the member has selected.

H. Deferred Compensation

The International City Management Association-Retirement Corporation (ICMA-RC) offers a deferred compensation (457) plan to Housing Authority employees by payroll deduction. An employee can deposit up to the current IRS limit to the ICMA-RC plan. Income taxes are not paid on these contributions until they are withdrawn, and participants choose from a variety of investment vehicles. Since withdrawals from a deferred compensation account are strictly regulated by the IRS, the accumulated deposits are not accessible like bank or savings accounts and should be viewed primarily as a tax-sheltered retirement fund.

I. Travel Reimbursement Procedures

The purpose of the Travel Policy is to reimburse all allowable expenditures while keeping required paperwork and delays to a minimum. Employee travel expense, as with any other purchase, represents an expenditure of Housing Authority funds. Each employee is responsible for assuring that expenditures are prudent and necessary.

1. **Travel.** Employees or Commissioners of the Housing Authority may perform official travel upon authorization by the Board or as authorized by the Chairperson or Executive Director. Transportation costs for employees or Commissioners authorized to travel on official business of the Housing Authority shall be paid by the Housing Authority. Costs of hotel, taxi fares, telephone calls, meals, tips, and similar items necessarily incident to the performance of official business, shall be considered reimbursable items. Air travel tickets shall be purchased by the Housing Authority.
2. **Spouse's Travel.** The Housing Authority does not pay travel expenses for spouses. Employees will reimburse the Housing Authority for spouse related expenses including credit card charges within ten working days of return.
3. **Recreational Expenses.** Recreational expenses including alcoholic beverages, golf, exercise room charges, tours, movies, or any other form of entertainment will not be paid by the Housing Authority. The employee must reimburse the Housing Authority for any such charges.

4. **Receipts.** Receipts are required for all claims except tips. This includes credit card receipts. Tips will be reimbursed when reasonable. When receipts are lost or misplaced, a reasonable reimbursement may be made upon certification that the expenditure was made and with approval of the Executive Director. The employee must provide sufficient written documentation for the missing receipt.
5. **Personal Vehicle.** Reimbursement for use of a personal vehicle is the going rate per mile for business use of a personal vehicle, as set by the Internal Revenue Service. The reimbursement rate covers all vehicle expenses, including gasoline and routine maintenance.

J. Social Security

All employees are covered under the Social Security Retirement System. The employee has the percentage required by law withheld from her gross salary and this amount is matched by the Housing Authority to provide Social Security coverage for the employee.

K. Housing Authority-Owned Vehicle and Motorized Equipment Use Policy

Housing Authority Vehicles – any passenger car, pickup, truck, van, bus, or other similar vehicle that is owned, leased, rented, or otherwise under the care, custody, or control of the Housing Authority. A Housing Authority vehicle shall also include vehicles driven by employees receiving a car allowance for personal vehicles.

Housing Authority Motorized Equipment – this category includes, but is not limited to, backhoes, dozers, loaders, graders, and other similar equipment.

The use of Housing Authority-owned motor vehicles and motorized equipment by an employee is neither a right nor a privilege but a trust conferred to facilitate necessary performance of job duties. Housing Authority owned vehicles and motorized equipment are assigned and used only in the performance of official duty and not for personal use except as stated below. Supervisors must submit any exception in writing to the Executive Director and must document for tax purposes.

Operators of Housing Authority-owned vehicles and motorized equipment must observe all laws and ordinances relating to their operation. They must also meet operator standards and follow the requirements outlined in this policy. –

The Executive Director and designated employees are authorized to commute to and from work in Housing Authority owned vehicles. These vehicles cannot be used for personal purposes other than for commuting or de minimis personal use; i.e. a personal errand on the way home from work. The decision as to which employees will use Housing Authority vehicles for commuting will be based on the requirement to be available 24 hours a day to respond to Housing Authority emergencies.

Operators whose duties require them to operate a vehicle or motorized equipment will sign a statement indicating they understand that a condition of employment is maintaining their license and insurability.

1. Utilization of Vehicles and Motorized Equipment

- a. Maximum, economical, and efficient use shall be made of all Housing Authority vehicles and motorized equipment. Unnecessary driving will not be permitted. Employees will take

the most direct route to, from, or between job assignments. In the event no assignments are pending, employees will return to their respective assembly areas or contact their supervisor and proceed as directed.

- b. Housing Authority owned vehicles are not provided for purely personal purposes. This does not preclude employees, when authorized by a supervisor, to go to lunch appointments, or perform other activities incident to the principal use of the vehicle.
- c. Employees must keep routine trips to pick up supplies, turn in funds, and deliver paperwork, to a minimum.

2. Condition of Vehicles and Motorized Equipment

- a. Supervisors are responsible for the overall condition of the vehicles and motorized equipment assigned to their sections.
- b. Supervisors will insure that all vehicles and motorized equipment are maintained in optimum running condition for maximum fuel economy and life span.
- c. Vehicles and motorized equipment shall be kept clean and in good repair.

3. Responsibilities of Vehicle and Motorized Equipment Operators

- a. Employees who operate Housing Authority vehicles or motorized equipment shall insure the vehicle or item of equipment is in a safe, clean, operable condition by checking the fuel, oil, fluid levels, tires, and overall condition. It shall be the duty and responsibility of all operators of motor driven equipment to report to their supervisor any defect in the mechanical equipment and to use every precaution to prevent additional property loss, expense or recurrence of such conditions. Supervisors will take appropriate action to continue use of a vehicle or piece of equipment in service or have it repaired. Under no circumstances will a vehicle or item of equipment with a serious safety defect, such as slick tires, leaking fuel lines, exhaust entering passenger compartment, and defective brakes, be continued in service.
- b. Employees will operate Housing Authority vehicles and equipment in a safe and courteous manner at all times.
- c. No person shall operate a Housing Authority vehicle or piece of motorized equipment on a public street or highway without possessing a Texas driver's license.
- d. Employees must immediately report all accidents involving Housing Authority vehicles or motorized equipment to the Police Department and the Executive Director. Then the employee should complete a Vehicle Accident Report Kit stored in each vehicle or piece of equipment's glove box and turn it in to his supervisor. Supervisors will bring the completed form to the main office to be utilized in completing a report for the Housing Authority's insurance carrier.
- e. The Executive Director will investigate all accidents involving a vehicle or motorized equipment in accordance with established policies.
- f. Employees are prohibited from operating Housing Authority vehicles or motorized equipment while consuming alcoholic beverages or illegal drugs. Employees are also prohibited from operating Housing Authority vehicles or motorized equipment while under the influence of over-the-counter medications or other substances that may impair the operator's ability to safely operate the vehicle or equipment. Any employee operating a Housing Authority vehicle or piece of equipment while under the influence of alcohol or drugs or while their judgment is impaired is subject to immediate termination.

4. **Operator Standards for Employees**

Driver's license records are reviewed annually to ensure compliance with this policy. These motor vehicle records reflect the past three years of a driving record. The Housing Authority Executive Director and appropriate supervisor will be notified of any employee whose driving record fails the criteria set forth in this policy.

Employees in positions requiring operation of Housing Authority vehicles or motorized equipment shall not be eligible to operate them if total violation points assigned to their driving record, for the 12-month period prior to their hire date or since date of the last Housing Authority annual motor vehicle records review, is 10 or more. The period of ineligibility will be 12 months from the date the 10 point limit is reached.

DRIVING VIOLATIONS	POINTS
4.1 License suspension, revocation	10
4.2 Driving while intoxicated or under the influence of narcotics	10
4.3 Any serious violation – e.g. reckless driving, endangering lives of others, racing	10
4.4 Any speeding violation	3
4.5 Any standard moving violation, i.e., careless driving, stop sign, lane crossover, failure to signal, failure to keep right, following too close, etc.	2
4.6 Any chargeable bodily injury accident	3
4.7 Any chargeable property damage accident	3

5. **Procedures**

The following procedures shall be observed under this policy:

- a. Supervisors will ensure all vehicles and motorized vehicles assigned to their section have Accident Report forms and current insurance documents available for use and inspection after an accident.
- b. Employees who are in jobs requiring the driving/operating of Housing Authority vehicles or motorized equipment shall report any driving violations listed above to their immediate supervisor within twenty-four hours of the incident.
- c. Failure to report driving violations; or failure to maintain the required driver's license; or failure to meet minimum operator standards will be sufficient grounds for removal from driving privileges and may subject the employee to disciplinary action.
- d. Employees who have been ruled ineligible (except for offenses listed under 4.1, 4.2 and 4.3 of this policy) for driving privileges may have their privileges reinstated provided the employee successfully completes a Defensive Driver Training Program approved by the Housing Authority and submits evidence of satisfactory completion to the Executive Director.
- e. An employee who has been ruled ineligible for driving privileges may use the defensive driving course option only once every three (3) years in order to have his/her eligibility status reinstated.

Employees who have been ruled ineligible to drive Housing Authority vehicles or motorized equipment due to their driving record may, at the Executive Director's sole discretion, be:

- (1) Assigned non-driving responsibilities within their current department, if available; or
 - (2) Transferred to another department and assigned non-driving responsibilities, if available; or
 - (3) Dismissed, if neither of the above alternatives can be achieved.
- f. Employees, who have been involved in a vehicle accident where the employee was at fault, must complete a Defensive Driving Training Program approved by the Housing Authority within two months of the accident in order to remain eligible to operate Housing Authority vehicles. The cost of the program will be paid by the employee.

VI. LEAVE OF ABSENCE

A. Leave of Absence Without Pay

Leave of absence without pay may be granted for extended illness, disability, or for any other legitimate purpose authorized by the Executive Director. Work schedules and operational requirements of the Housing Authority are necessary considerations, which may preclude granting of leaves of absence. Leave of absence without pay must be reasonably requested prior to commencement of leave and the Housing Authority has a responsibility to respond in a reasonable time to leave of absence requests. The employee must utilize all personal leave prior to beginning any unpaid portion of a leave of absence.

A leave of absence without pay is granted for a specific period of time and any extension must follow the same procedure required for granting the original leave of absence. If an employee fails to return to work at the time specified in an approved request for unpaid leave of absence and does not request and receive approval of an extension from the Executive Director, that employee shall be considered to have resigned effective the date of return specified in the original request.

No employee may demand that a leave of absence be granted as a matter of right. When an unpaid leave of absence exceeds two weeks in any month, service credit for all employment privileges shall cease until the employee returns from leave. Employees on unpaid leave of absence of more than 30 calendar days will not be eligible for the Group Health Insurance except when covered under the Family and Medical Leave Policy. Contributions to the retirement plan by the employee and Housing Authority will cease during the period of the unpaid leave of absence. The employee will be considered an inactive participant in the plan.

Granting unpaid leave of absence constitutes a commitment to the employee that there will be a position available upon return, which is of at least equal pay grade as the position vacated and at the same or higher rate. The new position need not have the same classification as the one vacated.

While on a leave of absence without pay, personal leave cannot be accrued or used. Any employee on an unpaid leave of absence will not be paid for holidays occurring during the leave. The employee's service credit is adjusted upon return from unpaid leave by the amount of leave taken.

B. Military Leave

Military leave for the purpose of responding to orders of the military services as a member of the active service, reserve units, National Guard, or other official special units will be granted to all regular full-time employees for a maximum of ten days paid leave per calendar year. Part-time employees are not eligible for this benefit. Military leave is subject to the following conditions:

1. All requests for leave must be accompanied by a copy of the orders, directive, notice, or other document requiring absence from scheduled work.
2. Travel time included in the orders and paid for or reimbursed by the service may be counted as military leave.
3. Military leave will not be granted for diagnosis or treatment of any service-connected sickness or disability, for obtaining or sustaining any disability rating, or for treatment in any government facility.
4. Time required for physical examinations for selection or admission to the Military Service to determine or maintain a selective service rating, or to maintain reserve status, will be counted as military leave.
5. Time required over and above the maximum allowed must be taken as personal leave or unpaid leave of absence.
6. Employee must be eligible for paid personal leave as defined in Employee Benefits section in order to be eligible for paid military leave.
7. Time spent on military leave counts toward the time required for vesting in Housing Authority's retirement plan as defined in the Employee Benefits section.

C. Jury/Court Leave

The Authority will grant jury/court leave for the purpose of appearing as a juror, witness or other official participant in the proceedings of a legally recognized court or other body having power of subpoena.

Time spent in jury duty will not count as hours worked for over time calculation purposes. The employee may keep any compensation received for jury duty. Part-time employees are not eligible for paid jury/court leave.

An employee will be paid for all hours in court if serving as a juror or if required to appear for a job related case. Employees who are subpoenaed or otherwise required to appear in court for non-job related matters must take personal leave or unpaid leave. The employee must provide a copy of the document requiring attendance in court with his leave request. This may be in the form of a jury notice, subpoena, letter of request from the defense or prosecuting attorney, or a request of the hearing officer.

D. Bereavement Leave

Paid leave may be granted to all regular, full-time employees who have completed the trial period in the amount of three working days per calendar year in case of death in the immediate family of the employee. Immediate family is defined as husband, wife, father, father-in-law, mother, mother-in-law, son, daughter, brother, sister, grandmother,

grandfather, grandchild or step-child. The Executive Director may authorize bereavement leave in situations where familial relationships exist such as step-parents or aunt/uncle who were the employee's long-term primary caregiver. In such cases, it shall be the employee's responsibility to request such leave through their supervisor. Executive Director will consider whether or not the employee is attending the funeral, when deceased family member is not in local area, as key factors in granting these absences. Temporary or probationary employees may be granted unpaid leave in such cases. An employee may be required to provide information which will document the necessity of absence. Part-time employees are not eligible for this benefit.

E. Absence Without Authorization

1. Employees who are not able to attend work as scheduled must report to their supervisor within 15 minutes of the start of the workday if they are going to be away from their job. Employees must speak with their supervisor. If supervisor is not available at the time of the call, the employee must call back until they have spoken directly with their supervisor or his/her designated representative. Leaving a message is not acceptable.
2. Employees who are absent prior to receiving approval to take leave, or who are absent even though leave has been denied, or who are absent without contacting their supervisor regarding that absence will be considered absent without authorization and subject to disciplinary action.
3. Discipline. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

VII. PERFORMANCE COUNSELING/DISCIPLINE/COMPLAINTS

It is the intent of this section to establish clear guidelines for corrective and preventive job performance counseling and for discipline, complaint and appeal processing. This section should not be interpreted to eliminate the discretionary factors all employees, whether supervisory, non-supervisory or management, must rely on for discharging their designated duties and responsibilities.

The Housing Authority has adopted discretionary policies governing disciplinary action against employees. These rules are intended to guard against discrimination on an impermissible basis (e.g., race, religion, disability) and serve as a management tool to allow review by upper management of certain types of disciplinary action.

It is not the intent of these rules to abrogate the Housing Authority's right as an "at will" employer to discharge any employee without the necessity of proving just cause.

The failure of the Housing Authority to observe any or all of the disciplinary procedures in this policy shall not, however, give rise to any right in any current or former employee of the Housing Authority, nor shall the discretionary use of these disciplinary procedures abrogate in any way the Housing Authority's status as an at will employer.

A. Performance Counseling

1. Initial Counseling. For the first indication of substandard work performance the supervisor should advise the employee of her unsatisfactory performance and recommend specific areas for improvement. A written record may be retained within the employee's department and a copy should be placed in the employee's personnel file.

2. Written Documentation. For a second indication of substandard performance, the supervisor will state in writing:

- a. The specific deficiencies observed in the employee's performance.
- b. The necessary improvements.
- c. The period of time in which improvement must occur, and
- d. What further action will result if the employee fails to show satisfactory improvement.

The written counseling memo should be signed by both the employee and the supervisor and a copy shall be maintained in the Administrative Office and a copy should be placed in the employee's personnel file. If the employee refuses to sign, the supervisor should have a witness sign that a copy was given to the employee. Refusal to sign a counseling memo shall be grounds for dismissal. The employee's signature indicates receipt of the document only, not necessarily acceptance of its contents.

If an employee continues to exhibit substandard work performance beyond the established time limits and below the expected level, the options available to the employee and supervisor will include:

- a. reassignment,
- b. demotion, or
- c. termination.

B. Discipline

In implementing the disciplinary procedure outlined below, a supervisor should consider such factors as the type and severity of the offense, the employee's work record, and any mitigating circumstances surrounding the offense. All employees have the right to appeal any disciplinary action through the complaint process outlined in this section.

1. Basis for Disciplinary Action. Offenses constituting grounds for disciplinary action include, but shall not be limited to, the following major categories:

- a. Absenteeism
- b. Insubordination
- c. Misconduct
- d. Violation of Personnel Policy
- e. Conduct prejudicial to good order

2. Steps in the Disciplinary Process. All or a combination of the following disciplinary measures may be taken depending on the particular circumstances surrounding an offense. An employee shall be given warning with time to improve whenever possible prior to suspension or termination. The recommended steps for progressive disciplinary action for minor offenses are listed below:

a. Oral Reprimand. For the first violation, an oral reprimand will normally be given identifying any violations and indicating needed improvement. A written record of this warning may be maintained within the employee's department.

b. Written Reprimand. A written reprimand, which is normally the second step in the disciplinary procedure, should be signed by both employee and supervisor, and a copy shall be maintained in the Housing Authority Administrative Office. If an employee refuses to sign, the supervisor shall have a witness sign that a copy was given to the employee. Refusal to sign a counseling memo shall be grounds for dismissal. The employee's signature indicates receipt of the document only, not acceptance of its contents. This document should include identification of the violation, indication of necessary improvement, and information concerning further disciplinary action that could result from failure to show improvement.

c. Disciplinary Probation. An employee may be placed on disciplinary probation for a stated period of time in order to allow the employee to show improvement in the problem(s) specified at the time of probation.

The disciplinary probation period will be initiated by a written document signed by the supervisor or Executive Director and provided to the employee, which:

- (1) Identifies the problem(s).
- (2) Indicates the necessary improvement.
- (3) Specifies length of probation period.
- (4) Informs employee of further disciplinary action which could result from failure to show satisfactory improvement within the specified probation period.

d. Suspension.

(1) The Executive Director may suspend an employee without pay. No disciplinary suspension or combination of suspensions shall exceed fifteen work days in twelve consecutive months. An employee who is suspended shall be given written notice of the reasons for the action, and a copy shall be made a part of the employee's personal history record. Following completion of the suspension period, the employee will be automatically reinstated.

(2) **Other Suspension.** During investigation, hearing, or trial of an employee on any civil cause or criminal charge, an employee may be suspended by the Executive Director for the duration of the proceedings when the suspension would be in the best interest of the Housing Authority. The suspension shall terminate within ten days after completion of the case for which the employee was suspended by resignation or dismissal of the employee, or by reinstatement of the employee with full recovery of all pay, or other appropriate action as determined by the Executive Director.

e. Dismissal. Dismissal is the final step in the disciplinary process and would normally occur only when other disciplinary action has failed to achieve the needed results. Prior to dismissal, the supervisor should have consultation with the Executive Director and assure that the employee has been properly counseled in writing concerning any deficiencies in behavior, given sufficient time to correct these deficiencies, and informed that failure to correct them may result in termination, This policy should in no way prevent the Supervisor or Executive Director from taking immediate action when the nature of the offense warrants such action. A written statement indicating the reasons for dismissal will be filed in the Administrative Office. Supervisors should consider the immediate termination of, or other disciplinary action against, employees who commit the following acts:

- (1) Use of intoxicants and/or illegal drugs while on duty,
- (2) Falsification of official Housing Authority records,
- (3) Theft, willful damage and/or unauthorized use of Housing Authority property,
- (4) Willful failure to follow established safety guidelines when such failure could result in injury to the employee, co-worker, or other persons,
- (5) Violating or avoiding the chain of command, i.e., by-passing the Supervisor, or contacting members of the Housing Authority Commission without approval of the Executive Director,

- (6) Criticism of, and demeaning actions toward a supervisor, or other employee,
- (7) Failure to follow a direct order,
- (8) Rude or discourteous conduct toward the public or fellow employees *or rude or discourteous conduct toward Kaleidoscope parents,*
- (9) Conduct prejudicial to good order,
- (10) *Inappropriate action towards a child,*
- (11) *Immoral or indecent conduct including but not limited to sexual harassment of residents, employees or others involved with THA operations,*
- (12) *Failure to report an accident or Minimum Standards violation, and/or*
- (13) *Non-compliance with Minimum Standards or other regulating agencies' requirements.*
- (14) Any violation of Housing Authority Personnel Policy, procedures, directives, instructions or any other reason.

C. Complaints

1. Grievances. Any employee who has a complaint concerning disciplinary probation suspension, termination, demotion, or denial of a promotion or merit increase shall have the right to file a grievance according to the procedures outlined in this policy.

No employee shall ever be discriminated against, harassed, intimidated, nor suffer any reprisal as a result of filing a grievance or participating in the investigation of a grievance by providing information, testimony, or assisting in an investigation in any way. If an employee feels that she is being subjected to any of the above, said employee will have the right to appeal directly to the Executive Director.

a. Steps in the Grievance Process. Employees who have a problem should, within ten days of the alleged incident, attempt to resolve the problem informally with their immediate supervisor. If a solution cannot be reached at the informal level, the employee shall have the right to appeal to the Executive Director. The appeal should be in the form of a written request. The Executive Director will make final disposition of the grievance and may substitute any action she may best determine applicable to her discretion. She will provide written follow-up of resolution of the grievance.

b. Time Limits. All complaints shall be handled in a timely manner and in no case should the complaint remain unresolved for a period exceeding fifty-five working days from the time of its initiation.

c. Discrimination Complaint. An employee who has any complaint based on race, sex, color, national origin, physical handicap, age, sexual orientation or religious beliefs has the right to file a complaint of discrimination. This complaint must be filed with the Supervisor within ten days of the alleged act of discrimination. The Supervisor will discuss the complaint with the Executive Director to resolve the complaint at the lowest level of supervision.

VIII. POLICIES

A. Sexual Harassment Policy

- 1. Statement of Purpose.** The Housing Authority prohibits any form of sexual harassment, as defined under Title VII of the Civil Rights Act of 1964, and the Fair Housing Act (42 U.S.C. 3601-3619) of its employees in the workplace or others including but not limited to residents on Authority property. The Housing Authority recognizes that sexual harassment is a violation of federal and state laws. The Housing Authority will not tolerate any infractions of this policy including vulgar, abusive, humiliating or threatening language, practical jokes, or other inappropriate behavior in the workplace by its employees or any outside parties.

Supervisors, which includes any employee with any supervisory authority over another employee, are prohibited from engaging in a consensual sexual or romantic relationship with their subordinates. Supervisors who engage in such a relationship with a subordinate will be immediately suspended and may be terminated. Every supervisor is responsible for maintaining their workplace free from sexual harassment, for refraining from consensual sexual or romantic relationships with subordinates and for implementing and monitoring compliance with this policy.

- 2. Definition.** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, visual, verbal or physical conduct of a sexual nature, such as patting, pinching or touching, leering and obscene gestures. It also includes any other materials or conduct of a sexual nature including sexually explicit language, jokes, hostility toward a particular sex, etc. These are considered sexual harassment when:
 - a. 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; or
 - b. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - c. Submission to or rejection of such conduct by an individual as the basis of employment decisions affecting such individual; or
 - d. THA employees, agents or contractors base access to housing or retention of housing or housing-related activities on the applicant's/resident's submission to sexual conduct; or
 - e. THA employees, agents or contractors engage in sexual behavior of such severity or pervasiveness that it alters the terms or conditions of tenancy and results in an environment that is intimidating, hostile, offensive or otherwise less desirable.
- 3. Non-Employee Violation.** Non-employee violators of this policy are subject to lease or contract termination, and/or expulsion from the Housing Authority facility when harassment occurs on premises. Housing Authority may discontinue service to off-Housing Authority premise violators of this policy. Furthermore, Housing Authority may report violators to the appropriate authority for civil or criminal action.

- 4. Procedures.** Any employee who believes they have been subjected to any form of or are aware of any sexual harassment must promptly discuss the situation with their supervisor, the Human Resources Director or the Executive Director. If a supervisor or Human Resources Director become aware of any sexual harassment or a prohibited supervisor and employee relationship or receives allegations of harassment from an employee, resident or others associated with the Authority, they must immediately advise the Executive Director.
- a. The Executive Director will immediately undertake an effective, thorough and objective investigation of harassment allegations. The investigation will be completed and a determination regarding the alleged harassment will be made and communicated to the individual(s) in writing who complained and the accused harasser(s). Investigations will normally include talking with the individuals and witnesses involved. All information that is gathered in an investigation is handled as confidential to the greatest extent possible. In no event are the details of the investigation released to third parties or to anyone not directly involved with the investigation. At any time during an investigation that the victim feels uncomfortable reporting the details of an incident to an individual of the opposite sex, they will be given the opportunity to report the details to someone of the same sex. It is the responsibility of the Executive Director to see that this opportunity is provided.
 - b. The Executive Director will also immediately investigate reports of prohibited supervisor and employee relationships.
 - c. Once an investigation is completed, the Executive Director will take appropriate action, up to and including termination of employment, services and/or contracts.
 - d. If the investigation reveals that the complaint is valid, prompt disciplinary action will be taken. No matter what level of disciplinary action is taken the Executive Director will ensure that the harassing and/or prohibited conduct is immediately stopped.
 - e. Exercising rights under this policy does not in any way affect an employee's right to seek relief through the Texas Commission on Human Rights, the Equal Employment Opportunity Commission, or in a court of proper jurisdiction for any complaint for which a remedy is provided under State or federal law.
 - f. Housing Authority prohibits retaliation of any kind against individuals who, in good faith, bring sexual harassment complaints or assist in investigating complaints.

B. Smoking Policy

1. Statement of Purpose. It is the Housing Authority's intent to create a healthy work environment for all employees. Numerous studies substantiate the health hazards smoke and second hand smoke cause to those having to share the same airspace. It is the Housing Authority's intent to protect the health of the non-smoker by providing a healthy work environment and to meet our legal requirements. The Housing Authority shall rely upon the cooperation of all employees. Smoking is prohibited in all enclosed Housing Authority buildings and vehicles.

2. Procedures. Smoking is not allowed in company vehicles and buildings. Beyond that the following guidelines apply:

- a. Administrative employees – Smoke breaks during work hours are not provided. Employees can only smoke on their lunch hour. Smoking cannot occur right outside the building. Cigarette butts must be disposed of in an appropriate receptacle.
- b. Maintenance employees – Smoke breaks are allowed during lunch hours and during breaks. Cigarette butts must be disposed of in an appropriate receptacle.

3. Discipline. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy. It is the responsibility of each employee to be aware of the details of the foregoing policy.

C. Severe Weather Policy

When severe weather is forecast, the Executive Director may close the Housing Authority. (Procedures outlined in the Emergency Plan will be initiated as required.)

Employees who fail to report for work when Housing Authority offices *and/or the child development center* have not been closed will be charged personal leave or leave without pay. Residing in rural areas is not an excuse for failing to report for work when offices are open. Employees who report for work when Housing Authority offices *and/or the child development center* are closed will be given compensatory time off at the discretion of the Executive Director. *Alternative duties will be assigned for Kaleidoscope staff if attendance is low due to adverse weather.*

D. Drug and Alcohol Policy

1. Statement of Purpose. The Housing Authority is a drug-free work place and has a no tolerance policy regarding the illegal use of drugs. Employees shall not report to work or operate a Housing Authority vehicle under the influence of alcohol or drugs, possess (while on duty), sell, or provide drugs or alcohol to any other employee or to any person while such employee is on duty. For the purpose of this policy, the terms “drug” or “drugs” refer to illegal (controlled) substances and prescription drugs **not** taken under the care, direction, or authority of a physician. Medical marijuana, like any other controlled substance is prohibited. Employees are required to notify their supervisors when they are knowingly taking prescription drugs under the care, direction, or supervision of a physician that may impair their ability to perform the duties of their job. For purposes of this policy, work and lunch breaks and “on-call” assignments are included as work hours. It is also the policy of the Housing Authority that employees shall not have their ability to work impaired as a result of the use of alcohol or drugs. This policy also prohibits the possession or use of drugs or alcohol in a Housing Authority vehicle.

Where reasonable suspicion exists that an employee is under the influence of alcohol or drugs, or that an employee is possessing or distributing alcohol or drugs on Housing Authority property during working hours, the Executive Director can require that the employee take a drug or alcohol screening test.

In recognition of the serious duties and responsibilities entrusted to the employees of the Housing Authority and with the knowledge that drugs and alcohol can hinder a person’s

ability to perform and fulfill those duties and responsibilities as assigned, this policy provides guidelines for the detection and deterrence of alcohol or drug abuse.

As a condition of employment, each employee must: a) abide by the terms of this policy, and b) notify the Executive Director of any conviction of a criminal drug statute for a violation no later than five calendar days after such conviction.

2. **Policy Basis.** This Policy is based upon the Executive Director’s commitment to maintain a safe, healthful and productive work environment for all employees and to ensure the safe and efficient delivery of services to our residents. To that end the Housing Authority will act to eliminate abuse of alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee’s ability to perform safely and effectively the functions of any given job, or that may increase the potential for accidents, absenteeism, substandard performance, or which may tend to undermine the efficiency of the work force. The Housing Authority reserves the right to conduct searches, see Search Policy, to monitor drug policy compliance. Violations of this policy can result in disciplinary action up to, and including termination.
3. **Drugs To Be Tested For.** When drug screening is required under the provisions of this Policy, a urinalysis test will be given to detect the presence of the following drug groups:

Drug	Cut-Off Level Initial Test (ng/mL)	Cut-Off Level Confirming Test (ng/mL)
a. Cannabinoids (Marijuana)	100	15
b. Amphetamine	1000	500
c. Cocaine	300	150
d. Opiates	2000	2000
e. Phencyclidine	25	25

The “cutoff” level is the concentration limit that will actually be used to determine if a urine specimen is positive or negative. “Cutoff” levels are given in terms of the concentration of drug that can be measured in urine: ug/mL (‘nanograms per milliliter’), which is one-billionth of a gram of drug in one-thousandth of a liter or urine.

When alcohol screening is required, a breath test will be given to detect the presence of alcohol. Any amount of alcohol in the blood will be considered a positive result.

4. **General Standard For Drug and Alcohol Testing.** The Executive Director may require an employee to undergo drug or alcohol testing if she has a reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. “Reasonable individualized suspicion” means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs. Circumstances which constitute a basis for determining “reasonable suspicion” may include, but not be limited to:

- a. a pattern of abnormal or erratic behavior;
- b. inability to comprehend or carry out work-related instructions;
- c. information provided by a reliable and credible source;
- d. excessive absenteeism or tardiness;
- e. direct observation of drug or alcohol use; or
- f. presence of the physical symptoms of drug or alcohol use (e.g., glassy or bloodshot eyes, slurred speech, detectable odor of alcohol on the employee's breath, poor coordination or reflexes); or
- g. accidents involving injury or property damage.

(1) Supervisors may require that an employee involved in a work-related accident that results in damages or injury to herself, others or property to submit to a drug or alcohol test as a regular part of any accident or injury, or whether "reasonable individualized suspicion" exists.

(2) Supervisors shall detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable individualized suspicion existed to warrant the testing of any employee. The Supervisor shall forward the documentation to the Executive Director for review. Supervisors should attach all pertinent information such as job performance counseling, attendance records, signed witness statements, etc. to the documentation. The Executive Director or his designee are the only persons who may authorize a drug or alcohol test.

5. Consent to Drug Testing. Before a drug or alcohol test is administered, the Executive Director or his designee will ask the employee or applicant to sign a consent form authorizing the test and permitting release of test results to Housing Authority officials. The consent form shall provide space for employees and applicants to acknowledge that they were notified of the Housing Authority's drug and alcohol testing policy.

The consent form shall indicate:

- a. the procedure for confirming an initial positive test result;
- b. the consequences of a confirmed positive test result;
- c. the consequences of refusing to undergo a drug or alcohol test; and
- d. the consequences of refusing to undergo retesting due to problems with initial testing results due to an untestable sample i.e. if a result is listed as dilute.
- e. a brief description of the facts constituting a reasonable suspicion.

6. Confirmation of Test Results. The initial drug screening is by the Enzyme Multiple Immunoassay Techniques (EMIT) test which is administered at Housing Authority expense. If the EMIT test is positive, a Gas Chromatography/Mass Spectrometry (GC/MS) test is used to confirm the results. A portion of the same sample is used for the confirmation test. Positive tests will be reviewed by a Medical Review Officer before the results are confirmed. Positive results that are derived for any reason other than a legitimately prescribed medication will be construed as a positive drug screen. Disciplinary action for a positive drug test will be applied.

If the Medical Review Officer confirms the positive test result, the employee or applicant is notified of the results in writing by the Executive Director or designee. The letter of notification shall identify the particular substance found and its concentration level.

An employee or applicant whose second test confirms the original positive test result may, at the employee's or applicant's own expense, have a third test conducted at a laboratory selected by the employee or the applicant. The laboratory must meet the minimum criteria for drug testing. The employee or applicant must request the third test within ten (10) days of the time informed of the results of the second test or her right to third test is waived. The third test must use a portion of the same sample used in the first and second tests.

- 7. Applicant Testing.** The Housing Authority requires all applicants selected for employment, as a part of their pre-employment screening, to submit to a drug screening for the presence of the drug groups set forth in this policy. Applicants who test positive for marijuana use will not be hired regardless of their medical marijuana registry status.

An applicant who has a positive test result after an initial drug screening by the Enzyme Immunoassay Techniques (EMIT) test and a confirmatory test using the Gas Chromatography/Mass Spectrometry (GC/MS) test is not eligible for hire by the Housing Authority until the expiration of twelve (12) months from the date of her testing. The applicant is subject to retesting prior to employment.

- 8. Confidentiality of Test Results.** All information concerning an applicant's drug test or employee's drug or alcohol test is confidential and only those individuals who absolutely must have the information to ensure an accurate test and implementation of these procedures are to be informed of the results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or the records become the subject of a judicial proceeding. All records relating to the taking of or ordering of a drug test are kept in a separate file other than the individual's personnel file.

- 9. Privacy in Drug Testing.** Urine samples are taken in a private restroom stall or similar enclosure so that employees and applicants are not viewed while providing the sample. Applicants and employees will not carry street clothes, bags, briefcases, purses, and other containers into the test area. The testing facility will color the water in the commode with blue dye to protect against dilution of test sample.

- 10. Testing Procedures.** Housing Authority requested drug or alcohol testing of employees and applicants are conducted at medical facilities or laboratories selected by the Housing Authority. The medical facility or lab must maintain written procedures approved by the Housing Authority that are used to maintain test samples. These procedures shall, at a minimum, include:

- a. testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
- b. methods of analysis which ensure reliable test results, including the use of Gas Chromatography/Mass Spectrometry;

- c. chain-of-custody procedures which ensure proper identification labeling, and handling of test samples; and
- d. retention and storage procedures which ensure reliable results on confirmatory test of original samples.

At the test site, the employee or applicant is given a form on which she may list any medications he has taken or any other legitimate reasons for her having been exposed to drugs within the last thirty (30) days.

When a screening for drugs or alcohol is required, a supervisor who knows the employee must drive her to the testing facility. After the test has been conducted, if there is no other “reasonable suspicion” other than an accident, the supervisor should bring the employee back to work. If “reasonable suspicion” exists or the employee is unable to work following an accident, the supervisor must make arrangements for either a family member of the employee or a supervisor to take the employee home. The supervisor should not allow the employee to drive herself home.

11. Processing of Samples. Upon receipt of the sample from the employee or applicant, the individual supervising the testing will test the temperature of the urine and initiate the processing of the sample. The employee will seal the sample and the individual supervising the testing will label the sample with a control number and the date and time the specimen was obtained. The testing facility will keep the sample in a secured refrigerated atmosphere until tested. The individual performing the analysis will be the only person who can break the seal. In order to protect the chain of custody, any person handling the sample must sign for it.

12. Prior Notice of Testing Policy. The Housing Authority shall provide written notice of its drug and alcohol testing policy to all employees. A standard notice will be displayed in various locations that shall contain the following information:

- a. the need for drug testing;
- b. the circumstances under which the Housing Authority may require testing;
- c. the procedure for confirming an initial positive drug test result;
- d. the consequences of a confirmed positive test result;
- e. the consequences of refusing to undergo a drug test; and
- f. the availability of drug abuse counseling and referral services.

13. Refusal to Consent. An employee who refuses to consent to a drug or alcohol test or to retesting upon proof of an untestable sample will be terminated for violation of this policy. Refusal, after fair warning, to submit to a reasonable search can lead to immediate dismissal. An applicant who refuses to consent to a drug test shall have their hiring process terminated.

14. Consequences of a Confirmed Positive Test Result. If an employee’s positive test result is confirmed, the employee is subject to disciplinary action up to and including termination. Factors considered in determining the appropriate disciplinary response include the employee’s work history, length of employment, current job performance, and the existence of past disciplinary actions.

An employee subject to discipline for the violation of this policy shall have the same rights of a hearing and appeal as if disciplined for any other violation of Housing Authority policy.

15. Rehabilitation Program. The Housing Authority recognizes that alcohol and drug abuse are treatable problems. Employees are encouraged to seek confidential assistance for drug and alcohol problems through their group health plan (Scott & White Health Plan) or Mental Health and Mental Retardation Services (MHMR).

Employees who use their group health plan should contact their primary care physician who, in turn, will coordinate their care with the appropriate provider. Employees who seek assistance through MHMR should call 778-4841, extension 200, and ask for the on-call worker.

An employee may voluntarily identify himself as an abuser of drugs, alcohol or other substance without disciplinary action being taken unless such voluntary identification occurs subsequent to the employee's having been cited for violation of current Housing Authority policy or law stemming from or related to abuse, sale or possession of alcohol or other drugs. An employee will have one opportunity for voluntary rehabilitation without disciplinary action, including termination being taken against him.

The Housing Authority reserves the right to terminate employees testing positive for illegal drug or alcohol use as a result of Housing Authority initiated drug/alcohol test. In deciding whether to terminate an employee, the Housing Authority will consider:

- a. the results of the positive test;
- b. the prior employment history of the individual;
- c. the potential risk to the individual, fellow workers and the public; and
- d. the specific incident which served as the basis for the drug or alcohol test.

If despite a positive drug or alcohol test a decision is reached not to terminate an employee, the Housing Authority will require the employee to voluntarily enter into a pre-approved certified drug or alcohol rehabilitation program.

Employees testing positive, but eligible for drug or alcohol rehabilitation, shall be placed on unpaid administrative leave until such time as they voluntarily begin participation in a pre-approved certified drug program. Employees participating in a drug or alcohol rehabilitation program as a result of a positive drug test may request a leave of absence when she has used all her accrued sick leave and annual leave. An employee required to enter a drug or alcohol rehabilitation program must do so within five (5) working days of being notified by their supervisor of the opportunity to enter a drug or alcohol rehabilitation program in lieu of termination. The Executive Director will, upon request, assist employees in selecting and enrolling in an approved certified drug or alcohol rehabilitation program. An employee may be allowed to work while in a rehabilitation program at the discretion of the Executive Director.

Employees required to enter a drug rehabilitation program, who fail to enroll in a drug or alcohol rehabilitation program within five (5) working days, or who fail to satisfactorily complete the program, are terminated. Terminated employees have the right to a pre-termination hearing and a post-termination appeal.

Any employee going through the rehabilitation program as a result of an investigative drug or alcohol screen, who completes the program, may return to work with the understanding, and by signing a release form, that a random check for drugs/alcohol may be requested at any time at management's discretion for a period of not more than two (2) years, from the time the employee returns to work. If during this period an employee tests positive, admits to current drug/alcohol abuse, refuses to consent to a test, or fails to participate in any aftercare program, the employee is terminated.

E. Family and Medical Leave (FMLA) Policy

1. Statement of Purpose. It is the Housing Authority's intent to provide eligible employees up to twelve (12) weeks of unpaid leave (26 weeks if employee is the spouse, son, daughter, parent or next of kin who provides care for a covered current or active military service member with a serious injury or illness) during the 12-month period following the past FMLA leave usage for one or more of the following:

- a. birth of, and to care for, a son or daughter;
- b. adoption of a child, or placement of a foster child in the employee's home;
- c. to care for a spouse, child, or parent with a serious health condition; or
- d. who need time off because a family member is being called to active duty and/or deployed because of certain qualifying urgent conditions:
 - (1) short-notice deployment,
 - (2) military events and related activities,
 - (3) child-care and school activities,
 - (4) financial and legal arrangements,
 - (5) counseling,
 - (6) rest and recuperation,
 - (7) post deployment activities, and
 - (8) additional activities.

“Rest and recuperation” means that the employee may take up to five days of leave to spend time with a covered military member who is on short-term temporary rest and recuperation leave during the period of deployment.
- e. if the employee has a serious health condition (mental or physical condition) and is unable to perform the functions of the position for which she is hired.

2. Eligible Employees. An eligible employee is defined as someone who has been employed by the Housing Authority for at least twelve (12) months and who has at least 1250 hours of service during the previous twelve (12) month period. The 12 month period need not be consecutive. However, employment periods prior to a break in service of 7 years or more need not be counted in determining whether the employee has been employed by the employer for at least 12 months subject to the exceptions outlined in the

FMLA regulations. Employees returning from fulfilling National Guard or Reserve military obligations shall be credited with the hours of service that would have been performed to determine whether the employee has worked the required 1,250 hours of service.

3. **Leave Requirement.** An eligible employee is entitled to twelve work weeks of unpaid leave during any twelve month period for the birth, adoption, or foster care of a child or for the care of a spouse, son, daughter, or parent if such person has a serious health condition or 26 weeks of leave for military caregivers to provide care for covered military service members with a serious illness or injury. The employee is also entitled to take this leave if the employee has a serious health condition and is unable to perform the functions of the position for which she is hired.
4. **Intermittent Leave.** Leave taken for a birth, adoption or foster care of a child may not be taken intermittently. Leave taken for the care of a sick spouse or other family member or for a serious health condition of the employee may be taken intermittently when medically necessary. Employees may be required to provide verification of their fitness-for-duty, when returning from intermittent duty if significant risk of harm to themselves or others could result from completing job duties.
5. **Procedures.** FMLA leave requests must be in writing. The employee is required to submit leave requests for foreseeable leaves, such as expected births or adoptions and planned medical treatment at least thirty (30) days in advance. In instances where the employee is incapacitated, written leave requests must be submitted as soon as practical. Employees must comply with standard procedures for reporting absences stated in Section III.

The time employees who are injured or ill work on light duty restrictions does not count against the employee's FMLA leave entitlement.

6. **Deduction of Personal Leave.** The Housing Authority may require that the employee first use accrued personal leave for any part of the mandated period.
7. **Medical Certification.** The Housing Authority may require the employee who is requesting leave because of a "serious health condition" to provide certification from the employee's or family member's health provider, stating, among other things:
 - a. the probable duration of the health condition;
 - b. the appropriate medical facts regarding the condition; and
 - c. a statement that the employee is needed to care for the family member, or is unable to perform the functions of his position because of the health condition.
 - d. To have a "chronic condition" that qualifies for FMLA leave, employees must certify they have visited a doctor at least twice a year for the condition.

The Housing Authority at their own expense can challenge the medical certification and require an examination by a doctor designated by the employer for the employee. If the

two opinions conflict, the Housing Authority may require the opinion of a third health care provider, whose opinion will be final and binding.

A “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital or continuing treatment by a health care provider.

8. **Employment and Benefits Status.** An eligible employee who takes leave will, on returning, be restored to either the same or “an equivalent position with equivalent employment benefits, pay, and other terms and conditions.” The employee must provide confirmation of their ability to perform the essential functions of their job from their health care provider before they can return to work.

The Housing Authority will maintain the employee’s health insurance during the approved FMLA leave period. Should the employee fail to return to work for a reason other than a serious health condition, the Housing Authority may recover the premiums from the employee.

The employee is responsible for paying the premiums for dependent insurance coverage, if the employee has such coverage when the leave is requested. If payments are not made on a timely basis, coverage is terminated.

F. Standards of Conduct Policy

1. **Statement of Purpose.** It is the policy of the Housing Authority to maintain very high standards of honesty, integrity and impartiality when conducting business to assure proper performance of duties by employees and maintain confidence of citizens in the community. The avoidance of misconduct and conflicts of interest by employees is indispensable to the maintenance of these standards.
2. **Conduct and Responsibilities of Employees.** Each employee is a representative of the Housing Authority and is often the only contact between a resident or another citizen of Temple and the Housing Authority. Loyalty and good citizenship are essential characteristics of a good public employee. Employees of the Housing Authority are expected to exhibit courtesy and professionalism in their relationships with residents and other citizens.

Each employee must realize that the Housing Authority's basic and controlling purpose in employing her is the public interest and that she can never have a right of tenure that transcends the public good. She can be a Housing Authority employee only as long as it remains in the public interest for her to be one. Public trust and confidence in the integrity of the Housing Authority are paramount.

An employee shall avoid any action, which might result in, or create the appearance of:

- a. Using public office for private gain.
- b. Giving preferential treatment to any person.

- c. Impeding efficiency or economy.
- d. Losing complete independence or impartiality.
- e. Making a Housing Authority decision outside official channels.
- f. Affecting adversely the confidence of the public in the integrity of the Housing Authority.
- g. Conflicting with her responsibilities to her employer.

3. Harassment.

The Housing Authority prohibits disability, racial, sexual, ethnic, religious or any other type of harassment of employees and applicants. All Housing Authority employees have the right to work in an environment, which is free from harassment. Any employee, who feels that she has been a victim of harassment, should notify her immediate supervisor or the Executive Director. Allegations of harassment are dealt with in strict confidence and appropriate disciplinary action taken when the findings warrant such action.

4. Gifts, Entertainment, Favors and Door Prize Drawings.

- a. Except as provided in subparagraph b., an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value or participate in door prize drawings, from a person/entity who:
 - (1) Is a resident.
 - (2) Has, or is seeking to obtain, contractual or other business or financial relations with the Housing Authority.
 - (3) Conducts operations or activities that are regulated by the Housing Authority.
 - (4) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties.
- b. The Prohibitions of Subparagraph a. do not apply in the following cases:
 - (1) Obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors.
 - (2) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans.
 - (3) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal value.
- c. Gift giving between employees is a matter of personal choice. Employees will not be required to make gift contributions as a condition of employment.
- d. An employee will not solicit or accept gifts from residents or payment for work. Employees may not work off duty for residents for pay. Cakes, cookies or similar nominal consumable gifts may be accepted on an occasional basis where such acceptance promotes the relationship of the Housing Authority and the resident.

5. General Prohibitions.

- a. No employee of the PHA, during his tenure or for one year thereafter, shall acquire any interest, direct or indirect, in any housing project or in any property included or planned to be included in any project, nor shall he/she have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project.
- b. If any employee of the Housing Authority has an interest, direct or indirect, in any contract, subcontract or arrangement in connection with a project relating to any housing project, he/she immediately shall disclose the same in writing to the Housing Authority and HUD. Failure to disclose such interest shall constitute misconduct.
- c. An employee shall not purposefully transmit or use confidential information obtained in her professional work for personal gain or other advantage.
- d. No employee shall initiate contact with a member of the Board of Commissioners, concerning employment-related subject matter, without the express permission of the Executive Director.
- e. Employees are expected to protect their insurability by driving in such a manner both on and off the job that they are not found guilty of DWI or have been issued a number of traffic violations which result in notification by the Housing Authority's insurer that insurance is being withdrawn for that employee or rates are being increased because of that employee's driving record. Upon such notice, the Housing Authority Executive Director may terminate the affected employee for misconduct related to the job.

6. Award and Administration of Procurement Contracts.

No employee or officer of the Housing Authority shall participate in the selection or in the award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when a financial or other interest in a firm selected for award is held by:

- (1) The employee, officer or agent involved in making the award;
- (2) Any member of his or her immediate family;
- (3) His or her partner; or
- (4) An organization which employs, or is about to employ, any of the above in a position of authority.

The PHA's employees or officers shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

7. Financial Interest.

- a. An employee shall not:
 - (1) Have direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with this Housing Authority's duties and responsibilities.
 - (2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his/her Housing Authority's employment.

8. Outside Employment and Other Activity.

- a. Written permission from the Executive Director must be received by an employee prior to engaging in any employment outside their regular Housing Authority job. An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of her Housing Authority employment. Incompatible activities include but are not limited to:
- (1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest.
 - (2) Outside employment which tends to impair her mental or physical capacity to perform her Housing Authority duties.
 - (3) Activities that may be construed by the public to be the official acts of the Housing Authority.
 - (4) Activities that establish relationships or property interests that may result in a conflict between her private interests and her official duties for the Housing Authority.
 - (5) Employment that may involve the use of information secured as a result of employment in the Housing Authority to the detriment of the Housing Authority or the public interest, or that may give preferential treatment to any one person, corporation, public agency, or group.
 - (6) Employment with any person, firm, or other private organization having business either directly or indirectly with the Housing Authority.
 - (7) *Employment that would conflict with an employee's CACFP (Child Adult Care Food Program) duties.*

An employee shall not receive any salary or anything of monetary value from a private source as compensation for her services to the Housing Authority.

- 9. Use of Housing Authority Property.** An employee shall not directly or indirectly use or allow the use of Housing Authority property of any kind, including property leased to the Housing Authority, for other than officially approved activities. An employee has a duty to protect and conserve Housing Authority property, including equipment, supplies, and other property entrusted or issued to him/her.

- 10. Indebtedness.** An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law, such as Federal, State, and Local taxes. For the purpose of this paragraph, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Housing Authority determines does not, under the circumstances, reflect adversely on the Housing Authority as her employer. In the event of a dispute between an employee and an alleged creditor, this paragraph does not require the Housing Authority to determine the validity or amount of the disputed debt.

11. Gambling, Betting, and Lotteries. An employee shall not participate, while on Housing Authority -owned or leased property or while on duty for the Housing Authority, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a number, slip or ticket.

12. General Conduct. The Housing Authority requires that all employees shall conduct themselves in a manner that facilitates the effective accomplishment of the work of the Housing Authority, observing at all times the requirements of courtesy, consideration, and promptness in dealing with the public and with persons or organizations having business with the Housing Authority.

13. Politics/Political Activity.

All officers' and employees' activities are restricted by Federal Statute 5 U.S.C. 1501 when their principal employment is in connection with an activity financed in whole or part by Federal funds. Restrictions prohibit:

- a. Use of official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
- b. Directly or indirectly coercing, attempting to coerce, commanding, or advising a state or local officer to pay, lend or contribute anything of value to any party, committee, organization, agency, or person for political purposes.

Housing Authority employees may seek election to any public office, however, employees cannot be on the city council of any member Authority. Campaigning activities must be conducted on the employee's own time and must occur away from the work site. Additionally, no employee of the Housing Authority shall solicit contributions, donations or distribute election campaign literature while on Authority time. An employee who is elected to a salaried public office is required to resign from Authority employment no later than two weeks prior to the date on which he/she takes office.

Employees are encouraged to exercise their constitutional rights pertaining to voting in all elections.

14. Membership in Organizations. An employee may not, in her official capacity as an officer or employee of the Housing Authority, serve as a member of a private organization except where the Executive Director has determined that such service would be beneficial to the Housing Authority and consistent with such officer's or employee's service as a Housing Authority employee. However, an employee may serve in an individual capacity as a member of a private organization, provided that:

- a. Her membership does not violate the restrictions noted in Paragraph 5.
- b. Her official title or organization connection is not shown on any listing or presented in any activity of the organization in such a manner as to imply that he/she is acting in

his/her official capacity. The above prohibition shall not be deemed to apply to private organizations such as NAHRO in which the Housing Authority has membership for the purpose of better accomplishing its goals.

15. Miscellaneous Provisions. In addition to the laws which have been taken into account in the preceding paragraphs, there are many other laws and responsibilities which bear on the conduct of employees. These cover such matters as: disloyalty and striking, disclosure of classified information, habitual use of intoxicants to excess, misuse of a Housing Authority vehicle, use of deceit in an examination or personnel action in connection with Housing Authority employment, fraud or false statements in a Housing Authority matter, mutilating or destroying a public record, counterfeiting and forging transportation requests, embezzlement of Housing Authority money or property, failing to account for public money, embezzlement of the money or property of another person in the possession of an employee by reason of his employment, certain political activities, etc. Each employee is required to abide by such laws and fulfill her responsibilities as a public employee.

16. Disciplinary Action. A violation of this policy or any of the items in the following list of actions, activities or omissions by an employee will be considered an infraction and handled as a disciplinary matter under the Housing Authority's progressive disciplinary system. This list does not purport to be all inclusive and is subject to unilateral change.

- a. Incompetence, inattention at duties, loafing or wastefulness in the performance of assigned duties.
- b. Engaging in activities which interfere with the individual's or other employee's performance on the job.
- c. Abusive or improper treatment of a person, including but not limited to fighting and agitating.
- d. Violation of any departmental or Housing Authority rules, regulation or direction.
- e. Obtaining materials on fraudulent orders, dishonesty, stealing and other criminal acts.
- f. Conviction of a felony or a misdemeanor involving moral turpitude which casts doubt on the employee's ability to perform their job effectively.
- g. Destruction, loss or abuse of Housing Authority property, including tools, equipment and/or clothing allotments.
- h. Failure to observe starting and quitting time and/or maintain a satisfactory attendance record.
- i. *Purchasing Items from Residents.* No employee shall purchase an item of any sort or make a proposal to purchase an item from a current resident of the Housing Authority.
- j. Acceptance of compensation from any resident or member of the resident's family or Resident Association for services rendered while either on or off duty with the Housing Authority.
- k. *Endorsement of Products.* A Housing Authority employee in her official capacity shall not assist in the sale of any goods or services to be used for advertising purposes.

1. Other actions or omissions which adversely affect the welfare of the citizens or the employees or the effective operations of the Housing Authority.

G. Fraud Policy

1. Statement of Purpose. The Housing Authority Fraud Policy establishes procedures which will aid in preventing, detecting and reporting fraud against the Housing Authority. It is the intent of the Housing Authority to create a working environment in which Housing Authority employees or outside parties understand dishonest acts will be detected and promptly addressed. Housing Authority will aggressively seek out fraudulent conduct by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

Every supervisor is responsible for the detection and prevention of fraud, misappropriations, and other irregularities that might occur within their area of responsibility.

2. Scope of Policy. This policy applies to any irregularity, or suspected irregularity, involving employees, vendors, contractors, outside agencies and/or any other parties having a business relationship with the Housing Authority.

Any investigative activity required will be uniformly conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the Housing Authority.

3. Definition. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his injury.

4. Actions Constituting Fraud. The terms misuse of funds, misappropriations, and other fiscal irregularities refer to, but are not limited to:

- ❖ Any dishonest or fraudulent act
- ❖ Forgery or alteration of any document or account
- ❖ Theft, embezzlement or other misappropriation of funds, securities, supplies, or other assets
- ❖ Impropriety in the handling or reporting of money or financial transactions
- ❖ False claims, bribery, kickbacks or bid-rigging
- ❖ Profiteering as a result of insider knowledge
- ❖ Disclosing confidential and proprietary information to outside parties
- ❖ Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the Housing Authority. Exception: *See Section III. Terms of Employment, K. Acceptance of Gifts.*
- ❖ Destruction, concealment, removal or inappropriate use of records, furniture, assets and equipment; and/or
- ❖ Any similar or related irregularity

5. Reporting Procedures. An employee who discovers or suspects unethical, illegal or fraudulent activity will immediately notify the Executive Director, who coordinates all investigations, both internal and external.

The employee or other complainant may remain anonymous. All information will be treated as confidential. The Housing Authority will not retaliate against employees who report fraudulent acts or other irregularities. Any inquires concerning the activity under investigation from the reporting party, the suspected individual, her attorney or representative, or any other inquirer should be directed to the Executive Director.

The Executive Director should inform the reporting party of the following:

- ❖ Do not contact the suspected party in an effort to determine facts or demand restitution.
- ❖ Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Executive Director.

6. Other Irregularities. Irregularities concerning moral, ethical, or behavioral conduct should be resolved by the employee's immediate supervisor. If there is any question as to whether an action constitutes fraud, contact the Executive Director for guidance.

7. Investigative Responsibilities. The Executive Director has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the Executive Director will issue reports to the Board of Directors, the HUD District Inspector General for Audit in Fort Worth, TX, and/or other appropriate federal, state and local law enforcement authorities.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel as will the final decision on disposition of the case.

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. All persons involved in the investigation will refrain from discussion and reference to allegations with anyone other than those with a legitimate need to know.

8. Authorization for Investigating Suspected Fraud. The Executive Director has the authority to conduct searches, see Search Policy, to complete a fraud investigation.

9. Termination. If the investigation reveals that the complaint is valid, prompt disciplinary action will be taken. The decision to terminate an employee will be made by the Executive Director.

10. Administration. The Executive Director is responsible for the administration, revision, interpretation, and application of this policy.

It is the responsibility of each employee to be aware of the details of the foregoing policy.

H. Computer, Internet, E-Mail and Social Media Usage Policy

Purpose: The purpose of this policy is to ensure the proper use of the Housing Authority's electronic systems and to inform employees that the right to monitor social media sites such as print, broadcast, digital and online for compliance with Authority policies is reserved. The information covered in these guidelines includes, but is not limited to, information that is either

stored or shared via electronic means. This policy is designed to (1) prevent copyright/license infringement; (2) protect the integrity of the Housing Authority's installed software base by preventing the introduction of computer viruses into the system; (3) provide guidelines for acquisition and installation of software; (4) prohibit personal use of the Housing Authority's computer, Internet and email systems; (5) inform employees that they have no expectation of privacy regarding their use of the Housing Authority's electronic or other systems, and (6) inform employees that they have no expectation of privacy when utilizing social media, and they are subject to monitoring at all times for policy compliance.

Usage of Authority Owned Electronic Systems: All electronic systems, hardware, software, temporary or permanent files and any related systems or devices used in transmission, receipt or storage of emails or other electronic data that are the property of the Housing Authority are to be used for business purposes only. Any and all messages sent, relayed or received with the Housing Authority's electronic systems are the property of the Housing Authority and are subject to review at any time, with or without notice.

Usage of Social Media (Print, Broadcast, Digital and Online): Authority employees shall apply the following guidelines in their use of social media, both on and off duty:

1. Employees shall not publish any personal information about themselves, another employee, a resident or other party that conducts business with the Authority that:
 - a. has the potential or effect of involving the employee, their co-workers, the third party or the authority in any kind of dispute or conflict with other employees or third parties;
 - b. interferes with the work of any employee;
 - c. creates a harassing, demeaning, or hostile working environment for any employee;
 - d. disrupts the smooth and orderly flow of work within offices, or the delivery of services to the Authority's residents;
 - e. harms the goodwill, image and/or reputation of the Authority;
 - f. tends to place in doubt the reliability, trustworthiness, or sound judgment of the persons who is the subject of the information; or
 - g. reveals proprietary information.
2. Employees that create personal blogs shall provide a disclaimer that the views expressed in the blog are the author's alone, and do not represent the views of the Authority.
3. All information published on any social media shall comply with the Authority's confidentiality and disclosure policies.

Procedures:

1. Failure to adhere to these rules will be considered a policy infraction and will be handled as a disciplinary matter under the Housing Authority's disciplinary system up to and including termination and legal action. The Housing Authority's electronic systems must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. If any employee violates

the law using Housing Authority owned electronic systems, the employee will be fully liable and the Housing Authority will protect itself utilizing all legal means necessary. The Housing Authority may also pursue civil and criminal remedies allowed by Texas law against any individual who uses a Housing Authority computer in an unauthorized manner.

Computer users are herein advised that State law provides a criminal penalty for any individual who accesses or uses a Housing Authority computer in an unauthorized manner. Unauthorized manner is any use of a Housing Authority computer beyond the access limits the individual is assigned and authorized to use by the Housing Authority. Unauthorized use of an Housing Authority computer is a violation of the Texas Penal Code and may be prosecuted as a Class A misdemeanor.

2. Computer users shall not circumvent established policies defining eligibility for access to information or systems. Exchanging of passwords is specifically prohibited.
3. Use of Housing Authority resources for illegal activity can lead to disciplinary action, up to and including dismissal, civil liability and criminal prosecution. The Housing Authority will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities, e-mail use, and/or computer use.
4. Use for access to or distribution of offensive representations or descriptions of sexual acts or material sent or received in violation of the Protection of Children Against Sexual Exploitation Act of 1977, as amended, is prohibited.
5. The Housing Authority licenses software from a variety of companies. The Housing Authority normally has no right to make copies of software absent specific authorization in the license. The Housing Authority will abide by all copyright/license agreements and their terms.
6. The Housing Authority reserves the right to monitor hardware and software archives and/or to inspect an employee's computer, hard drive, floppy disks, and other media at any time to ensure that usage of the computer, Internet and e-mail systems is for business purposes and to ensure compliance with this policy. The Housing Authority has the right to withdraw employee access to computers, Internet, e-mail or other electronic systems at any time.
7. There is no expectation of privacy regarding any use of the Housing Authority's electronic systems. All electronic data and messages are the property of the employer and are subject to viewing, downloading, inspection, release, and archiving by the Housing Authority. Confidential information should not be sent via email.
8. Employees using the electronic systems must conduct themselves in accordance with all workplace rules and refrain from using profane, harassing, defamatory or threatening language in e-mail communications.

9. All emails, excluding junk/spam emails, will be retained for the period of time designated in the computer procedures by the Executive Director.
10. The Housing Authority accepts no liability for any damage caused by any virus transmitted by email.

The following disclaimer will be added to each outgoing email: 'This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Housing Authority. This email was scanned before being sent and was found clean by our antivirus software. The Housing Authority accepts no liability for any damage caused by any virus transmitted by this email.' The Housing Authority reserves the right to monitor the transmission of this message and to take corrective action against any misuse or abuse of its e-mail system or other components of its network.

11. Employees may not bring personal computers to the workplace or connect them to the Housing Authority's electronic systems unless expressly permitted by the Housing Authority.
12. Use of instant messaging and blogging is prohibited.
13. The Housing Authority's Personnel Policy restricts political activities of employees. This includes using computer equipment and resources for these purposes.
14. Developing programs designed to harass other computer users or infiltrate a computer or computing system and/or damage or alter the software components of same is prohibited.
15. Users of the Housing Authority's computer system shall not subscribe to on-line services, news groups, bulletin boards or other similar services such as the Weather Bug unless authorized by the Network Administrator in writing.
16. Users may not encrypt any emails without obtaining written permission from their supervisor. If approved, the encryption key(s) must be made known to the Housing Authority.

I. Safety and Security Policy

1. Statement of Purpose.

Housing Authority strives to provide a safe and secure work environment by establishing and enforcing safe, efficient work standards. To meet this goal, Housing Authority will enforce safety and security policies to help protect employees from accidental injury or third party criminal actions while on-duty. Housing Authority disclaims any express or

implied warranties of safety or security of employees against the criminal actions of other employees or third parties.

Supervisors are accountable for safety, training, performance and security enforcement. They are also responsible for prevention of employee theft, pilferage and waste of materials in their respective areas. Employees are required to use safe work habits to provide for the safety and security of themselves, fellow workers, and to comply with on-the-job safety and health standards. Safety of employees and the public is an important area of concern and is handled as such in training of all Housing Authority employees. All Housing Authority employees will follow safety and security procedures to help prevent accidents and/or injuries.

2. Procedures.

a. Personal Safety and Security Procedures.

- (1) Always proceed as if security does not exist. Be aware that any prospective applicant or other person can be involved in a potential crime.
- (2) If a person exhibits behavior that indicates he may be under the influence of drugs or alcohol, do not show the person an apartment.
- (3) Administrative employees are encouraged to carry a radio or cellular telephone when on complex grounds. Maintenance employees will carry a radio or cellular telephone at all times while on duty. When employees are entrusted with any communication equipment, it is their responsibility to utilize it in a safe, prudent manner that in no way jeopardizes their safety or that of other employees and the motoring public. This includes protection of equipment, facilities and other materials. It is essential that when a conflict exists between safety and the utilization of communication equipment, safety must receive top priority.
- (4) Employees will provide transportation to non-employees for business related purposes only. Employees shall not use personal vehicles for resident/client transportation needs. Only authority-owned vehicles shall be used for this purpose.
- (5) Employees will promptly notify a supervisor of any known problem, defect, malfunction or failure of alarms, lights, or other safety or security related devices and equipment. Each employee will report to their supervisor any crime he is aware of and that occurs on Housing Authority property.
- (6) Employees will promptly notify their supervisor or Executive Director of restraining orders in-place for their protection. Supervisors will inform the Executive Director.
- (7) The "No Soliciting Policy" will be enforced at all complexes. Employees will notify their supervisor if they observe solicitors conducting business on Housing Authority property.

- (8) Signs that could imply security is provided will not be posted at Housing Authority complexes.
- (9) When showing an apartment, the employee will advise another employee of their destination or enter the following information on the office log: time departed unit to be shown and applicant's name.
- (10) At the end of the work day, supervisors will ensure all employees have been accounted for by requiring each employee to check-in at their normal workstation.
- (11) All employees will have a picture ID card in their possession and maintenance employees are encouraged to wear a Housing Authority approved cap (no other headwear is allowed).

b. Building/Unit/Site Safety and Security Procedures.

- (1) Vendor access to occupied units will be limited. Residents will be notified prior to vendor's scheduled work date.
- (2) Offices (including maintenance facilities) will be locked when not in use.
- (3) All doors and windows of vacant apartments will be locked except while the unit is being cleaned or repaired.
- (4) Employees may never give a master key to a resident or other non-employee, even temporarily for any reason. Doing so will be considered a serious safety and security violation and the employee may be immediately terminated. Approved vendors (i.e. pest control companies) do not fall under this section. Procedures are on file, which are approved by the Executive Director and document specific circumstances under which a master key can be released.
- (5) Employees should exercise discretion prior to entering a unit in which a potentially compromising or sexually suggestive situation is known to exist.
- (6) Non-employees may not enter units without management authorization while the unit is being readied for rental.
- (7) The Annual Inspection and Systems Checklist will be completed yearly for every complex and office by an employee designated by the Maintenance Director.

c. Equipment and Tool Usage Procedures.

- (1) All equipment and/or tools will be used in a safe manner according to owner's manual recommendations.

- (2) All equipment and/or tools will be stored in a secured area when not in use to help prevent accidental injury.
- (3) Equipment and/or tools will be available for use by Housing Authority employees for official use only.

d. Crime/Emergency Procedures.

- (1) Each office will maintain a camera, film and batteries for use after an emergency occurs.
- (2) Notification of appropriate EMS, police and owner's representatives shall be in the following order: 911, Executive Director, Maintenance Director, other management, maintenance assistance and insurance company.
- (3) After crime/emergency occurs, the appropriate area will be immediately secured.

3. Discipline.

Disciplinary action up to, and including employment termination, may result for violation of safety/security procedures.

It is the responsibility of each employee to be aware of the details of the foregoing policy.

J. Search Policy

The Housing Authority reserves the right to conduct searches to monitor compliance with rules concerning safety of employees, security of Housing Authority and individual property, drugs and alcohol, and possession of other prohibited items. "Prohibited items" include, but are not limited to, illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, any items of an obscene, harassing, demeaning or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property. "Control" means knowing where a particular item is, having placed an item where it is currently located, or having any influence of its continued placement. In addition to Housing Authority premises, the Housing Authority may search employees, their work areas, lockers, personal vehicles and other personal items such as bags, purses, briefcases, lunch boxes, and other containers. In requesting a search, the Housing Authority is by no means accusing anyone of theft, some other crime, or any other kind of improper conduct.

There is no general or specific expectation of privacy in the workplace of the Housing Authority, either on the premises of the Housing Authority or while on duty. In general, employees should assume that what they do while on duty or on the Housing Authority premises is not private. All employees and all of the areas listed above are subject to search at any time. If an employee uses a locker or other storage area at work, including a locking desk drawer or locking cabinet, the Housing Authority will either furnish the lock and keep a

copy of the key or combination, or else allow the employee to furnish a personal lock, but the employee must give the Housing Authority a copy of the key or combination. The areas described above may be searched at any time, with or without the employee being present. As a general rule, with the exception of items relating to personal hygiene or health, no employee should ever bring anything to work or store anything at work they would not be prepared to show and possibly turn over to Housing Authority officials and/or law enforcement personnel.

All employees of the Housing Authority are subject to this policy. However, any given search may be restricted to one or more specific individuals, depending upon the situation. Searches may be done on a random basis or based upon reasonable suspicion. "Reasonable suspicion" means circumstances suggesting to a reasonable person that there is a possibility that one or more individuals may be in possession of a prohibited item as defined above. Any search under this policy will be done in a manner protecting employees' privacy, confidentiality, and personal dignity to the greatest extent possible. Any unauthorized release of information concerning searches conducted under this policy by individual employees, see Confidential Information Policy, will result in prompt disciplinary action.

An employee will never be physically touched during the search process or physically forced to submit to a search. However, an employee who refuses to submit to a search request from the Housing Authority will face disciplinary action, up to and possibly including immediate termination.

K. Confidential Information Policy

1. Statement of Purpose. It is the responsibility of all employees to protect against the unauthorized disclosure of confidential information.

2. Definition. Confidential information includes, but is not limited to:

- a. Payroll records and information regarding salary.
- b. Computer system passwords and security codes.
- c. Pending or in process litigation.
- d. Employee information such as salary, length of service or performance, use, gathering and disclosure of genetic information, medical history including medical benefit claims and other personnel information.
- e. Investigations regarding violation of Housing Authority policies.
- f. Unauthorized release of information concerning searches conducted under the Search Policy.

3. Procedures. Supervisors are expected to identify confidential information and materials, and to instruct their employees on handling procedures.

- a. Employees who are hired into positions that require the handling of confidential information are expected to use discretion when dealing with such information.

- b. Inquiries from attorneys or the press regarding Housing Authority employees or confidential information should immediately be referred to the Executive Director.
- c. Confidential information will be kept in safe and secure places that are not accessible to public view.
- d. Employees will consult with their supervisor when in doubt about the handling and disclosure of confidential information.

4. Misuse of Information. For the purpose of furthering a private interest, an employee shall not, directly or indirectly use or allow the use of official information obtained through or in connection with her Housing Authority employment which has not been made available to the general public.

5. Termination. Unauthorized disclosure of confidential information may lead to disciplinary action up to and including immediate termination.

L. Workplace Violence Prevention Policy

1. Statement of Purpose. The Housing Authority prohibits any act of violence made by an employee against another person. Talk of violence or joking about violence will not be tolerated. Employees that engage in any violence in the workplace, or threaten violence in the workplace will be subject to discipline, up to and including discharge.

2. Definition. Violence includes but is not limited to physical attacks such as shoving, pushing, hitting, or throwing objects, harassment, intimidation, stalking, brandishing weapons, property damage, domestic violence or threatening or talking of engaging in these activities. It also includes any act or threat of violence made directly or indirectly by words, gestures, symbols or weapons.

3. Reporting. Employees should report all acts of violence and threats of violence to a supervisor as soon as possible. All reports will be investigated and information will be kept confidential.

4. Procedures. Any employee who witnesses workplace violence should promptly discuss the situation with their supervisor or the Human Resources Director. A supervisor who becomes aware of any workplace violence, or who receives allegations of violence from an employee, must immediately advise the Executive Director.

- a. The Human Resources Director will immediately undertake an effective, thorough and objective investigation of the workplace violence allegations. The investigation will be completed and a determination regarding the alleged violence will be made and communicated to the employee(s) who complained and the person(s) accused of committing the violent act. Investigations will normally include talking with the individuals and witnesses involved. All information that is gathered in an investigation is handled as confidential to the greatest extent possible. In no event are

the details of the investigation released to third parties or to anyone not directly involved with the investigation.

- b. The facts of the investigation will be reported to the Executive Director and documented and retained in the offending employee(s) personnel file. Once an investigation is completed, the Executive Director will take appropriate action, up to and including termination of employment.
- c. If the investigation reveals that the complaint is valid, prompt disciplinary action will be taken. No matter what level of disciplinary action is taken the Executive Director will ensure that the violent conduct is immediately stopped.
- d. The Housing Authority prohibits retaliation of any kind against employees who, in good faith, bring workplace violence complaints or assist in investigating complaints.

M. Anti-Weapons Policy.

- 1. Statement of Purpose.** To help increase workplace safety and security, the Housing Authority prohibits employees from having weapons on Housing Authority owned or controlled property. This prohibition includes, but is not limited to, possessing, carrying, keeping, transporting or using a weapon on Housing Authority owned or controlled property and parking areas. Firearms and ammunition locked in personal vehicles parked on Authority owned parking lots are excluded from this restriction. This policy does not apply to lessees of leased premises since weapon possession/use in these areas is governed by lease terms.

Definition. Weapons are defined as a firearm and ammunition or any object designed, made, or adapted for the purpose of inflicting death or physical injury.

- 2. Procedures.**

- a. Employees will immediately notify a supervisor of any weapon they are aware of on Housing Authority owned or controlled property, grounds or parking areas that is in violation of this policy.
- b. Supervisors will notify the Executive Director and take actions necessary to have weapons removed from property, grounds or parking areas.

- 3. Discipline.** Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

It is the responsibility of each employee to be aware of the details of the foregoing policy.

N. Privacy Policy

- 1. Statement of Purpose.** As a rental housing provider, the Housing Authority has a legal duty to protect the privacy of personal information (such as Social Security or other governmental identification numbers) that our rental applicants and residents provide. This policy is required to comply with state and federal law regarding collection, protection and destruction of personal information.

2. Procedures. Supervisors are expected to instruct their employees regarding privacy protection procedures concerning personal information.

- a. Employees must keep all personal information furnished by rental applicants and residents confidential, including but not limited to Social Security or other governmental identification numbers.
- b. Unless authorized for a specific purpose, employees may not make copies of any documents (including electronic documents) that contain such information.
- c. Employees must keep all personal information about residents and rental applicants secured to prevent unauthorized release or public viewing.
- d. Employees may not release confidential information in any format to any unauthorized persons or entities.
- e. Employees will consult with their supervisor when in doubt about the handling and disclosure of personal information.
- f. Records containing personal information will be destroyed annually according to established procedures.

3. Reporting Procedures. An employee who discovers or suspects resident or applicant's personal information has been released in an unauthorized manner will immediately notify the Executive Director, who coordinates all investigations, both internal and external. The employee or other complainant may remain anonymous. All information will be treated as confidential. The Housing Authority will not retaliate against employees who report such acts or other irregularities. Any inquires concerning the activity under investigation from the reporting party, the suspected individual, her attorney or representative, or any other inquirer should be directed to the Executive Director.

4. Investigative Responsibilities. The Executive Director has the primary responsibility for the investigation of all suspected unauthorized release of information incidents as defined in this policy. If the investigation substantiates that information has been released in violation of this policy, the Executive Director may issue reports to appropriate federal, state and local law enforcement authorities.

Decisions to terminate employment, refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation may be made after consultation with legal counsel. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. All persons involved in the investigation will refrain from discussion and reference to allegations with anyone other than those with a legitimate need to know.

5. Discipline.

- a. Failure to protect confidential information will result in discipline, up to and including termination of employment.

- b. Termination of employment because of violation of the privacy policy will be recorded in the employee's personnel record. It may also result in denial of unemployment benefits under state law.
- c. Violation of the privacy policy may be a breach of state and/or federal criminal law; and violators may be referred to the appropriate law enforcement authority.

It is the responsibility of each employee to be aware of the details of the foregoing policy.

O. Hazardous Substance Policy

- 1. Statement of Purpose.** It is the policy of the Housing Authority to provide a work environment that provides limited exposure to hazardous substances. The Housing Authority will consult with local, county and other officials, as necessary, regarding evaluation and decontamination of hazardous substances and workers will be instructed on proper procedures for completing decontamination processes on hazardous substances found at Housing Authority properties. Hazardous substances include, but are not limited to, methamphetamine spills or liquid waste leftovers and blood or other body fluids. They do not include hazardous materials/products utilized in daily operations. Decontamination from these items will be conducted as directed by the manufacturer's label instructions or M.S.D. sheets.
- 2. Procedures.**
 - a. Employees will immediately notify a supervisor of any potential hazardous substances they are aware of on Housing Authority owned or controlled property, grounds or parking areas.
 - b. Supervisors will notify the Executive Director and take actions necessary to have hazards properly removed from property, grounds or parking areas.
- 3. Discipline.** Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

It is the responsibility of each employee to be aware of the details of the foregoing policy.

P. Policy on Protected Health Information (HIPAA)

1. Definitions.

Employee Benefits Plan – the plan of benefits established by the Housing Authority to provide healthcare benefits for its employees.

Protected Health Information (PHI) – individually identifiable health information that is transmitted or maintained in any form or medium, by the Housing Authority.

- a. PHI includes oral, written, or otherwise recorded information that is created or received by the Authority.

- b. PHI may relate to an individual's physical or mental health, payment, or healthcare services provided to an individual.
 - c. PHI may pertain to a health condition or payment in the past, present, or future, and the person who is the subject of the information may be alive or deceased.
- 2. Policy.** It is the policy of the Housing Authority to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Standards and all other applicable federal and state laws and regulations regarding the protection, access, use, and/or disclosure of PHI.

PHI is considered confidential and will be protected in any form, including, but not limited to, conversations, telephone conversations, voice mail, paper records, computers, transmissions over the internet, and fax machines.

The Authority prohibits the access, use, or disclosure of PHI in accordance with HIPAA Privacy Rule and other applicable laws. De-identified information is not subject to the Authority's privacy policies and procedures. PHI may be de-identified by:

- a. removing;
- b. coding;
- c. encrypting, or otherwise eliminating or concealing the information that makes the PHI individually identifiable, including the following identifiers of the individual or of relatives, employers, or household members of the individual:
 - 1) Names;
 - 2) all geographic subdivisions smaller than a state;
 - 3) all elements of date (except year);
 - 4) telephone numbers;
 - 5) fax numbers, electronic mail addresses;
 - 6) Social Security numbers;
 - 7) medical record numbers;
 - 8) health plan beneficiary numbers;
 - 9) account numbers;
 - 10) certificate/license numbers;
 - 11) vehicle identifiers and serial numbers;
 - 12) Web universal resource locations (URLs);
 - 13) Internet protocol (IP) address numbers;
 - 14) finger or voice prints;
 - 15) photographic images; and
 - 16) any other unique identifying numbers, characteristics, or codes regardless of whether the Housing Authority Employee Benefits Plan has actual knowledge that the information could identify an individual.

It is the Authority's policy to limit the number of employees that have access to, use of, and who disclose PHI to the minimum necessary employees and to the minimum amount necessary to carry out job responsibilities.

- 3. Users of Protected Health Information.** Users of PHI are to have access to the minimum amount of PHI reasonably necessary to perform their functions and responsibilities.
 - a. Human Resources. Human Resource employees include those responsible for enrollment and eligibility maintenance, contribution collection, interacting with Plan members, and other plan administration issues.
 - b. Clerical. Clerical personnel shall have access to PHI only to the extent necessary to perform their duties. Clerical personnel include mail personnel, secretarial support, and others responsible for document handling and preparation. For example, mail-opening personnel have a need to know sufficient information to properly route the mail and to identify misdirected mail. However, there is no need for mail-opening personnel to view treatment details contained within opened mail.
 - c. Supervisors. Supervisors shall have access to PHI, as needed, in performance of oversight and administrative functions of personnel in the various classes they supervise.

It is the Authority's policy to either de-identify PHI or to only provide summary health information to the Plan Sponsor, and to only provide such information for the purposes permitted under the HIPAA Privacy Rule. The permitted purposes are:

1. modifying the Plan;
2. amending the Plan;
3. terminating the Plan;
4. replacing the Plan; or
5. obtaining premium bids.

The Temple Housing Authority through this policy, names the Chief Finance Officer as the Housing Authority's Privacy Officer.

- 4. Procedures.** Any person who has access to PHI, in any form, is responsible for maintaining the confidentiality of the data. These procedures include, but are not limited to, the following:
 - Taking necessary measures to preserve information, confidentiality and privacy;
 - Maintaining a secure work environment;
 - Assuring PHI is not left unattended;
 - PHI, if in a paper format, should be stored in a locked file cabinet or drawer;
 - If PHI must be delivered using internal delivery systems, it should be placed in a sealed envelope, addressed to the authorized individual, and labeled confidential;

- A secure fax machine should be used for receiving PHI, or in the alternative, before PHI is sent, the recipient should be called to verify that they are available to secure the transmittal of PHI.

APPENDIX A

FULL TIME AND PART TIME HOUSING AUTHORITY POSITIONS

I. Administration

Executive Director

Chief Financial Officer

Accountant

Accounting Clerk/Network Administrator

Sr. Accounting Clerk

Accounting Clerk

Grant Director

Procurement Administrator

Director of Housing

Housing Manager

Asst. Housing Manager

Complex Manager

Administrative Manager/Project Coordinator

Administrative Assistant/Homeownership

Administrative Assistant/Social Services

Administrative Assistant

Pool Monitor – Raintree

Monitor – Adams Bend

II. Resident Services

Director of Services

Social Services Administrator

III. Maintenance

Maintenance Director

Maintenance Foreman

Assistant Maintenance Foreman

Landscaper/Maintenance Mechanic A

Inventory Control Manager

Maintenance Mechanic A

Maintenance Mechanic B

Maintenance Aide A

Maintenance Aide B

Utility Laborer

Laborer

IV. Child Care Center

Director

Curriculum Coordinator

Administrative Assistant

Accounting Clerk

Lead Teacher

Assistant Teacher

Teacher's Aide

Cook

Substitute Teacher

APPENDIX B

AMENDMENT

The Personnel Policy may be amended or updated to comply with Federal law and local public practice. Such amendment will be made by resolution of the Board of Commissioners.

APPENDIX C

September 9, 2008


Barbara B. Bozon, CPA
Executive Director
Central Texas Housing Consortium
Temple & Belton Housing Authorities
700 West Calhoun
Temple, TX 76501

Re: The Personnel Policy for the Central Texas Housing Consortium

Dear Ms. Bozon:

I have reviewed the 2008 Personnel Policy Manual for the Central Texas Housing Consortium and found it to be in compliance with applicable Federal and State laws and regulations relating to employment law, and representative of personnel policies for other local governments in Texas.

Sincerely,


Jonathan Graham
Attorney at Law

2 North Main Street
Temple, TX 76501
(254) 298-9322

Legal Department

APPENDIX C

Lysia H. Bowling
Assistant City Attorney

Jonathan Graham
City Attorney



Debra Abbott
Risk Manager/Paralegal

Trudi Dill
Deputy City Attorney

MUNICIPAL BUILDING
TEMPLE, TX 76501
(817) 770-5874 (voice or fax)

Julian Grant
Deputy City Attorney

June 21, 1995


Mr. Hal Rose
Executive Director
Housing Authority of the City of Temple
700 West Calhoun
Temple, TX 76501

RE: Opinion on Housing Authority of the City of Temple Statement of
Personnel Policies & Procedures

Dear Mr. Rose:

I have examined the Statement of Personnel Policies and Procedures Manual of the Housing Authority of the City of Temple. I find the manual in compliance with State and local employment laws.

Sincerely,


Jonathan Graham
City Attorney

JG\da

Legal Department

Jonathan Graham
City Attorney

Trudi Dill
Deputy City Attorney



Michael Penkwitz
Assistant City Attorney

Debra Abbott
Risk Manager/Paralegal

November 11, 1993


Mr. Hal Rose
Executive Director
Housing Authority of the City of Temple
700 West Calhoun
Temple, Texas 76501

Re: Opinion on Housing Authority of the City of Temple Statement of
Personnel Policies and procedures

Dear Mr. Rose:

I have examined the Statement of Personnel Policies and Procedures Manual of the Housing Authority of the City of Temple. I find the manual in compliance with State and local employment laws.

Sincerely,


Jonathan Graham
City Attorney

JG:mha

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